8-28-80
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# federal register

Thursday
August 28, 1980

## Highlights

57359 **National Employ the Handicapped Week** Presidential proclamation

57361 **Women's Equality Day** Presidential proclamation

57378, 57380 **Trade Practices** FTC issues rules amending certain provisions in regard to games of chance in food retailing and gasoline industries (2 documents)

57395 **Grant Programs—Medical Care** HHS/PHS issues technical amendments to regulations governing disaster assistance for crisis counseling and training by conforming provisions to part pertaining to administration of grants; effective 8-28-80

57402 **Natural Gas** DOT/RSPA amends previous regulations regarding safety standards for siting, design, and construction of liquefied natural gas facilities; effective 8-28-80

57684 **Air Carriers** DOT/FAA issues proposal regarding elimination of duties and activities of flight crew members not required for safe operation of aircraft; comments by 10-27-80 (Part IV of this issue)

57471 **Wildlife** Interior/FWS proposes amendments to current requirements for participation in the Federal Aid in Wildlife Restoration program and the Federal Aid in Fish Restoration program; comments by 10-14-80

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57688 **Airworthiness Standards** DOT/FAA issues proposal regarding design and procedural standards for type certificates; comments by 10-27-80 (Part V of this issue)

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# Presidential Documents

Title 3—

The President

Proclamation 4784 of August 26, 1980

## National Employ the Handicapped Week, 1980

By the President of the United States of America

A Proclamation

Our Nation is moving strongly toward greater equality for people with physical and mental disabilities.

The United Nations has designated next year as the International Year of Disabled Persons. As President, I not only reaffirm this country's commitment to equality for handicapped individuals, I intend to make every effort to see that the coming decade is one in which their aspirations are fulfilled.

We must do all we can to give the handicapped maximum independence, full access to our society, and the opportunity to develop and use their talents and skills. This must be done case by case, event by event, and program by program. Working together, we can make certain that disabled people at last enter completely into the mainstream of our great society.

To affirm our commitment to independence for handicapped individuals, the Congress, by joint resolution of August 11, 1945, as amended (36 U.S.C. 155), has called for the designation of the first full week in October each year as National Employ the Handicapped Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning October 5, 1980, as National Employ the Handicapped Week. I urge all Governors, Mayors, other public officials, leaders in business and labor, and private citizens at all levels of responsibility to help remove the barriers to equal opportunity for handicapped individuals and to help them in their search for productive employment.

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

Jimmy Carter

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Proclamation 4785 of August 26, 1980

## Women's Equality Day, 1980

By the President of the United States of America

A Proclamation

America struck a blow for justice on August 26, 1920, when the 19th Amendment, granting women the right to vote, became law. On this 60th anniversary, American women and men recall how far we have come on the road toward equal opportunity for all Americans and reaffirm our commitment to full equality for women. We celebrate today the achievements of the past, but even more we celebrate our dream for a future in which all Americans share equally in the rights and responsibilities of this land.

Social and political change is never easy, as we know by the sacrifices of the early Suffragists. Courageous and high-principled, these women wrote, marched and argued for their cause through long years of delay and disappointment, but they never accepted defeat. Only a few weeks before her death at 86, Susan B. Anthony addressed a convention on the theme, "Failure is impossible!" They knew the rightness of their cause, and found the will and courage to create a climate of change. We can best honor their memory today by continuing their crusade.

In the intervening years women have faithfully carried out responsibilities at all levels of government, in every area of employment and education, and in the nurturing of families and children. Yet many of the rights that should accompany those responsibilities are missing. Despite our hard-won progress, the rights of women vary from state to state. The Equal Rights Amendment to the Constitution, which would set a clear national standard outlawing discrimination against women, is still an unfulfilled promise. Thanks to the efforts of millions of women and men, 35 states have ratified the Equal Rights Amendment. We have until June, 1982, to complete the ratification process in three more states and make the principle of equality a Constitutional guarantee.

Today, I reaffirm my own commitment to make the Equal Rights Amendment part of our Constitution. I urge all Americans to rekindle the spirit of early Suffragists, to use their energies, their wisdom and their compassion to achieve full equality for women. To advance the cause of women's rights is to advance the cause of human rights.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim August 26, 1980 as Women's Equality Day.

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

Jimmy Carter

[FR Doc. 80-26606
Filed 8-27-80; 8:45 am]
Billing code 3195-01-M

Editorial Note: The President's remarks of Aug. 26, 1980, on signing Proclamation 4785, are printed in the Weekly Compilation of Presidential Documents (vol. 16, no. 35).

# Rules and Regulations

Federal Register
Vol. 45, No. 169
Thursday, August 28, 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

### Office of the Secretary

### 7 CFR Part 2

### Revision of Delegations of Authority

**AGENCY:** Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to reflect the delegation of certain marketing research functions to the Agricultural Marketing Service.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** William T. Manley, Deputy Administrator, Marketing Program Operations, Agricultural Marketing Service, Washington, D.C. 20250, (202) 447-4276.

### Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, and the Director of Economics, Policy Analysis and Budget

1. Section 2.17 is amended by adding a new paragraph (a)(2) as follows:

**§ 2.17 Delegations of authority, to the Assistant Secretary for Marketing and Transportation Services.**

* * * * *

(a) Related to agricultural marketing.

* * * * *

(2) Conduct marketing efficiency research and development activities directly applicable to the conduct of the Wholesale Market Development Program, specifically (i) studies of facilities and methods used in physical distribution of food and other farm products, (ii) studies designed to improve handling of all agricultural products as they are moved from farms to consumers, and (iii) application of presently available scientific knowledge to the solution of practical problems encountered in the marketing of agricultural products (7 U.S.C. 1621–1627).

* * * * *

### Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Section 2.39 is amended by revising paragraph (a)(17) as follows:

**§ 2.39 Delegations of authority to the Director of Science and Education.**

* * * * *

(a) Related to science and education.

* * * * *

(17) Conduct research, educational, and demonstration work related to the distribution and marketing of agricultural products under the Agricultural Marketing Act of 1946, as amended, except as otherwise delegated in section 2.17(a)(2) and section 2.50(a)(2) (7 U.S.C. 1621–1627).

* * * * *

### Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Transportation Services

3. Section 2.50 is amended by adding paragraph (a)(2) as follows:

**§ 2.50 Administrator, Agricultural Marketing Service.**

(a) * * *

* * * * *

(2) Conduct marketing efficiency research and development activities directly applicable to the conduct of the Wholesale Market Development Program, specifically, (i) studies of facilities and methods used in physical distribution of food and other farm products, (ii) studies designed to improve handling of all agricultural products as they are moved from farms to consumers, and (iii) application of presently available scientific knowledge to the solution of practical problems encountered in the marketing of agricultural products (7 U.S.C. 1621–1627).

* * * * *

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts C and D.

Dated: August 7, 1980.

Bob Bergland,
*Secretary of Agriculture.*

For Subpart F.

Dated: August 7, 1980.

P. R. "Bobby" Smith,
*Assistant Secretary for Marketing and Transportation Services.*

[FR Doc. 80-26405 Filed 8-27-80; 8:45 am]
BILLING CODE 3410-01-M

### Agricultural Marketing Service

### 7 CFR Part 908

[Valencia Orange Reg. 660, Amdt. 1; Valencia Orange Reg. 661]

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

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period August 29–September 4, 1980, and increases the quantity of such oranges that may be so shipped during the period August 22–August 28, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

**DATES:** The regulation becomes effective August 29, 1980, and the amendment is effective for the period August 22–August 28, 1980.

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

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

hereby found that the action will tend to effectuate the declared policy of the act.

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

The committee met again publicly on August 26, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has improved.

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

1. Section 908.961 is added as follows:

**§ 908.961 Valencia Orange Regulation 661.**

*Order.* (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period August 29, 1980, through September 4, 1980, are established as follows:

(1) District 1: 374,000 cartons;
(2) District 2: 476,000 cartons;
(3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order. § 908.960 [amended]

2. Paragraph (a) in § 908.960 *Valencia Orange Regulation 660* (45 FR 55692), is hereby amended to read:

**§ 908.960 Valencia Orange Regulation 660.**

(a) * * *
(1) District 1: 423,000 cartons;
(2) District 2: 477,000 cartons;
(3) District 3: Open Movement.

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

Dated: August 27, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-26649 Filed 8-27-80; 1:23 pm]

BILLING CODE 3410-02-M

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## 7 CFR Part 911

**[Florida Lime Reg. 41, Amdt. 3]**

## Limes Grown in Florida; Amendment of Size Requirement

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This amendment continues through April 30, 1981, the current minimum diameter (size) requirement for shipment of fresh Florida seedless limes and imports of seedless limes. This action is necessary to assure shipment and importation of suitable sizes of seedless limes in the interest of producers and consumers.

**EFFECTIVE DATE:** September 1, 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 Analysis relative to this final rule is available on request from the above named individual.

**SUPPLEMENTARY INFORMATION:** This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant." This regulation is issued under the marketing agreement, as amended, and order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. 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 Florida Lime Adminstrative Committee, and upon other available information. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

Shipments of Florida seedless limes are currently subject to a minimum diameter requirement of 1⅞ inches during the period July 7 through August 31, 1980, under Lime Regulation 41, § 911.343. Imports of seedless limes are subject to the same requirements under Lime Import Regulation 8, § 944.207. This amendment would continue the 1⅞ inch minimum diameter requirement through April 30, 1981, for both domestic shipments and imports of seedless limes. The lime import regulation was issued under section 8e (7 U.S.C. 608e–1) of this act, which requires that when specified commodities, including limes, are regulated under a federal marketing order, imports of the commodity must meet the same or comparable grade, size, quality, or maturity requirements as those for the domestically produced commodity. The import regulation is the same as that for limes grown in Florida.

Market supplies from Florida and Mexico are heavy and prices are lower than a year ago. The committee reports that the smaller limes have a lower percentage of juice than larger limes, and it is more difficult to extract, tending to inhibit movement. Availability of juicier limes is necessary to stimulate movement. Ample supplies of limes meeting the requirement of this amendment will be available during the period to satisfy market demand.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation, with an effective date as herein specified, was published in the Federal Register (45 FR 50347), and no objection to this regulation or such effective date was received; (2) the amendment with respect to imported limes is mandatory under section 8e of the act; (3) the regulatory provisions of this amendment are the same as those now in effect and, compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (4) shipments of the current crop of limes are in progress and this regulation should be applicable, insofar as practicable, to all shipments of limes, including imported limes, in order to effectuate the declared policy of the act.

Accordingly, the provisions of paragraph (a) of § 911.343 *Lime Regulation 41* (45 FR 27910, 39854, 44302) are amended to read as follows: (Section 911.343 expires April 30, 1981, and will not appear in the annual Code of Federal Regulations):

**§ 911.343 Lime Regulation 41.**

(a) * * *

(3) During the period July 7,1980, through April 30 1981, such limes of the group known as seedless, large-fruited, or Persian limes (including Tahiti, Bearss and similar varieties) are at least 1⅞ inches in diameter: *Provided:* That not more than 10 percent, by count, of the limes in any lot of containers may

fail to meet this minimum size requirement: *Provided further:* That not more than 15 percent of the limes, by count, in any individual container containing more that four pounds of limes may fail to meet this minimum size requirement.

* * * * *

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

Dated: August 26, 1980, to become effective September 1, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-26597 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-02 —M

## NATIONAL CREDIT UNION ADMINISTRATION

## 12 CFR Part 701

## Organization and Operations of Federal Credit Unions; Deregulation of Section 701.21-1(d)

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Final rule.

**SUMMARY:** In accordance with the established policy goals of clarifying and simplifying its regulations, the National Credit Union Administration Board has promulgated this final rule. This rule will allow greater flexibility to the boards of directors of Federal credit unions in the establishment of interest rates on loans.

**EFFECTIVE DATE:** August 21, 1980.

**ADDRESS:** National Credit Union Administration, 1776 G Street, N. W., Washington, D.C. 20456

**FOR FURTHER INFORMATION CONTACT:** Thomas C. Buckman, Office of Examination and Insurance. Telephone: (202) 357–1065.

**SUPPLEMENTARY INFORMATION:** On April 7, 1980, the National Credit Union Administration Board invited public comment on a proposal to deregulate Section 701.21–1(d) of the National Credit Union Administration Rules and Regulations (45 FR 26073 (1980)). The purpose of the proposal was to grant the boards of directors of Federal credit unions greater flexibility in the establishment of interest rates on loans in order to eliminate problems that the present regulatory restraints were causing Federal credit unions. Specifically, subsection 701.21–1(d) of the National Credit Union Administration Rules and Regulations heretofore limited the establishment of interest rates as follows:

"Rates of interest charged on loans (including line of credit balances) may vary according to reasonable classifications established by the board of directors. Distinctions among classifications shall be based only upon one or more of the following:

type of line of credit or loan plan;
purpose of the loan; and,
type or value of security in relation to the amount of the loan.

"Within a given classification, the same rate of interest must be applied uniformly to all member borrowers."

The April 7, 1980, proposal would not have limited the classifications of loans to just the three discussed above. The proposal would have permitted the board of directors of a Federal credit union to establish interest rates on loans based upon classifications which were established upon sound and legitimate business practices. Additionally, the proposal explained that factors which constitute a sound and legitimate business practice are generally those which are based on characteristics of the loan, and which are not based on a characteristic of the borrower or group of borrowers. The proposal then gave examples of illustrative lending policies which the Administration believed were established on sound and legitimate business practices.

Eighteen comments were received on the proposed rule. All of the commentors with the exception of two favored the proposal. However, some of the commentors expressed concern over NCUA including in the rule itself examples of policies which it determined to be acceptable. The commentors expressed concern over the examples being used as definitive classifications. The examples have been omitted in this final rule. However, the examples are included later in this supplementary discussion as guidance to Federal credit unions.

Two commentors representing credit union trade associations recommended that NCUA completely eliminate from the rules and regulations all language pertaining to the establishment of interest rates on loans. The commentors cited the following arguments in support of their position:

(a) For 43 years prior to 1977 the boards of directors of Federal credit unions were allowed to establish interest rates on loans without regulatory restrictions. NCUA has no record of numerous abuses of this authority by Federal credit unions prior to 1977.

(b) If NCUA were to eliminate this rule entirely, a Federal credit union would still be restricted in establishing interest rates by the Equal Credit Opportunity Act (15 U.S.C. § 1691–1691f), the Fair Housing Act (42 U.S.C. § 3601–3631), and NCUA's Nondiscrimination Regulation (12 CFR 701.31). Additionally, NCUA's Loans to Officials Regulation (Section 701.21–4) prohibits the board of directors of a Federal credit union from establishing lending policies which give members of the board of directors, credit committee or supervisory committee preferential interest rates (12 CFR 701.21–4(e)(2)).

NCUA staff expressed concern that the complete elimination of language pertaining to the establishment of interest rates on loans would lead to confusion among Federal credit unions as to acceptable ways to establish interest rates. Additionally, staff expressed concern that influential persons or groups within a Federal credit union's field of membership might receive preferential interest rates with the complete elimination of this language.

After deliberating on this issue (at the Board's open meeting of August 6, 1980), it was the unanimous decision of the NCUA Board to eliminate all the language pertaining to the establishment of interest rates on loans with the exception of one sentence which reads as follows: "Interest rates charged on loans (including line of credit balances) may vary according to written classifications established by the board of directors consistent with cooperative principles and existing laws and regulations."

The NCUA Board indicated that this action was taken in the interest of reducing the regulatory burden imposed upon Federal credit unions. The NCUA Board is particularly interested in reducing the cumulative effect of regulations upon small Federal credit unions.

The final rule grants the board of directors of Federal credit unions a considerable amount of additional flexibility in the establishment of interest rates on loans. However, it does contain the following minimum requirements:

(a) Establishment of written loan classifications;

(b) Charging the same rate of interest on all loans within a given classification;

(c) Determining that interest rate policies comply with existing laws and regulations such as those previously discussed in this preamble; and,

(d) Determining that such interest rate policies are consistent with cooperative principles.

In taking this action, the NUCA Board cautioned that if the Administration discovers abuses, regulatory or other appropriate action will be taken.

Listed below are examples of lending policies that NCUA believes are in compliance with the final rule. NCUA would like to emphasize that these are not the only acceptable lending policies. These examples are being provided in the interest of providing clarity and guidance to the boards of directors of Federal credit unions. Future revisions to the Credit Manual will also contain additional guidance.

Illustrative Lending Policies:

(1) Real Estate Loans

A Federal credit union with a large field of membership is granting real estate loans to members located in different areas of the United States. The board of directors could establish a policy to achieve competitive interest rates with local real estate markets. Example policy: Conventional long-term real estate loans originated in City A will be X% and in City B, Y%.

(2) Amount of the Loan

The board of directors desires to establish interest rates based on the amount of the loan. Example policy: All unsecured loans not exceeding a specified amount will be at X% and all unsecured loans exceeding the specified amount will be at Y%.

The board of directors of a Federal credit union which is offering credit cards to its membership could establish a policy to split rates. Example policy: All credit card balances not exceeding a specific amount will be at X% and all portions of loan balances exceeding a specific amount will be at Y%.

(3) Maturity of the Loan

A board of directors desires to match loan maturities/interest rates to corresponding share certificate maturities/dividend rates. The board of directors could, for example, establish the following policy: All loans with maturities not exceeding 6 months will be at X% and all loans with maturities exceeding 6 months will be at Y%.

(4) Method of Repayment

A board of directors of a Federal credit union which has documented cost evidence of an administrative savings for loans repaid via payroll deduction, direct deposit, or transfer from a share account may establish a policy to pass this savings on to the borrowers. Example policy: All loans repaid via voluntary payroll deduction will be at X% and all loans repaid by other means will be at Y%.[1]

(5) Sound Social Policy (Cooperative Spirit)

A board of directors could establish a policy to promote energy conservation. Example policy: All loans secured by automobiles which have an E.P.A. estimated miles per gallon rating of 25 or more will be at X% and other loans secured by automobiles will be at Y%." (Y is a higher rate than X.)

(6) Type of Line of Credit or Loan Plan

The board of directors desires to establish interest rates based on the type of line of credit or loan plan. The board of directors could establish the following policy: All line of credit loans granted under a credit card program will be at X% and all other types of loans will be at Y%.

(7) Purpose of the Loan

The board of directors desires to establish interest rates based on the purpose of loans. The board of directors could establish the following policy: Loans for the purpose of home improvement will be at X%; loans for the purpose of purchasing an automobile will be at Y%; and, loans for all other purposes will be at Z%.

(8) Type or Value of Security in Relation to the Amount of the Loan

The board of directors desires to establish interest rates based on the type or value of security in relation to the amount of the loan. The board of directors could establish the following policy: All loans secured by new automobiles in which the amount of the loan does not exceed 80% of the purchase price of the automobile will be at X% and all other types of loans will be at Y%.

Section 701.24(b) of the NCUA Rules and Regulations (refund of interest) is revised to state that interest refunds may vary according to the classification of loans established by the board of directors pursuant to 701.21-1(d). This change was necessitated by the fact that § 701.24(b) of the NCUA Rules and Regulations refers to the requirements specified in § 701.21-1(d) of the NCUA Rules and Regulations. This change merely makes the two sections consistent. The NCUA Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this amendment is contrary to the public interest and, because it relieves a restriction, publication 30 days prior to its effective date is unnecessary and not in the public interest. This determination was made by Robert Fenner, Assistant General Counsel.

Joan O'Neill,

*Acting Secretary of the NCUA Board.*

August 21, 1980.

(Sec. 107, 91 Stat. 49 (12 U.S.C. 1757); Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); and, Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

12 CFR 701.21-1 and 701.24 are amended as follows:

(1) 12 CFR 701.21-1(d) is revised to read as follows:

**§ 701.21-1 [Amended]**

* * * * *

(d) Interest rates charged on loans (including line of credit balances) may vary according to written classifications established by the board of directors consistent with cooperative principles and existing laws and regulations.

(2) 12 CFR 701.24(b) is amended by deleting the second and third sentences and adding in lieu thereof:

**§ 701.24 [Amended]**

* * * * *

(b) * * * Such percentage may vary according to classifications of loans established pursuant to 12 CFR 701.21-1(d).

[FR Doc. 80-26411 Filed 8-27-80; 8:45 am]
BILLING CODE 7535-01-M

[1] Federal credit unions are advised that assessing a lower interest rate on those loans where the borrower repays through payroll deduction constitutes required payroll deduction for purposes of the Truth in Lending Act and Regulation Z. As such, required payroll deduction affects the permissibility of the use of certain payroll deduction plans in open end credit and affects the calculation of the APR in connection with closed end credit. Additionally, Federal credit unions are cautioned to determine that policies which provide for a lower interest rate for loans repaid by a certain method do not have the *effect* of discriminating on a basis prohibited by the Equal Credit Opportunity Act. Lastly, Federal credit unions are advised that the Electronic Fund Transfer Act prohibits the extension of credit to a consumer by conditioning such consumer's repayment by means of preauthorized electronic fund transfer. Federal credit unions which offer a lower interest rate to members who repay by EFT must determine that the lower rate reflects the cost savings of EFT to the credit union. The rate cannot be set artificially low so as to induce EFT repayment.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. 80-GL-15-AD; Amdt. 39-3893]

14 CFR Part 39

### Airworthiness Directives; JET Electronics, Model PS-823( ) Emergency Power Supply

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires the incorporation of a service bulletin on all aircraft with JET

Electronics Emergency Power Supply Model PS-823( ). The AD is prompted by reports of batteries within the power supply overheating; sometimes exhibiting thermal runaway, causing loss of emergency electrical power and possible corrosive or thermal damage to the aircraft.

**DATES:** Effective August 28, 1980. Compliance schedule—As prescribed in body of AD.

**ADDRESSES:** The referenced service bulletin may be obtained from JET Electronics and Technology, Inc., 5353 52nd Street, SE., Grand Rapids, Michigan 49508. A copy of the referenced service bulletin is contained in the Rules Docket, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

**FOR FURTHER INFORMATION CONTACT:** Donald Michal, Engineering and Manufacturing Branch, AGL-213, Flight Standards Division, FAA, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 379.

**SUPPLEMENTARY INFORMATION:** JET Electronics and Technology, Inc. determined that certain failures in the PS-823( ) series Power Supply battery charging circuit could cause overheating and possible resultant thermal runaway of batteries within the power supply. They issued service bulletin 501-1075-16, dated March, 19, 1976, to add protective circuitry to eliminate this problem. Since this bulletin has been in existence for over four years and reports of battery damage are still being received on power supplies without the service bulletin incorporated, an Airworthiness Directive is being issued which makes incorporation of the service bulletin mandatory.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

JET Electronics and Technology, Inc. Applies to all Model PS-823( ) series Emergency Power Supplies, normally used as power supply for standby attitude indicators.

Compliance is required as indicated unless already accomplished. To prevent loss of emergency electrical power and possible corrosive or thermal damage to the aircraft accomplish the following:

Within the next 100 flight hours or six months time from the effective date of this AD, determine if compliance has already been accomplished by observing the modification decal on the front of the unit. If the modification number listed below has been marked off, no further action is required.

| JET Part No. | Model | Modification No. |
|---|---|---|
| 501-1075-01 | PS-823A | 18 |
| 501-1075-02 | PS-823B | 17 |
| 501-1075-03 | PS-823C | 15 |
| 501-1075-04 | PS-823D | 14 |
| 501-1075-05 | PS-823A/T | 21 |
| 501-1075-06 | PS-823B/T | 19 |
| 501-1075-07 | PS-823C/T | 17 |
| 501-1075-08 | PS-823D/T | 16 |

If the applicable modification number has not been marked off, install modifications in accordance with J.E.T. Service Bulletin SB501-1075-16R, dated February 28, 1979. Modifications must be made by an FAA Certified Repair Station, an FAA approved repair facility, or J.E.T. Upon submission of substantiating data, through an FAA Aviation Safety Inspector, the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region, may approve an adjustment to compliance time or an equivalent means of compliance.

This amendment becomes effective August 28, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89).

Note.—Due to the nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation has been prepared and is contained in the public docket for this action.

Issued in Des Plaines, Illinois on August 14, 1980.

Wayne J. Barlow,

*Director, Great Lakes Region.*

[FR Doc. 80-25967 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 80-NE-32; Amdt. 39-3898]

## Airworthiness Directives; Pratt & Whitney Aircraft JT8D Series Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** On July 3, 1980, an emergency telegraphic airworthiness directive (TAD), No. T80-14-51, was issued requiring an ultrasonic or fluorescent magnetic particle inspection for hub (disk) cracking on Pratt & Whitney Aircraft JT8D-17 and -17R model turbofan engines. Subsequently developed information and data indicated that the same condition may exist in other model engines of the JT8D series that revised inspection compliance requirements were needed to detect cracks. Accordingly, TAD No. T80-14-51 was revoked, and new emergency TAD No. T80-15-51 was issued in its place on July 16, 1980, and made applicable to the Pratt & Whitney Aircraft JT8D series turbofan engines. TAD No. T80-15-51 requires an ultrasonic or fluorescent magnetic particle inspection for cracks of certain rear compressor front hubs (disks) suspected to have developed cracks due to stress concentrations introduced during their manufacture. The AD is now being published in the Federal Register as an amendment to the Federal Aviation Regulations.

**DATES:** Effective—August 21, 1980, as to all persons except those persons to whom it was made immediately effective by the telegram issued on July 16, 1980. Compliance schedule—as prescribed in text AD.

**ADDRESSES:** The applicable service bulletin may be obtained from Pratt & Whitney Aircraft, East Hartford, Connecticut 06108.

A copy of the service bulletin is contained in the Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

**FOR FURTHER INFORMATION CONTACT:** Donald F. Perrault, Engine Standards Section, ANE-215, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

**SUPPLEMENTARY INFORMATION:** TAD No. T80-15-51 adopted and made effective to all known U.S. operators of Pratt & Whitney Aircraft JT8D-1, -1A, -1B, -5, -7, -7A, -7B, -9, -9A, -11, -15, -17, -17R, -209, and -209A model turbofan engines on July 16, 1980, was required as a result of a reported instance of eighth stage rear compressor front hub failure due to low cycle fatigue. Cracks are suspected to have initiated from stress concentrations induced into the hub during the manufacturing process for balancing the hub detail.

The TAD requires an ultrasonic or fluorescent magnetic particle inspection for cracks, in accordance with a

variable schedule, of certain eighth stage rear compressor front hubs.

These conditions still exist, and the AD is now being published in the Federal Register as an amendment to Section 39.13 of Part 39 of the Federal Aviation Regulations.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Pratt & Whitney Aircraft: Applies to JT8D-1, 1A, -1B, -5, -7, -7A, -7B, -9, -9A, -11, -15, -17, -17R, -209, and -209A model turbofan engines.

Compliance is required as indicated.

To prevent uncontained failure of engine rear compressor front hubs, accomplish the following:

Inspect, in accordance with the following schedule, unless already accomplished, all eighth stage rear compressor front hubs, P/Ns 690908, 701308, 717608, 717708, and 738308, which contain balance cuts, for cracks in accordance with the ultrasonic or fluorescent magnetic particle procedures contained in Pratt & Whitney Aircraft Alert Service Bulletin ASB 5154, Revision No. 1, dated July 16, 1980, or later revision approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region:

| Engine model | Hub total cycles as of July 21, 1980 | Inspection required |
|---|---|---|
| JT8D-1 -1A, -1B, -5, -7, -7A, and -7B. | (A) Less than 13,000 | (A) Before accumulation of 15,000 cycles. |
| | (B) 13,000 of more and less than 15,000 | (B) Within the next 2,000 cycles. |
| | (C) 15,000 or more | (C) Before accumulation of 17,000 cycles or within the next 500 cycles, whichever is later. |
| JT8D-9, -9A, -11, -15, -209, and -209A. | (A) Less than 10,000 | (A) Before accumulation of 12,000 cycles. |
| | (B) 10,000 or more and less than 12,000 | (B) Within the next 2,000 cycles. |
| | (C) 12,000 or more and less than 14,000 | (C) Before accumulation of 14,000 cycles or within the next 500 cycles, whichever is later. |
| | (D) 14,000 or more and less than 15,000 | (D) Within the next 500 cycles. |
| | (E) 15,000 or more and less than 16,000 | (E) Within the next 300 cycles. |
| | (F) 16,000 or more | (F) Within the next 200 cycles. |
| JT8D-17 and JT8D-17R | (A) Less than 11,000 | (A) Before accumulation of 12,000 cycles. |
| | (B) 11,000 or more and less than 12,000 | (B) Within the next 1,000 cycles. |
| | (C) 12,000 or more and less than 13,000 | (C) Before accumulation of 13,000 cycles or within the next 500 cycles, whichever is later. |
| | (D) 13,000 or more and less than 13,500 | (D) Within the next 500 cycles. |
| | (E) 13,500 or more and less than 14,000 | (E) Before accumulation of 14,000 cycles or within the next 100 cycles, whichever is later. |
| | (F) 14,000 or more | (F) Within the next 100 cycles, unless already accomplished. |
| All models | | Inspect thereafter at intervals not to exceed 6,000 cycles in service since last inspection. |

NOTE.—Establish life limits are not to be exceeded.

Remove from service, before further flight, any rear compressor front hub having a crack indication.

Report defects found to Chief, Engineering and Manufacturing Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, within 5 days of the inspection. (Reporting approved by the Office of Management and Budget under OMB No. 04-R0174.) Airplanes may be ferried in accordance with the provisions of FAR 21.197 to a base where the AD can be accomplished. Upon request of the operator, an equivalent means of compliance with the requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Pratt & Whitney Aircraft, East Hartford, Connecticut 06108. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C.

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

This amendment becomes effective August 21, 1980, as to all persons except those persons to whom it was made immediately effective by the telegram of July 16, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—Due to the emergency nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In accordance with the DOT guidelines, a regulatory evaluation is being prepared and will be placed in the public docket for this action.

Issued in Burlington, Massachusetts, on August 14, 1980.

Robert E. Whittington,

*Director, New England Region.*

Note.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 80-25968 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

**[Docket No. 20644; Amdt. 39-3905]**

## Airworthiness Directives; Flug Und Fahrzeugwerke AG Model Diamant 16.5 and 18 Gliders

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which supersedes an existing AD issued by telegram on May 10, 1978, which required installation of an operating limitations placard on certain Flug Und Fahrzeugwerke AG Model Diamant 16.5 gliders. The new AD extends the applicability of this requirement to certain Model 18 gliders and makes clarifying changes to the placard. The AD is needed to reduce the possibility of wing failure due to possible inadequate bonding of the wing spar cap to the wing shear web.

**DATES:** Effective August 28, 1980. Compliance is required before further flight.

**FOR FURTHER INFORMATION CONTACT:** C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Acting Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Telephone: 202-426-8374.

**SUPPLEMENTARY INFORMATION:** On May 6, 1978, a telegraphic AD was issued and

made effective immediately as to all known operators of certain Flug Und Fahrzeugwerke AG Model Diamant 16.5 gliders, certificated in all categories. The AD required installation of a legible operating limitations placard in full view of the pilot to reduce the possibility of wing failure due to possible inadequate bonding of the wing spar cap to the wing shear web. After issuing the telegraphic AD May 6, 1978, the FAA determined that an error had been made in the operating limitations placard. The telegraphic AD issued May 10, 1978, corrected that error and superseded the telegraphic AD issued May 6, 1978.

Subsequent to issuance of the telegraphic AD on May 10, 1978, the FAA has determined that the same placarding requirement should also be made applicable to certain Model 18 gliders. In addition, certain clarifying changes are also needed.

Since a situation exists that requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**Flug und Fahrzeugwerke AG.** Applies to Model Diamant 16.5 and 18 gliders, serial numbers 11 through 80, certificated in all categories.

Compliance required before further flight, unless already accomplished.

To reduce the possibility of wing failure due to possible inadequate bonding of the wing spar cap to the wing shear web, install a legible operating limitations placard in full view of the pilot that reads:

"$V_{NE}$—NEVER EXCEED SPEED 103 MPH 90 KTS
$V_A$—CAUTION SPEED RANGE 74 TO 103 MPH 64 TO 90 KTS
NO ABRUPT CONTROL MOVEMENTS—AVOID TURBULENCE
MAXIMUM MANEUVER LOAD FACTOR: +2.8 TO −1.4
MAXIMUM GUST LOAD FACTOR: +3.5 TO −1.75"

or install an equivalent placard approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

This supersedes the airworthiness directive issued by telegram on May 10, 1978.

This amendment becomes effective August 28, 1980.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Issued in Washington, D.C., on August 20, 1980.

Jerold M. Chaukin,
*Acting Director of Airworthiness.*

[FR Doc. 80-26183 Filed 8-27-80; 8:45 am]
BILLING CODE 4910-13-M

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## 14 CFR Part 39

**[Docket No. 80-WE-20-AD; Amdt. 39-3900]**

## Airworthiness Directives; Piper Model 601 and 601P Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD) which requires instrument markings and Airplane Flight Manual provisions relative to engine fuel pressure safe operating limits on Piper Model 601 and 601P series airplanes. The AD is needed to prevent unintentional engine fuel leaning due to low fuel pressure at altitudes which could result in engine overheating, detonation, and possible engine failure.

**DATES:** Effective October 6, 1980. Compliance schedule—As prescribed in the body of the AD.

**ADDRESSES:** The applicable service information may be obtained from:

Piper Aircraft Corporation, Santa Maria Division, Santa Maria, California 93454, telephone: (805) 922-8411.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591; or
Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:** Robert T. Razzeto, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6351.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring caution marks on the fuel pressure gauges, and a revision to the Operating Limitations Section of the Airplane Flight Manual specifying the appropriate engine fuel pressure limitations on the Piper Model 601 and 601P series airplanes was published in the Federal Register at [45 FR 25079] on April 14, 1980. The proposal was prompted by reports of engine overheating and detonation and possible engine failure.

Interested persons have been afforded an opportunity to participate in the making of the amendment.

In response to the proposal, two comments were received. One commenter the NBAA, concurred in the proposed Airworthiness Directive.

The second commenter, the manufacturer, recommended non-adoption of the proposed AD, since the manufacturer believes a pilot is presently provided sufficient information concerning fuel pressure requirements, in that the Airplane Flight Manual (AFM) contains notes cautioning the pilot not to continue operation with fuel pressure below 18 psi and the fuel pressure indicator has a green arc emphasizing the normal operating range. The FAA does not agree. The AFM revision note and the fuel pressure gauge green arc do not promptly and clearly indicate to the pilot a fuel pressure range that may be critical for safe engine operations. A yellow "Caution" arc on the fuel pressure gauge as specified in the AD will emphasize fuel pressure range below normal operating pressure promptly and clearly.

The manufacturer also expressed the intention of revising the present AFM to provide additional information regarding power plant operation with low fuel pressure and the possible consequences thereof. In addition, the 1981 model year aircraft will have a yellow "Caution" arc added to each fuel pressure indicator. The manufacturer's comments about proposed future revisions to alleviate the difficulty have been noted and will be verified for conformance to this AD.

The manufacturer states further, that investigation of the service history file has revealed only one possible instance where an engine problem was preceded by low fuel pressure and this did not result in an in-flight engine failure. The FAA initiated AD action in this instance because of a significant number of operator reports concerning fuel leaning difficulty during climb and high altitude operation. The FAA Flight Test Branch has made evaluation flights and made observations confirming the operator reports.

The FAA believes that experience weighs heavily toward incorporation of all features of the proposed AD on all Piper Aerostar Model 601 and 601P series airplanes. The added measure of safety referred to in the NPRM by these changes is, in the judgment of the FAA, the minimum level of safety appropriate in light of service experience.

After review of all available data, including the data and comments noted above, the FAA continues to believe that sufficient evidence exists to adopt the rule in the interest of aviation safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

Piper: (Ted Smith) Applies to Aerostar Model 601 and 601P series airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent possible engine failure due to excessive lean fuel/air mixture, accomplish the following:

(a) Within 30 days from the effective date of this AD, index and mark the left hand and right hand engine fuel pressure gauges with a yellow arc between the 12 psi and 18 psi range, and incorporate provisions in the Airplane Flight Manual Operations Limitations Section as follows:

1. In the Power Plant Instruments paragraph and under the Yellow ARC Caution column of the fuel pressure data add "12-18 psi."

2. In the Fuel System Limitations paragraph add the statement "Fuel boost pump must be "ON" when fuel pressure indication is less than 18 psig and engine is operating above idle power."

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modifications required by this AD.

(c) Alternative modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 6, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves a final regulation which is not considered to be significant under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Los Angeles, California on August 15, 1980.

H. C. McClure,

*Acting Director, FAA Western Region.*

[FR Doc. 80-26335 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 71

**[Airspace Docket No. 80-SO-28]**

## Designation of Transition Area, Richmond, Ky.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule designates the Richmond, Kentucky, 700-foot Transition Area. A public use standard instrument approach procedure has been developed for the Madison Airport and additional controlled airspace is required to protect aircraft Instrument Flight Rule (IFR) operations.

**EFFECTIVE DATE:** 0901 G.m.t., September 27, 1980.

**ADDRESS:** Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

**FOR FURTHER INFORMATION CONTACT:** Alton L. Matthews, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

**SUPPLEMENTARY INFORMATION:** A Notice of Proposed Rulemaking was published in the Federal Register on Thursday, July 31, 1980 (45 FR 45310), which proposed the designation of the Richmond, Kentucky, Transition Area. No objections were received from this notice.

This action provides controlled airspace protection for IFR operations, including the VOR/DME RWY 18 instrument approach procedure at the Madison Airport. The airport operating status is hereby changed from VFR to IFR.

### Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (45 FR 445) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., September 27, 1980, by adding the following:

*Richmond, Kentucky*

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Madison Airport (latitude 37°37'45"N., longitude 84°19'56"W).

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Georgia, on August 20, 1980.

George R. LaCaille,

*Acting Director, Southern Region.*

[FR Doc. 80-26226 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 71

**[Airspace Docket No. 80-CE-7]**

## Transition Area Designation; Anthony, Kans.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this federal action is to designate a 700-foot transition area at Anthony, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Anthony, Kansas Municipal Airport, utilizing the Anthony OMNI Directional Range as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** October 30, 1980.

**FOR FURTHER INFORMATION CONTACT:** William W. Buck, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** An instrument approach procedure to the Anthony, Kansas Municipal Airport is being established utilizing the Anthony OMNI Directional Range as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Anthony, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this

action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 41967 of the Federal Register dated June 23, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Anthony, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No comments were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 GMT October 30, 1980, by adding the following new transition area:

Anthony, Kans.

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Anthony Municipal Airport (Latitude 37° 09' 36"N, Longitude 98° 04' 45"W) and within 1.5 miles each side of the Anthony VORTAC (Latitude 37° 09' 32"N, Longitude 98° 10' 13"W) 270 radial extending from the five-mile radius area to 6.5 miles west of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on August 19, 1980.

Paul J. Baker,

*Director, Central Region.*

[FR Doc. 80-26337 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 80-CE-6]

## Transition Area Designation; Johnson, Kans.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The nature of this Federal action is to designate a 700-foot transition area at Johnson, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Stanton County Municipal Airport, Johnson, Kansas, utilizing the Bear Creek non-directional radio beacon (NDB), as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under instrument flight rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** October 30, 1980.

**FOR FURTHER INFORMATION CONTACT:** William W. Buck, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** An instrument approach procedure to the Stanton County Municipal Airport, Johnson, Kansas, is being established utilizing the Bear Creek non-directional radio beacon (NDB), as a navigational aid. This radio facility will provide new guidance for aircraft utilizing the airport. The establishment of an instrument approach procedure based on this approach aid entails the designation of a transition area at Johnson, Kansas, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On page 41969 of the Federal Register dated June 23, 1980, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Johnson, Kansas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Accordingly, Subpart G, 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1980, (45 FR 445), is amended effective 0901 GMT October 30, 1980, by adding the following new transition area:

Johnson, Kansas

That airspace extending upwards from 700' above the surface within a seven mile radius of the Stanton County Municipal Airport (Latitude 37°35'05" N. Longitude 101°43'50" W), and within three miles each side of the Bear Creek NDB (Latitude 37°38'06" N, Longitude 101°44'03" W) 359° bearing, extending from the seven mile radius area to 8.5 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Kansas City, Missouri, on August 19, 1980.

Paul J. Baker,

*Director, Central Region.*

[FR Doc. 80-26336 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 71

[Airspace Docket No. 79-NE-21]

## Transition Area; Designation of the State of Maine as a 1,200-Foot Transition Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action established the entire State of Maine as a 1200-foot transition area to be defined as the State of Maine Transition Area. The designation will permit the revoking of the Bangor, Houlton, Millinocket, Portland, Presque Isle, and Sugarloaf, Maine 1200-foot transition area description.

**EFFECTIVE DATE:** October 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** Richard G. Carlson, Operations, Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7285.

**SUPPLEMENTARY INFORMATION:** On Monday, June 9, 1980, a Notice of Proposed Rulemaking was published in the Federal Register, Volume 45, Page 38406, designating the entire State of

Maine and coastal waters as a 1200-foot transition area, excluding designated 700-foot transition areas. Interested persons were invited to participate in the rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of the Federal Aviation Regulations is amended, effective October 2, 1980, by adding the following:

1. Maine

That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Maine, including offshore airspace beginning at latitude 44°47'45" N; longitude 66°53'00" W, extend by a line three nautical miles from and parallel to the U.S. shoreline to latitude 44°20'10" N; longitude 67°56'00" W, to latitude 44°18'30" N; longitude 67°56'00" W, to latitude 43°52'00" N; longitude 69°00'00" W, to latitude 43°48'00" N; longitude 69°03'00" W, to latitude 43°44'00" N; longitude 69°19'42" N, to latitude 43°41'00" N; longitude 69°30'00" W, to latitude 43°30'00" N; longitude 70°06'00" W, to latitude 43°18'15" N; longitude 70°25'00" W, to latitude 42°56'00" N; longitude 70°25'00" W, to latitude 42°56'00" N; longitude 70°34'00" W, thence to clockwise via the state boundary to point of beginning.

2. By amending the descriptions of various 700-foot transition areas as follows:

a. Portland, Maine

Delete, "* * * and that airspace extending upward from 1,200 feet * * *" and all after.

b. Bangor, Maine

Delete, "* * * and that airspace extending upward from 1,200 feet * * *" and all after.

c. Houlton, Maine

Delete, "That airspace extending upward from 1,200 feet * * *" and all after.

d. Millinocket, Maine

Delete, "That airspace extending upward from 1,200 feet * * *" and all after.

e. Presque Isle, Maine

Delete, "That airspace extending upward from 1,200 feet * * *" and all after.

f. Sugarloaf, Maine

Delete the entire transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a)) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Department of Transportation guidelines (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on August 18, 1980.

Robert E. Whittington,

*Director, New England Region.*

[FR Doc. 80-26340 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 71

**[Airspace Docket No. 80-NW-7]**

## Transition Area Alteration; Newport, Oreg.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will provide controlled airspace for aircraft executing the newly amended VOR/DME Runway 16 Standard Instrument Approach Procedure to Newport Municipal Airport, Newport, Oregon.

**EFFECTIVE DATE:** 0901 G.M.T., October 30, 1980.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Brown, Airspace Specialist, (ANW-534), Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

### Supplementary Information

*History*

On May 5, 1980, a Notice of Proposed Rule Making was published in the Federal Register (45 FR 32702) stating that the Federal Aviation Administration proposed to alter transition area at Newport, Oregon. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received objecting to the proposal.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

### The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters transition area at Newport, Oregon. This action provides controlled airspace from 1200 feet above the ground for the control of aircraft executing the VOR/DME Runway 16 Standard Instrument Approach Procedure.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) is amended, effective 0901 GMT October 30, 1980, as follows:

**§ 71.181 Newport, Oreg.**

Add after "* * * extending from the VORTAC to 19 miles N." on line 10 with: "* * * and that airspace within the area bounded by the arcs of 16 and 20 nautical mile radius circles centered on the Newport VORTAC extending clockwise from the VORTAC 335° radial to the VORTAC 335° radial; including additional airspace within the area bounded by the arcs of 11 and 17 nautical mile radius circles centered on the Newport VORTAC extending clockwise from the VORTAC 200° radial to the VORTAC 220° radial."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Seattle, Washington, August 20, 1980.

E. O'Connor,

*Acting Director.*

[FR Doc. 80-26338 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 71

**[Airspace Docket No. 80-NE-16]**

## Transition Area; Amendment to the Newport, Vt., 700-foot Transition Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment changes the description of the Newport, Vermont, 700-foot transition area so as to provide added protected airspace for aircraft executing an amended Non-directional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP)

at Newport State Airport, Newport, Vermont.

**EFFECTIVE DATE:** October 2, 1980.

**FOR FURTHER INFORMATION CONTACT:** Richard Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7285.

**SUPPLEMENTARY INFORMATION:** On Thursday, June 5, 1980, a Notice of Proposed Rulemaking was published in the Federal Register, Volume 45, No. 110, Page 37858, stating that the Federal Aviation Administration proposed to enlarge the Newport, Vermont, 700-foot transition area. This action would provide added protected airspace for aircraft executing an amended Non-directional Radio Beacon (NDB) at Newport State Airport, Newport, Vermont. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the description of the Newport, Vermont, 700-foot transition area in Subpart G of Part 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective October 2, 1980, by:

Delete the present description in its entirety and substitute in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Center, 44 degree 53'22"N, 72 degree 13'48"W, of Newport State Airport, Newport, Vermont, within 3 miles each side of the 045 degree M/029 degree T bearing from the Newport, Vermont, NDB extending from the 5-mile radius area to 8 miles northeast of the NDB, excluding the portion overlying Canada.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation guidelines (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on August 18, 1980.

Robert E. Whittington,

*Director, New England Region.*

[FR Doc. 80-26339 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 95

[Docket No. 20640; Amdt. No. 95-293]

## IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** September 4, 1980.

**FOR FURTHER INFORMATION CONTACT:** Gary W. Wirt, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverge that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provides for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

## Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on August 19, 1980.

BILLING CODE 4910-13-M

§95.101 AMBER FEDERAL AIRWAY 1
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Campbell Lake, Alas. LF RBN | Parck INT, Alas. | 6500 |
| Parck INT, Alas. | Puntilla Lake, Alas. LF RBN | 10000 |

§95.1001 DIRECT ROUTES–U.S.
is amended to delete:

| FROM | TO | MEA |
|---|---|---|
| Camps INT, Hawaii | Maui, Hawaii LMM | 7000 |
| Camps INT, Hawaii | Maui, Hawaii VORTAC | *7000 |
| *6500–MOCA | | |

§95.1001 DIRECT ROUTES - U.S.
is added to read:

| FROM | TO | MEA |
|---|---|---|
| Baxley INT, Ga. | Brunswick, Ga. VOR | *3000 |
| *1700–MOCA | | |

§95.1001 DIRECT ROUTES–U.S.
is amended by adding:

| FROM | TO | MEA |
|---|---|---|
| Dells, Wis. VOR | Eau Claire, Wis. VOR | 18000 |
| | | MAA–29000 |
| Eau Claire, Wis. VOR | Duluth, Minn. VOR | 18000 |
| | | MAA–29000 |
| Madison, Wis. VOR | Dells, Wis. VOR | 18000 |
| | | MAA–29000 |

§95.1001 DIRECT ROUTES–U.S.
is amended by adding:

| FROM | TO | MEA |
|---|---|---|
| Detroit Lakes, Minn. VOR | Thief River Falls, Minn. VOR | *3300 |
| *2700–MOCA | | |
| Duluth, Minn. VOR | U. S. Canadian Border | * 18000 |
| *3100–MOCA | | MAA–35000 |
| Eveleth, Minn. VOR | Ely, Minn. VOR | 3400 |
| Grantsburg, Wi. VOR | Eveleth, Minn. VOR | 3500 |
| Minneapolis, Minn. VORTAC | Cedar Rapids, Iowa VORTAC | *14500 |
| *3900–MOCA | | MAA–35000 |
| Minneapolis, Minn. VORTAC | Moline, Ill. VORTAC | *13000 |
| *3600–MOCA | | MAA–30000 |
| Redwood Falls, Minn. VORTAC | Willmar, Minn. VOR | 3000 |
| Windom, Minn. NDB | Redwood Falls, Minn. VORTAC | 3300 |
| Windom, Minn. NDB | Worthington, Minn. VOR | *3400 |
| *2900–MOCA | | |

§95.1001 DIRECT ROUTES–U.S.
is amended to read in part:
Bahama Routes

| FROM | TO | MEA |
|---|---|---|
| 69V | | |
| Bimini, BH. VOR | Freeport, BH. VOR | 2000 |

§95.6003 VOR FEDERAL AIRWAY 3
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Eagre INT, Conn. | Layer INT, Mass. | *3000 |
| *2300–MOCA | | |

§95.6004 VOR FEDERAL AIRWAY 4
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Tatoosh, Wa. VOR | *Jawbn INT, Wa. | 5000 |
| *5000–MCA W-bound | | |
| Jawbn INT, Wa. | Lofal INT, Wa. | 4100 |

§95.6007 VOR FEDERAL AIRWAY 7
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Chicago Heights, Ill VOR | *Niles INT, Ill. | 2000 |
| *3100–MCA Niles INT N-bound | | |

§95.6008 VOR FEDERAL AIRWAY 8
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Akron, Colo. VOR | Passe INT, Neb. | |
| Via S alter. | Via S alter. | *6400 |
| *5600–MOCA | | |

§95.6013 VOR FEDERAL AIRWAY 13
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Duluth, Minn. VOR | U. S. Canadian Border | *4000 |
| *3100–MOCA | | |

§95.6051 VOR FEDERAL AIRWAY 51
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Nello INT, Ga. | Madol INT, Ga. | |
| Via W alter. | Via W alter. | *7000 |
| *5600–MOCA | | |
| Madol INT, Ga. | Dubbs INT, Tenn. | |
| Via W alter. | Via W alter. | 6000 |

§95.6052 VOR FEDERAL AIRWAY 52
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Central City, Ky. VOR | Bridy INT, Tenn. | |
| Via N alter. | Via N alter. | 3000 |
| Bridy INT, Tenn. | Nashville, Tenn. VOR | |
| Via N alter. | Via N alter | 2700 |

§95.6055 VOR FEDERAL AIRWAY 55
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Brainerd, Minn. VOR | Park Rapids, Minn. VOR | 3300 |

§95.6066 VOR FEDERAL AIRWAY 66
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Abilene, Tex. VOR | Chapi INT, Tex. | 4000 |

§95.6078 VOR FEDERAL AIRWAY 78
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Watertown, S. D. VOR | Claps INT, Minn. | *4000 |
| *3100–MOCA | | |

§95.6082 VOR FEDERAL AIRWAY 82
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Baudette, Minn. VOR | Bemidji, Minn. VOR | 3000 |
| Bemidji, Minn. VOR | Brainerd, Minn VOR | 3400 |

§95.6129 VOR FEDERAL AIRWAY 129
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Eau Claire, Wis. VOR *3000-MOCA | Duluth, Minn. VOR | *4000 |
| Duluth, Minn. VOR | Hibbing, Minn. VOR | 3000 |
| Duluth, Minn. VOR Via E alter. | Hibbing, Minn. VOR Via E alter. | 3000 |
| Hibbing, Minn. VOR Via W alter. *3100-MOCA | Bebel INT, Minn Via W alter | *5000 |
| Bebel INT, Minn. Via W alter. | International Falls, Minn VOR Via W alter. | 3000 |
| International Falls, Minn. VOR | U. S Canadian Border | 2500 |

§95.6161 VOR FEDERAL AIRWAY 161
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Grand Rapids, Minn. VOR *3100-MOCA | Bebel INT, Minn. | *5000 |
| Bebel INT, Minn. | International Falls, Minn. VOR | 3000 |

§95.6169 VOR FEDERAL AIRWAY 169
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Hugo, Colo. VOR | Thurmon, Colo. VOR | 7200 |

§95.6170 VOR FEDERAL AIRWAY 170
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Fairmont, Minn. VOR | Rochester, Minn. VOR | 3000 |

§95.6171 VOR FEDERAL AIRWAY 171
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Farmington, Minn. VOR | Darwin, Minn. VOR | 2900 |

§95.6175 VOR FEDERAL AIRWAY 175
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Worthington, Minn. VOR *2700-MOCA | Redwood Falls, Minn. VOR | *3300 |
| Alexandria, Minn. VOR | Park Rapids, Minn. VOR | 3000 |
| Bemidji, Minn. VOR | Roseau, Minn. VOR | 3000 |

§95.6177 VOR FEDERAL AIRWAY 177
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Hayward, Wis. VOR | Duluth, Minn. VOR | 3000 |
| Duluth, Minn. VOR | Bring INT, Minn | 3000<br>MAA-9000 |
| Bring INT, Minn. *3000-MOCA | Ely, Minn. VOR | *3600<br>MAA-9000 |

§95.6178 VOR FEDERAL AIRWAY 178
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Farmington, Mo. VOR | Tamms INT, Ill. Via N alter. | 3500 |
| Tamms INT, Ill. Via N alter. | Cunnington, Ky. VOR Via N alter. | 2300 |

§95.6194 VOR FEDERAL AIRWAY 194
is amended by adding:

| FROM | TO | MEA |
|---|---|---|
| Hobby, Tex. VOR | Sabine Pass, Tex. VOR | 1800 |
| Sabine Pass, Tex. VOR | Lafayette, La. VOR | 2800 |

§95.6198 VOR FEDERAL AIRWAY 198
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Hobby, Tex VOR | Sabine Pass, Tex. VOR | 1800 |

§95.6205 VOR FEDERAL AIRWAY 205
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Medow INT, Conn. *2400-MOCA | Leyer INT, Mass | *6500 |

§95.6216 VOR FEDERAL AIRWAY 216
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Odell INT, Neb. *2900-MOCA | Pawnee, Neb. VOR | *3300 |

§95.6217 VOR FEDERAL AIRWAY 217
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Cecil INT, Wis. | Rhinelander, Wis. VOR | 3600 |
| Duluth, Minn. VOR | Hibbing, Minn. VOR | 3000 |
| Hibbing, Minn. VOR *3100-MOCA | Baudette, Minn. VOR | *5000 |
| Baudette, Minn VOR | U S. Canadian Border | 2800 |

§95.6219 VOR FEDERAL AIRWAY 219
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| *Gouve INT, Iowa *5000-MRA | Fairmont, Minn VOR | 3000 |

§95.6259 VOR FEDERAL AIRWAY 259
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Grand Strand, S C. VOR *3000-MRA **1500-MOCA | *Kooke INT, S C | **2000 |
| Kooke INT, S.C. *1500-MOCA | Florence, S C. VOR | *2000 |
| Florence, S C. VOR | Chesterfield, S C. VOR | 2000 |

§95.6287 VOR FEDERAL AIRWAY 287
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Carro INT, Wa. *4000-MOCA | *Lofal INT, Wa | *5000 |
| Lofal INT, Wa. | Paine, Wa VOR | 3000 |

§95.6316 VOR FEDERAL AIRWAY 316
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Soult Ste. Marie, Mi. VOR *4000-MOCA | U S. Canadian Border | *7000 |

§95.6348 VOR FEDERAL AIRWAY 348
is added to read:

| FROM | TO | MEA |
|---|---|---|
| Soult Ste Marie, Mi VOR *4000-MOCA | U S Canadian Border | *7000 |

§95.6362 VOR FEDERAL AIRWAY 362
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Nashville, Tenn. VOR | Bridy INT, Tenn | 2700 |
| Bridy INT, Tenn. *2000-MOCA | Bowling Green, Ky VOR | *2600 |

§95.6373 VOR FEDERAL AIRWAY 373
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Gordonsville, Va. VOR | Sabbi INT, Va | *10000 |
| *2000-MOCA | | |

§95.6405 HAWAII VOR FEDERAL AIRWAY 5
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Moana INT, Hawaii Via W alter. | *Rowin INT, Hawaii Via W alter. | **4000 |
| *7500-MCA Rowin INT N-bound | | |
| **1200-MOCA | | |

§95.6407 HAWAII VOR FEDERAL AIRWAY 7
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Moana INT, Hawaii | Rowin INT, Hawaii | *4000 |
| *1200-MOCA | | |
| Rowin INT, Hawaii | Lanai, Hawaii VOR | 4000 |

§95.6426 VOR FEDERAL AIRWAY 426
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Gifts INT, Ill. | Pamer INT, Ill. | *4000 |
| *2100-MOCA | | |

§95.6430 VOR FEDERAL AIRWAY 430
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Grand Rapids, Minn. VOR | Duluth, Minn. VOR | 3000 |
| Grand Rapids, Minn. VOR Via N alter. | Hibbing, Minn. VOR Via N alter. | 3000 |
| Hibbing, Minn. VOR Via N alter. | Duluth, Minn. VOR Via N alter. | 3000 |

§95.6148 VOR FEDERAL AIRWAY 148
is amended to read in part:

| FROM | TO | MEA |
|---|---|---|
| Hayward, Wis. VOR | Ironwood, Mich. VOR | *5000 |
| *3100-MOCA | | |

§95.7064 JET ROUTE NO. 64 is amended to read in part:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Los Angeles, Ca. VORTAC | INT 068M rad. Los Angeles VORTAC & 211M rad. Hector VORTAC | 18000 | 45000 |
| INT 068M rad. Los Angeles VORTAC & 211M rad. Hector VORTAC | Hector, Ca. VORTAC | 18000 | 45000 |

§95.7107 JET ROUTE NO. 107 is amended to read in part:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Los Angeles, Ca. VORTAC | INT 068M rad. Los Angeles VORTAC & 211M rad. Hector VORTAC | 18000 | 45000 |
| INT 068M rad. Los Angeles VORTAC & 211M rad. Hector VORTAC | Hector, Ca. VORTAC | 18000 | 45000 |

§95.7120 JET ROUTE NO. 120 is amended by adding:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Bethel, Alas. R215/150 | Bethel, Alas. VORTAC | 24000 | 45000 |

§95.7128 JET ROUTE NO. 128 is amended to read in part:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Los Angeles, Ca. VORTAC | INT 068M rad. Los Angeles VORTAC & 046M rad. Paradise VORTAC | 18000 | 45000 |
| INT 068M rad. Los Angeles VORTAC & 046M rad. Paradise VORTAC | Peach Springs, Az. VORTAC | 25000 | 45000 |

§95.7501 JET ROUTE NO. 501 is amended to read in part:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Yakutat, Alas. VORTAC | Katat INT, Alas. | 18000 | 45000 |
| Katat INT, Alas. | Johnstone Point, Alas. VORTAC | 18000 | 45000 |
| Bethel, Alas. VORTAC | Yearr INT, Alas. | 29000 | 45000 |
| Yearr INT, Alas. | Bethel, Alas. R240/190 | 35000 | 45000 |

§95.7537 JET ROUTE NO. 537 is added to read:

| FROM | TO | MEA | MAA |
|---|---|---|---|
| Rome, Or. VORTAC | Mullen Pass, Id. VORTAC | 20000 | 45000 |
| Mullen Pass, Id. VORTAC | U. S. Canadian Border | 19000 | 45000 |

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

| AIRWAY SEGMENT FROM | TO | CHANGEOVER POINT DISTANCE | FROM |
|---|---|---|---|
| V-16 is amended to delete: | | | |
| Norwich, Conn. VOR | Boston, Mass. VOR | 41 | Norwich |

[FR Doc. 80-26227 Filed 8-27-80; 8:45 am]
BILLING CODE 4910-13-C

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 204

[Regulation ER-1180-A; Docket 36176]

### Data To Support Fitness Determinations

**AGENCY:** Civil Aeronautics Board.
**ACTION:** Final rule.

**SUMMARY:** The CAB revises its fitness rule to make clear that air carriers need not file information that is required by that rule if that information is already available to the CAB from other Federal sources or from its own files. This clarification was requested by the General Accounting Office (GAO) to bring the rule into compliance with the Federal Reports Act.

**DATED:** Adopted: August 22, 1980. Effective: August 25, 1980.

**FOR FURTHER INFORMATION CONTACT:** Sherry L. Kinland or Susan Kahan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5333.

**SUPPLEMENTARY INFORMATION:** On June 17, 1980, the CAB adopted ER-1180, 45 FR 42593, June 25, 1980, *Data to Support Fitness Determinations.* Because the rule involves data filing requirements, GAO review and clearance are required pursuant to section 409 of Public Law 93-153 before the rule can become effective. GAO notified the Board that it could not approve the rule unless certain changes were made to assure that air carriers are not required to submit information available to the Board from other Federal sources or from the Board's own files. GAO's concern is that §§ 204.4, 204.5, 204.6 and 204.7 could require duplicative information. As the rule was originally worded, duplication would be avoided only if a carrier chose to call Board officials to find out what information it need not supply.

The Board is therefore amending those sections so that the obligation to submit information that is already available to the Board will not depend on whether the carrier has called Board officials. Instead, carriers will have the option of either submitting that information again or informing the Board where and when it had been filed. If a carrier is unsure what information is already available to the Board, it may still call Board officials to find out what information need not be submitted.

For example, as originally issued, several sections of Part 204 would require carriers to submit copies of their 10K Reports even though those reports were available to the Board from the Securities and Exchange Commission (SEC). As amended, Part 204 will now give applicant air carriers the option of submitting copies of their 10K Reports directly to us or merely informing us when they submitted them to the SEC.

Because carriers are relying on the fitness rule being effective by August 25th and GAO clearance is required before that date, and because the practical effect of this amendment is minute in comparison with the disruption that would be caused by further delay, we find that notice and public procedure on this amendment are impracticable and contrary to the public interest. Since the amendment relieves restrictions and creates no additional burden, we also find that an immediate effective date is in the public interest.

Accordingly, the Board amends 14 CFR Part 204, *Data to Support Fitness Determinations,* as it was set forth in ER-1180, 45 FR 42593, June 25, 1980, as follows:

1. The opening paragraph of § 204.4 is amended to read:

**§ 204.4 Certificated carriers proposing a substantial change in operations.**

A certificated carrier proposing a substantial change in operations shall file the data set forth in this section. However, if the carrier has previously filed any of the required data with the Board or with another Federal agency from which they are available to the Board, the carrier may instead identify the data and provide a citation for the date and place of filing. Prior to filing any data, the carrier may call the Deputy Director of the Bureau of Domestic Aviation at (202) 673-5830 to ascertain what data required by this section are already available to the Board and need not be included in the filing.

* * * * *

2. The opening paragraph and paragraph (i) of § 204.5 are amended to read:

**§ 204.5 Applicants for certificate authority not currently certificated.**

An applicant for certificate authority not currently certificated shall file the data set forth in this section. However, if the applicant has previously filed any of the required data with the Board or with another Federal agency from which they are available to the Board, the applicant may instead identify the data and provide a citation for the date and place of filing. Prior to filing any data, the applicant may call the Deputy Director of the Bureau of Domestic Aviation at (202) 673-5830 to ascertain what data required by this section are already available to the Board and need not be included in the filing.

* * * * *

(i) 10K Reports filed in the past 3 years by any relevant corporation required to file such reports with the Securities and Exchange Commission.

3. In § 204.6, the opening paragraph, the first two sentences of paragraph (a), and paragraph (a)(7) are amended to read:

**§ 204.6 Carriers providing or proposing to provide essential air transportation.**

Applicants to provide essential air transportation, and those carriers already providing essential air transportation have been divided into three categories, and are subject to differing data submission requirements as set forth in paragraph (a), (b) and (c) below. All carriers may call the Chief, Essential Air Services Division, at (202) 673-5406 to ascertain what information is already available to the Board.

(a) Carriers already serving the affected points and markets that are not planning to exit or that have filed notices to terminate service but have been ordered by the Board to continue operations will be notified by letter that they shall submit the data set forth in this paragraph to the extent such information has not already been obtained by the Board from other sources. However, if the carrier has previously filed any of the required data with the Board or with another Federal agency from which they are available to the Board, the carrier may instead identify the data and provide a citation for the date and place of filing.

* * * * *

(7) 10K Reports filed in the past 3 years by any relevant corporation required to file such reports with the Securities and Exchange Commission.

* * * * *

4. The opening paragraph of § 204.7 and paragraph (g) of that section are amended to read:

**§ 204.7 Commuter carriers serving an eligible point but not providing essential air service or applying for certificate authority.**

Commuter carriers serving an eligible point but not providing essential air service or applying for certificate authority will be notified by letter that they shall file the data set forth in this section to the extent such information has not already been obtained by the Board from other sources. However, if the carrier has previously filed any of the required data with the Board or with another Federal agency from which they are available to the Board, the carrier may instead identify the data and

provide a citation for the date and place of filing.

* * * * *

(g) 10K reports filed in the past 3 years by any relevant corporation required to file such reports with the Securities and Exchange Commission.

(Secs. 204, 401, 407, 419 of the Federal Aviation Act as amended, 72 Stat. 743, 754, 766, 92 Stat. 1732, 49 U.S.C. 1324, 1371, 1377 and 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

*Secretary.*

[FR Doc. 80-26408 Filed 8-27-80; 8:45 am]

BILLING CODE 6320-01-M

## FEDERAL TRADE COMMISSION

## 16 CFR 419

[Document No. 78000080]

## Games of Chance in the Food Retailing and Gasoline Industries; Amendment of Trade Regulation Rule To Modify Hiatus Provision

**AGENCY:** Federal Trade Commission.

**ACTION:** Trade Regulation Rule Amendment.

**SUMMARY:** The Federal Trade Commission issues an amendment to the Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries which will modify paragraph (f), commonly known as the "Hiatus Provision." As originally enacted, the provision required that no new game could be promoted or used without a break in time between the new game and any game previously used equivalent to the duration of the game previously used. The amendment limits the length of the hiatus to thirty (30) days or the duration of the previous game, whichever is less.

**EFFECTIVE DATE:** This amendment is being submitted to the Congress for review in accordance with section 21 of the Federal Trade Commission Improvements Act of 1980. Under that section, a rule becomes effective unless both Houses of Congress disapprove the rule within 90 calendar days of continuous session after the rule is submitted. Because computation of the 90-day period is impossible in advance (see section 21 (g) of the Improvements Act), the Commission cannot specify an effective date for this amendment. The Commission intends that it become effective 30 days after the conclusion of the Congressional review and the Commission shall publish a further notice of effective date in the Federal Register as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** Noble F. Jones, Consumer Protection Specialist, Federal Trade Commission, Cleveland Regional Office, Suite 500—The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Telephone: (216) 522-4207.

**SUPPLEMENTARY INFORMATION:** Statement of Basis and Purpose.

### I. Background

On August 16, 1969, the Federal Trade Commission promulgated a Trade Regulation Rule Concerning Games of Chance in the Food Retailing and Gasoline Industries.[1] On October 18, 1978, the Commission proposed an amendment to the Hiatus Provision of the original rule.[2]

Upon petition from industry members, the Commission initiated the rulemaking proceeding in order to address the limited, single issue of whether to amend the original rule by modifying or eliminating paragraph (f), commonly known as the Hiatus Provision.[3] The original rule required that no new game could be promoted or used without a break in time between the new game and the game previously used in the same establishment equal to the duration of the game previously used. The amendment, as proposed, will limit the length of the hiatus period to thirty (30) days or the duration of the previous game, whichever is less.[4] The proposed amendment stated that it is an unfair and deceptive practice for users, promoters, or manufacturers of games to:

(f) Promote or use any new game without a break in time between the new game and any game previously employed in the same establishment equivalent to the duration of the game previously employed, or 30 days, whichever is less.

The written record was closed on November 30, 1978. The Presiding Officer dispensed with public hearings by order dated December 26, 1978.[5] The period for filing written rebuttal comments ended on February 5, 1979. The Staff Report was published in April 1979, and the Presiding Officer's Report was published in December 1979.

[1] 16 CFR 419 (1980). In this statement, the Trade Regulation Rule will be referred to as either the "original rule" or the "Games of Chance Rule."

[2] *Proposed Amendment of Trade Regulation Rule to Modify the Hiatus Provision* [419.1(f)], 43 FR 48654 (1978).

[3] 16 CFR 419.1(f) (1980).

[4] 43 FR 48654, 48655 (1978).

[5] *Order Granting Motion to Dispense With Public Hearings and Beginning Period for Rebuttal Comments* (Dec. 26, 1978). The *Motion to Dispense with Public Hearings* was unopposed.

### II. The Trade Regulation Rule Amendment Proceeding

The total record of the proceeding, including original staff submissions, motions, comments, Staff Report, and Report of the Presiding Officer, consists of 199 pages. A total of nine consumer comments and six industry comments were received. No testimony was taken in this proceeding since the Presiding Officer granted an unopposed Motion to Dispense with Public Hearings. There were no post-record comments following the publication of the Staff Report and the Report of the Presiding Officer.

A. *The Hiatus Provision.* The Hiatus Provision of the original rule prohibited the promotion or use of any new game in a retail outlet without a break in time between the new game and the previously used game, equivalent to the time the previous game was run. When the Commission included this provision in the final rule, it expressed its concern that there was great potential for consumer confusion and deception in the consecutive running of games. The potential for confusion and deception arises from differences in the prize structures, the odds of winning, and the redemption rights between old and new games.[6] The Hiatus Provision was designed to prevent consumer confusion and deception by prohibiting games with different prize structures and odds of winning from running on the heels of each other.

In 1972, the Commission interpreted the application of the Hiatus Provision so that the break in time was only required between different games.[7] In response to a request for an interpretation of the provision,[8] the Commission determined that it was permissible to immediately repeat the same game in the same geographic area, with the same prize structure and the same odds of winning, so long as the possibility of repetition was clearly and conspicuously disclosed in all the advertising required or regulated by the Rule.[9] The Commission found that under these circumstances the company would not be initiating a "new" game which might be capable of confusing participants.

[6] *Statement of Basis and Purpose of Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries,* 34 FR 13302, 133310 (1969).

[7] The interpretation was reflected in a Commission Minute dated July 27, 1972 and announced in a Federal Trade Commission news release dated August 1, 1972.

[8] Telecom Productions, Inc. requested an interpretation of the hiatus provision in June 1972.

[9] The provisions concerning advertising are set forth in 16 C.F.R. 419.1(b) (1980).

In the past, the Commission has granted certain exemptions to the application of the Hiatus Provision. In October 1976, the Commission granted a petition for a one time waiver of the Hiatus Provision filed by Fox Grocery Company. The Commission permitted a 30-day hiatus period even though the game to be run was different, and a longer waiting period would have otherwise been required. In granting the petition, the Commission found that more than a 30-day hiatus was not required to eliminate confusion and deception in the consecutive use of games by Fox Grocery Company.[10]

In the spring of 1978, the Commission granted a petition filed by FNK Enterprises for a one-time exemption from compliance with the Hiatus Provision.[11] Subsequently, a number of firms also requested similar exemptions for a temporary suspension of the Hiatus Provision.[12]

In July of 1978, the Commission determined that more than a 30-day hiatus period between games was not required to eliminate confusion and deception and therefore granted a temporary exemption to all marketers of supermarket games.[13] The Commission also authorized a rulemaking proceeding to examine whether the Hiatus Provision should be modified or eliminated. Participation from all interested parties was solicited,[14] and the Commission directed that the industry-wide exemption was to remain effective pending the conclusion of the limited rulemaking proceeding.

B. *Comments and Materials Relating to the Proposed Amendment.* 1. *Comments by Consumers.* The nine consumer comments received were generally not responsive to the issue of whether the hiatus period should be shortened or eliminated. Some argued for either the abolition or limitation of all games based upon a continuing belief that games are fixed,[15] or that games raise retail prices.[16] Others opposed any rule on either ideological,[17] or practical grounds.[18] To the extent that the Hiatus Provision was addressed, one consumer felt it was immaterial whether a game was run continuously as long as the prize money was paid.[19] Another stated that it was inconsequential when the games start.[20] One objected to any hiatus.[21] None of the consumer comments supported a hiatus requirement.

2. *Comments by Industry Members.* The industry comments responsive to the proposed amendment were equally divided between those favoring a 30-day hiatus and those favoring abolition of the Hiatus Provision. Divergent reasons were advanced by industry members for their positions. Empirical studies, solicited by the Commission, were not provided in support of either position. No comments supporting the original Hiatus Provision were received.

Those record comments advocating total elimination of the Hiatus Provision did not address the issue of consumer deception. Instead, some industry members advanced competitive considerations as a basis for eliminating the Hiatus Provision. One game producer, Wallace Games, noted that an informal consumer poll showed that 12 percent of supermarket shoppers switched from one supermarket to another in order to participate in a game. Wallace Games stated that no supermarket could endure a 12-percent loss in shoppers, and, therefore, suggested that retailers would be more likely to repeat the same game rather than suffer a 30-day hiatus between different games.[22] In support of its proposition, Wallace Games pointed out that in several markets many different games were in progress [23] and retailers often repeated the same game perhaps as many as five times. Wallace Games stated that retailers repeated the same game to avoid the hiatus requirement, as interpreted by the Commission,[24] and to retain those shoppers who wished to participate in these continuity programs.

A trade association of wholesalers and retailers, the Food Marketing Institute ("FMI"), suggested that, although the 30-day hiatus would end confusion by retailers and game producers over the length of time required before a new game could begin, the provision should be dropped entirely because the original record did not contain evidence demonstrating the provision was necessary. FMI suggested that the Hiatus Provision could be retained in the Rule only if new evidence demonstrating consumer deception was found in the record.[25]

Those who favored a 30-day hiatus advanced both consumer protection and competitive reasons for their position. One game user, Winn-Dixie, supported the 30-day hiatus because it would prevent consumer confusion. This retailer also felt the 30-day hiatus would enhance competition between game producers because it would allow a retailer to change games without allowing competing retailers an "undue advantage." [26] A game producer, Dansico Associates ("Dansico"), also supported the 30-day hiatus and opposed elimination of the hiatus entirely. Dansico argued that elimination of the hiatus would result in consumer deception. Additionally, without any hiatus period, competition between game producers might be adversely affected. Dansico was concerned that the producer of a second game, if permitted to run without a hiatus, might unjustly reap goodwill benefits, such as a high volume of consumer traffic, created by the producer of the first game.[27]

## III. Regulatory Analysis

Pursuant to the Federal Trade Commission Improvements Act of 1980, a regulatory analysis is not required in a proceeding to amend an existing Trade Regulation Rule when certain conditions are met.[28] The Commission has found that: (1) the amendment will not have an annual effect on the national economy of $100,000,000 or more; (2) the amendment will not cause a substantial change in the cost or price of goods or services which are used extensively by a particular industry supplied extensively in particular geographic regions, or acquired in significant quantities by the Federal Government or by state or local governments; and (3) the amendment will not have a significant impact upon either persons subject to regulation under the amendment or upon consumers. Accordingly, the Commission has determined that a regulatory analysis is not required for this amendment proceeding.

## IV. Effect of the Amendment on State and Local Laws

It is the opinion of the Commission that, since this is an amendment that

[10] 41 FR 48516 (1976).

[11] 43 FR 25336 (1978).

[12] Such requests were received from Glendinning Companies of Connecticut; Telecom Products, Inc.; Vipro, Inc.; Compulex Programs, Inc.; and Wallace Games, Inc.

[13] 43 FR 28998 (1978).

[14] 43 FR 48654 (1978).

[15] Edna L. Brown, Record (hereinafter, "R."), C3.

[16] Harry and A. Ruth A. Nelson, R. C7; Rebecca Castro, R. C4.

[17] Wynefredo Gare, R. C9; Carolyn Ziegler, R. C12.

[18] Helen Whitaker, R. C8; Carolyn Ziegler, R. C12; D. A. Jack Mills, R. C14; Terry Manley, R. C15.

[19] Helen Whitaker, R. C8.

[20] Carolyn Ziegler, R. C12.

[21] Terry Manley, R. C15.

[22] Lance D. Britt, Executive Vice President, Wallace Games, Inc., R. E8–E13.

[23] *Id.* at R. E9–E10.

[24] *Id.* at R. E10–E13.

[25] Harry Sullivan, General Counsel, Food Marketing Institute, R. E15–E19.

[26] Jim Roe, Director of Advertising, Winn-Dixie Texas, Inc., R. E2.

[27] George R. Kucik, Esq., Counsel for Dansico Associates, R. E14.

[28] Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252, § 15, 94 Stat. 388 (1980).

does not change the scope of a previously promulgated rule, and since the amendment is directed solely to compliance matters, there will be little or no impact on existing state and local laws.

## V. Summary and Conclusion

The record demonstrates general unanimity in favor of modifying the origninal Hiatus Provision. The original provision imposed certain competitive costs upon those retailers who use promotional games by often requiring long delays between different games. The possibility of a long hiatus period, coupled with the Commission's previous interpretation of the provision which allowed retailers to consecutively run the same game without a break in between, has tended to create a situation where a retailer is reluctant to switch from the first game. Yet, even in the light of the competitive problems raised by the current provision, several industry members felt it was important to have a break between games. Comments from an individual retailer, an association of food retailers, and a game promoter all stated that some hiatus period is necessary to eliminate consumer confusion and prevent deception. Each of these comments concluded that the proposed 30-day hiatus period would provide adequate consumer protection.

On the basis of the proceeding record, the Commission is of the opinion that deception and confusion may result from the consecutive use of games by a retail establishment, with no interval between the games. However, the Commission is also mindful of the need for competitive balance in the marketplace and it is for this reason that a standard (30-day) period of time for the break between consecutive games will address the concerns of both consumers and competitors.

On the basis of the record of the Trade Regulation Rule Amendment proceeding, the Commission has concluded that issuance of this amendment is in the public interest.

Accordingly, the Commission amends Subchapter D, Trade Regulation Rules of 16 CFR, Chapter I, by substituting new § 419.1(f) to read as follows:

**§ 419.1 [Amended]**

* * * * *

(f) Promote or use any new game without a break in time between the new game and any game previously employed in the same retail establishment equivalent to the duration of the game previously employed, or 30 days, whichever is less.

By direction of the Commission dated August 18, 1980.

James A. Tobin,

*Acting Secretary.*

[FR Doc. 80-26471 Filed 8-27-80; 8:45 am]

BILLING CODE 6750-01-M

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**16 CFR 419**

## Games of Chance in the Food Retailing and Gasoline Industries, Amendment of Trade Regulation Rule To Modify Posting and Reporting Provision

**AGENCY:** Federal Trade Commission.

**ACTION:** Trade Regulation Rule Amendment.

**SUMMARY:** The Federal Trade Commission issues an amendment to the Trade Regulation Rule for Games of Chance in the Food Retailing and Gasoline Industries which modifies paragraph (e), commonly known as the "Posting and Reporting Provision." As originally promulgated, the provision required each participating retail outlet to post, at the conclusion of each game, a complete list of the names and addresses of all consumers redeeming winning game pieces and the amount of each prize won. The winners list also displayed the total number of game pieces distributed, the total number of prizes in each category which were available, and the total number of prizes in each category which were awarded. Further, a copy of the winners list was required to be sent to the Federal Trade Commission.

The amendment modifies the Posting and Reporting Provision so that each participating retail outlet is required to post only those names and addresses of consumers who redeemed winning game pieces in that store. The posted information regarding the number of game pieces distributed and the number of prizes available and awarded remains unchanged. The requirement to forward a copy of a complete winners list to the Federal Trade Commission has been eliminated, but game promoters are required to retain this information for three years and make it available to the Commission upon reasonable request.

**EFFECTIVE DATE:** This amendment is being submitted to the Congress for review in accordance with section 21 of the Federal Trade Commission Improvements Act of 1980. Under that section, a rule becomes effective unless both Houses of Congress disapprove the rule within 90 calendar days of continuous session after the rule is submitted. Because computation of the 90-day period is impossible in advance (see section 21 (g) of the Improvements Act), the Commission cannot specify an effective date for this amendment. The Commission intends that it become effective 30 days after the conclusion of the Congressional review and the Commission shall publish a further notice of effective date in the Federal Register as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** Noble F. Jones, Consumer Protection Specialist, Federal Trade Commission, Cleveland Regional Office, Suite 500—The Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114. Telephone: (216) 522-4207.

**SUPPLEMENTARY INFORMATION:** Statement of Basis and Purpose.

* * * * *

## I. Background

On August 16, 1969, the Federal Trade Commission promulgated a Trade Regulation Rule Concerning Games of Chance in the Food Retailing and Gasoline Industries.[1] On November 29, 1978, Silpro, Inc. and Wallace Games, Inc. filed a joint Petition for Modification of Paragraph (e) of the Games of Chance Rule. On March 28, 1979, Telecom Productions, Inc. filed a Petition for an Interpretive Guide or Statement of Policy. Based on these petitions, on September 5, 1979, the Commission proposed an amendment to the Posting and Reporting Provision.[2]

The Commission initiated an expedited rulemaking proceeding[3] to determine whether or not to amend the Posting and Reporting Provision of the rule. The original rule [at 16 CFR 419.1(e)] required that at the conclusion of each game, the following information must be posted in each participating retail outlet:

(1) A complete list of the names and addresses of the winners of each prize and the amount or value of the prize won;

(2) The total number of game pieces distributed;

(3) The total number of prizes in each category or denomination which were made available; and

(4) The total number of prizes in each category or denomination which were awarded.

Additionally, paragraph (e) of the original rule required that a copy of the

[1] 16 CFR 419 (1969) (hereinafter, either "original rule" or "Games of Chance Rule").

[2] Proposed Amendment of Trade Regulation Rule, 44 FR 51,826 (1979) (hereinafter, "proposed amendment").

[3] Pursuant to the Commission's Rules of Practice, 16 CFR 1.20 (1979).

above-listed information be submitted to the Commission at the conclusion of each game.

The proposed amendment in its entirety stated that it is an unfair and deceptive act or practice for users, promoters, or manufacturers of games to:

(e) Fail to post clearly and conspicuously at the conclusion of each game in each individual retail outlet which used the game:

(1) The names and addresses of all persons who redeemed a prize in the individual participating retail outlet, and the amount or value of each prize;

(2) The total number of game pieces distributed in all participating retail outlets;

(3) The total number of prizes in each category or denomination which were made available in all participating retail outlets; and

(4) The total number of prizes in each category or denomination which were awarded in all participating retail outlets.

The information required by subparagraphs (2), (3) and (4) of this paragraph (e), as well as a complete list of the names and addresses of winners of a game, is required to be retained in the records of the game promoter for a period of not less than three (3) years. Upon reasonable request, such information shall be made immediately available to the Commission and its staff for inspection.[4]

The amendment, as proposed, will drastically reduce the size of the winners list which each participating retail establishment will be required to post. The amendment also eliminates the necessity for automatically sending this information to the Commission at the conclusion of every game. Rather, game promoters are required to retain this material for three years, to be made available to the Commission upon reasonable request.

The written record was closed on October 15, 1979. The Presiding Officer dispensed with public hearings by Order dated November 19, 1979.[5] On November 28, 1979, a Motion for Expedited Procedure was filed on behalf of Telecom Productions, Inc. The Presiding Officer granted the Motion in substantial part and directed the staff to complete and file its staff report and recommendations by January 9, 1980. The Staff Report was published in January 1980, and the Report of the Presiding Officer was published in March 1980.

## II. The Trade Regulation Rule Amendment Proceeding

A. *The Rulemaking Record.* Three consumers filed comments: one supporting the proposed amendment, one opposing the amendment, and one addressing a wholly unrelated issue. Six industry members filed comments. One industry member's comment opposed the proposed modification of the rule, while the other five supported all or part of the proposed amendment. No testimony was taken in this proceeding, since the Presiding Officer granted the unopposed Motion to Dispense with Public Hearings. Following the publication of the Staff Report and the Report of the Presiding Officer, post record comments were filed on behalf of Wallace Games, Inc., Silpro, Inc., the Food Marketing Institute, Dansico, Inc., and Telecom Productions, Inc.

B. *The Posting and Reporting Provision.* The posting and reporting provision was not included in the initial proposal for the original Games of Chance Rule. The provision was included, however, in the original rule issued by the Commission. The provision was included on the basis of testimony from industry members who believed that it would be appropriate for the Commission to require game producers to maintain adequate records of each promotion. The testimony also suggested that certain reporting requirements were necessary, and that the only way to eliminate rigged games was to impose a posting requirement in each participating retail outlet. The original rule, based upon this suggestion, required that the posted information consist of a complete list of the winner of each prize, as well as the total number of prizes available and awarded in each category.[6]

During the original rulemaking proceeding, three (3) comments addressed the issue of record-keeping.[7] Mr. Ralph Glendinning, President, Glendinning Companies, Inc., testified that he believed the Commission should require that the producers of games maintain adequate records which demonstrate that the mixing and distribution of the game pieces are conducted in accordance with the then-proposed rule.[8] In a joint comment by seven game producers, the suggestion was made that the Commission should require game producers to maintain adequate records that would enable them to report to the Commission, *upon request,* the total number of game pieces distributed, the total number of prizes awarded, and the total value of these prizes, for each game.[9] The third comment was from Mr. Henry Reichman, President, Sales Builders, Inc. Mr. Reichman was of the opinion that the only "foolproof" method to prevent rigging of games was to require retail outlets to publicize, at the conclusion of a promotion, an all-inclusive listing of game pieces distributed, plus a breakdown of winners specifying the various prize categories.[10]

Certain aspects from each of these three comments were incorporated in the posting and reporting provision included in the original rule. None of the commentors, however, suggested the precise type of requirements adopted in the Games of Chance Rule. At the time the original rule was promulgated, the Commission was of the opinion that measures additional to those suggested by the industry were needed to protect consumers. The Commission clarified these needs in 1969 when, in denying a request for a change in paragraph (e), it stated:

> . . . the purpose of this provision of the Rule is to enable the game participants to see for themselves that the prizes were awarded and to whom.[11]

C. *The Rationale for Changing the Provision.* The Commission requested, in the published notice of this rulemaking proceeding, that persons commenting on the proposed amendment address the following issues:

1. *With what frequency do consumers currently examine the winners lists?* The majority of the comments indicated that the winners lists are rarely, if ever, examined. A questionnaire sent by Wallace Games to 192 retail stores which frequently employ games of chance showed that in 81 percent of the stores that responded, consumers "seldom or never consult the lists."[12] The apparent lack of interest in the winners lists is also reflected in the comments from the National Association of Retail Grocers of the United States, the Food Marketing Institute, Danisco Associates, TeleCom Productions, Inc., Silpro, Inc., and A & P, Inc. A number of the above firms attached letters from store managers

[4] 44 FR 51,828–29 (1979).

[5] *Order Granting Motion to Dispense with Public Hearings* (Nov. 19, 1979). The *Motion to Dispense with Public Hearings,* dated November 16, 1979, was unopposed.

[6] 34 FR 13,309 (1969).

[7] The record from the original proceedings consisted of 880 pages of testimony and 2,200 pages of exhibits.

[8] Games of Chance Rulemaking Proceeding, Tr. 330, 336–337.

[9] Games Rule Record, Vol. III, at 540.

[10] Games Rule Record, Vol. I, at 105.

[11] Federal Trade Commission Release, 4 Trade Reg. Rep. (CCH) para. 38,025.20 (1969).

[12] Statement of Wallace Games, Inc., Record (hereinafter, "R.") at 4.

who also expressed their opinions that the lists were not being examined by consumers.[13] While the data presented by Wallace Games appears to be an internal survey conducted on an informal basis, that information, when combined with the other comments, presents a persuasive argument that there is, in fact, little consumer interest in the winners lists as they are currently compiled.

Both the Presiding Officer and one industry member recommended that the rule be changed to eliminate the requirement for posting the names and addresses of any winning consumers. The industry comment expressed the belief that since the average consumer is not interested in winners lists, the list serves no useful purpose. Further, the comment suggested that posting the names and addresses of winning consumers may lead to the undesirable result of subjecting individuals to crank telephone calls or general invasion of privacy.[14] However, no evidence has been brought to the attention of the Commission indicating that this has been, or would be a problem.

2. *How meaningful is the information currently available?* Comments addressing this question generally referred in their answers to the first question and concluded that, because the lists were not being examined, they were not meaningful. Perhaps more responsive to the question was the comment of Telecom Productions, which raised the issue of "information overload." It was their opinion that the sheer size and bulk of the lists was a central problem.[15] The winners lists often rival the size of large metropolitan telephone books. Dan Silverman, President of Silpro, Inc., believed that no consumer is interested enough to search through a list containing between 30,000 to 100,000 names to identify the local winners.[16]

The wide geographical areas in which the games are often run was also proposed as a reason for the lack of meaningfulness in the information currently required. A large number of games are played in multi-county, and even multi-state, areas. The completed winners list, therefore, often contains the names and addresses of consumers from several states. Given the wide geographic use of certain games, it is doubtful whether the names and addresses of winners in Alabama are meaningful to consumers in Kentucky.[17]

3. *What impact would the proposed amendment have on consumer access to the information contained in the winners lists?* The majority of commentors believed that the proposed amendment would facilitate consumer access to the information by limiting the posted names and addresses to local winners. The proposed amendment would eliminate extraneous information which is not likely to be of interest to local shoppers, and would also reduce the time lag between the end of the game and the posting of the winners list.

The Games of Chance Rule required that the lists posted in each retail outlet contain a complete compilation of all winners. Thus, the larger the promotion (*i.e.*, the more participating retail outlets), the longer the time necessary to compile and print the lists.[18] This time delay affects how meaningful the information is once it is posted. One comment characterized the lists as "news," and stated that consumers are more interested in news which is timely and relevant to the consumer's neighborhood.[19] Lists limited to local winners which could be prepared more quickly would, therefore, be more "newsworthy" and more meaningful to consumers.

4. *What are the costs involved in complying with paragraph (e) as it is currently in operation? How would these costs be affected by the proposed amendment?* All of the industry comments expressed the opinion that the current cost of compliance is expensive in both time and money, and that these expenses would be greatly reduced by the proposed amendment.

Wallace Games estimated that the average cost just for printing the master lists is approximately $1,400, and that this entire cost would be saved by the proposed amendment.[20] Telecom Productions stated that it is difficult to accurately estimate costs because of the different ways promotions are handled. However, they estimated their cost for printing the winners lists for the most recent three-year period to be approximately $90,000.[21] Neither of those figures includes clerical or shipping costs. The entire cost of reproducing the master list for each participating retail outlet would be eliminated by the proposed amendment.

D. *Consumer Comments.* The three consumer comments generally did not address the specific questions published in the Notice of Rulemaking. One consumer comment supporting the proposed amendment stated that the abbreviated information in a list localized to each retail outlet would be more meaningful than that which was required by the Games of Chance Rule.[22] The consumer opposing the proposed amendment suggested that the Commission should order an expanded distribution of the current winners lists to require that merchants send the lists to all contestants.[23] The third consumer commented upon an unrelated matter concerning sweepstakes conducted by mail.[24]

## III. Regulatory Analysis

Pursuant to the Federal Trade Commission Improvements Act of 1980, a regulatory analysis is not required in a proceeding to amend an existing Trade Regulation Rule when certain conditions are met.[25] The Commission has found that: (1) the amendment will not have an annual effect on the national economy of $100,000,000 or more; (2) the amendment will not cause a substantial change in the cost or price of goods or services which are used extensively by a particular industry, supplied extensively in particular geographic regions, or acquired in significant quantities by the Federal Government or by state or local governments; and (3) the amendment will not have a significant impact upon either persons subject to regulation under the amendment or upon consumers. Accordingly, the Commission has determined that a regulatory analysis is not required for this amendment proceeding.

## IV. Effect of the Amendment of State and Local Laws

It is the opinion of the Commission that, since this is an amendment that does not change the scope of a previously promulgated rule, and since the amendment is directed solely to compliance matters, there will be little or no impact on existing state and local laws.

## V. Summary and Conclusion

The comments generally applauded the proposal to streamline the posting and reporting provision of the Rule. The comments expressed the opinion that the amended posting requirement will provide information more precisely tailored to the interest of consumers,

[13] Statement of Wallace Games, Inc., R. at 4; Telecom Productions, Inc., R. DD-6 at 8; Statement of Silpro, Inc., R. EE-2 at 3.

[14] W. C. McConnor, President of the Union 76 Division, Union Oil Company of California, R. DD-1.

[15] Telecom Productions, Inc., R. DD-6 at 8.

[16] Statement of Silpro, Inc., R. EE-2 at 3.

[17] Telecom Productions, Inc., R. DD-6 at 8.

[18] Statement of Wallace Games, Inc., R. EE-1 at 6.

[19] Telecom Productions, Inc., R. DD-6 at 9.

[20] Statement of Wallace Games, Inc., R. EE-1 at 7.

[21] Telecom Productions, Inc., R. DD-6 at 11.

[22] Patricia Pilate, R. CC-3.

[23] M. Miller, R. CC-1.

[24] Albert Goldman, R. CC-2.

[25] Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252, section 15, 94 Stat. 388 (1980).

and will result in more manageable lists that can be quickly examined by interested parties. Industry members also viewed the amendment as a cost-cutting, deregulatory action sensitive to reducing inflation.

The majority of the comments focused upon the portion of the proposal limiting the winners lists which must be posted to only the names and addresses of people who won prizes at each individual retail outlet. Several comments described the present winners lists as comparable in size to metropolitan telephone books. The size of these lists was viewed as deterring consumers from examining this information.

While the record suggests that current lists are not being examined frequently, the Commission and many of the commenters believe that abbreviated localized winners lists will be more meaningful to consumers. These concise, limited lists are more likely to be examined by consumers and thus advance the Commission's objective in requiring posting—the prevention of deception and unfairness in the awarding of game prizes.

The local winners lists will enable consumers to check for themselves that prizes are actually awarded and to whom. Further, local lists will provide protection against rigged games. In addition, if consumers examine the lists, they will be able to assist in the enforcement of the Rule by calling to the Commission's attention any apparent irregularities in the number of frequency of local winners.

The Commission is also sensitive to the possible economic costs of compliance on the industry. Under the present amendment, the costs of the reporting and posting provision is lessened. Indeed, by requiring only the posting of local winners lists, the burden of producing and distributing master lists of winners will be eliminated. The amendment will only require that game users maintain the names and addresses of all the game winners in their records.

In conclusion, it is the opinion of the Commission that deception and unfairness in the awarding of prizes may result if the only information provided to consumers is the total number of prizes which were available and the total number which were awarded. The posting of local winners lists will provide sufficient information to protect consumers.

Commissioner Bailey dissents from the majority's view. She does not believe that the posting of winners' lists should be mandatory. She agrees with the position of the presiding officer in this regard.

On the basis of the record of the Trade Regulation Rule Amendment proceeding, the Commission has concluded that issuance of this amendment is in the public interest.

Accordingly, the Commission amends Subchapter D, Trade Regulation Rule of 16 CFR I, by substituting new Part 419.1(e) to read as follows:

**§ 419.1 [Amended]**

* * * * *

(e) Fail to post clearly and conspicuously at the conclusion of each game in each individual retail outlet which used the game:

(1) The names and addresses of all persons who redeemed a prize in the individual participating retail outlet, and the amount of value of each prize;

(2) The total number of game pieces distributed in all participating retail outlets;

(3) The total number of prizes in each category or denomination which were made available in all participating retail outlets; and

(4) The total number of prizes in each category or denomination which were awarded in all participating retail outlets.

The information required by subparagraphs (2), (3) and (4) of this paragraph (e), as well as a complete list of the names and addresses of winners of a game, is required to be retained in the records of the game promoter for a period of not less than three (3) years. Upon reasonable request, such information shall be made immediately available to the Commission and its staff for inspection.

By direction of the Commission dated August 18, 1980.

James A. Tobin,

*Acting Secretary.*

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## CONSUMER PRODUCT SAFETY COMMISSION

## 16 CFR Part 1201

## Safety Standard for Architectural Glazing Materials; Partial Revocation of Standard

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Partial revocation of standard.

**SUMMARY:** The Commission is revoking the safety standard for architectural glazing materials that are used or intended for use in "glazed panels," which are items of glazing material located next to doors or between two walking surfaces. The standard continues to apply to glazing materials used or intended for use in doors, storm doors, sliding glass doors (patio type), bathtub doors and enclosures, and shower doors and enclosures. The Commission has found that inclusion of glazed panel requirements in the standard, and their enforcement by the Commission, are not "reasonably necessary" to eliminate or reduce an unreasonable risk of injury to consumers. This is true because local building officials will be enforcing the same glazed panel requirements that the Commission is revoking.

**EFFECTIVE DATE:** The partial revocation becomes effective on August 28, 1981.

**FOR FURTHER INFORMATION CONTACT:** Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

On January 6, 1977 the Commission issued a safety standard to reduce or eliminate unreasonable risks associated with architectural glazing materials and with certain products that incorporate such materials (42 FR 1428; 16 CFR 1201). The standard prescribes tests to ensure that architectural glazing materials either do not break when impacted with a specified force, or break with such characteristics that they are less likely than other glazing materials to present an unreasonable risk of injury.

Except for wired glass, the glazed panel provisions of the standard became effective on July 6, 1977. A legal challenge to the standard focused on its application to wired glass, and the provisions affecting the use of wired glass in glazed panels were stayed pending resolution of the challenge. On January 31, 1979 the U.S. Court of Appeals remanded to the Commission the provision affecting the use of wired glass in "nonadjacent glazed panels" (located between two walking surfaces and away from doors). The court upheld the provision affecting the use of wired glass in "adjacent glazed panels" (located next to doors). Neither the remainder of the court's decision nor its appeal to the Supreme Court affected glazed panels further.

On May 31, 1979 the Commission proposed to revoke the glazed panel provisions of the architectural glazing standard (44 FR 31218). After considering the public comments on the proposed revocation, the Commission has decided to issue it in final form. The discussion below describes the glazed

panel provisions, the proposed revocation, the public comments received, and the Commission's final action on revocation.

## II. Background

### *A. Glazed Panel Provisions*

The architectural glazing standard applies to glazing materials used or intended for use in six products: storm doors, doors, bathtub doors and enclosures, shower doors and enclosures, sliding glass doors (patio-type), and glazed panels.

The standard (in § 1201.2(a)(10)) generally defines the term "glazed panel" to mean:

1. Any piece of glazing material in a residential building that has a vertical edge within 12 inches of a door and a bottom edge below the top of the door.

2. Any piece of glazing material in a nonresidential building that has a vertical edge within 48 inches of a door and a bottom edge below the top of the door (but not panels with an intervening interior permanent wall between the door and the panel).

3. Any piece of glazing material in a nonresidential building that has walking surfaces on both sides of the glazing material, a bottom edge less than 18 inches above any walking surface, and an area greater than 9 square feet. Both walking surfaces must be within 36 inches of the panel, and the planes of each walking surface must be within 12 inches of each other. (Panels with a horizontal framing member or permanent chair rail of specified dimensions are not covered.)

### *B. Effectiveness of Enforcement*

Based on injury and other available information, the Commission found when it issued the architectural glazing standard that the glazed panel requirements were "reasonably necessary" to address the unreasonable risks that consumers would walk or run into glazed panels after mistaking them for open space or would otherwise fall against or through glazed panels. However, after the glazed panel provisions went into effect, the Commission became aware of several practical problems that arose from them. The preamble to the proposed partial revocation contained a discussion of the enforcement circumstances (44 FR 31218–21, May 31, 1979). Because it explains the basis of the proposal and provides a framework for the public comments, that discussion is summarized here:

When the Commission issued its architectural glazing standard, approximately 4,500 cities and counties were enforcing building codes containing provisions to address risks of injury that could result from breakage of glazing materials by accidental human impact. The products and locations covered by most of these building codes were generally the same products and locations covered by the Commission's standard. However, the products and locations covered by the codes were not identical to those of the Commission's standard, particularly the "glazed panel" provisions. Similarly, the test procedures and criteria contained in the building codes were not identical to those in the CPSC standard.

To the extent that the provisions of any city, county, or state building code apply to any products covered by the CPSC architectural glazing standard, address the same risks of injury, and are not identical to the CPSC provisions, they are preempted by section 26(a) of the Consumer Product Safety Act. Therefore, the Commission and its staff met with representatives of the three major associations of buildings officials—Building Officials and Code Administrators International (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI)—to explore the possibility that state and local building codes might be amended to make their performance requirements identical to those of the Commission's standard and applicable to the same items of glazing materials.

Representatives of the three associations raised the problem that the CPSC glazed panel definition does not allow a building official to exercise judgment about whether a particular item of glazing material in a given location must comply with the standard on the basis that it may actually be subject to accidental human impact. The Commission agrees that some flexibility would be helpful because there are instances when items of glazing material fall within the definition of glazed panel and yet do not seem to present any unreasonable risk of injury that the standard was intended to address.

Because of the preemption of state and local safety glazing requirements by the Commission's standard, protection of consumers from the risk of injury associated with glazing materials currently depends on the effectiveness of Commission enforcement. Since the standard became effective, Commission investigators have inspected the factories of several hundred manufacturers of doors, sliding glass doors, storm doors, and bathtub and shower doors and enclosures, and have found a high rate of compliance with the standard. However, the standard is also applicable to glazed panels which, aside from the glazing material itself, are generally not constructed or fabricated at a factory. Instead, an item of glazing material becomes a glazed panel within the standard when it is placed in an opening of a building next to a door or between two walking surfaces, if all the applicable provisions of the glazed panel definition are met.

The number of glazing contractors engaged in activities that could result in the manufacture of glazed panels is estimated to be greater than 6,000 firms. Since the effective date of the standard, the provisions on glazed panels have generated a significantly large number of inquiries and complaints about possible violations of the standard from many of these firms, all of which are potential manufacturers for purposes of the standard. The total number of investigators assigned to all of the Commission's area offices is less than 130 and is not expected to increase very much in the foreseeable future. Because of both the large number of firms engaged in the installation of glazing materials that may or may not be glazed panels, depending upon their location in any given building, and the large quantities of glazing materials installed by these firms each day, the Commission's enforcement capabilities are strained. Its ability to ensure a high level of compliance with the standard's glazed panel requirements, given the limited size of its enforcement staff, would be significantly strengthened through the active cooperation and assistance of state, county, and city agencies responsible for enforcing state and local building codes.

### *C. Possible Alternative Solutions.*

The Commission sought public comment on a proposed revocation of the glazed panel provisions, and on the alternative of narrowing the scope of the CPSC standard by revising the definition of glazed panels (44 FR 31222–23).

In support of its proposed partial revocation, the Commission discussed the intentions of the three model building code organizations. Briefly, all three organizations expressed willingness to take steps toward adoption of new glazed panel safety requirements, but only if the Commission revokes its provisions. Such revocation would remove state and local glazed panel provisions from the effect of federal preemption under section 26(a) of the CPSA. The glazed panel requirements that the organizations would move to adopt are the ones that the Commission currently enforces. (In addition, the organizations agreed to

include all of the Commission's architectural glazing requirements, not merely the ones addressed to glazed panels.)

The Commission's partial revocation proposal was not based on any reconsideration or rejection of its January 1977 finding that certain items of glazing material located next to doors and between two walking surfaces present an unreasonable risk of injury. Rather, the proposal was based on the belief that the public would be better protected if state and local authorities enforced glazed panel requirements, instead of the Commission's limited number of federal inspectors. The preamble also discussed the views of the National Glass Dealers Association (NGDA) in opposition to the proposed partial revocation (44 FR 31222).

As an alternative to revocation of its existing glazed panel provisions, the Commission sought public comment on two different possible revisions of them. One was suggested by the CPSC staff and the other by NGDA (in a petition filed with the Commission). Both would revise the definition of glazed panel so that coverage of the standard would be more limited than it currently is. Both would attempt to address the problem posed by violative glazed panels that do not present any serious danger to consumers.

To facilitate public comment on the various alternatives, the Commission highlighted four issues that are particularly pertinent to any regulatory action on the glazed panel provisions:

1. To what extent are architectural products subject to the standard, other than glazed panels, assembled or fabricated at fixed factories and plants or at the site of installation in a building?

2. What is the relative effectiveness of enforcement of safety requirements for glazing materials, particularly glazed panels, by the Commission; by state and local agencies through enforcement of building codes; and by industry through self enforcement and educational activities as a supplement to Federal enforcement?

3. Would revocation of the Commission standard as it applies to glazed panels result in adoption by model building code organizations, and hence state and local buildings authorities, of uniform safety requirements for glazed panels? Would these requirements consist of test methods and performance requirements similar to those presently contained in the Commission standard?

4. Is either of the suggested revisions of the glazed panel definition . . . more desirable than revocation of the standard's coverage of glazed panels? If so, which suggested version is preferable, and why?

## III. Public Comments

The Commission received 93 written comments on its May 31 proposal, and six witnesses made oral presentations at a July 16, 1979 hearing. In general, two groups were represented in the written and oral comments—the glazing industry and building code enforcement officials. Practically without exception, the industry supports amendment of the glazed panel provisions and the code officials support revocation.

The issues raised by the proposal and by the commenters, along with the Commission's responses, are:

### *A. Installation of Glazed Panels*

In proposing to revoke the glazed panel provisions of the architectural glazing standard, the Commission expressed its preliminary belief that the same provisions can be enforced better by local inspectors than by CPSC inspectors. Whether this would be the case depends on a number of factors related to the installation of glazed panels. The first is the extent to which they are assembled or fabricated (i.e., manufactured) at or near the site of installation in a building, and how this compares with the installation of other glazing products covered by the standard.

The Consumer Safety Glazing Committee (CSGC), a glass and glazing industry group whose members represent all facets of the industry, commented on this issue. CSGC asserted that glazed panels are not unique in being glazed on site because a large percentage of the other five products covered by the standard are also glazed on site or in a shop near the site of installation. According to data submitted by CSGC to support its assertion, 95 percent of storm doors, 45 percent of patio doors, 29 percent of shower enclosures and 27 percent of tub enclosures are glazed on site or in dealers' shops near the site. In addition, CSGC stated that 44 percent of all glazing installations are for replacement and, therefore, outside the enforcement capabilities of CPSC personnel altogether, because they are glazed by necessity on or near the site of installation.

The statistical data presented by CSGC are the results of a survey conducted among its membership. The CSGC sent questionnaires to the 1100 members of the National Glass Dealer's Association (NGDA) and the 350 members of the Flat Glass Marketing Association (FGMA). Although there is no clear distinction between the kinds of firms represented in each association, NGDA members tend to be dealers and installers, while FGMA members tend to be distributors and contractors. These two associations represent a small minority of the 6,000–10,000 glazing shops nationwide. However, they probably are a significant part of the industry in terms of volume of glazing installations because a large portion of total glazing shops are hardware stores and home repair stores which carry relatively small inventories for the do-it-yourself market.

The CPSC staff reviewed the CSGC survey data and followed up with interviews of several participants to clarify the data. Based on these activities, the Commission believes that the survey results are questionable. The estimates are based on responses from only 340 member firms whose representativeness is unknown in terms of the various kinds and sizes of firms in the two associations. The phrasing of the questionnaire also raises doubts. The participants were requested to estimate the percentage of new "jobs" where the glazing material is installed in the shop or at the jobsite, as opposed to being received pre-glazed or factory-glazed. Aggregating the number of "jobs" is misleading because these firms represent both glass dealers and glazing contractors, and the size of their "jobs" may differ dramatically. One "job" for a dealer may be the installation of glazing in a storefront, while a contractor's "job" may be the installation of all doors in a shopping center complex. The survey treated each response with equal weight, and did not consider the volume of the firm's business.

The questionnaire sought information based on estimated percentages of "number of jobs (not dollars)." (Only the first question of the two in the questionnaire made this explicit, but the second question was apparently to be answered the same way.) However, two firms contacted by the CPSC staff nevertheless had estimated the dollar value of glazing performed, and four firms had based their estimates on physical volume of glazing installed. Only two firms contacted in the random follow-up stated that their responses estimated the number of units installed.

The results of the CSGC survey are not statistically valid, and it would be extremely difficult to obtain data that are. CPSC staff interviews with glass dealers have revealed that the industry quickly becomes "fragmented" beyond the major manufacturers and processors of glazing materials and products incorporating glazing. Glass dealers,

even at the local level, may also be distributors or contractors or fabricators of finished products covered by the standard. Many dealers order standard-size glass in bulk from glass manufacturers, processors or large regional distributors, and they order the metal components from manufacturers of these products. The dealers then fabricate the doors or enclosures in their shops.

Even if the survey results accurately describe the industry, the Commission nevertheless believes that glazed panels are installed at or near the job sites more than other glazing products. Of the products covered by the standard, glazed panels are least able to be pre-cut and assembled into standard sizes. Therefore, the on-site enforcement efforts of local inspectors would be most important for assuring that glazed panels are made of safety glazing material.

Another important issue is that many glazing products, such as shower enclosures and patio doors, are bought in a "knocked-down" condition, from one or more manufacturers, and then assembled on site or near the job-site. According to CSGC, this lessens the distinction between glazed panels and all other glazing products. However, the Commission believes that the combined enforcement efforts of local and CPSC inspectors will best address the "knocked-down" products. For all safety glazing products that are prepared in a factory, the CPSC will be assuring that they comply with the CPSC test procedures. Then, the local inspectors will be able to look for the certifying label and assure that glazing materials are actually used in the required locations. This will be true whether the locations are showers, tubs, patio doors, or glazed panel locations. According to the comments from the model code organizations (see section B below), the local inspectors will be enforcing all of the Commission's standard and not only the glazed panel provisions (they will be enforcing the glazed panel provisions on their own and the other provisions in conjunction with CPSC inspectors). Therefore, the distinction between glazed panels and other glazing products is less significant than it was when the Commission proposed the partial revocation in May 1979. Now, consumers will be receiving better protection from risks associated with *all* architectural glazing products. Local enforcement is most important for glazed panels because virtually all of them are installed on site. This remains the primary basis for partial revocation. However, doors and other architectural glazing products will also be subjected to both local and federal enforcement efforts, once the revocation becomes final.

Commenting on replacement panels, CSGC has made the point that local inspectors would not be enforcing because building permits are not needed for replacement panels. The Commission agrees that local enforcement would be less effective for replacements than for panels installed at the time of original construction. However, CPSC enforcement efforts would be similarly less effective for replacement panels, if the partial revocation were not finalized. The significant difference is that local inspectors would be better able to respond to trade complaints than the CPSC. For example, if two or three local glass dealers bid on a replacement "job", the selected bid might have been low because non-safety glass was projected to be used. If an unsuccessful dealer discovered this (perhaps in a follow-up contract with the general contractor), if would be quicker and easier for a local official to take the necessary enforcement action. In fact, experience in the enforcement of the standard thus far indicates that most violations result from the intentional use of noncomplying annealed glass . byproduct fabricators, rather than from the unknowing use of materials which were manufactured to comply with the standard but which do not comply.

*B. Effectiveness of Enforcement by State and Local Building Authorities*

If the Commission revokes its glazed panel provisions, consumers will be protected from risks associated with glazed panels only if state and local authorities take over from the Commission the responsibility for enforcing these same requirements. Therefore, the Commission specifically sought public comment on the relative effectiveness of enforcement efforts by the Commission, by state and local agencies, and by the industry. For the industry, the CSGC provided the most detailed comments on how revocation would affect enforcement. Three major model code organizations also commented in detail on the likely enforcement consequences of revocation.

CSGC believes that the Commission should amend, but not revoke, its glazed panel provisions, and has summarized its reasons as follows:

"The Commission enforcement of the standard has been extremely limited; but compliance with the standard has nevertheless been widespread because of the threat of enforcement of this federal law, because of concern for product liability exposure, because of the inclination of the glass and glazing industry to provide safe products for consumers, and because of the extensive educational efforts of the glass industry to inform others about the existence of the standard and its requirements. The Commission's principal problems regarding 'glazed panels' have been with interpreting the excessive scope of those requirements, not enforcement of the standard. The relative effectiveness of enforcement of building codes for state and local agencies varies and is speculative. For replacement glass and glazing installations, comprising nearly half of those covered by the Commission's standard, enforcement of building codes by state and local agencies is negligible because building permits are not generally required. Industry activities to supplement federal enforcement have been very extensive."

In addition, CSGC has expanded on its reasons for believing that effective state and local enforcement is speculative. CSGC pointed out that (1) the model code organizations must adopt a consistent and adequate requirement; (2) there must be promulgation and adoption by the many thousands of state, county or municipal jurisdictions; and (3) twenty-seven state safety glazing laws preempt local building codes in many cases (this third comment is addressed separately in section C below).

In their official comments and in other contacts with the CPSC staff, the three model code organizations have described their continuing efforts toward local enforcement of glazed panel requirements, if the Commission does revoke the federal provisions:

In January 1979 the Board for Coordination of Model Codes (BCMC) met in Chicago to work out a uniform definition for glazed panels which could be adopted by BOCA, ICBO, and SBCCI, the three model codes. The Commission had input into the uniform definition and it is virtually identical to the existing CPSC definition. (The only difference is that it is more stringent. The CPSC definition was changed to exclude panels that have a walking surface on just one side. The uniform definition, like the original CPSC definition, would include such panels.) As part of this process, the model code organizations will adopt the remainder of the safety standard for architectural glazing materials. This means that the test procedures and criteria will be the same as those in the existing CPSC standard.

In October 1979 the three technical directors of the model code organizations were queried as to the

current status of glazed panels in their respective model codes, whether they were still committed to taking over enforcement on glazed panels, and, if so, when this would occur. The technical directors are firmly committed to taking over the enforcement of glazed panels as soon as CPSC revokes those provisions from the federal standard.

The technical director of BOCA has indicated that the BOCA membership adopted the BCMC uniform definition, test procedures, and criteria in June 1980. The other two model code organizations do not intend to adopt the BCMC uniform definition, test procedures, and criteria until CPSC revokes glazed panels from its standard. However, ICBO and SBCCI have different provisions in their codes pertaining to glazing.* As soon as the Commission revokes the glazed panels provisions, the state and local building code officials using these codes could immediately begin enforcement. The primary purpose of this was to avoid any break in enforcement if the Commission were to revoke the glazed panel provisions before the model codes could get uniform provisions into their codes.

There is no question that the model code organizations are committed to the adoption of a uniform code on glazed panels if the Commission revokes those provisions from the federal standard. The organizations have reported that there will be no break in enforcement as long as the federal revocation takes place after June 1980. Conversations with many individual building code officials show they are also committed to this course and are firmly convinced that local enforcement will provide the best protection for the consumer.

The Commission does not believe that its enforcement activities, even combined with industry self-regulation, provide the same degree of protection to consumers that would be possible with a different approach. Based on the comments received, a better approach would be the combination of federal and local enforcement. As discussed in section A above, the Commission would continue to inspect factories to assure that the certification requirements are being met by manufacturers of safety glazing materials. At the job-sites, the local inspectors will be able to oversee the use of complying glazing material where it is required by local code and/or the CPSC standard. The labeling and certification will serve as helpful signals to the local inspectors.

Nation-wide uniformity of regulation is generally a desirable goal. Congress recognized this when it enacted the strong preemption provisions of the CPSA (15 U.S.C. 2075). However, the Commission's experience with glazed panels has led it to conclude that uniformity is not always fair or safety-related. As mentioned earlier, there are instances in which the existing CPSC glazed panel definition would require safety glazing in locations where it is not justified on safety grounds.

Specifically, there are the following examples:

1. Items of glazing material located within 12 inches of a door in a residential building or within 48 inches of a door in a nonresidential building which are not likely to be broken by consumers falling against or through them because of their small size or their distance above the ground or floor level.

2. Items of glazing material located within 12 inches of a door in a residential building which are not likely to be mistaken as openings for human passage because of their small size or their distance above the ground or floor level.

3. Items of glazing material located within 48 inches of a door in nonresidential buildings which are not likely to be mistaken as openings for human passage because of their small size or their distance above the ground or floor level.

4. Items of glazing material located near doors in both residential and nonresidential buildings which are not likely to be subject to accidental human impact because they are not in the same plane as the door.

5. Items of glazing material located near doors in both residential and nonresidential buildings which are not likely to be mistaken as openings for human passage because of a horizontal framing member or chair rail which gives a visual signal that solid material is present.

After experiencing considerable difficulty in defining glazed panels and then in enforcing that definition, the Commission now believes that its general desire for uniformity should not prevail over consumer protection in this case. By permitting local inspectors to use some discretion in enforcing the glazed panel provisions, the Commission can greatly bolster enforcement of those provisions. If the Commission could modify the definition of glazed panels and obtain the increased enforcement along with uniformity, it would do so. However, as discussed in section D below, this is not practical.

CSGC has correctly commented that local enforcement depends on adoption of the existing CPSC provisions by the thousands of local jurisdictions, presumably through model codes. However, the comments received from the local jurisdictions should alleviate this concern. Twenty-two building officials in jurisdictions ranging from Seattle and Dallas to Salinas, Kansas and Midland, Michigan supported the revocation and plan to enforce the uniform requirements. A number of these officials stressed that they have the staff, expertise, and experience to enforce the glazed panel provisions at job sites. According to the three major model code organizations, between 78 and 90 percent of the U.S. population lives in jurisdictions where the model code provisions are in effect or influence the provisions in effect. In fact, BOCA alone affects an estimated 68 million U.S. residents.

CSGC is also concerned that local jurisdictions may not adopt the CPSC provisions, but may instead change them. Based on information contained in the public comments, the Commission is not similarly concerned. In almost all cases, the changes made to model code provisions by local jurisdictions are in administrative procedures or fee schedules, rather than in safety aspects. As just one example, SBCCI has broad experience with model codes, but knows of no changes that local jurisdictions have ever made to its model glazing provisions. The Commission would not be revoking the glazed panel provisions if current compliance with them were adequate. However, the fact remains that the existing combination of CPSC enforcement efforts and industry voluntary compliance is not adequate. The Commission knows that violations are continuing to occur in greater numbers than its enforcement staff can respond to effectively and promptly.

The enforcement efforts of local inspectors will focus on the most serious enforcement problem, that of purposeful installation of noncomplying glazing material in covered locations. In addition, CPSC efforts will not disappear, but will be focused where they can be most useful, in the factories. (To a lesser degree, CPSC inspectors will continue to enforce the standard against the installation of noncomplying glazing material in doors, shower and bath enclosures, and other covered locations.) Finally, there is no reason for voluntary industry compliance to play a diminished role following revocation.

* For the most part, these would require that glazed panels, as defined in the ICBO and SBCCI codes, comply with the "American National Standards Institute's Safety Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings" (ANSI standard Z97.1) which would pass some materials that the CPSC standard would not pass.

*C. Preemption by State Statutes*

An important portion of the Consumer Safety Glazing Committee's comments concerned the effect of preemptive language in various State statutes. The language at issue generally requires safety glazing materials in specified locations. Regardless of the specific content of the State provisions on glazing, their existence could severely undermine the enforcement efforts of local building officials.

As of now, the CPSC provisions preempt both State and local provisions on glazed panels. If the CPSC provisions were revoked, however, State provisions that once again become effective could preempt the local provisions. Unless the local officials can enforce, as discussed in section B above, revocation of the CPSC provisions is meaningless.

CSGC has asserted that existing laws in twenty-seven States require the use of glazing materials which comply with ANSI standard Z97.1 in specified locations. CSGC has further stated that seventeen of these State laws have preemptive provisions which prohibit cities, counties, and other local jurisdictions from enforcing any other requirements for safety glazing. CSGC therefore believes that, to the extent existing State laws would preempt local safety glazing requirements, the building officials will not be able to amend local building codes and enforce uniform requirements for glazed panels.

The CPSC staff has analyzed the twenty-seven laws cited by CSGC, as well as four additional statutes not mentioned in the CSGC comments. After reviewing the staff analysis of these State laws, the Commission has concluded that twenty-six of the thirty-one State laws requiring use of safety glazing in buildings would not pose a serious legal obstacle to enforcement of local building code provisions containing a uniformed glazed panel definition. This means that local building officials in most States would be able to enforce their own glazed panel requirements, along the lines advanced by the three organizations of building officials.

The laws in the remaining five States—Connecticut, Delaware, Massachusetts, Illinois, and South Dakota—could present the legal problems raised by CSGC. However, contacts with officials in these five States indicate that preemption would pose no practical problem to local enforcement. In fact, the Massachusetts Building Code already contains the uniform definition for glazed panels that will be used by all of the model code organizations following revocation of the CPSC requirements. As another example, no State agency in Delaware is responsible for enforcement, and two of the three counties in the State subscribe to BOCA's model code.

Balancing the possible limits on local enforcement in fewer than a handful of States against the increased local enforcement in the rest of the country, the Commission still believes that revocation of its glazed panel provisions will benefit consumers.

*D. Alternative of Revised Glazed Panel Definition*

As discussed in section IIC above, the Commission sought public comment on two alternatives to the existing glazed panel provisions. Both of these alternatives—the one suggested by NGDA and the one drafted by the CPSC staff—would involve a narrowing of the definition of glazed panel. The glazing industry's comments generally supported an amendment (a vast majority preferred NGDA's suggestion to the Commission staff's). However, the comments from the State and local building code officials clearly show that neither alternative would address the basic problem that now prevents local enforcement. This problem is that the building code officials will enforce glazed panel provisions only if they have some discretion to consider whether the placement of the panel presents a risk that justifies a safety glazing requirement.

CSGC has commented that local discretion in the form of some variance procedure would be possible under Federal glazed panel requirements. The Commission believes that its resources would be even more strained by a variance approach than they currently are. Further, the Commission continues to doubt that a variance approach would provide the industry and consumers with the regulatory certainty that the law requires. Unless Federal requirements apply uniformly throughout the country, it would be difficult to know which glazed panels are included within the regulation and which are not. The proposition that the Commission could now pursue and attain a successful enforcement program based on a variance procedure is much more speculative than the partial revocation approach. Based on its current knowledge, the Commission believes that the latter approach will provide effective enforcement of its glazed panel provisions.

*E. Procedural Issue*

CSGC has raised a procedural issue by claiming that Congress prescribed section 26 of the CPSA for the purpose a partial revocation would serve. Section 26(c), cited by CSGC, permits a state or local government to seek an exemption from the preemptive provision of the Act. The Commission agrees that this is one way in which the preemptive effect of a consumer product safety standard can be removed. However, under section 26(a), preemption exists only when a standard is in effect and "applies to a risk of injury associated with a consumer product." If the Commission revokes the provisions that addressed the risk from glazed panels, there is no preemptive effect and an exemption under section 26(c) is unnecessary. CSGC has not explained why the existence of an exemption procedure makes a partial revocation illegal or otherwise improper. The Commission continues to believe that a partial revocation is a proper legal approach.

*F. Effective Date*

The Commission proposed that the partial revocation become effective on the date of its publication in final form, and the model code organizations support this approach. The revocation would allow the now-preempted local requirements to again become effective (as footnoted earlier, these generally require compliance with ANSI Z-97.1). (In fact, BOCA has already incorporated the uniform requirements into its code). The Commission therefore expects no break in consumer protection in most jurisdictions, but the uniform glazed panel requirements could not be enforced until the local jurisdictions adopted the new BOCA, SBCCI, and ICBO model code provisions. This could take as long as 18 months to occur.

Notwithstanding the comments of the model code organizations, the Commission believes that some lead time in effectiveness of the partial revocation would assure maximum safety for consumers. Under this approach, the Commission could continue to enforce the glazed panel provisions while local jurisdictions are adopting the model code provisions. If the matter is given priority, it will likely take only 12 months instead of 18 months for this to be accomplished. If some local jurisdictions take longer than 12 months, less stringent requirements (ANSI Z97.1) would probably be in place and available for local enforcement on an interim basis. A delay of longer than 12 months would unnecessarily delay the date on which the local building officials can begin to enforce the Commission's existing requirements for glazed panels. Therefore, the Commission has adopted an effective date that is 12 months from today, and

notes that the model code organizations do not object to this approach (while they prefer the immediate effective date approach). The Commission finds for good cause, based on the reasons stated above and in accordance with section 9(e)(2) of the CPSC, that an effective date later than 180 days from today is in the public interest.

*G. Enforcement Pending Revocation*

When the Commission proposed the partial revocation in May 1979, it clarified what glazed panel provisions of the standard would apply in the interim (pending a final partial revocation or alternative regulatory action). The Commission has decided to continue in effect the same interim enforcement policies until the partial revocation becomes effective in one year:

(a) The requirements of the standard will continue to apply to items of glazing materials which meet the definition of glazed panel. However, the Commission's enforcement policy will be to give priority to alleged violations involving glazed panels that present obvious risks of injury from accidental human impact breakage because of a panel's size and shape, its proximity to a door or floor or walking surface, its presence in the same plane as a door, or the absence of any visual signal that solid material is present.

(b) In response to petition CP 78-10, the standard will not be enforced against any item of glazing material located within 12 inches of the nonmovable panel of a sliding glass door in a residential building or within 48 inches of the nonmovable panel of a sliding glass door in a nonresidential building.

(c) In response to petition CP 79-6, the standard will not be enforced against louvers of jalousie windows or other jalousie assemblies located within 12 inches of a door in a residential building or within 48 inches of a door, in a nonresidential building.

(d) The standard will not be enforced against polished wired glass used in glazed panels within 12 inches of a door in a residential building or within 48 inches of a door in a nonresidential building.

*H. Environmental Considerations*

As stated in the preamble to the proposed partial revocation, the Commission does not foresee any environmental effects from the revocation which would necessitate an environmental review, and has not prepared an environmental impact statement.

IV. Conclusion

The Commission has carefully considered whether its glazed panel provisions are reasonably necessary to address an unreasonable risk of injury associated with architectural glazing materials. An unreasonable risk does exist, but the public comments on the proposed partial revocation have largely discussed the best approach for addressing it. The glazing industry generally supports the present approach under which the Commission enforces a uniform set of federal requirements. In contrast, the model code organizations and the local building officials generally support an approach under which these officials would adopt and enforce the Commission's existing requirements.

Based on its enforcement experience of over three years, the Commission believes that the glazed panel provisions would be best enforced at the local level. This is true because the nature of glazed panels and the way they are generally installed place limits on the Commission's enforcement capabilities. After balancing these and all other relevant factors, discussed above, the Commission has concluded that mandatory federal safety provisions for glazed panels are not reasonably necessary to address the unreasonable risk presented by them. A more reasonable approach is to withdraw the provisions and permit the state and local governments to enforce the same provisions.

In accordance with section 9(e) of the Consumer Product Safety Act (section 9(e), Pub. L. 92-573, 86 Stat. 1215, 15 U.S.C. 2058(e)) and 5 U.S.C. 553, the Commission revokes the safety standard for architectural glazing material as it applies to glazed panels by making the following changes in Part 1201 of Title 16, Code of Federal Regulations:

§ 1201.1 [Amended]

1. In 16 CFR 1201.1(a), paragraph (5), consisting of the term "Glazed panels" is revoked and reserved;

2. In 16 CFR 1201.1(b), the fifth sentence is revised to read as follows: "For purposes of this standard, fabricators are considered to be manufacturers of the architectural products listed in paragraph (a) of this section."

§ 1201.2 [Amended]

3. In 16 CFR 1201.2(a), paragraphs (3)(iii), (4)(vi), and (10) are revoked and reserved.

4. In 16 CFR 1201.2(a)(11)(ii), the phrase "glazed panels or" is deleted.

Dated: August 21, 1980.

Sadye E. Dunn,

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 80-26484 Filed 8-27-80; 8:45 am]

BILLING CODE 6355-01-M

## SECURITIES AND EXCHANGE COMMISSION

## 17 CFR Part 240

[Release No. 34-17080]

## Stock Options

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is amending Rule 16b-3 under the Securities Exchange Act of 1934 to exempt from the liability provisions of Section 16(b) of the Act both the delivery of stock by an officer or director as payment for the exercise of an employee stock option and the receipt of an equal amount of stock upon such exercise. In addition, the Commission is amending the caption for Rule 16b-3 to reflect the broadened coverage of the rule. These changes are being adopted as the result of several requests from the public that the Commission provide relief from Section 16(b) for the use of stock as payment for the exercise of an employee stock option.

**EFFECTIVE DATE:** September 29, 1980.

**FOR FURTHER INFORMATION CONTACT:** Michael R. Kargula or Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2573.

**SUPPLEMENTARY INFORMATION:** In Release No. 34-16770 (May 6, 1980) [45 FR 29853], the Commission invited public comments on a proposed amendment to Rule 16b-3 [17 CFR 240.16b-3] under the Securities Exchange Act of 1934 ("1934 Act") [15 U.S.C. 78a et seq.] that would have exempted from Section 16(b) of the Act the delivery of stock by an officer or director upon the exercise of a stock option. The impetus for the proposal was provided by an Internal Revenue Service ("IRS") ruling dated April 27, 1979.[1] The ruling dealt with a nonqualified stock option and held that an employee could deliver stock already owned by him as payment for the exercise of an employee stock option without recognizing any taxable gain on the unrealized appreciation of the delivered shares. Pursuant to this ruling,

[1] CCH Standard Federal Tax Reporter, ¶6979.

the optionee is not taxed on the difference between his cost basis for the old shares and their market value on the date of delivery, even though the delivered shares are valued at their current market price for purposes of paying all or part of the option price.

The principal benefit of the IRS ruling is that in many instances it permits an employee who uses stock to exercise a stock option to acquire, without any cash outlay, not only a number of shares equal in all respects to the surrendered shares but also an additional number of shares having an aggregate exercise price equal to the difference between the aggregate market price of the shares delivered and the aggregate exercise price of an equal number of shares at the time of exercise.[2] Until now, however, the tax and other advantages flowing from the IRS ruling have for all practical purposes not been available to officers and directors of issuers which have a class of securities registered under Section 12 of the 1934 Act. The reason is that such persons are subject to Section 16(b) of the Act, which allows an issuer to recover any profits realized by its officers and directors on any purchase and sale, or sale and purchase, of the issuer's equity securities occurring in a period of less than six months. Since the delivery of stock upon the exercise of an option could be considered a "sale" to the issuer, and the acquisition of stock as a result of exercising the option could be deemed a "purchase," the profit on the combined sale and purchase would, unless the exemption were available, be recoverable by the issuer under Section 16(b) because it occurred in a period of less than six months.

Section 16(b) of the 1934 Act grants authority to the Commission to exempt by rules and regulations any transaction or transactions which it believes are not comprehended within the purpose of that section. Since it appears that the use of already-owned stock to exercise a stock option does not present an opportunity for the abuses which Section 16(b) is designed to prevent,[3] the Commission believes it is appropriate to exercise its exemptive authority under Section 16(b) to provide relief from that section for such transactions. This action is consistent with the Commission's prior determination to exempt from Section 16(b) certain transactions involving stock appreciation rights ("SARs").[4] The use of already-owned stock to exercise a stock option is in substance another form of stock appreciation right and does not appear to present any more opportunity for speculative abuse than stock appreciation rights payable in securities.

## Nature of the Amendments

As proposed in Release 34-16770, Rule 16b-3 would have been amended to exempt only the delivery of stock upon the exercise of a stock option. All stock received by the optionee upon such an exercise would, under the original proposal, have been deemed "purchased" for purposes of Section 16(b) and could have been matched against any sales of the same securities occurring within less than six months. All except one of the 73 commenters expressed support for the original proposal, but many thought that it should be expanded to also exempt that portion of stock received upon the exercise of an option that is equal in number to the amount surrendered. In the view of these persons, the exchange of "old" shares for "new" shares was nothing more than a "wash" transaction which had no real economic effect. Only those shares received in excess of the number delivered should be deemed "purchased" for purposes of Section 16(b), according to these commentators.

The Commission believes that the point made by the above persons has merit. The effect obtained from using stock to exercise an option is that the optionee acquires, at no actual cost, a greater number of shares that the optionee acquires, at no actual cost, a greater number of shares than that held prior to the exercise. The very same effect is achieved when so-called "phantom" stock options and stock appreciation rights are exercised and stock is received. In the case of phantom stock options and SARs, the participant receives additional stock at no cost, and this new stock is considered to be purchased for purposes of Section 16(b). The same result logically should occur in those situations where old shares are swapped for a greater number of new shares upon the exercise of an option. That is, only the number of shares exceeding the number surrendered should be deemed to have been currently purchased pursuant to Section 16(b). Accordingly, the adopted amendments also exempt shares acquired upon the exercise of an option that are equal to the number delivered.

Due to the fact that the above change has added still another category of exempt transactions to the several already covered by the opening paragraph of Rule 16b-3, it was decided for the sake of clarity to revise that paragraph completely. In this revised form, the paragraph reads as follows:

> The following transactions by a director or officer shall be exempt from the operation of Section 16(b) of the Act is they occur pursuant to a plan which satisfies the conditions of this rule: the acquisition of shares of stock, except that stock acquired upon the exercise of an option, warrant or right shall be exempt only to the extent indicated in the final clause of this sentence; the acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right; the surrender or delivery to the issuer of shares of its stock as payment for the exercise of a stock option for shares of the same class; and the acquisition upon the exercise of a stock option of shares of stock equal to the number of shares of the same class surrendered or delivered to the issuer as payment for the exercise of the option. The conditions of this rule that a plan must satisfy in order for the above transactions to be exempt are as follows:

In addition to the foregoing, the Commission also has amended the caption for Rule 16b-3 in the manner proposed in Release 34-16770. The new caption, which is intended to reflect the broadened coverage of the rule, reads "Exemption from section 16(b) of certain transactions occurring under employee benefit plans."

## Other Views of the Commentators

Only one of the 73 commentators raised an objection to the amendments proposed in Release 34-16770, and the objection was concerned primarily with the accounting treatment likely to be accorded to the delivery of stock upon the exercise of an option. In view of the overwhelming support expressed by the other commentators and the fact that the accounting issue does not appear to be germane to the purposes of Section 16(b), the Commission does not believe an adequate basis for withdrawing the amendments has been provided.

A number of other commentators thought that the coverage of the proposed amendments should be expanded to permit the delivery of securities: (1) other than those of the same class to which the option relates; (2) to satisfy the exercise price of warrants and rights as well as employee stock options; and (3) to cover the withholding taxes that will be incurred

[2] For example, if a person who holds an option for 200 shares at an exercise price of $10 per share decided to exercise the option when the stock was trading at $20 per share, he could do so by delivering 100 shares previously acquired by him (with a value of $2,000) for the 200 shares under the option.

[3] Generally, the purpose of Section 16(b) is to prevent insiders from unfairly utilizing confidential information to profit from short-term trading transactions in an issuer's securities.

[4] Release Nos. 34-13097 (December 22, 1976) [42 FR 755] and 34-13659 (June 22, 1977) [42 FR 33282].

with respect to income realized upon the exercise of an option. Each of these suggestions goes well beyond the purpose of the originally proposed amendments, which was simply to remove the barrier imposed by Section 16(b) to reliance upon the IRS ruling previously referred to. Moreover, each would, if adopted, result in an exemption being provided for a "sale" transaction that is much greater in scope than the "wash" transaction which the original amendments sought to reach. Under the circumstances, the Commission does not believe it would be appropriate to implement any of these suggestions.

### Other Matters

The amendments to Rule 16b-3 previously described raise the question whether an amendment to an existing stock option plan allowing the delivery of already-owned stock upon the exercise of an option would constitute a material amendment that would require shareholder approval under paragraph (a) of the rule.[5] In Release 34-16770, the Commission expressed the view that such an amendment would not be material, since it would not result in any additional remuneration for directors and officers not already contemplated by option plans. As noted by the Commission, such an amendment would simply allow issuers to revise the form of consideration acceptable for the exercise of options.

The Commission invited comments on the foregoing view in Release 34-16770 and all of those who addressed the issue agreed with the Commission's opinion. Accordingly, amendments to existing stock option plans of the type described above need not be submitted to shareholders for approval under Rule 16b-3.

In order to insure uniformity and in response to public commentary, the Commission deems it advisable to specify the manner of reporting changes in beneficial ownership of securities that will occur as a result of the delivery of stock upon the exercise of a stock option. The award of the option and its exercise price should be reported in Table II of Form 4 in the customary manner. The exercise of the stock option should be reported in Table I. The number of shares surrendered in connection with the exercise of the option should be reported in Column 5 of Table I of Form 4 and the number of shares acquired should then be indicated in Column 4. Column 6 of Table I should indicate that both the acquisition and the disposition of the securities occurred as a result of the exercise of an option. In the explanation space provided on page 2 of Form 4, it should be noted that the exercise price of the option was satisfied by the delivery of already-owned shares. The other information required should be reported in the usual manner in compliance with the instructions to Form 4.

### Text of the Amendments

17 CFR Part 240 is amended by revising the introductory paragraph of § 240.16b-3 to read as follows:

**§ 240.16b-3 Exemption from section 16(b) of certain transactions occurring under employee benefit plans.**

The following transactions by a director or officer shall be exempt from the operation of section 16(b) of the Act if they occur pursuant to a plan which satisfies the conditions of this rule: the acquisition of shares of stock, except that stock acquired upon the exercise of an option, warrant or right shall be exempt only to the extent indicated in the final clause of this sentence; the acquisition, expiration, cancellation or surrender to the issuer of a stock option or stock appreciation right; the surrender or delivery to the issuer of shares of its stock as payment for the exercise of a stock option for shares of the same class; and the acquisition upon the exercise of a stock option of shares of stock equal to the number of shares of the same class surrendered or delivered to the issuer as payment for the exercise of the option. The conditions of this rule that a plan must satisfy in order for the above transactions to be exempt are as follows:

* * * * *

(Secs. 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 18, 89 Stat. 155; 15 U.S.C. 78; (b), 78w(a))

### Authority

The Commission is adopting this amendment pursuant to the Securities Exchange Act of 1934, particularly Sections 16 and 23(a).

By the Commission.

George A. Fitzsimmons,

*Secretary.*

August 21, 1980.

[FR Doc. 80-26393 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

[5] Rule 16b-3(a) states at the end thereof that any amendment to a plan must be approved by shareholders "if the amendment would: (A) materially increase the benefits accruing to participants under the plan * * *."

## ENVIRONMENTAL PROTECTION AGENCY

### 21 CFR Part 193

[FRL 1591-4; FAP 9H5202/R64]

## Fluridone; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This rule establishes a food additive regulation related to the experimental use of fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1*H*)-pyridinone) in lakes and ponds under the experimental use permit. This regulation was requested by Elanco Products Co. This rule will permit the use of fluridone in potable water while further data is collected on the pesticide.

**EFFECTIVE DATE:** August 28, 1980.

**ADDRESS:** Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M St. SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Richard Mountfort (202-755-1397) at the above address.

**SUPPLEMENTARY INFORMATION:** On January 19, 1979, a notice was published in the Federal Register (44 FR 5706) that Elanco Products Co., a Div. of Eli Lilly & Co., P.O. Box 1750, Indianapolis, IN 46206 had filed a food additive petition (FAP 9H5202). This petition proposed that 21 CFR Part 193 be amended by the establishment of a regulation permitting residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)-phenyl]-4(1*H*)-pyridinone) in potable water resulting from application of the herbicide to ponds and lakes in a proposed experimental program with a tolerance limitation of 0.1 part per million (ppm). This use was in accordance with the experimental use permit (1471-EUP-67) that was submitted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136). Under this experimental use permit, fishing, swimming, drinking, or other use of treated pond water is restricted for 150 days after application. No comments were received by the Agency in response to this petition.

Elanco Products Co. subsequently amended the petition by proposing that the food additive regulation permitting residues of fluridone be decreased to a limitation of 0.01 ppm.

The data submitted in this petition and other relevant material have been evaluated. The data submitted included

residue studies in fish and water; a rat oral toxicity study with a legal dose ($LD_{50}$) greater than 10,000 milligrams (mg)/kilogram (kg) of body weight (bw); a 90-day mouse feeding study with a no-observable-effect level (NOEL) of 30 ppm; a 90-day rat feeding study with a NOEL of 25 mg/kg/day.

Based on a 90-day rat feeding study and a 2,000 fold safety factor the acceptable daily intake (ADI) for humans is 0.0125 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.75 mg/day for a 60 kg person. No permanent tolerances for fluridone have been established. A temporary tolerance in fish of 0.1 ppm is also being established.

The proposed tolerance in water at 0.01 ppm based on an estimated daily water consumption of 1200 milliliters (ml) would have a theoretical maximal residue contribution (TMRC) of 0.12 mg/day. The temporary tolerance in fish at 0.1 ppm would contribute 0.0015 mg/day to the TMRC. The approximate TMRC would be 0.1215 mg/day which is 16.2% of the MPI.

The metabolism of fluridone is adequately understood, and an adequate analytical method (gas-liquid chromatography using electron capture detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerance is being sought. It has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued under FIFRA. Accordingly, a food additive regulation permitting residues of fluridone with a limitation of 0.01 ppm is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication in the Federal Register, file written objections with the Hearing Clerk, EPA, Rm. E-3708, (A-110), 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

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

Effective date: August 28, 1980.

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

Dated: August 20, 1980.

Edwin L. Johnson,

*Deputy Assistant Administrator for Pesticide Programs.*

Therefore, 21 CFR Part 193 is amended by establishing § 193.219 to read as follows:

**§ 193.219 Fluridone.**

Tolerance of 0.01 part per million is established for residues of the herbicide fluridone (1-methyl-3-phenyl-5-[3-(trifluoromethyl)phenyl]-4(1*H*)-pyridinone) in potable water. Such residues may be present therein only as a result of application of the herbicide fluridone to lakes and ponds under an experimental use program which expires August 20, 1981. This program is to be conducted by Elanco Products Co. Residues remaining in potable water after August 20, 1981, will not be considered actionable if the pesticide is legally applied during the term and in accordance with the provision of the experimental use permit and the food additive tolerance.

[FR Doc. 80-26417 Filed 8-27-80; 8:45 am]
BILLING CODE 6560-01-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 25 CFR Part 221

## Miscellaneous Indian Irrigation Projects; Annual Operation and Maintenance Charges

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this final regulation is to delete those parts that pertain to the San Carlos Reservation from § 221.105, Chapter 1, Subchapter T of Title 25 of the Code of Federal Regulations that are being replaced by a Public Notice to be published simultaneously with this regulation.

**EFFECTIVE DATE:** This regulation shall become effective October 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Norman Tippeconic, Superintendent, San Carlos Agency, San Carlos, Arizona 85550, telephone 602-475-2321.

**SUPPLEMENTARY INFORMATION:** Pursuant to § 191.1(e) of Part 191, Chapter 1, Subchapter T, of Title 25 of the Code of Federal Regulations, this final regulation is published under authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary for Indian Affairs to the Area Directors in 10 BIAM 3.

The principal author of this document is Thomas W. Neumann, Bureau of Indian Affairs, Phoenix, Arizona 85011, telephone 602-241-2285.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 385.

The final regulation shall read as follows:

### Miscellaneous Indian Irrigation Projects

**§ 221.105 Charges.**

Pursuant to the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered under the respective irrigation systems of the projects listed in this section are hereby fixed in the following amounts for non-Indian owned lands, Indian owned lands leased to non-Indians, and Indian owned and operated lands, for the calendar year 1981 and for each succeeding calendar year thereafter until further notice:

**Annual Per Acre Assessment**

| | Non-Indian-owned land | Indian-owned land leased to non-Indians | Indian-owned and operated land |
|---|---|---|---|
| Pyramid Lake | $20.00 | $20.00 | $1.00 |
| Warm Springs | 2.00 | 2.00 | 0 |

Note.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

George W. Knoll,

*Acting Assistant Area Director.*

[FR Doc. 80-26278 Filed 8-27-80; 8:45 am]
BILLING CODE 4310-02-M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Parts 124, 126, 161, and 164

[CGD 75-238]

## Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This document adopts the interim final rule for the notification requirements for vessels arrivals,

departures, hazardous conditions, and certain dangerous cargoes that was published on November 5, 1979 in the Federal Register with minor editorial changes that concern vessels on the Great Lakes. The interim final rule differed from the original proposal by enlarging the area on the Mississippi River where the regulations would apply and by changes to various reporting requirements. Interested persons were invited to comment on the interim rules and future changes have been made in response to the twenty-two comments received. These vessel movement notification requirements will provide the Captain of the Port with improved information on which to plan response activities to minimize hazards to the port or the marine environment.

**EFFECTIVE DATE:** December 5, 1979.

**ADDRESSES:** All comments and copies of the final evaluation are available for examination at the Marine Safety Council (G-CMC/TP24), Room 2418, U.S. Coast Guard Headquarters, Trans Point Building, 2100 2nd St., S.W. Washington, D.C. 20593. Normal working hours are 8:00 a.m. to 4:30 p.m., Monday through Thursday.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Virgil R. Allen, Office of Marine Environment and Systems, Room 1100, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 755-1354.

**SUPPLEMENTARY INFORMATION:** In the November 5, 1979 issue of the Federal Register (44 FR 63672) the Goast Guard published an interim final rule because it contained changes on which the public should have an opportunity to submit comments. No public hearing was held on the interim final rule which was effective on December 5, 1979.

### Drafting Information

The principal persons involved in drafting this rule are: Lieutenant Virgil R. Allen and Lieutenant David G. Dickman, Project Managers, Office of Marine Environment and Systems, and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

### Discussion of Comments

One comment noted that § 126.27 contained a misprint. That section dealt with a change to § 126.27(b)(8) and not (b)(7). Accordingly, that correction is made and included with this action.

Three comments requested that the provisions to update estimated times or arrival and departure include changes to schedule, times, or other required information. The Coast Guard recognizes that instances will arise where the required notices cannot be given within the required time frame. These situations are felt to be better handled under the waiver provisions of § 161.5 than by regulatory scheme, therefore no changes have been made.

One comment noted that a reference in Part 161.13(a)(5) which read "164.34" should read "164.35." This error has been corrected.

The Commander of the Ninth Coast Guard District has granted waivers from § 161.7 to U.S. and Canadian flag vessels, except tank vessels, which operate solely on the Great Lakes and suggests this exclusion be included in the regulations. Further, the District Commander has commented that the second sentence of § 161.9(b) is not needed inasmuch as this information is readily available to the Ninth Coast Guard district from other sources. Therefore, the exclusion for U.S. and Canadian flag vessels has been added to § 161.1(c). This addition does not require further rule making because it relieves a burden. The last sentence of § 161.7(b) has been deleted in concurrence with the District Commander's recommendation.

A comment was received that requested that the interim final rule be withdrawn because, the commenter contended, the consultation requirements of Subsection 12(b) of the Ports and Waterways Safety Act were not met. The Coast Guard has determined that the consultation requirements of Subsection 12(b) have been met because interested persons have been given many opportunities to participate in the formulation of these regulations. Besides having opportunity to comment on the notice of proposed rule making and the interim final rule, the Coast Guard held public hearings in Washington, D.C. on October 12, 1978 and in Houston, Texas on October 20, 1978. Therefore, the Coast Guard has determined that there are no grounds for withdrawal and has rejected the recommendation.

Several comments questioned the rationale for reporting barge movements below Mile 235 on the lower Mississippi River, above the head of passes. It is the position of the Coast Guard that, in order for the Captain of the Port (COTP) of a major port to have full knowledge of the potential vessel traffic problems in the port, all types of vessel traffic should be required to report. There is no doubt that the port of Baton Rouge, Louisiana, is a major port that is exposed to many types of vessels and extensive barge traffic. Continuous up-to-date arrival and departure information from barges carrying certain dangerous cargo is a necessity for the COTP and extending the applicability to Mile 235, above head of passes was a necessary step.

A few comments received did not concern those changes made in the "Interim rule" or were repetitious of those answered in the discussion of comments for the "Interim rule" and are, therefore, not germane to this action.

For purposes of simplification the term "Great Lakes" has been added to the definitions and used in § 161.9 in lieu of describing the area. These changes are editiorial in nature and do not require receiving comment prior to inclusion in this final rule.

This rule has been reviewed under the Department of Transportation's "Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979). A final evaluation has been prepared and is included in the public docket. This may be obtained as indicated in "Addresses."

In consideration of the foregoing, the Coast Guard adopts the interim final rule published in the November 5, 1979 issue of the Federal Register (44 FR 63672) with the changes discussed above. The complete text of the final rule is set forth below. Accordingly, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

## PART 124—CONTROL OVER MOVEMENT OF VESSELS [Revoked]

1. By revoking and reserving Part 124.

## PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

2. By revising § 126.05(b) to read as follows:

**§ 126.05 Designated waterfront facility.**

* * * * *

(b) "Facility of particular harzard" means a designated waterfront facility that is authorized to handle a cargo of particular hazard, as definded in § 126.10.

3. By adding a new § 126.10 to read as follows:

**§ 126.10 Cargo of particular hazard.**

"Cargo of particular hazard" means any of the following:

(a) Class A explosive as defined in 46 CFR 146.10-7 and 49 CFR 173.53.

(b) Oxidizing material or blasting agent for which a permit is required under 49 CFR 176.415.

(c) Large quantity radioactive material, as defined in 49 CFR 173.389(b), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.389(a)(3).

(d) The following cargoes when carried in bulk:

Acetaldehyde
Acetone Cyanohydrin
Acrylonitrile
Allyl Chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethyl Ether
Methane
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds Containing Lead Alkyls
Oleum
Phosphorous, Elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride
Vinyl Ethyl Ether

4. By revising § 126.27(b)(8) to read as follows:

**§ 126.27 General permit for handling dangerous cargo.**

* * * * *

(b) * * *

(8) A bulk shipment of a cargo of particular hazard, as defined in § 126.10(d).

## PART 161—VESSEL TRAFFIC MANAGEMENT

5. By adding a new Subpart A to Part 161 to read as follows:

### Subpart A—Notifications of Arrivals, Departures, Hazardous Conditions, and Certain Dangerous Cargoes

Sec.
161.1 Applicability and exceptions to applicability.
161.3 Definitions.
161.5 Waivers.
161.7 Notice of arrival: vessels bound for ports or places in the United States.
161.9 Notice of arrival: vessels bound from the high seas for ports or places on the Great Lakes.
161.11 Notice of arrival: vessels carrying certain dangerous cargo.
161.13 Notice of departure: vessels carrying certain dangerous cargo.
161.15 Notice of hazardous conditions.

Authority: Sec 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4).

**§ 161.1 Applicability and exceptions to applicability.**

(a) This subpart prescribes notification requirements for U.S. and foreign vessels bound for or departing from ports or places in the United States.

(b) This subpart does not apply to boats under the Federal Boat Safety Act of 1971 (46 U.S.C. 1451, et seq.) and, except § 161.15, does not apply to passenger and supply vessels when they are employed in the exploration for or in the exploitation of oil, gas, or mineral resources on the continental shelf.

(c) Sections 161.7 and 161.9 do not apply to the following:

(1) Each vessel of less than 1,600 gross tons.

(2) Each vessel operating exclusively within a Captain of the Port zone.

(3) Each vessel operating upon a route that is described in a schedule that is submitted to the Captain of the Port for each port or place of destination listed in the schedule at least 24 hours in advance of the first date and time of arrival listed on the schedule and contains—

(i) Name, country of registry, and call sign or official number of the vessel;

(ii) Each port or place of destination; and

(iii) Dates and times of arrivals and departures at those ports or places

(4) Each vessel arriving at a port or place under force majeure.

(5) Each vessel entering a port of call in the United States in compliance with the Automated Mutual Assistance Vessel Rescue System (AMVER).

(6) Each vessel entering a port of call in the United States in compliance with the U.S. Flag Merchant Vessel Locator Filing System (USMER).

(7) Each barge.

(8) Each public vessel.

(9) United States or Canadian flag vessels, except tank vessels or vessels carrying certain dangerous cargo, which operate solely on the Great Lakes.

(d) Sections 161.7, 161.11, and 161.13 apply to each vessel upon the waters of the Mississippi River between its mouth and mile 235, Lower Mississippi River, above Head of Passes. Sections 161.7, 161.11, and 161.13 do not apply to each vessel upon the waters of the Mississippi River between its source and mile 235, above Head of Passes, and all the tributaries emptying thereinto and their tributaries, and that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North.

**§ 161.3 Definitions.**

As used in this subpart:

"Agent" means any person, partnership, firm, company or corporation engaged by the owner or charterer of a vessel to act in their behalf in matters concerning the vessel.

"Carried in bulk" means a commodity that is loaded or carried on board a vessel without containers or labels and received and handled without mark or count.

"Certain dangerous cargo" includes any of the following:

(a) Class A explosives, as defined in 46 CFR 146.20–7 and 49 CFR 173.53.

(b) Oxidizing materials or blasting agents for which a permit is required under 49 CFR 176.415.

(c) Large quantity radioactive material, as defined in 49 CFR 173.389(b), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.389(a)(3).

(d) Each cargo under Table 1 of 46 CFR Part 153 when carried in bulk.

(e) Any of the following when carried in bulk:

Acetaldehyde
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Chlorine
Ethane
Ethylene
Ethylene Oxide
Methane
Methyl Acetylene, Propadiene Mixture, Stabilized
Methyl Bromide
Methyl Chloride
Phosphorous, elemental
Propane
Propylene
Sulfur Dioxide
Vinyl Chloride

"Great Lakes" means Lakes Superior, Michigan, Huron, Erie, and Ontario, their connecting and tributary waters, the Saint Lawrence River as far east as Saint Regis, and adjacent port areas.

"Hazardous condition" means any condition that could adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable water of the United States. This condition could include but is not limited to, fire, explosion, grounding, leakage, damage, illness of a person on board, or a manning shortage.

"Port or place of departure" means any port or place in which a vessel is anchored or moored.

"Port or place of destination" means any port or place to which a vessel is bound to anchor or moor.

"Public vessel" means a vessel owned by and being used in the public service of the United States. This definition

does not include a vessel owned by the United States and engaged in a trade or commercial service or a vessel under contract or charter to the United States.

"Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

**§ 161.5 Waivers.**

The Captain of the Port may waive, within that Captain of the Port's designated zone, any of the requirement of this subpart for any vessel or class of vessels upon finding that the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security.

**§ 161.7 Notice of arrival: vessels bound for ports or places in the United States.**

(a) The owner, master, agent or person in charge of a vessel on a voyage of 24 hours or more shall report under paragraph (c) of this section at least 24 hours before entering the port or place of destination.

(b) The owner, master, agent, or person in charge of a vessel on a voyage of less than 24 hours shall report under paragraph (c) of this section before departing the port or place of departure.

(c) The Captain of the Port of the port or place of destination in the United States must be notified of—

(1) The name and country of registry of the vessel;

(2) The name of the port or place of departure.

(3) The name of the port or place of destination; and

(4) The estimated time of arrival at the port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Captain of the port must be notified of the correction as soon as the change is known.

**§ 161.9 Notice of arrival: vessels bound from the high seas for ports or places on the Great Lakes.**

In addition to complying with the requirement of § 161.7, the owner, master, agent, or person in charge of a vessel bound from the high seas for any port or place of destination on the Great Lakes shall notify the Commander, Ninth Coast Guard District, at least 24 hours before arriving at the Snell Locks, Massena, New York of—

(a) The name and country of registry of the vessel; and

(b) The estimated time of arrival at the Snell Locks, Massena, New York.

**§ 161.11 Notice of arrival: vessels carrying certain dangerous cargo.**

(a) The owner, master, agent, or person in charge of a vessel, except a barge, bound for a port or place in the United States carrying certain dangerous cargo shall notify the Captain of the Port of the port or place of destination at least 24 hours before entering that port or place of—

(1) The name and country of registry of the vessel;

(2) The location of the vessel at the time of the report;

(3) The name of each certain dangerous cargo carried;

(4) The amount of each certain dangerous cargo carried;

(5) The stowage location of each certain dangerous cargo;

(6) The operational condition of the equipment under § 164.35 of this chapter;

(7) The name of the port or place of destination; and

(8) The estimated time of arrival at that port or place.

If the estimated time of arrival changes by more than six hours from the latest reported time, the Captain of the port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent or person in charge of a barge bound for a port or place in the United States carrying certain dangerous cargo shall report the information required in paragraph (a)(1) through (a)(8) of this section to the Captain of the Port of the port or place of destination at least 4 hours before entering that port or place.

**§ 161.13 Notice of departure: vessels carrying certain dangerous cargo.**

(a) The owner, master, agent, or person in charge of a vessel, except a barge, departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo shall notify the Captain of the Port or place of departure at least 24 hours before departing, unless this notification was made within 2 hours after the vessel's arrival, of—

(1) The name and country of registry of the vessel;

(2) The name of each certain dangerous cargo carried;

(3) The amount of each certain dangerous cargo carried;

(4) The stowage location of each certain dangerous cargo carried;

(5) The operational condition of the equipment under § 164.35 of this chapter;

(6) The name of the port or place of departure; and

(7) The estimated time of departure from the port or place.

If the estimated time of departure changes by more than six hours from the latest reported time, the Captain of the Port must be notified of the correction as soon as the change is known.

(b) The owner, master, agent, or person in charge of a barge departing from a port or place in the United States for any other port or place and carrying certain dangerous cargo shall report the information required in paragraph (a)(1) through (a)(7) of this section to the Captain of the Port of the port or place of departure at least 4 hours before departing, unless this report was made within 2 hours after the barge's arrival.

**§ 161.15 Notice of hazardous conditions.**

Whenever there is a hazardous condition on board a vessel, the owner, master, agent or person in charge shall immediately notify the Captain of the Port of the port or place of destination and the Captain of the Port of the port or place in which the vessel is located of the hazardous condition.

## PART 164—NAVIGATION SAFETY REGULATIONS

6. By revising § 164.53(b) to read as follows:

**§ 164.53 Deviations from rules and reporting: Non-operating equipment.**

* * * * *

(b) If the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly, the person directing the movement of the vessel must report or cause to be reported that it is not operating properly to the nearest Captain of the Port, District Commander, or, if participating in a Vessel Traffic Service, to the Vessel Traffic Center, as soon as possible.

(Sec. 2, 92 Stat. 1471 (33 U.S.C. 1221); 49 CFR 1.46(n)(4))

August 21, 1980.

R. H. Scarborough,

*Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[FR Doc. 80-26584 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-14-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

### 42 CFR Part 38

### Disaster Assistance for Crisis Counseling and Training

**AGENCY:** Public Health Service, HHS.

**ACTION:** Final technical amendments.

**SUMMARY:** These technical amendments delete from 42 CFR Part 38 language which repeats, or does not conform to, the provisions of 45 CFR Part 74 "Administration of Grants" and standardize certain language.

**EFFECTIVE DATE:** These technical amendments are effective August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Lee Cummings, Legal Assistant, Alcohol, Drug Abuse, and Mental Health Administration, Parklawn Building, Room 13C-06, 5600 Fishers Lane, Rockville, Maryland 20857, phone: 301/443-3200.

**SUPPLEMENTARY INFORMATION:** These technical amendments change regulations governing 42 CFR Part 38 (Disaster assistance for crisis counseling and training) promulgated November 26, 1976 (41 FR 52052) by conforming certain provisions to 45 CFR Part 74 pertaining to the administration of HEW grants. Previously, because 45 CFR Part 74 applied only to grants to State and local governments, individual program regulations such as 42 CFR Part 38 contained requirements for the administration of grants to entities other than State and local governments. On August 2, 1978, HEW expanded the applicability of 45 CFR Part 74 to include grants to entities other than State and local governments. The purpose of these technical amendments is to delete those provisions pertaining to the administration of grants from 42 CFR Part 38 which duplicate 45 CER Part 74, and to standardize certain other provisions.

HHS has determined that the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable, because those procedures are unnecessary. This determination is based upon the fact that these amendments neither impose new requirements upon grant recipients nor relieve them from existing requirements. The amendments merely remove requirements that duplicate the requirements of 45 CFR Part 74 and express existing requirements in clear, uniform language.

Accordingly, 42 CFR Part 38 is amended as set forth below.

(Catalog of Federal Domestic Assistance Program No. 13.982.)

Dated: April 10, 1980.

Julius B. Richmond,

*Assistant Secretry for Health.*

Approved: July 14, 1980.

Patricia Roberts Harris,

*Secretary.*

42 CFR Part 38 is amended as follows:

Paragraphs (b), (c), and (d) of § 38.5 are revised; paragraphs (e) and (f) are deleted, and paragraphs (g) and (h) are redesignated as new paragraphs (e) and (f) to read:

**§ 38.5 Grant assistance.**

* * * * *

(b) *Application.* The application shall contain:

(1) A proposed plan for the provision of the services for which grant assistance is requested;

(2) A proposed budget for the expenditure of the requested grant funds; and

(3) Such other pertinent information and assurances as the Secretary may require.

(c) *Grant Awards.*

(1) Preference will be given, to the extent feasible and practicable, to those public and private nonprofit agencies and organizations which are located or do business primarily in the area affected by the major disaster.

(2) Within the limits of the funds advanced by the Administrator, the amount of any grant award shall be determined on the basis of the Secretary's estimate of the sum necessary to carry out the grant purpose.

(3) Neither the approval of any application nor the award of any grant commits or obligates the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved application or portion of an approved application.

(d) *Other HHS regulations that apply.* Several other regulations apply to grants under this part. These include but are not limited to:

45 CFR Part 16. HHS grant appeals procedures

42 CFR Part 50, Subpart D. PHS grant appeals procedures

45 CFR Part 74. Administration of grants

45 CFR Part 75. Informal grant appeals procedures (indirect cost rates and other cost allocations)

45 CFR Part 80. Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—Effectuation of Title VI of the Civil Rights Act of 1964

45 CFR Part 81. Practice and procedure for hearings under Part 80

45 CFR Part 84. Nondiscrimination on the basis of handicap in federally assisted programs

45 CFR Part 86. Nondiscrimination on the basis of sex in federally assisted programs

45 CFR Part 91. Nondiscrimination on the basis of age in federally assisted programs

(e) *Expenditure of grant funds.* Any funds granted pursuant to this part shall be expended solely for the purposes for which the funds were granted in accordance with the approved application and budget, the regulations of this part, the terms and the conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(f) *Reports.* In exceptional circumstances, a grantee may be required to submit special progress reports, in addition to those otherwise required, relating to the conduct and results of the approved grant.

[FR Doc. 80-26468 Filed 8-27-80; 8:45 am]

BILLING CODE 4110-88-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Public Land Orders 5742, 5750

[A-9590]

### Arizona; Cancellation of Public Land Order No. 5742; Withdrawal of Forest Lands for Red Mountain Geologic Area

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order will withdraw 1,907.87 acres of national forest lands in the Coconino National Forest for a period of 20 years from the operation of the mining laws for protection of the Red Mountain Geologic Area.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority contained in Section 204 of the Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5742 of July 29, 1980, FR Doc. 80-23469, appearing at page 51787 in the August 5, 1980, issue of the Federal Register is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining

laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for preservation of a unique geologic area for scientific research.

Coconino National Forest

*Red Mountain Geologic Area*

Gila and Salt River Meridian

T. 25 N., R. 5 E.,
Sec. 20, S½N½ and S½;
Sec. 21, lots 3 to 8, inclusive, and W½SE¼;
Sec. 28, W½E½ and W½;
Sec. 29, all.

The areas described aggregate 1,907.87 acres in Coconino County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

*Assistant Secretary of the Interior.*

August 20, 1980.

[FR Doc. 80-26315 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## 43 CFR Public Land Orders 5743, 5751

[A-9291]

## Arizona; Cancellation of Public Land Order No. 5743; Withdrawal of Forest Lands for Elden Environmental Study Area

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order will withdraw approximately 778 acres of national forest lands in the Coconino National Forest for a period of 20 years from the operation of the mining laws to protect the Elden Environmental Study Area.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mario L. Lopez, Arizona State Office 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5743 of July 29, 1980, FR Doc. 80-23472, appearing at pages 51787 and 51788 in the August 5, 1980, issue of the Federal Register is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an environmental study area in aid of programs of the Department of Agriculture:

Coconino National Forest

*Elden Environmental Study Area*

Gila and Salt River Meridian

T. 21 N., R. 7 E.,
Sec. 1, S½;
Sec. 2, lots 7 and 8, and SW¼ (less 14.25 acres in HES 86), and S½SE¼.
T. 21 N., R. 8 E.,
Sec. 6, lots 6 and 7, NE¼SW¼, NW¼SE¼SW¼, and N½SW¼ SE¼SW¼;
Sec. 7, lot 7.

The areas described aggregate approximately 778 acres in Coconino County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

*Assistant Secretary of the Interior.*

August 20, 1980.

[FR Doc. 80-26318 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## 43 CFR Public Land Orders 5744 and 5749

[A-8684]

## Arizona; Cancellation of Public Land Order No. 5744; Withdrawal for Forest Research Natural Area

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order will withdraw approximately 560 acres of national forest lands in the Coronado National Forest for a period of 20 years from the operation of the mining laws for research purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5744 of July 29, 1980, FR Doc. 80-23470, appearing at page 51788 in the August 5, 1980, issue of the Federal Register is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and are reserved for a research natural area:

Goudy Canyon Research Natural Area

*Gila and Salt River Meridian*

Coronado National Forest

Beginning at a point from which the Webb Peak Triangulation Station bears N. 89°32'03"E., 4,360.94 feet; thence N. 44°45'W., 1,076.09 feet; thence N. 06°47'W., 627.04 feet; thence N. 32°58'W., 325.59 feet; thence S. 89°30'W., 279.39 feet; thence S. 19°38'W., 771.86 feet; thence S. 49°27'W., 846.67 feet; thence S. 76°40'W., 2,143.79 feet; thence S. 20°59'W., 4,860.15 feet; thence S. 02°06'E., 896.89 feet; thence S. 48°46'E., 1,199.12 feet; thence N. 80°22'E., 2,506.74 feet; thence N. 14°20'E., 3,915.43 feet; thence N. 37°41'E., 2,686.98 feet to the point of beginning.

This tract, when surveyed, will probably be located within sections 25, 35, and 36, Township 8 South, Range 23 East, and section 30, Township 8 South, Range 24 East.

The area described aggregates approximately 560.00 acres in Graham County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

*Assistant Secretary of the Interior.*

August 20, 1980.

[FR Doc. 80-26319 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## 43 CFR Public Land Orders 5745, 5748

[M-39381]

### Montana; Cancellation of Public Land Order No. 5745; Withdrawal of National Forest Lands for Selway-Bitterroot Wilderness Trailhead Facility and Recreation Area

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws approximately 80.72 acres of national forest land for a recreation area and trailhead facilities into the Selway-Bitterroot Wilderness Area.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Dan Stark, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 5745 of July 31, 1980, FR Doc. 80-23883, appearing at page 52382 in the August 7, 1980, issue of the Federal Register is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C. Ch. 2), for a trailhead facility into the Selway-Bitterroot Wilderness Area:

Lolo National Forest

*Principal Meridian*

T. 11 N., R. 21 W.,
Sec. 6, West 660 feet of lot 3, East 1,000 feet of lot 4, and East 1,000 feet of lot 5.

The area described contains 80.72 acres in Missoula County.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

*Assistant Secretary of the Interior.*

August 20, 1980.

[FR Doc. 80-26320 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## 43 CFR Public Land Orders 5746, 5747

[R-1663]

### California; Cancellation of Public Land Order No. 5746; Withdrawal for National Forest Recreation and Administrative Sites

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws 789.97 acres of national forest lands from the mining laws for recreation and administrative sites in the Inyo National Forest.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Marie Getsman, California State Office, 916-484-4431.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2751, 43 U.S.C. 1714), it is hereby ordered as follows:

1. Public Land Order No. 5746 of July 31, 1980, FR Doc. 80-23882, appearing at pages 52382 and 52383 in the August 7, 1980, issue of the Federal Register is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

Inyo National Forest

*Mount Diablo Meridian*

June Lake Loop Recreation Area, Rush Creek Campground

T. 1 S., R. 26 E.,
Sec. 33, E½SW¼SW¼, W½SE¼SE¼.
T. 2 S., R. 26 E.,
Sec. 4, W½ of Lot 1, E½ of Lot 2, SW¼NE¼, NW¼SE¼NE¼, NE¼SE¼NW¼, S½SE¼NW¼, NE¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, N½NW¼SE¼, SW¼SW¼, W½SE¼SW¼;
Sec. 5, SE¼SE¼SE¼;
Sec. 8, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, SE¼SW¼NE¼;
Sec. 9, W½W½NW¼, NE¼NW¼NW¼.

June Lake Beach

T. 2 S., R. 26 E.,
Sec. 1, lot 5;
Sec. 2, S½ of lot 5.

Silver Lake Campground

T. 2 S., R. 26 E.,
Sec. 8, E½ of lot 1, W½ of lot 2, E½NW¼SE¼, W½NE¼SE¼, N½NE¼NE¼SE¼.

Oh! Ridge Viewpoint

T. 2 S., R. 26 E.,
Sec. 12, lot 1.

Gull Lake Campground

T. 2 S., R. 26 E.,
Sec. 14, N½SW¼SW¼;
Sec. 15, E½E½ of lot 2.

Lone Pine Creek Recreation Area, Whitney Portal

T. 15 S., R. 34 E.,
Sec. 35, S½SE¼NE¼, SE¼SW¼NE¼, E½NW¼SE¼;
Sec. 36, E½SW¼NW¼NE¼, SE¼NW¼NE¼, W½SW¼NE¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼.

Lone Pine

T. 15 S., R. 35 E.,
Sec. 29, S½N½SE¼, N½S½SE¼.

The areas described aggregate approximately 789.87 acres in Inyo and Mono Counties.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

4. This withdrawal shall remain in effect for a period of 20 years from the date of this order.

Guy R. Martin,

*Assistant Secretary of the Interior.*

August 20, 1980.

[FR Doc. 80-26316 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

## 44 CFR Part 70

[Docket No. FEMA-5712]

### National Flood Insurance Program; Letter of Map Amendment for the City of Aurora, Colo.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Aurora, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Aurora, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within

the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 080002 Panels 0015A and 0020A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 8 through 13, Block 6; Lots 15 through 18, Block 10; Lots 21 and 22, Block 11; and Lots 1 through 8, Block 12, Brookvale Subdivision, Filing Number 2, Aurora, Colorado, recorded as Reception Number 1754661, Book 35, Pages 15 and 16, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080002 Panels 0015A and 0020A are hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on June 1, 1978. These lots are in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 [33 FR 17804, November 28, 1968], as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator.)

Issued: July 24, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26333 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

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## 44 CFR Part 70

[Docket No. FEMA-5712]

## National Flood Insurance Program; Letter of Map Amendment for the City of Arvada, Colo.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arvada, Colorado. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arvada, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 085072A Panel 03, published on October 23, 1979, in 44 FR 61024, indicates that Lots 33, 34, and 37 through 42, Ralston Valley, Filing Number 1; Lots 12 through 18, 53 through 75, 77, 78, 99, 117 through 121, 136 through 142, and 157 through 159, Ralston Valley, Filing Number 2; and Lots 1 through 3, 57 through 76, 79 through 99, 169 through 171, 188 through 202, and Tracts B, C, E, and F, Ralston Valley, Filing Number 5, Arvada, Colorado, recorded as Reception Number 715630 in Book 47, Page 25; Reception Number 739280 in Book 47, Page 67; and Reception Number 78042227 in Book 55, Page 28, respectively, in the Office of the Clerk and Recorder, Jefferson County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 085072A Panel 03 is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on April 23, 1976. These properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 24, 1980.

Francis V. Reilly,

*Acting Federal Insurance Administrator.*

[FR Doc. 80-26332 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

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## 44 CFR Part 70

[Docket No. FEMA-5712]

## National Flood Insurance Program; Letter of Map Amendment for St. Tamany Parish, La.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Tamany Parish, Louisiana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Tamany Parish, Louisiana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 225205A Panels 62 and 63, published on October 23, 1979, in 44 FR 61021, indicates that the portion of Drainage District No. 4, located West of the W-14 Main Diversion Canal, St. Tamany Parish, Louisiana, as established by Ordinance No. 812, adopted by the Police Jury of St. Tamany Parish, Louisiana, on May 18, 1978, is within the Special Flood Hazard Area.

Map No. H & I 225205A Panels 62 and 63 is hereby corrected to reflect that the above mentioned property, with the exception of the areas designated for Drainage Servitude as shown on the Servitude Plan, Drainage District No. 4, by J. J. Krebs & Sons, Inc., dated December 27, 1979, is not within the Special Flood Hazard Area identified on September 17, 1976. This property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 29, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26331 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

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## 44 CFR Part 70

**[Docket No. FEMA-5712]**

## National Flood Insurance Program; Letter of Map Amendment for St. Charles County, Mo.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20411, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 23, 1979, in 44 FR 61024, indicates that Lots 8, 10, and 48, Southgate Plat One, St. Charles County, Missouri, as recorded in Book 20, Page 47 and 48, in the Office of the Recorder, St. Charles County, Missouri, are within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that Lot 48 of the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This lot is in Zone c.

Map No. H & I 290315 Panel 0250A is also corrected to reflect that the existing structures on Lots 8 and 10 of the above mentioned property are not within The Special Flood Hazard Area identified on September 15, 1978. These structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 24, 1980.

Francis V. Reilly,

*Acting Federal Insurance Administrator.*

[FR Doc. 80-26330 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

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## 44 CFR Part 70

**[Docket No. FEMA-5712]**

## National Flood Insurance Program; Letter of Map Amendment for the City of Tulsa, Okla.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Tulsa, Oklahoma. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Tulsa, Oklahoma, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood

insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 405381D Panel 131, published on October 23, 1979, in 44 FR 61021, indicates that Lot 21, Pecan Acres Addition, Tulsa, Oklahoma, recorded as Document Number 298725 in Book 3658, pages 554 and 555, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 131 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This lot is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator)

Issued: July 24, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26329 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

## National Flood Insurance Program; Letter of Map Amendment for the Unincorporated Area of Arlington County, Va.

**AGENCY:** Federal Insurance Administration.

**ACTION:** Final rule.

**SUMMARY:** The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Unincorporated Area of Arlington County, Virginia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Unincorporated Area of Arlington County, Virginia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 or Toll Free Line (800) 424-8872.

**SUPPLEMENTARY INFORMATION:** If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H&I 515520 A, Panel No. 08, published on October 23, 1979, in 44 FR 61012, indicates that the two structures numbered as Building No. 1529 and Building No. 1521/1525, George Mason Village, Unincorporated Area of Arlington County, Virginia, as recorded in Deed Book 1973, Pages 1741 and 1742, in the Office of the Clerk of the Circuit Court of Arlington County, Virginia, are located within the Special Flood Hazard Area.

Map No. H&I 515520 A, Panel No. 08, is hereby corrected to reflect that the existing Building No. 1529 and Building No. 1521/1525 located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 31, 1976. Building No. 1529 is in Zone B and Building No. 1521/1525 is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 24, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26328 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

# DEPARTMENT OF TRANSPORTATION

## Coast Guard

46 CFR Part 44

[CGD 79-142]

## Special Service Load Line Vessels: Operation During the Hurricane Season

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending its regulations which place limitations upon the operation of merchant vessels assigned special service load lines. Under previous regulations, these vessels were effectively prohibited from operating during hurricane season on the Southeast Atlantic and Gulf Coasts. The amended regulations will permit such operation provided the vessel complies with a heavy weather operating plan filed with and approved by the Coast Guard.

**EFFECTIVE DATE:** This amendment is effective on September 29, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald L. Ewing, Office of Merchant Marine Safety (G-MMT-5/12), Room 1206, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-2187.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking concerning this amendment was published in the Federal Register on April 21, 1980 (45 FR 26722). Interested persons were invited to submit comments on the proposal by June 5, 1980. Two comments were received from sources outside of the Coast Guard. Both of these favored the proposal's adoption. The Coast Guard is issuing it as a final rule without change.

**Drafting Information**

The principal persons involved in drafting this amendment are Mr. Donald L. Ewing, Project Manager, Office of Merchant Marine Safety, and Mr. Coleman Sachs, Project Counsel, Office of the Chief Counsel.

This amendment has been reviewed and determined to be nonsignificant under the Department of Transportation's Regulatory Policies and Procedures published on February 26, 1979 (44 FR 11034). A final evaluation has been prepared and included in the public docket. This may be obtained from the Marine Safety Council (G-CMC/24), Coast Guard Headquarters, Washington, D.C. 20593, (202) 755-4901.

In consideration of the foregoing, Part 44 of Title 46, Code of Federal Regulations is amended as set forth below.

1. By revising § 44.01-12(b) (2) and (3) to read as follows:

**§ 44.01-12 Voyage limits; special service.**

* * * * *

(b) * * *

(2) Southeast Atlantic Coast—from Key West, Florida, to Jacksonville, Florida, except that the special service load line is not valid for manned vessels during the hurricane season, i.e., July 1st to November 15th, both dates inclusive, unless the vessel is operated in accordance with a Coast Guard approved heavy weather plan.

(3) Gulf of Mexico Coast—from the mouth of the Rio Grande River, Texas, to Key West, Florida, except that the special service load line is not valid for manned vessels during the hurricane season, i.e., July 1st to November 15th, both dates inclusive, unless the vessel is operated in accordance with a Coast Guard approved heavy weather plan.

* * * * *

2. By adding a new § 44.01-13 to read as follows:

**§ 44.01-13 Heavy weather plan.**

(a) Each heavy weather plan under § 44.01-12(b) must be prepared by the vessel owner or operator and approved by the cognizant Officer in Charge, Marine Inspection. Approval of a heavy weather plan is limited to the current hurricane season.

(b) The cognizant Officer in Charge, Marine Inspection, is—

(1) The Officer in Charge, Marine Inspection, within whose area the work site is located for a vessel that will be operating in a limited geographical area; or

(2) The Officer in Charge, Marine Inspection, within whose area the point of departure is located for a transiting vessel.

(c) The required content of the heavy weather plan is determined on a case-by-case basis by the cognizant Officer in Charge, Marine Inspection, based on knowledge of the local conditions. The heavy weather plan may contain weather radio frequencies and time schedules for seeking a harbor of safe refuge. A single heavy weather plan may be accepted for more than one vessel operating at a single work site or on a single route.

(d) The vessel owner or operator must place a copy of the heavy weather plan on each vessel to which it applies and ensure that it remains there throughout the hurricane season.

(46 U.S.C. 88a, 49 CFR 1.46(b))

Dated: August 20, 1980.

Henry H. Bell,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.*

[FR Doc. 80-26421 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-14-M

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## Research and Special Programs Administration

## 49 CFR Part 193

**[Amdt. 193-1; Docket OPSO-46]**

## Liquefied Natural Gas Facilities; Reconsideration of Safety Standards for Siting, Design, and Construction

**AGENCY:** Materials Transportation Bureau (MTB), DOT.

**ACTION:** Final rule.

**SUMMARY:** Final rules were issued on the siting, design, and construction of Liquefied Natural Gas (LNG) facilities on January 30, 1980. In response to petitions for reconsideration, MTB is amending several sections of the final rules. These amendments are: (1) To clarify that any subsequent changes in "existing LNG facilities," as defined by the Pipeline Safety Act of 1979, including expansion of capacity, if made pursuant to an application for approval filed before March 1, 1978, would not be subject to Part 193 siting requirements; (2) to provide that the Director will respond within 90 days to a petition for finding or approval unless the petitioner is otherwise notified; (3) to exclude "pipeline facilities" of the operator from thermal radiation protection requirements; (4) to clarify the vaporization rate for a design spill from a transfer line that penetrates an LNG storage tank below its liquid level; (5) to require the Director's approval for siting LNG storage tanks in certain areas of high seismic activity; (6) to modify the criteria for identification of a high seismic area, where the Director's approval for siting an LNG storage tank is required; (7) to make only impounding systems for LNG storage tanks subject to requirements relating to penetration by wind borne missiles; (8) to establish a 200 mph wind speed as an upper limit in designing for wind forces; (9) to clarify that any ultraviolet decay of insulation must not be detrimental to the insulation; (10) to clarify that only valves for use in controllable emergencies must have powered local and remote operating capabilities; (11) to clarify the dimensions required for dikes; and (12) to provide that only LNG storage tanks must meet the protection requirements for shared impoundment. MTB has also amended the scope of Part 193 to be consistent with the siting provisions of the memorandum of understanding with the U.S. Coast Guard, amended the definition of "LNG facility" to be consistent with the definition of this term in the Pipeline Safety Act of 1979; and changed the title and scope of Subpart B to refer to "Siting Requirements."

**EFFECTIVE DATES:** Because this document clarifies or relaxes requirements currently in effect, it is advantageous for industry to begin compliance without delay. Therefore, the final rules are effective August 28, 1980. In addition, the recordkeeping requirements of §§ 193.2119 and 193.2329, and any recordkeeping requirements incorporated by reference in Part 193, adopted as final rules in 45 FR 9184, become effective September 29, 1980.

**FOR FURTHER INFORMATION CONTACT:** Walter Dennis, (202) 426-2392.

**SUPPLEMENTARY INFORMATION:** Final rules were published February 11, 1980, establishing standards for the siting, design, and construction of LNG facilities (45 FR 9184) in a new Part 193. These standards were issued under the Natural Gas Pipeline Safety Act of 1968, as amended by Title I of the Pipeline Safety Act of 1979 (49 U.S.C. 1671 et seq.)(the Act).

Earlier regulatory actions preceding issuance of the final rules were: (1) An advance notice of proposed rulemaking (ANPRM) (42 FR 20776, April 21, 1977), (2) A notice of proposed rulemaking (NPRM) (44 FR 8142, February 8, 1979), (3) A conference with Western LNG Terminal Associates (Western) *et al.*, held in Washington, DC, on April 24 and 25, 1979, and (4) a meeting of the Technical Pipeline Safety Standards Committee (TPSSC) held in Cambridge, Massachusetts, on June 12–15, 1979.

After the final rules were issued, the American Gas Association (AGA), Interstate Natural Gas Association of America (INGAA), and Western filed petitions for reconsideration of certain provisions in the new standards under 49 CFR Part 106. In aggregate, the petitions apply to 22 specific provisions, appearing in 16 separate sections of Part 193. Also, Western requests reconsideration of the final rules on the basis of several procedural issues.

Following receipt of the petitions for reconsideration, in accord with MTB procedures in 49 CFR 106.37, MTB sought comments on the petitions from several interested parties. Persons who commented on specific features of the petitions, either solicited or unsolicited, were:

Ted Stevens, U.S. Senator from Alaska (Stevens);
Harold T. Johnson, U.S. Representative from California (Johnson);
Robert B. Duncan, U.S. Representative from Oregon (Duncan);
The State of Alaska (Alaska);
Hollister Ranch Owners Association (Hollister);
Santa Barbara Citizens for Environmental Defense (Citizens);
Bixby Ranch (Bixby);
Sierra Club (Sierra);
James F. Devine, Acting Assistant Director of Engineering Geology, U.S. Geological Survey (Devine);
Federal Energy Regulatory Commission Staff (FERC); and Dr. Nathan M. Newmark, Consulting Engineering Services, (expert witness on seismic design for Western) (Newmark).

Except for FERC, which addressed all aspects of the petitions, the comments focused mainly on the prohibition under § 193.2061(f) against siting LNG facilities in certain areas of high seismic activity.

Both the petitioners and some commenters reference testimony given at the conference with Western *et al* in April, 1979, by expert witnesses, Newmark:

Dr. Robert D. Hanson, Chairman, Department of Civil Engineering, University of Michigan, (Hanson); and
Dr. Richard Jahns, Dean, School of Earth Sciences, Stanford University, (Jahns).

The disposition of the petitions together with the reasons for granting or denying aspects of the petitions or the basis for other decisions and the resulting amended rules follow:

General

In Part III of its petition (Parts I & II are discussed hereafter), Western asks that MTB reconsider several procedural issues and objections relating to this proceeding. While some of these matters have already been specifically answered by MTB, Western raises them to preserve its future rights in the event of court action. A brief response to each of these issues and objections follows.

*A. Analysis or Evaluation*

Western argues that a "Regulatory Analysis" instead of an "Evaluation" should have been prepared because the final rules will result in substantial compliance costs for the LNG industry and perhaps significantly impact consumer costs. Under the applicable Departmental procedures (43 FR 9582, March 8, 1978), a Regulatory Analysis is required for regulations that could result in a major effect on the general economy in terms of costs, consumer prices, or production, or could result in a major increase in costs or prices for individual industries, levels of government, or geographic regions. An Evaluation is required for all other regulations. Using figures from the Final Evaluation, the total annualized costs of the final rules to build from 6 to 64 facilities range from $8.4 million to $17.4 million yearly over a 20-year period. Even though Western characterizes these costs as "substantial," by any reasonable measure (there is none given in the procedures) they are not high enough to cause a "major effect" either on the general economy or the regulated LNG industry. Therefore, MTB's preparation of an Evaluation was proper under the Departmental procedures.

*B. Conclusions of the Evaluation*

The Final Evaluation concluded that eight sections in Part 193 have costs that exceed benefits. Western argues that adoption of these sections as final rules disregards the cost/benefit conclusions and makes the rules unreasonable and impracticable. This argument is equivalent to saying that MTB may not adopt a rule unless it is proven to be cost beneficial. Neither Executive Order 12044 nor the Departmental procedures support such a conclusion. There are many factors to be considered in deciding whether a rule should be adopted, of which compliance costs in comparison to quantifiable benefits is but one. Other factors include the need for the rule, the safety objectives to be attained, the effectiveness of the rule, the burdens it imposes, and its technical feasibility. Certainly no one of these factors should be determinative of reasonableness as Western suggests. Furthermore, MTB did not disregard the cost/benefit conclusions. A discussion of the need for the rules in light of the conclusions is included in the preamble to the final rules for each affected section.

*C. Sufficiency of Economic Data*

Western asserts that the data regarding the economic impacts of the final rules were insufficient for MTB to properly analyze the economic effects or consider alternatives. Although this assertion is made without foundation or examples of deficiencies, it is important to note that Departmental procedures do not require that any particular methodology be used in making an economic analysis. The use of a particular methodology, including the data for analysis, is left to the discretion of the agency concerned, subject, of course, to public scrutiny at the draft stage. MTB notes that Western did not raise this point when the Draft Evaluation was available for comment.

*D. Advisory Committee Review*

Western charges that MTB's handling of the advisory committee review of the proposed rules as required by section 4 of the Act was irregular in several respects: (1) The Committee lacked full membership, (2) The Committee's views were obtained, in part, by letter ballot rather than through direct discussion, and (3) MTB did not submit to the Committee for consideration proposed rules that, after their initial submission to the Committee, were later modified in a manner not approved by the Committee. MTB finds nothing in either section 4 of the Act or the Committee charter that would lend merit to any of Western's charges. The charter specifically authorizes Committee action by a majority of current members present and by letter ballot in lieu of discussion. The full intent of section 4 of the Act was met when MTB submitted all the proposed LNG rules to the Committee for review, and the Committee openly considered them at a 4-day meeting (June 12–15, 1979). Section 4 specifically permits MTB to make a final decision on proposed rules, after considering Committee views and explaining why any views are not adopted. After an initial review by the Committee, to return to the Committee for further comment in the mandatory sense suggested by Western would be

equivalent to unlawfully relinquishing the final decisionmaking role to the Committee, since MTB could, under those conditions, never independently make a final rule.

*E. Statutory Decisionmaking Factors*

Western states that the final rules are defective because the record contains no evidence that MTB took into consideration in prescribing the rules the several factors listed in section 6(d) of the Act, particularly "the need to encourage remote siting." To the contrary, the final rules contain numerous specific provisions relating to the section 6(d) factors. For example, remote siting is an option available to operators in complying with the exclusion zones required by sections 193.2057 and 193.2059. Also, in this regard, the preamble to the April 21, 1977, advance notice discussed the need for safety standards based on different population densities, and the Evaluation analyzes the remote siting alternative. The safety advantages of "remote siting" are essentially obtained by compliance with the exclusion zone provisions, without incurring such potential drawbacks as poor positioning relative to existing pipelines, gas markets, or navigational needs.

*F. Advisory Committee Advice*

Under section 4 of the Act, MTB must give reasons for rejecting the views of the advisory committee upon a proposed rule. Western makes a general allegation that MTB has failed to meet this requirement with regard to proposed rules for which the Committee issued an unfavorable report. This is incorrect. For the most part, MTB adopted the views of the Committee in issuing the final rules and thus, there was no need to explain its position vis-a-vis that of the Committee. Where Committee views were not adopted, the reasons for rejection were given in the preamble to the final rules.

*Section 193.2005 Applicability.*

The purpose of this section is to distinguish between new and existing LNG facilities regarding the application of Part 193 standards affecting siting, design, or construction (including installation, initial inspection, or initial testing). In Part II of its petition, Western argues that in section 193.2005(b)(1), MTB has acted contrary to section 6(c)(1) of the Act by imposing new siting standards on existing LNG facilities.

Section 6(c)(1) of the Act forbids the application of new Federal LNG safety standards affecting design, location, installation, construction, initial inspection, or initial testing to an "existing LNG facility," although standards which do not affect location may under certain conditions (relating to compatibility or practicability) be applied to any "replacement component or part thereof" put in service after the standards are issued. The term "existing LNG facility" is defined by section 2(14) of the Act as any LNG facility for which an application for approval of the siting, construction, or operation was filed before March 1, 1978, with a particular Federal, State or local agency. Standards for the siting, design, and construction of any "new LNG facility" are authorized by section 6(a) of the Act; and a "new LNG facility" means any LNG facility other than an existing LNG facility.

Excepted from the meaning of "existing LNG facility" is any facility the construction of which begins on or after November 30, 1979, where the construction is pursuant to an approval initially applied for on or after March 1, 1978, in the form of an amendment to a pre-March 1, 1978, application. Under the Act, such a facility falls within the meaning of a "new LNG facility," and is therefore subject to siting, design, and construction standards for new LNG facilities authorized by section 6(a) of the Act. The intent of this exception can be illustrated using the applications filed with the Federal Energy Regulatory Commission (FERC) and its predecessor organization seeking approval for the construction and operation of an LNG facility on Staten Island, New York.

- November 1973—Application filed for a Certificate of Public Convenience and Necessity to construct and operate an LNG facility at Staten Island. Docketed as CP 74–122.
- March 1979—Amendment to CP 74–122 filed seeking authorization to operate the Staten Island facility as a peak shaving facility (using one of two 900,000 gallon storage tanks) and to construct and operate a liquefaction unit at the facility.
- February 1980—Amendment to CP 74–122 filed seeking authorization to use both of the facilities' 900,000 gallon storage tanks and existing vaporization and compressor equipment. Amendment also sought approval to construct and operate a liquefaction unit (twice the capacity of the unit filed for in the March 1979 amendment) and more vaporization units.

None of the above filings have yet been the subject of approval of FERC.

In applying the Act's definitions to the facilities subject to approval under CP–74–122, only those facilities for which approval of the siting, construction, or operation was applied for in the November 1973 filing would be considered "existing LNG facilities." In accordance with the Act's exception to the definition of "existing LNG facility," the facilities for which initial approval of the siting and construction was applied for in the March 1979 and February 1980 filed amendments would be considered "new LNG facilities," and therefore subject to the siting, design, and construction standards issued under section 6(a) of the Act.

Section 193.2005(b)(1) provides that if an existing LNG storage tank is relocated or its storage capacity is increased through replacement or significant alteration, the relocation tank, replacement tank, or significantly altered tank must meet the siting requirements of Part 193. Western argues that this provision is unauthorized because section 6(c)(1) of the Act forbids regulation of the siting of an existing LNG facility, including "any subsequent activity" that occurs with respect to the facility. Western supports this argument by referring to the plain meaning of section 6(c)(1) and its express prohibition against applying standards that affect location to any replacement of an existing facility, and by a somewhat liberal reading of the legislative history. From its reading of legislative history, Western infers that Congress did not intend to subject any reconstruction of an existing LNG facility to siting standards.

MTB does not dispute the basic premise of Western's argument, that nothing about an existing LNG facility may be regulated from a siting standpoint. In adopting this policy, Congress obviously recognized the virtual impracticability of retroactively applying new siting standards to facilities already built or under construction and, as indicated by the legislative history, the unfairness and delays that would result if siting standards were applied to facilities for which applications for approval had been pending since at least before March 1, 1978. Congress was also concerned that these existing facilities not be hindered from making needed replacements, but that the replacements be safe. Therefore, under section 6(c)(1)(B) Congress granted limited regulatory authority over the design and construction of replacements to existing LNG facilities, but specifically disallowed regulation of replacements to existing LNG facilities from a siting standpoint. We do believe, however, that Western has neglected to give recognition to the fact that the Act's definitions of "LNG facility," "existing LNG facility," and "new LNG facility"

presuppose the possibility of a system of LNG facilities functioning as a unit, being composed of new and existing LNG facilities and also the possibility that certain relocation, reconstruction, or modification of an existing LNG facility makes the resulting facility a "new LNG facility."

For Western's argument to hold, relocated or enlarged facilities must be considered "existing LNG facilities" under section 6(c)(1). The relocated or enlarged facility would, under the statutory definition of "existing LNG facility," have to be one for which approval of the siting, construction, or operation was applied for before March 1, 1978. While we admit the possibility that a pre-March 1, 1978, application might have sought approval of subsequent relocation or enlargement activity, where it did not, such relocation or enlargement activity would need be the subject of an initial application for approval filed on or after March 1, 1978. As such, in applying the exception clause to the Act's definition of "existing LNG facility" (discussed earlier), the resulting relocated or enlarged facility would be a "new LNG facility" for which siting standards are authorized.

This reasoning, relied on in adopting § 193.2005(b)(1), is further supported by a statement from H. Rep. No. 96-201, Part 1, 96th Cong., 1st session (1979) at Page 24. At this point in its discussion of the authority to regulate existing LNG facilities, the House Committee on Interstate and foreign Commerce says:

> Standards for existing facilities are to be directed toward operational procedures only, including considerations such as the number of operators and security measures. They [standards for existing facilities] should not apply to any reconstruction or substantial modification of an existing LNG facility, which would result in a substantial increase in capacity. Such reconstruction or modification would render that facility subject to the rules promulgated for new LNG facilities, but only with respect to such reconstruction or modification. The original portion of the facility would remain "existing" but the reconstructed, modified or expanded portion would be "new".

This statement of the legislative history shows that any reconstruction activity that goes beyond mere replacement-in-kind of an existing facility to the extent that capacity is increased makes the resulting facility a new LNG facility. While the Committee continues its discussion by giving as an example of a new facility the construction of a third storage tank at a site where two had existed previously, it is important to note that the same result could be achieved (although impractically) by tearing down the original two tanks and rebuilding them to larger sizes.

Although we do not agree with Western that an existing facility remains an existing facility for purposes of section 6(c)(1) regardless of the changes it may undergo, we do concede that any subsequent construction for which approval was applied for before March 1, 1978, (even expansions of capacity) would fall within the meaning of "existing LNG facility." As currently drafted, § 193.2005(b)(1) does not reflect this distinction; and it is, therefore, changed to apply only to later modifications of existing LNG facilities that are not made pursuant to an original pre-March 1, 1978, application for approval. In addition, the term "replacement" is deleted to avoid the misunderstanding that its meaning includes reconstruction of a storage tank when storage capacity is increased, since such reconstruction would result in a new LNG facility.

*Section 193.2007 Definitions. "Fail-safe".*

AGA and INGAA petitioned to change the definition of "fail-safe" by deleting the word "component" and changing "control device" to "control signal." Thus for example, a "fail-safe" design of a shut-off valve would relate only to loss of power supply or control signal to the valve. In support of the change, both petitioners contend that a fail-safe design to account for a component failure as the present definition states is not possible. Also, they argue that a component can only assume a preplanned condition and that the definition would require all components to have fail-safe designs. Additionally, INGAA asserts that internal parts of valves cannot be designed or made "fail-safe," and feels that MTB does not intend that "every" component be designed to be fail-safe.

In response to the petitions, FERC comments that since the only substantive requirement for fail-safe design applies to automatic shutoff valves (§ 193.2125), the inclusion of "component" in the fail-safe definition is appropriate.

MTB adopted the present definition of "fail-safe" in response to comments on the NPRM. The broader term "component or component part" in the NPRM was changed to "component or control device" in the final rule. This change was precisely in accordance with the wording recommended by AGA and the TPSSC. INGAA made no recommendation in response to the NPRM.

Concern expressed by the petitioners that all components are required to be fail-safe because of the word "component" in the definition is not warranted. The Part 193 definitions do not by themselves impose any requirements. Rather, they are used to assist in applying the substantive rules of Part 193. The definition of "fail-safe" applies only where fail-safe designs are prescribed for specific components by substantive rules in Part 193 (e.g., § 193.2125). More important, the concept of "fail-safe" in the context of long scientific and engineering understanding is more broadly applicable than to loss of power or control signals. It applies to any malfunction of a part or system for which corrective action is needed in order to maintain a safe operation. In the case of a valve subject to § 193.2125, some internal parts would have to have a fail-safe design. For example, a diaphragm actuator may be designed to open or close a valve, as desired, in the event of diaphragm failure. Similarly, the inner valve designs may provide for the valve to close or open in the event of shaft failure from erosion or uncoupling, and instrument controls may be selected to perform appropriately in the event of loss of power, plugged bleed orifices, or linkage failure. A reaction only to loss of power or control signal does not adequately cover the intended fail-safe concept. Therefore, in accordance with the above discussion and FERC's position, the present wording of the definition of "fail-safe" is retained without change.

*Section 193.2015 Petitions for finding or approval.*

This section sets forth procedures that an operator must follow in requesting the Director of MTB to make findings or grant approvals as authorized by Part 193. To ensure that MTB has adequate time to respond to individual requests, the procedures require that they be submitted at least 90 days before the finding or approval is needed. AGA and INGAA argue that this provision does not commit MTB to act within a definite time frame, and that operators need to know when action will be taken on requests. Although implied by the current rule, MTB agrees that its policy to respond within 90 days should be clearly stated. At the same time, under some circumstances a period longer than 90 days may be needed. Therefore, § 193.2015 is revised to provide that within 90 days after requests are received, operators will be notified either of the action taken on requests or, in cases where the request requires more extensive consideration or where additional data or comments are

requested and delay is expected, the date by which MTB anticipates action will be taken.

*Section 193.2057(a)(1) Thermal Exclusion Zone (targets).*

This section requires safe separation distances between impounding systems and certain targets for purpose of thermal radiation protection, not including targets that an operator uses as LNG facilities. In its petition, INGAA sought to except from the rule, all operator's facilities by changing the term "LNG facility" to "facility." INGAA asserted that pipe storage, maintenance yards, and other non-LNG pipeline facilities should not be subject to the separation distances.

In opposing INGAA's proposal, FERC considered the present wording to be sufficiently flexible, and argues that housing provided by an operator might not be protected from thermal radiation under the suggested change.

MTB feels the term "facility" as proposed by INGAA would open a door for broad exclusions. Concern expressed by FERC regarding operator-owned housing is in general accord with MTB's view. Housing, general office buildings, recreational facilities, or other targets not considered "pipeline facilities" should clearly not be excepted from thermal radiation protection. However, as presently written, the final rule excepts only pipeline facilities that are "LNG facilities." The MTB believes that other pipeline facilities of the operator, since they are of similar risk and purpose, should be excepted. Also, to not except them would create an undue compliance burden in situations where an operator uses common grounds for its LNG and non-LNG pipeline facility operations.

Accordingly, MTB has modified this section to except "pipeline facilities." Thus, a thermal radiation exclusion zone of an LNG facility does not apply with respect to other pipeline facilities of the operator.

*Section 193.2057(a)(2) Thermal Exclusion Zone (drainage channels).*

Proposals to provide a different method than required by § 193.2057(c)(1) to determine exclusion distances for elongated drainage channels were submitted by each of the petitioners. The proposals suggested that a modified method be used when the length to width ratio of a channel exceeds 4 to more realistically approximate the thermal zone from a burning elongated pool of liquid.

Each of the petitioners proposed a different method and asserted that the results of its proposed method would be conservative and either technically correct or more representative. None provide substantiation, either in the form of a logically derived detailed derivation or supportive test data. Each method generally produces different results for a given set of conditions.

In determining an exclusion distance "d" under § 193.2057 (b) and (c), INGAA recommended that an impoundment area (A) be calculated using an assumed length(l) of 4 times the width(w). This assumed value would be used to determine "d" from the formula $d=(f)(A)^{0.5}$ and to determine flame length (L) under paragraph (b)(4), in the formula $(L)=6(A/\pi)^{0.5}$.

AGA also recommends that "d" and (L) would be determined from an assumed value (A). However, AGA would calculate the assumed (A) using an assumed diameter of 4 times surface area divided by the surface perimeter.

While Western recommends use of the same formula proposed by AGA to determine an assumed (A), Western advocates using the assumed (A) to determine only the flame length (L).

In response to the petitions, FERC essentially supported the method recommended by AGA but proposed an additional provision to assure that impounding spaces associated with such drainage channels meet all other requirements of this section. In argument, FERC expressed only the view that a reduction (in the resulting exclusion distance) would be appropriate for drainage channels.

Using a 10-foot wide channel with varying lengths for comparing results under the § 193.2057 method for calculating exclusion distance ("d") to results under the proposed methods shows the following:

1. For a 40' x 10' channel, all methods would result in "d" equaling f(20). In the case of public streets, for example where § 193.2057(d) provides for (f)=(1.1), "d" would be 22 feet.

2. For a 41' x 10' channel, "d" would be—

- 22.2 feet under § 193.2057
- 22 feet under INGAA's proposed method
- 29 feet under AGA's proposed method

3. For a 1000' x 10' channel "d" would be—

- 110' under § 193.2057
- 22 feet under INGAA's proposed method
- 35 feet under AGA's proposed method

As can be seen, the INGAA method results in a constant 22-foot exclusion distance no matter what the channel length. While the sudden 7-foot increase in exclusion distance for only a one-foot increase in channel length under the AGA method is not believed to be warranted for safety reasons, MTB seriously questions the adequacy of a 35-foot exclusion distance for a 1000-foot channel length.

The proposed methods of determining an assumed (A) would reduce flame length (L) in amounts proportionate to changes effected in "d." Reductions in (L) would tend to further reduce the safe separation distance between an impoundment system and targets. Whether this reduction would be significant is dependent on other parameters, such as topography, impoundment dimensions, and type of targets.

Incident thermal radiation from any unshielded source point in a flame pattern diminishes with the square of the distance from the source. Energy absorption by the atmosphere further reduces intensity with increasing distance. Therefore, MTB agrees with the implicit view of petitioners that a formula different from the one in § 193.2057(c)(1) would probably be appropriate for an elongated fire field, because incident thermal flux from its more distant source points could be considerably less than incident flux from source points of an equidimensional fire field. This problem was addressed by MTB in the NPRM. However, the proposed point source equation that was to have been applied to the problem received much inconsistent but adverse comment. An alternate methodology was not promulgated in the final rule because (a) response to the NPRM proposal regarding elongated impoundment was generally negative; (b) corroborative test data for elongated impoundment was not known to be available; (c) current thermal radiation data and analysis is imprecise; (d) a need for a specific rule for elongated impoundment was not demonstrated, in that unreasonable exclusion distances resulting from the general method prescribed would be infrequent; and (e) the final rule included in paragraph (c)(2), provisions for the use of new test methods.

The methods recommended by petitioners are not substantiated by either corroborative data or analytical derivation and cannot be logically supported. Also, the methods do not consider the changing intensity of incident flux at equidistant locations along the major and minor axes of a fire field.

The apparent source of the AGA and Western proposal is equation (F-15) in the AGA report IS-3-1. The author, Welker, does not provide either supportive data or derivation for (F-15). Moreover, the formula is proposed only for use in determining flame height by

Thomas' correlation, not for use with the incident flux equation for distance $(d)=(f)(A)^{0.5}$. Of greatest importance, the equation (F–15), is clearly proposed for use only if impoundment is "reasonably regular," that is, the ratio is "not more than" 4 to 1. An irregular flame base is discussed on Page C–69 of IS–3–1. Here a 2 to 1 ratio is suggested as the limit for equating areas. Clearly, application of the formula recommended by AGA and Western and supported by FERC does not appear to have a valid basis for use with elongated impoundment having a ratio greater than 4 to 1.

INGAA's proposal appears to be an effort to simplify. Its evident basis is an assumption that two separate fires, in a channel, separated by a space that is 4 channel widths in length, would not emit thermal radiation to a target on an orthogonal line passing 2 widths away from the end of each fire. Clearly, this is not valid and is the antithesis of safety, particularly in view of the downwind spread of vapor before ignition occurs, potential for multiple fires once a major fire occurs, and the high levels of incident flux permitted under the rule.

Section 193.2057(c)(2) provides for the use of new methods, if adequately substantiated, to determine thermal protective distance. As mentioned above, emissive flux from a channel was a factor in adopting this provision. In view of this feature and the foregoing discussion, a change in the rule is unjustified without appropriate substantiation. Present wording, therefore, is retained as written.

*Section 193.2057(b)(4)(i) Measurement of flame length "L".*

Only INGAA proposed a change to this section: It would delete the clause defining impoundment area (A) by measurement at the "lowest point along the top inside edge of the dike" and replace it with a clause prescribing that (A) be based only on the volume spilled before spilling is shut off by automatic systems (INGAA uses the term "maximum potential spill" to describe this volume). Such a change results in (A) being the area of a sump, rather than the total area of impounding space available to contain a spill. In this section, area (A) is used to determine (L), a length to account for flame height in the equation $(L)=6(A/\pi)^{0.5}$. INGAA's only support for its proposal is that use of the larger value for (A), as set forth in the final rule, would tend to discourage "drain-to-sump impoundment design" and that this design "should provide the most favorable safety aspects in case of an LNG spill."

In responding to the INGAA proposal, FERC expresses the view that MTB's use of design spills under § 193.2059 for vapor dispersion appears inconsistent with use of "full tank spills" for the thermal radiation protection. The MTB approach was said to be valid, however, given the greater potential for destruction from a fire close to storage tanks. Commenting that a significant reduction in thermal exclusion zone would result if an exclusion distance were based on sump design, FERC disagreed with INGAA's proposal.

The latest edition (1979) of NFPA 59A provides that thermal radiation protection be based on impoundment of a total spill for targets such as outdoor assembly of 50 or more persons, residences and certain buildings such as penal and educational structures, and "a property line which can be built upon." In the case of such property lines, protective distance would be further increased if a lower level of incident flux (3000 instead of 10,000 BTU/ft.$^2$-hr.) could result from a design spill. Each of these NFPA 59A design spill provisions is more stringent than INGAA's proposal.

Foremost for public safety, the paramount safeguard is containment of a spill. If a spill is not confined, it will spread. Vapor dispersion distance will increase and leakage into underground systems may occur, with results similar to those experienced in Cleveland, Ohio.

The Part 193 standards are designed to minimize the possibility of catastrophic failure. However, the possibility cannot be completely eliminated. Because of this possibility, some provisions to mitigate the otherwise very severe consequences of such an event must be retained. For example, standards relating to impoundment design and capacity are predicated on the premise that a catastrophic failure resulting in a full pool of LNG could occur.

Ignition and fire have greater expectancy than vapor dispersion with a large spill. On-site ignition sources are common. A spill that results in vapor dispersion may subsequently be ignited, whereas the opposite is not expectable. Therefore, fire and consequent thermal radiation is more likely to occur as the result of a spill than extensive vapor dispersion.

Sump basins to contain a small spill of flammable liquid or LNG were proposed respectively in the ANPRM and NPRM. In response to comments, this proposed requirement was dropped in the final rules. However, sumps are most effective in controlling fires from small spills and thereby serve to protect the operator's equipment. They are required in impounding systems for water collection purposes under § 193.2171. Capacity for holding small LNG spills can be provided at little or no additional cost. Therefore, the MTB disagrees with INGAA's assertion that prudent operators will be dissuaded from installing sumps unless the prescribed thermal exclusion zone is reduced by permitting a shortened flame length.

Moreover, even given an absolute assurance that a spill size would be small, much of the impoundment space surface area may be wetted from a postulated discharge and flow to a sump basin. This aspect would clearly affect thermal radiation because of fire size in the same way it affects vapor dispersion due to contact surface area and resulting vaporization rate. Thus, even if thermal radiation were to be based on a less-than-catastrophic-failure design spill, use of the sump area, as suggested by INGAA, in determining a safe exclusion distance would produce an inadequate thermal exclusion zone.

The prescribed thermal exclusion zone is not based on a full tank spill, as stated by FERC, since a spill large enough to cover the impounding space floor would result in essentially the same level of thermal radiation as a total spill. Therefore, considering: (a) The likelihood of a fire in the event of a spill; (b) the need to provide for a major or catastrophic spill since it cannot be ruled out; (c) that maximum harm is most likely during the first moments after ignition; and (d) that thermal radiation hazard would be nearly alike for various sizes of spills, § 193.2057(b)(4)(i) is retained in its present form.

*Section 193.2057(d)(6) Limiting values for incident radiant flux on offsite targets.*

This section establishes a protective distance between the impounding system for each LNG container or LNG transfer line and the operator's "property line," based on a maximum allowable incident radiant flux at the property line of 10,000 BTU/ft$^2$ hour. The rule is intended to provide a minimum level of protection against thermal radiation for persons who may be near an LNG facility outside its property line, such as on trails or in small recreation areas, for which safe separation distances are not otherwise required by § 195.2057(d).

AGA, INGAA, and Western argue that this requirement is impossible to meet for marine cargo transfer systems, since they must approach and cross an operator's property line at the shoreline. Western is also concerned that sea water vaporizers would have to be

located further away from an unfrequented beach area than necessary for safety.

As stated in the preamble to the NPRM, MTB adopted the "property line" requirement with some modification from an existing NFPA 59A provision. this requirement and the NFPA provision can be interpreted, however, to refer to the right-of-way for a facility. The term "right-of-way" and not "property line" is used in the definition of "pipeline facility," and, in turn, "LNG facility". Although MTB agrees with the petitioners that a safe distance from a "property line"—using the term in its ordinary sense—cannot be provided for transfer lines that must cross a property line, this impossibility does not exist for distances between such a facility and its right-of-way. For these reasons, § 193.2057(d)(6) is amended by substituting "right-of-way" for "property line."

MTB does not agree with Western that § 193.2057(d)(6) should be further amended to exclude sea water vaporizers. Although some additional piping and pumping costs might result when such vaporizers are located further away from the shoreline (reduced cost for LNG and gas piping could be more than offsetting), there are no overriding compliance considerations as in the case of marine cargo transfer systems, and persons who may be near the facilities should be afforded every reasonable protection.

*Section 193.2059(d)(1)(i) Flammable vapor-gas dispersion protection (design spill time criteria).*

This paragraph prescribes a design vaporization rate for a spill into an impounding system serving an LNG container or LNG transfer system. The design rate is based on a presumed failure of LNG transfer piping, with additional time for piping that penetrates an LNG storage tank either above or below the liquid level. This vaporization rate is used in determining the design combustible gas dispersion distance.

Each of the petitioners requests that the minimum spill time of 10 minutes not be required for attended cargo transfer operations (transfers between a storage tank and a tank vehicle or marine vessel), arguing that a minimum time is unreasonable on top of the existing requirement in § 193.2439 that transfer piping have an automatic shutdown control system, and the proposed requirement in § 193.1117 (Notice 5; Docket No. OPSO-46) that cargo transfer operations be continuously monitored by personnel. In addition, for penetrations below the liquid level, all petitioners would eliminate the prescribed additional time for liquid head to equilibrate with that in impoundment (or otherwise reach the penetration level). This additional time for side or bottom penetrations of LNG storage tanks is viewed as unreasonable since § 193.2195(c) requires an internal shut-off valve that would have to have a fail-safe design under § 193.2125, making a prolonged spill from a tank unreasonable to assume. AGA also argues that as a maximum, the spill time should not be longer than the time required by NFPA-59A.

FERC disagrees with the petitions regarding the 10-minute minimum, stating that in actual practice, a time lapse between emergency notification and shutdown has been demonstrated. Also, FERC points out that § 193.2439(c) permits a reasonable delay in automatic shutdown time between alarm and shutdown to provide for a manual response and adds that any delay in leak detection would further increase shutdown time.

MTB disagrees with petitions to eliminate the 10-minute minimum for cargo transfer systems that are monitored or constantly attended and equipped for shutdown as required by § 193.2439. In furtherance of the concerns raised by FERC that delays in emergency response can occur, the attention of an attendant may be diverted due to other events, he may be slow to respond due to the normally quiescent nature of plant operation, or he may fail to respond effectively because of unfamiliarity with the problem or the trauma of a first time real life LNG emergency. Also, the requirements of § 193.2439 are not a satisfactory safety substitute for the 10-minute minimum design spill, because each sensor or component part would have to function properly in a possibly adverse environment during an emergency to assure a lesser shutdown period. Functional failure of any part of a control system or by an attendant would probably result in dispersion distance extending far beyond the design exclusion zone boundaries, with the attendant potential for severe consequences.

Thus, MTB believes the 10-minute spill time is necessary to account for any variety of conditions that can result in delay of shutdown. Further, the 10-minute time was adopted for consistency with the long standing NFPA 59A requirement for containers with top penetrations, perhaps an even safer situation than presented by cargo transfers.

Similar to the above discussion about § 193.2439, control of vapor dispersion from a tank impoundment should not be dependent on the operation of an internal valve required by § 193.2195, even though a fail-safe design is prescribed. Unlike top penetrations, where LNG spillage will passively terminate when power is cut off since the boiling liquid will not siphon, the internal valve is not a passive device. It clearly is part of an active control system which requires transmission of a control signal, correct response to the signal, and liquid tight closure of the valve. An active system is inherently less safe, since some positive action is required. If the petitions for removal of equilibration time were granted, the level of stringency would be the same for top, side, and bottom penetrations, yet safe control of vapor dispersion would rely on the operation of an internal valve that cannot be readily inspected or tested. The MTB believes this active system is not an adequate substitute for the current spill provision. Accordingly, the petitions to reduce the level of stringency for side and bottom penetrations to the same level required for top penetrations are denied.

Paragraph 2-2.3.3(c) of 59A provides for a one hour design spill limit for penetrations in storage tanks below the liquid level that are fitted with internal valves when surveillance and shutdown provisions are acceptable to the authority having jurisdiction. AGA argued that adopting this provision would encourage sub-diking. MTB believes this conditional one hour limit would have little effect, since in those cases where sub-diking could limit the design dispersion distance, appropriate design with a sub-diking arrangement probably could provide for about the same distances whether or not the spill time is limited to one hour. Also, where sub-diking may be encouraged, top penetrations would be discouraged.

MTB believes that encouragement of sub-diking to reduce dispersion distance does not justify an increased risk to the public from the potential dispersion of combustible vapor beyond exclusion zone boundaries if the internal valve fails to operate when needed within a one-hour time period. Therefore this alternate petition is denied, also.

However, some potential for misinterpretation of this requirement in the final rule has become apparent to MTB. Therefore, wording has been changed to clarify that the design spill is considered to continue under the condition of a failed shutoff valve until either liquid equilibration occurs, or until the liquid level in the tank falls below the tank penetration.

*Section 193.2061(f) Seismic investigation and design forces (prohibitions).*

This section prohibits locating LNG storage tanks where a site investigation shows that very high seismic activity could occur. By precluding the construction of facilities in areas where seismic predictability and design accommodation may be beyond the state of the art, the rule precludes the likelihood of a catastrophic or uncontained spill. If an operator believes that state-of-the-art capability can be demonstrated, an operator may apply to the Director for a waiver of the prohibition. Under this section, highly seismic areas are identified as those:

(1) Within one mile of an estimated differential displacement exceeding 60 inches on a Quaternary fault;

(2) Where estimated design acceleration exceeds 0.8g; or

(3) Where the potential for soil liquefaction cannot be accommodated.

*The Issues*

There are two basic issues addressed in the petitions for reconsideration. One is the appropriateness of adopting an absolute exclusionary rule like § 193.2061(f) for locating LNG storage tanks. The other is the validity of the fault-at-one-mile criteria to identify a highly seismic area where special government attention is required before a facility may be built.

*First Issue; Petitions and Comments*

With respect to the first issue, each of the three petitioners argues that outright prohibition should be eliminated in favor of a case-by-case government approval process for siting LNG facilities in identified highly seismic areas. The petitioners argue that prohibition is unreasonble and not in the public interest, considering energy supply and the availability of acceptable sites. AGA and INGAA contend that the regulations should require either compliance with specific conditions, or a demonstration to MTB of design safety by the operator. Knowledge of specific characteristics of the fault is necessary to justify prohibition according to Western. It cites the testimony at the April 1979 conference of Devine, Newmark, Jahns, and Hanson for support. The petitioners do not view the opportunity to seek a waiver from the prohibition as a favorable regulatory framework within which to plan and seek financing for new facilities.

In its remarks filed in support of Western, Alaska says the "prohibition" is an "aberational and inconsistent" provision in Part 193, since all other provisions have flexibility for balancing construction costs against the hazards of a location. In view of Alaska's special interest in LNG production and consequently in the availability of marketing terminals, it argues that States should be permitted to balance public health and safety with energy supply and economics.

Stevens and Johnson also advocated reconsideration favoring the petitioner's position against exclusionary seismic standards. Stevens thought that, otherwise, Alaska would be impaired in helping to offset the energy shortage. He also expressed support for Alaska's position on the matter.

Johnson expressed concern that exclusionary seismic provisions might block an LNG plant in California and plant expansion at Western's Point conception site. He concluded that design which could accommodate the seismic conditions should be available, and that the standards should provide for such judgment, but not reduce safety.

Western further argues against MTB's statement that commenters failed to substantiate that design can accommodate severe earthquakes by referring to testimony by Newmark and Jahns that dams and other structures have withstood seismic events according to design. Western also says that, according to Newmark, any probable earthquake could be accommodated by design, if there were no cost constraints. Also, Western contends that tests performed in connection with construction of facilities have demonstrated tolerance of severe seismic forces. Regarding MTB's reasoning that prohibition in highly seismic areas is in the public interest because consequences of a severe earthquake are so significant, Western again argues that experts say proper design will preclude adverse consequences, that other redundant safety standards in Part 193 (impoundment and exclusion zones) will protect the public, and that a spill at a remote site would not endanger the public even with total tank failure from an earthquake.

FERC expressed unqualified support of all of MTB's reasons for prohibition. More critically, FERC observed that no experience (even with dams) or testing has shown that LNG storage tanks have tolerance for faulting.

Comments in support of the exclusionary approach were received from Sierra, Bixby, Hollister and Citizens. In commenting on seismic features of the petitions, Sierra urged rejection, saying such changes would emasculate the final rule and are contrary to the public interest. Support of the MTB rationale as well as the content of § 193.2061(f) is expressed. The prohibition is considered to be necessary by Sierra because of the unpredictability of both the faulting, itself, as well as the effects of faulting in a geologically active area. Bixby, Hollister, and Citizens point out that the petitioners continue to ignore the opportunity for seeking a waiver. Since this administrative procedure is readily available, they say modification of the rule is unwarranted. These commenters also underscore Western's admission that the issues are repetitious. Since the rules have been extensively reviewed, they argue, the petitions should be dismissed.

*MTB's Disposition of First Issue*

Contrary to allegations by Western, other provisions in Part 193, such as requirements for vapor dispersion, thermal radiation, and diking, will not assure public protection if a design seismic event is exceeded. For vapor dispersion, the exclusion zone is sized to accommodate only a piping failure, rather than a catastrophic tank failure. And if diking fails, resulting in an uncontained spill, none of the basic safeguards would be sufficient. Thus, provisions exceeding the requirements of Part 193 would be necessary to assure public safety if seismic overload resulted in catastrophic failure.

Construction tests that demonstrate tolerance for severe seismic forces, as alleged by Western, are not prescribed in the final rules. FERC states there are no such tests. Higher pneumatic and full hydrostatic tests of tanks, proposed in the NPRM, could have demonstrated tolerance for some level of dynamic loading from earthquakes and wind. Other proposed requirements in the ANPRM could have provided information for post evaluation of seismic loads and stress levels. However, these proposed requirements were vigorously opposed by commenters on the ANPRM and were not adopted in the final rules. Nevertheless, there are tests and instrumentation which could demonstrate certain levels of tolerance to earthquake forces. Any reliance on such forms of demonstration should be made as part of a governmental review process.

The statement, attributed by Western to Newmark, that without cost constraint, any probable earthquake could be accommodated by design, appears to contradict Newmark's comment that designs for differential displacements larger than 2 or 3 feet require extensive study and research. Even if accommodation by design for

extreme seismic events is possible, the principal concern is the uncertainty in predicting the nature and magnitude of the event to be accommodated.

MTB imposed the prohibition under § 193.2061(f) because of the high degree of inherent uncertainty in determining the features of a causative geology and predicting seismic effects, particularly near-field activity; and the dearth of reliable technology for structural designs to accommodate very high seismic action. Comments by Devine and FERC, expert testimony referenced by Bixby and others, and extensive technical literature bear out MTB's concerns relating to geologic and seismic uncertainties. Seismic evaluations done at Point Conception, that show a difference in earthquake energy release of about 30 to 1, emphasize this concern. Newmark; comments by Bixby, Hollister and Citizens on expert testimony; research sponsored by the National Science Foundation; and technical literature point out that more extensive study and research are needed for structural designs to accommodate large differential surface displacements.

Accordingly, in adopting § 193.2061(f), MTB took the view that little could be gained by review and approval by the Director, where adequate technology is likely to be unavailable for making sound technical judgments. However, with respect to the issue of whether outright prohibition is an appropriate regulatory approach, MTB upon reconsideration has determined that modification of the opening clause of § 193.2061(f) to provide for a case-by-case approval would be more appropriate for the following reasons: First, although an approval process is basically only a procedural variation of the prohibition/waiver approach, it provides a more favorable atmosphere within which to seek authority to build a new LNG storage tank. The safety and technical issues and background information to be considered would be the same as in a waiver proceeding, and the matters to be considered can be specified by regulation. Secondly, lead time can be controlled, permitting more timely go/no-go decisions. Thirdly, the specter of the prohibition/waiver process could reflect unfavorably on an otherwise desirable site having compensating safety features. Finally, considering the nation's energy demands, a case-by-case approval approach would establish a procedural route within the regulations for siting a high risk energy facility without foreclosing in advance any particular site. Thus, § 193.2061(f) has been revised to adopt, in part, the petitioners' request by eliminating the outright prohibition. Rejection or approval of a site relative to the risk created by high seismic activity is made subject to evaluation by the Director, as requested by petitioners.

In responding to a request for approval made under § 193.2061(f), MTB contemplates that the decision process would include submitting the request and supporting data to an ad hoc panel for evaluation and recommendations. This DOT chaired panel would, at a minimum, be composed of individuals representing the State(s) and localities most directly concerned with the proposed site and private and Federal government experts on seismic investigation and design force matters. The panel's report and recommendations would be part of the record of proceedings on the approval application and made available for public comment in advance of the Director's decision.

*Second Issue; Petitions and Comments (Exclusion Distance)*

With respect to the second issue—whether a one mile distance from a Quaternary fault with 60 or more inches of displacement is an appropriate indicator of a highly seismic area—AGA and INGAA proposed identical changes in § 193.2061(f)(1). Addressing the "one mile separation" aspect of this issue, the word "beneath" would replace the words "within one mile" so as to restrict the identifying criteria to a 60-inch Quaternary differential fault displacement beneath the tank foundation. Elimination of the one mile separation was also proposed by Western. However, Western seeks to modify the language describing the triggering criteria to "60 inches of differential surface displacement of a seismogenic Quaternary fault beneath the tank foundation."

AGA and INGAA contend that the only effect from a fault on a tank that is separated by one mile or any other distance will be from acceleration. Therefore, they assert, only differential fault displacement beneath the tank is applicable to identifying a high seismic risk. Also, AGA together with Western urge deletion of the one mile criterion on the basis that at shoreline sites, proof that faulting is within precribed limits is very difficult. They say that present geophysical methods necessary for offshore investigation cannot provide the required accuracy. Western goes on to comment that the 60 inches of displacement, which it proposed in response to the NPRM, was to have applied at tank location rather than at a one mile distance. Therefore, they assert use of the 60-inch criteria in conjunction with a one mile exclusion distance is unjustified.

In rebuttal to MTB's rationale in the preamble that uncertainties about future faulting and fault splays justify the one mile zone, Western argues that it is invalid to conclude that the area within one mile of a Quaternary fault is unsafe without considering whether the fault is "seismogenic" (could it produce an earthquake). Western contends that further seismic examination and design by experts is a more appropriate regulatory approach. Western also rebuts MTB's statement in the preamble that the final rule was developed with the assistance of Devine and his testimony. With reference to the public hearing in April 1979, they quote Devine as saying that one mile could not cover all unsafe situations and may be either over or under conservative, and that a determination of fault size, ongoing displacement, or surrounding faults and relative displacement on each are necessary. Western concludes that MTB cannot say that Devine is supportive of the final rule and contends that there is no evidence in the record to support the one mile criterion.

Commenting on the issues, Newmark supports the position of the petitioners regarding deletion of the one mile criterion. He proposes language that, except for the amount of displacement, is identical with the language used by AGA and INGAA. The location of the fault displacement is proposed to be changed from "within one mile" to "beneath" the tank foundation. However, no explanation is given for this proposal, or about the uncertainties associated with predicting near-field seismic activity. Newmark merely asserts that "an arbitrary distance to faults regardless of their size and probability of slip is unrealistic and arbitrary."

Misgivings about the one mile criterion were also indicated by Devine in his comments as well as his testimony. However, he points out that a fault trace is not likely to be known with the certainty necessary to assure that the next movement on the fault will not result in differential ground displacement at some distance from the known fault trace, or trace of last movement. Devine feels this factor supports exclusion zones. This factor is not acknowledged by the petitioners.

FERC disagrees with assertion by AGA and INGAA that a fault not directly beneath a component presents only an acceleration problem. FERC cites a number of features that must be acknowledged in earthquake design: (1) Liquefaction, subsidence, and tilting are

potential problems regardless of distance from a fault; (2) faulting on a single continuous fault surface is rare; (3) new faulting, particularly when close to existing faults, cannot be ruled out; (4) the effects of shaking, when close to a fault, cannot be reasonably predicted, even when directional effects are ignored; and (5) directional effects, as shown by the 1979 Santa Barbara event, can be substantial.

FERC also takes exception to comments by AGA and Western that lack of accuracy in data on offshore faults would preclude shoreline locations. This, they say, is an invalid reason to eliminate an otherwise valuable restriction because if faults could not be discovered by state-of-the-art geotechnical investigation, the site would be acceptable.

Sierra, Bixby, Hollister and Citizens generally support the one-mile exclusionary zone, but indicate that, if anything, a more stringent standard is called for.

Considering the unpredictability of both the potential for faulting and its effects, Sierra feels that the one mile criterion is inadequate. In support of this view, the testimony of Hanson given at the April 1979 MTB conference is referenced. In the testimony he stated that one mile separation from significant faults would not be enough to prevent tanks from being located over a serious fault, and claimed that two or three miles would be a better standard. To exemplify, Sierra alleges that an ever increasing number of faults have been discovered over several square miles at Point Conception, California, as a result of ongoing investigations. The USGS Open File Report No. 80-229 (March 1979, at 16) is referenced for substantiation. The Report is said to conclude that the faults found so far are "structurally inseparable elements of a regional system of severe faults."

Bixby also refers to Hanson's testimony. He is quoted as recommending an exclusionary zone of two to three miles for thrust faults and one mile as a national basis, but adds that this limit may not be adequate for California.

Testimony by Newmark at the April 1979 meeting supporting the exclusionary approach is also quoted by Bixby. Newmark states, "I would support an exclusion principle that barred a facility like this within about a mile of the San Andreas fault." Bixby also relates that Newmark's testimony before FERC in June 1976 states that LNG facilities can be reliably designed within a mile or so of a fault on which earthquake motions of one or two feet might be expected. This testimony, according to Bixby, shows that Newmark, while opposing an exclusion zone in his letter supporting the petitioners, has endorsed the concept in testimony.

As a corollary, Bixby, Hollister, and Citizens all point out that the expert sworn testimony and comments in the docket contradict Western's allegation that there is no evidence in the record to support the one mile criterion.

*Petitions and Comments; (Differential Displacement)*

The magnitude of estimated differential Quaternary displacement is the other aspect of the second issue that must be considered. Although petitioners did not request a change in the 60 inches or more magnitude, it becomes a matter for reconsideration because of the petitions to establish displacement criteria for faults at a point beneath the tank, the associated comments on the appropriate magnitude of a fault displacement beneath the tank, and the need for changes recognized by MTB as a result of the comments.

Western asserts that the prescribed 60 inches of differential displacement over two million years is not valid criteria for discriminating against an area one mile around a fault without evaluating the potential effects at the tank site. As mentioned, Western acknowledges that this magnitude of displacement was its own proposal for a final rule made in response to the NPRM. However, Western states correctly that it was to be applied in connection with a fault location beneath the tank. This criteria, it alleges, is in accordance with testimony by Newmark and Jahns. Both men are said to be recognized experts who believe that "varying seismic conditions simply require varying design conditions." However, Western acknowledges that while Newmark speculated that "innovative" design could accommodate displacements in excess of 36 inches, he also stated that current state-of-the-art design, with innovation, can accommodate displacements of only 2 to 3 feet.

Western recalls Jahns' statement that facilities have been designed for 30 feet of displacement. The Palmsdale Dam in Southern California was cited as the example. The criteria of 60 inches of displacement located directly under a tank was therefore viewed by Western as appropriate for triggering special consideration in the installation of large LNG tanks.

Newmark's own comments also address the matter of appropriate limits for displacement directly under an LNG tank. He quotes an excerpt from his testimony at the April 1979 meeting. In part, it says that special designs, not beyond the state-of-the-art, can handle two or three feet. But, it continues, "I would not want to generalize, however, and say that one should permit relative surface motions larger than that under an important structure, or one that is essential to safety." At a following point, he asserts that design for larger displacement is possible, but would require great and extensive study and research.

In his comment, Newmark says that § 193.2061(f)(1) does not accurately reflect his testimony at the April 1979 conference. He proposes revisions in § 193.2061(f)(1) identical with that of the petitioners AGA and INGAA, except that the limit of differential displacement would be 30 inches, rather than 60 inches proposed by the petitioners.

Newmark's position, that motions exceeding 2 or 3 feet are beyond the state-of-the-art, is also referenced by Bixby to show that Newmark, who testified as Western's expert, now disagrees with Western's position that up to 60 inches is within the state-of-the-art. In addition, Bixby points out that Newmark earlier testified (El Paso, Alaska LNG Co. Case, Tr. Vol. 157, P. 25946) that LNG facilities could not be reliably designed at, over, or within a mile or so of a fault with one or two feet of expected motion.

With respect to Jahns' statement about the magnitude of displacement allowable for design purposes (30 feet), FERC argues that "no experience, even with dams (which are not comparable with LNG facilities) or tests have shown that facilities have tolerance for faulting." Also, use of the word "seismogenic," proposed by Western to describe the Quaternary fault at issue, while appearing inocuous, is considered to be a potentially serious problem by FERC. FERC contends that a fault probably could not be proven to be nonseismogenic. As a result, FERC feels that litigation could be extensive and unresolvable, yet impose excessive burdens on opposing parties. Accordingly, FERC recommends that the term not be used in the standard.

*MTB's Disposition of Second Issue*

Experts in the field do not uniformly agree on geologic and seismologic terms or their meanings. From the comments and related testimony, conflict about the nature and effects of earthquakes also becomes evident. This is not an unreasonable circumstance, since rapid development is being experienced in these fields. Also, these fields are not precise disciplines and must rely on

deductive reasoning as much or more than on direct observation and measurement.

The term "differential Quaternary fault displacement" used by AGA, INGAA, and Newmark, in describing the type of displacement located beneath a tank, clearly is intended to mean differential surface displacement, (i.e., differential displacement of the ground at its interface with the tank foundation). This is made evident by Newmark's interchangable use of the term "relative surface motions." As used in the final rule, this same term means historic differential movement at the face of a Quaternary fault whether evident by measurement or estimate. Western, in an apparent effort to clarify, uses the term "differential surface displacement of a seismogenic Quaternary fault." Rather than adding clarity, this would introduce possible ambiguity, since unless a fault that is immediately beneath the tank is classified as "seismogenic," construction could apparently proceed without regard to the magnitude of surface displacement that is predicted to occur beneath the tank.

Assertions by AGA and INGAA that ground acceleration will be the only effect from a remote fault are not considered valid. Near-field seismic effects from major events, such as differential surface displacement, subsidence, tilting, vibratory motion, and liquefaction are not well known, as stated by FERC. Also, as Devine explains, differential surface displacement may occur at some unpredictable distance from a known fault, or trace of last movement.

The uncertainties in both the faulting and potential effects were also recognized by Sierra, Bixby, Hollister, and Citizens as a justification for the separation. The discussion by Sierra about the results of ongoing, detailed investigation at Point Conception lends weight to Devine's argument.

Hanson's testimony, cited by Bixby, supports the need for separation. And although Newmark expresses opposition to separation (but does not give justification for this view), he has testified in favor of separation as recently as 1976, according to Bixby.

The specter of the uncertainties associated with near-field seismic effects of an earthquake is the principal reason MTB included provisions for separation in the final rule. The San Fernando, California, Earthquake of 1971 (USGS and NOAA preliminary report, 1971) is a good example of some of these uncertainties: Acceleration and other seismic effects far exceeded anticipations for an event of only such moderate size. Rated at 6.6 Richter (the San Francisco 1906 and Alaska 1964 events, in the range of 8.3 Richter radiated a few hundred times more energy), accelerations were the highest ever recorded, measuring 1.0g horizontal and 0.7g vertical with local responses even more dramatic. Evidence suggests that buildings were accelerated vertically at 1.0g (minimum) for about 0.1 seconds. A 20 ton fire truck was moved 6 to 8 feet without showing tire marks, and wine glass stems were broken without lateral movement. Both of these occurrences would require over 1.0g vertical acceleration. A "shattered earth" effect was exhibited in some locations, and at one point a rock roadcut appeared to have exploded. The Van Norman Dam (overlooking heavily populated San Fernando Valley) was severely damaged and at the brink of catastrophic failure. Perhaps of greatest significance, some areas of great disturbance were delineated by narrow bands, with only minor damage just beyond, exemplifying the degree of uncertainty in the translation of seismic motions, as discussed by Devine.

MTB agrees with FERC that the argument by AGA and Western about the possible preclusion of shoreline facilities due to offshore investigative limitations is invalid. Investigative measures beyond state-of-the-art techniques are not presumed under the separation provision.

MTB acknowledges that the final rule adopted Western's suggested magnitude of displacement (60 inches) in conjunction with a separation provision. However, this decision is not a valid rationale for deleting the separation provision. The 60-inch criterion clearly exceeds state-of-the-art design for displacement under LNG tanks, and is more appropriate when used in conjunction with a provision for separation from a fault of such magnitude. Western's argument that MTB cannot cite Devine as authority for the final rule is contradicted by Devine's comments on the petitions. MTB together with Devine agree that the criteria are appropriate as used in the final rule.

The criterion of one mile for the separation distance in the final rule is to provide for the unpredictable lateral offset in translation of movement along new faulting (or along a splay or swarm of faults of unknown dimension or location) to a point at the surface under an LNG tank. MTB recognized that a fixed distance could not apply to all conditions. As Devine stated, it could be underconservative in some cases—overconservative in others. (The relevant comments of Devine, and others in this respect, applied to the NPRM criteria which did not prescribe a fixed limit of movement). However, basing the distance on a prescribed amount of differential Quaternary displacement clearly restricted the conditions to a limited range.

As previously stated, the one mile criterion, as used in the final rule, is supported by FERC, Sierra, and Bixby. Although Sierra, Bixby, Hollister, and Citizens indicated that an even greater distance is needed, and expert witness, Hanson, testified (with respect to the NPRM) that 2 or 3 miles would be a better standard, MTB selected one mile as the appropriate distance for a national standard, since in most areas of application, seismic data would not be well known and uncertainties in prediction would be greatest. In such areas, one mile would likely be sufficient to provide suitable attenuation and reduce the likelihood of excessive differential surface displacement occurring under the tank.

Notwithstanding Hanson's view that a distance of 2 or 3 miles would be more appropriate near a significant fault, MTB considers an exclusion distance based on such active locations to be inappropriate for a national standard. However, where more information about the seismic features of such active locations are available, or can be obtained from appropriate investigation by the prudent operator, such information may be sufficient for accurately predicting ground displacement at a tank site. If so, MTB believes the final rule should be changed to permit operators to use this information in judging the safety of a site.

In his testimony, Hanson supported the one mile criterion as a national standard, and according to comments, even Newmark, in other testimony, advocates a one mile distance under certain conditions. Contrary to Western's allegations, response to the NPRM as well as testimony at the April 1979 conference provide ample basis in the record for the one mile criteria, as stated by commenters opposing the petitions. MTB believes the one-mile criteria, when applied in conjunction with specified differential displacement on a Quaternary fault, is appropriate for locations where there is insufficient information to assure a reliable level of predictability about faulting at the tank site. Accordingly, after reconsideration, the one mile zone is retained, but the final rule is revised to narrow its application to areas where reliable prediction of site specific displacement

cannot be made. The decision is consistent with petitioner's arguments that a prohibition against construction should not apply without first allowing an opportunity for more detailed investigation of projected effects at a tank site.

MTB has not adopted as a final rule Western's proposal in response to the NPRM (and restated by petitioners in this proceeding) to allow siting of a tank where no more than 60 inches of differential surface displacement is predicted to occur under the tank. Clearly this amount exceeds state-of-the-art design capabilities by a factor of about 2. Even Newmark, Western's expert, made a point of commenting on the petitions in this respect. He argues that the final rules do not reflect his testimony, and follows with an excerpt from his testimony that one should not permit designs for relative surface motions of more than 2 or 3 feet under an important structure. As FERC noted, Western's concept of acceptable displacement derives from a combination of Newmark's 2 or 3 feet for LNG tanks, and Jahns' 30 feet for the Palmsdale, California, dam. This is a contrived view that is not shared by MTB.

Opposing comments extensively debate the 60-inch value, citing expert witness testimony to show that it exceeds limits for accommodation by state-of-the-art designs. Newmark, himself, Western's expert, makes a point of commenting to show that he considers 30 inches to be the appropriate limit. He explains that design for greater displacement requires extensive study and research. And Bixby, citing Newmark's testimony in 1976 before FERC, points out that 30 inches is a quantum step from the one or two feet, within a mile, that he then favored.

Based on comments and testimony, and in consideration of the critical nature of LNG tanks and impoundment, MTB concludes that 30 inches is the outer limit of credible state-of-the-art design, and is including this value in the revised final rule in connection with the allowance made for predictions of displacements at tank sites based on historic data or field examinations.

Use of the term "seismogenic" to describe the character of Quaternary faults to be considered, as recommended by Western, is not adopted for reasons discussed by FERC.

Under the revised rule, where local geologic and seismic conditions are sufficiently well known to predict seismic response immediately beneath a tank, or impoundment for a tank, the need for government review would be dependent on whether differential surface displacement can be reliably predicted to be no more than 30 inches. Construction could proceed on decision by the operator if 30 inches or less of such displacement can be assured.

On the other hand, a differential Quaternary fault displacement exceeding 60 inches within one mile, as currently prescribed, would be the applicable criteria to determine the need for government review if local conditions are not sufficiently well known to reliably predict surface displacement beneath the tank or dike.

Thus, where reliable predictability is possible, surface displacement under the tank or dike becomes the governing criteria. This is important because in areas having the highest seismic activity, a data base for prediction is more likely. Therefore, it serves to help fill the 60.1 inch/1 mile–60-inch/0 mile gap of the current rule, as well as to minimize the likelihood that excessive displacement would occur beneath a tank or dike that has not been accommodated by design. For example, under the revised rule, review for sites more than 1 mile from the San Andreas fault may be required if there is sufficient data base for prediction of displacement at the site, but less than 30 inches relative movement under the tank and dike cannot be reliably assured. Conversely, siting a tank at distances less than a mile from a differential Quaternary fault displacement of 60 inches, or more, may be permissible without review, depending on the nature of intervening seismological conditions and data base for predicting displacement at the site.

The prohibition due to soil liquefaction has also been made subject to a petition for approval by the Director, since some of the same overriding benefits of a site, such as remoteness, might apply equally to such conditions.

The revised final rule also sets out the information that an applicant for approval must submit with a petition filed under § 193.2015. This information would include an analysis of the geologic and seismic conditions, design plans with a report showing that the design standards of § 193.2061 would be met under the predicted extreme conditions, and if applicable, any other safety-related siting or design features of the facility not required by Part 193.

*Section 193.2063(b)(2) Flooding.*

Both AGA and INGAA acknowledge that this section on its own merit is acceptable, as it requires that access to a facility site by offsite personnel be "reasonably assured" in a 100 year flooding event. However, they feel this section when read with the general siting requirements of § 193.2055 implies that access to the site must also be assured for fire fighting equipment along public roads. If this is the case, the petitioners say that in the Gulf Coast area, many access roads would have to be raised 20 feet or more for a distance of about 25 miles.

Section 193.2055 provides as a general requirement that a site must have "ease of access" for handling emergency situations. This general requirement covers many aspects of the means of access to an LNG facility. Section 193.2063(b)(2) deals specifically with access during flooding, and, as such, is governing under those conditions to the extent that access need only be reasonably assured. Therefore, in the example cited by the petitioners, access roads need not be raised where alternative means of access for offsite emergency personnel and equipment are available, such as by boat or helicopter. Hence, this paragraph remains unchanged.

*Section 193.2067(a)(3) Wind Forces (penetration by missiles).*

Design of containers and other LNG facilities listed in § 193.2051 to withstand penetration by wind borne missiles is required under this paragraph. Its purpose is to assure the integrity of the facility when impacted by objects carried by the wind (particularly a tornado).

Petitions to make only the dikes of impounding systems for LNG storage tanks subject to this requirement were submitted by AGA and INGAA. Western, who proposed a rule on wind borne missiles in response to the NPRM, did not comment. The petitioners argue that the required design is infeasible in most cases, and since all but very large spills would disperse in high winds, only LNG storage tank dikes should be subject to the requirement.

Commenting on the petitions, FERC feels the requirement is vague and design determinations are impossible where missile size and velocity is unknown.

MTB does not agree with petitioners that all damage causing winds would quickly disperse spills and associated vapor, since in the case of tornadoes, high winds quickly move away. Spillage and dispersion would continue.

With respect to the dilemma suggested by FERC, missile size would be a site specific determination. Missile velocity would be calculated using wind forces from wind velocities determined under paragraph (b). Impact loading

could be calculated from this information.

However, MTB agrees that design for all of the prescribed facilities to meet this requirement is impractical, if not impossible. A large portion of the facilities would require shielding by protective walls. Also, while an event of this type involves the potential penetration of an LNG storage tank, MTB believes that the continued integrity of the storage tank impoundment is the appropriate safeguard for public protection.

In reconsideration, therefore, the final rule has been revised to reflect the views of petitioners. Only the impoundment systems for LNG storage tanks must be capable of withstanding impact from wind borne missiles.

*Section 193.2067(b)(2) Wind Forces (design speed).*

This section prescribes the bases to be used in determining design wind forces. Its purpose is to assure that containers and other LNG facilities listed in § 193.2051 are designed to withstand the highest wind velocities that can be reasonably expected at the site.

Both AGA and INGAA have petitioned for changes, arguing that a wind design under paragraph (b)(2)(i) based on the prescribed $10^{-4}$ probability of exceedence of the "most critical combination of wind velocity and duration" would result in unrealistically high wind loads. AGA suggests that where probability of tornado occurrence exceeds $10^{-4}$, the design wind be 200 MPH, the wind speed currently prescribed under paragraph (b)(2)(ii) for use when adequate wind data are unavailable. Where probability of tornado occurrence is less than $10^{-4}$, the LNG facility would be subject to ANSI-A 58.1, currently prescribed for only small shop fabricated tanks. AGA implies that determining the probability of tornado occurrence is far easier than probability of wind velocity.

AGA would also limit the required wind design to containers and storage tank dikes, but since no explanation for the proposed change was given, this aspect of the petition was not considered. MTB considers the risk of wind damage other than missile penetration to be a serious matter for all the facilities listed in § 193.2051.

INGAA recommends that the 200 MPH wind speed, now permitted for design where adequate local data are not available to predict some other value, be adopted as an upper limit design standard for all situations.

As a principal argument, both petitioners cite NBS Technical Note 868, "Statistical Analysis of Extreme Winds" to show that a probabilistic determination of wind speed is unrealistic. In providing examples of one probabilistic approach, this report shows wind speeds for various return periods. Based on one type of distribution (Type II, Frechet), and only thirty-seven sample observations, the extreme wind at Corpus Christi, Texas, with an extrapolated return period of 10,000 years is given as 970 MPH.

AGA contends a wind speed this high is physically impossible. INGAA asserts that the 970 MPH speed is unrealistic and would preclude LNG facilities at most coastal locations. It argues that the recommended 200 MPH speed is a reasonable upper limit.

In support of its proposal to use ANSI-A 58.1 for the wind design of containers, AGA states that it contains reasonable steady wind criteria and is referenced by NFPA 59A. As an alternative to referencing ANSI, AGA suggests referencing NFPA 59A which also references ANSI-A 58.1, since experts continuously evaluate NFPA standards.

In commenting on the petitions, FERC states that a change in wording of the final rule is warranted, stating that the 970 MPH wind far exceeds the 200 MPH criteria for sites lacking adequate data.

MTB believes that ANSI-A 58.1 does not provide an adequate wind design level for facilities critical to public safety, such as large LNG facilities. According to NBS 868, ANSI uses only twenty years for a data base which gives unreliable predictability. Also, a mean return period of only fifty years is used (compared to the 10,000 year period) which would result in a high risk level, not consistent with other risk criteria in Part 193. Further, the Frechet (Type II) distribution, which is disclaimed by petitioners, is the basis for ANSI criteria. In this case, however, for the ANSI fifty-year return period, predicted extreme wind velocity for Corpus Christi is reduced by one magnitude to 97 MPH.

Therefore, MTB is not persuaded to adopt AGA's proposed use of ANSI-A 58.1 or NFPA 59A as a wind design basis for areas with a low probability of tornado occurrence.

The proposed requirements for wind force design in the NPRM essentially paralleled AGA's petition to use the probability of tornado occurrence as a threshold for applying a design wind speed. Basically, AGA would only change the design wind from the NPRM speed of 250 MPH to 200 MPH, which was adopted in the final rules for use where adequate local wind data is unavailable. In response to the NPRM, many commenters argued that setting a high design wind speed based on the probability of tornado occurrence would be unreasonable since the frequency of that speed would not be considered. They advocated a site specific wind speed based on probability of nonexceedence. AGA was one of these commenters.

In addition to this reason, MTB dropped the NPRM approach because locations not subject to tornadoes might have a relatively high probability of wind speeds caused by other types of storms that greatly exceed wind speeds that produce design loads of building standards. A major gap in design for wind forces and consequent nonuniform levels of protection dependent solely on the likelihood of tornadoes occurring in the area could have resulted.

Accordingly, MTB rejects AGA's recommendation to base design wind forces on a 0.5 percent probability of a tornado occurring within fifty years at a given site.

Section 193.2067 does not require the use of NBS Technical Note 868, "Statistical Analysis of Extreme Winds," for determining the probabilistic wind speed having a return period of 10,000 years. In extrapolating for return periods of 50, 10,000, and 1,000,000 years, the respective velocities with Type II distribution for Corpus Christi are 97, 970, and 9,426 MPH. The corresponding values for Type I distribution are 78, 128 and 172 MPH. These features alone show that either or both the wind data is inadequate or the technique is inappropriate.

Moreover, the NBS report is not intended to provide a standard method for determining extreme winds at any location. Its purpose, clearly stated, is part of an effort to evaluate wind provisions in existing building codes with particular emphasis on the twenty year data base and the Gumbel and Frechet types of data distribution for modeling. In essence, the NBS report concludes:

1. The twenty year data base (using only extreme velocities) is inadequate varying up to several hundred percent for a 1000 year recurrence interval at the same station using different twenty year data sets;

2. Type I and Type II distributions with small tail lengths were both found to fit extratropical as well as tropical storm data; and

3. No single distribution was universally applicable to all data sets.

The citation by petitioners of a single datum in the NBS report to demonstrate the unreliability of one predictive technique does not reflect on the reliability of other techniques that are

available. Therefore, the use of this datum by petitioners is not a valid reason to delete the present requirement. There are several techniques that might be appropriate on a site specific basis. The number of years in the data base might be expanded. Alternatively, with a more classical approach, the data base could be expanded by using a broader wind range to correlate speed with return periods by applying the method of least squares to establish best fit equations that are consistent with cycles of natural phenomena. Several analytical techniques can be used to statistically test the degree of reliability of the correlation. Nevertheless, as discussed in the preambles of both the NPRM and the final rule, such techniques are only of value where adequate wind data are available at a potential LNG site. Where they are not, the final rule sets the design wind speed at 200 MPH.

Based on a review of tornado and other wind data, MTB expects that probabilistic speeds established by using appropriate methods and data will normally fall under 200 MPH. Therefore the 200 MPH wind speed is considered to be a safe upper limit for design wind forces whether or not adequate wind data are available for reliable probabilistic prediction. Consequently, § 193.2067(b)(2) is revised, consistent with INGAA's recommendation, to allow use of the 200 MPH design wind speed without having to make a data search and evaluation to determine if adequate data are available to predict a design wind speed. Still, the predictive alternative is retained for optional use where adequate data are available and reliable predictive techniques are used.

*Section 193.2109(c) Insulation.*

AGA and INGAA objected to the use of the term "noncombustible" to describe insulation cover. INGAA felt "self-extinguishing" should be used in the final rule, as proposed in the NPRM. AGA preferred "will not support combustion." Both petitioners note that the final rule seems to defy the FTC decision prohibiting "* * * such terms as 'non-burning', 'self-extinguishing', or 'noncombustible' or any term of the like meaning * * *" to describe the burning characteristics of cellular plastics, but, at the same time, recommend similar terminology.

The two different suggestions suppport the MTB contention, as fully and clearly stated in the preamble, that insulation and the terminology associated with it are presently in a state of flux. As stated in the preamble, MTB will use the term "noncombustible" (NFPA 59A–1979 uses this term in 4–1.5.1) until such time as other agencies or industry develops new criteria. Under the "noncombustible" term in the final rule, material other than cellular plastics must be used as insulation cover.

INGAA also recommended that "where practical" be added to modify the requirement that insulation covering not be subject to "ultraviolet decay." MTB agrees with the contention that there are instances, as on pumps, where it is impractical to use covering materials that are not subject to even a minute degree of decay. However, MTB is adding the word "detrimental" before "ultraviolet" rather than adopting the term "where practical," as the latter term is too indefinite.

*Section 193.2123(d) Valves.*

INGAA requested that this section be rewritten to apply only to valves that are intended for use during a controllable emergency. Since this suggestion is consistent with the intent of the rule, MTB has made a clarifying change to eliminate any possible inference that a broader application was intended.

*Section 193.2151 General design characteristics (impounding systems).*

AGA and INGAA recommended that the words "to the maximum extent possible, will prevent" be deleted and replaced by "will minimize the possibility of" in describing the degree to which impoundment design must prevent liquid from escaping. It was claimed the present wording is an absolute design requirement, and one nearly impossible to achieve. MTB feels the suggested wording, "minimize the possibility," could unduly weaken the rule and would be subject to broad interpretation, and, therefore, has not adopted the INGAA suggestion. The final rule provides sufficient design flexibility but requires that design provide for foreseeable events, considering the design spill specified by § 193.2155.

Both petitioners stated the present wording was adopted without the benefit of review and comment by industry, the public, or the TPSSC. This is a curious argument since the questioned wording derives directly from the NPRM.

*Section 193.2153(a) Classes of Impounding Systems.*

The final rule was changed from the NPRM to allow as much as 24 inches between a dike and the component impounded in a Class 1 impounding system. AGA and INGAA stated the 24-inch space is inadequate to provide a safe working environment for the operator's employees. INGAA recommended a change to 60 inches, whereas AGA proposed more generalized wording to permit distance adequate for maintenance provided the top of the dike is at or above the maximum liquid level of the component served.

FERC felt it would be reasonable to relax the 24-inch limit because of the limited space for personnel and equipment, commenting that only in-tank pumps would be possible.

Misunderstanding about the background, features, and effects of the different classes of impounding systems in Part 193 is made apparent by the comments. The classification of impounding systems derives from NFPA 59A, § 210, 1975 edition. Beginning in the ANPRM and NPRM, two separate classes were proposed for impoundment surrounding a container: A Class 1 configuration (inner face of dike in contact with container) and a Class 2 configuration (dike separated from container). The physical distinction between these two systems results in different safety benefits for each system, and an associated design standard may vary according to the inherent level of safety provided by the class of impoundment.

For example, for low distant diking (Class 2), additional impounding capacity above the required for Class 1 is considered necessary to provide for vapor borne, low friction kinetic flow from a major tank failure, since design configurations of the dike's inner face that will reliably prevent overflow have not yet been developed. With smaller spills, added capacity serves to protect against overflow from splash, jetting, and wave action. When dikes are high, and close-in (Class 2), the addded capacity provides a factor of safety for uncertainties about formation of vapor bubbles from heat transfer and super heat and their residence time with resulting expansion and reduced density of the mix, coupled with an upward surge of the column of impounded LNG above the level of equilibration due to the kinetics of a rapid release (U-tube effect).

With Class 1 systems, a dike located against the wall of a tank would serve to mitigate the potential of overflow from these causes even in the event of a major tank failure, since contact surface temperature would be lower, and rapid discharge would be restricted. Also, such a configuration, in providing some added support to a tank, would tend to limit the extent of tank failure and resulting size of opening. Accordingly, the required Class 1 impounding

capacity is only 110 percent of storage capacity.

In developing the final rules, the NPRM version of Class 1 was modified to permit under Class 1 impoundment up to 24 inches of spacing between a dike's inner face and the tank impounded. This provision was intended for use with specific designs now in use, including protective dikes required under § 193.2155(a)(5)(ii). The purpose of the spacing is to provide a buffer to cushion or prevent excessive loads or shock due to foundation settlement, earthquakes, windloading or other forces from being transmitted between dikes and tanks. Also, it could provide for eccentricities in the configuration of a tank. Certain kinds of infrequent inspection or maintenance could, by design, be accomplished remotely without entry into the annulus by personnel. In addition, the spacing would permit insulation of the inner face of the dike, outer tank surface, or both in order to further minimize vapor dispersion from an impounding system with high close-in dikes that do not have the 150 percent of storage capacity required for Class 2 systems.

Installation of equipment and entry of personnel into the annular space for maintenance duties (except for infrequent occasions when the container is purged out of service) were not considered relevant in prescribing a maximum of 24 inches of separation. The paramount consideration was to balance construction needs against the desire to maintain the benefits intended for a Class 1 system. Also, with this dimension, during operation the effects of natural phenomena, such as ice build up by the migration of moisture in accordance with the laws of natural distribution, together with meterological effects, would mandate either that the annulus be filled with insulation, inert gas or other materials and sealed or covered. Thus, while providing additional safety benefits, this design would restrict spillage to essentially the same degree as a Class 1 system having the dike in contact with the container. Accordingly, MTB concluded that classification under Class 1 impoundment was appropriate.

The INGAA and AGA petitions to reclassify a Class 2 system with more than 24 inches of separation as a Class 1 system would serve only to reduce the minimum impounding capacity for a system with a great uncertainty in overflow potential. Such a change would destroy the principle of prescribing safety factors that are proportionate to the potential for overflow. Considering spacing above 60 inches in small increments, it is evident that logical justification of a Class 2 category and related provisions would be eliminated. Accordingly, the petitions are denied.

*Section 193.2161(a) Dikes, general.*

Western objects to the prohibition under this section of penetrations in dikes to accommodate piping or any other purposes, and argues that penetrations in LNG storage tank dikes should be permitted to accommodate transfer piping provided the penetrations meet the same structural standards required for dikes (§§ 193.2129 and 193.2155). Western claims that the prohibition imposes high construction costs at a baseload liquefaction plant, since at a multi-tank plant, a single set of pumps can serve all tanks at a plant from a position outside the impoundment area by running LNG transfer piping through the dikes. Western points out the final rule forces the operator to have a separate pumping system for each tank and to either put the loading pumps inside the tank or impoundment. In addition to costs, such placement, Western argues, presents maintenance and handling difficulties especially if high close-in dikes are used to reduce the exclusion zone. Providing additional space for pumps and maintenance within the impoundment, Western argues, might result in more impoundment capacity than necessary under the standards. In addition, Western expressed concern that as a result of increased wetted surface area, the required exclusion distance for thermal radiation and vapor dispersion might have to be increased.

While FERC supports the prohibition of dike penetrations at peak shaving and satellite facilities so as to assure dike integrity, it opposes the prohibition of dike penetrations for transfer lines at multiple tank plants because of the advantages of a central pumping system.

Assured containment of a major LNG spill inside an impounding space is the most crucial consideration in LNG safety. Safety features that rely on impoundment integrity, such as exclusion zones for thermal radiation and vapor dispersion, would not be effective unless a spill is contained. A major spill may result from a variety of causes, and such potential forms a basis for several safety standards, other than § 193.2161. For example, thermal exclusion zones are intended to provide safe distances from burning of a spill that could range in size from one that only covers the floor of the impounding system up to a total tank failure. Also, other standards such as § 193.215(a), § 193.2155(a) thru (c), and § 193.2181, concerning impoundment design and capacity, are clearly intended to assure dike integrity in the event of major tank failure.

Moreover, impoundment is one feature in LNG plant design whose performance capability will usually remain untested after construction unless an event requiring its complete integrity occurs. Since it is the last "line of defense" against potentially very serious consequences, the benefit of impoundment integrity weighs heavily against the low possibilities of events occurring that could result in a loss of containment.

The prohibition against penetrations is founded on the premise that where dikes are penetrated, a potential avenue is created for a spill of LNG to escape impoundment. There are two basic failure modes to be considered in assessing the acceptability of penetrations: First, there is failure of the penetrating piping in a way that would provide an open conduit for liquid to escape. Second, there is failure of the diking at the point of penetration, or at the point of discontinuity in the dike structure where the sealing structure for the penetration joins the basic diking. These two hypothetical failure modes are "either/or" possibilities, and are, therefore, additive in considering the probability of loss in dike integrity.

Considering the first failure mode in light of Western's petition, an environmental event, such as seismic or wind loads that exceed design, could result in tank failure and would be likely to result in failure inside impoundment of the transfer line as well, since by their design, transfer lines have equivalent or greater susceptability to failure from such events. Also, failure of a tank that results in its collapse (e.g., toe overload or tilt from other causes with subsequent spillage from the cryogenic shell causing embrittlement and fracture of the overstressed noncryogenic outer shell) will almost certainly rupture the transfer line inside impoundment. The point of penetration through the dike would be the most likely failure location because of the physical constraint and resulting stress. Thus, for safety considerations, it must be presumed that a tank failure would be accompanied by failure of the transfer line within the impounding system.

In the event of such failure, prevention of uncontrollable flow from impoundment would rely on the transfer line and valve located beyond the diking being unimpaired with the valve closed. Such reliance is not justified in view of the susceptability to damage of transfer lines when subjected to a tank-damaging environmental event. Also,

even if loss of integrity of the external transfer system does not result from the environmental event, simultaneous thermal and mechanical shock from the sudden impact of LNG could cause the external cryogenic value, if initially at ambient temperature, to rupture. An incident of this type is reported to have occurred at the LNG plant in Arzew, Algeria, on March 30, 1977. As reported, an aluminum valve on the transfer line of an inground tank shattered when impacted by LNG without precooling. Spillage was estimated at 37,500 to 150,000 gallons, and superheat explosions from LNG contact with water continued for 12 hours. Windows 15km away were claimed to have been broken. One fatality at the plant resulted.

The second failure mode—loss of dike integrity—is of equal or greater concern. Where maximum stress levels are expected to be relatively high by design, logical engineering principles require a configuration that is regular and free of discontinuities in order to minimize uncertainties in stress analysis. The importance of this principle is recognized in the gas pipeline safety standards (49 CFR Part 192) where stress levels in pipelines must be reduced at locations near valve assemblies, fabricated assemblies, and certain fittings and connections, even though stresses are relatively controllable (e.g., fluid pressure is controlled by relief or other devices). It becomes more significant when the stress producing forces are not controllable, as the case would be in extreme environmental events coupled with loading from the collapsing transfer line and thermal contraction stress from impinging LNG, along with hydrodynamic action of the spilling fluid. Penetration by transfer lines in dikes would be subject to both uncertainties in stress analysis and indeterminate loading forces, and Western has offered no substantiation that the design standards it propose to apply to penetrations can be met. Even under normal operation, the point of penetration could be subject to frequent thermal cycling with the associated possibility of time-dependent deterioration of the dike's mechanical properties. Also, the seal structure for penetration could be subject to thermal shock and high thermal gradients from an LNG spill, with resulting mechanical distortions and seal failure.

The petition and partial supporting comment by FERC are primarily based on economic grounds. While MTB believes that added costs are likely, it is important to note that the Final Evaluation did not show § 193.2161 to be a high cost section requiring a detailed probability analysis of costs and benefits.

As to the alleged maintenance and handling difficulties, MTB believes that additional pumps should increase service life as well as reduce routine preventive maintenance.

Neither additional impounding capacity or increased exclusion distance would automatically follow from the penetration prohibition. Rather, it would be a design decision of the operator, since large capacity in-tank pumps; with high discharge pressure and complete systems for removal are currently available.

Considering the broad economic picture, most existing LNG plants have elected over-the-dike transfer. Even the petitioner has incorporated tank-top transfer in its plant planned for Point Conception, California, which would presumably include transfer over the dikes as a combined feature of safety and economics. Accordingly, the petition is denied.

*Section 193.2165 Dike dimensions.*

INGAA finds the phrase "inside edge of the top of the dike" confusing as it applies the second time in § 193.2165. However, the recommended change for clarity does not properly define the dimensions involved. We believe the term "liquid level impounded" may be the source of confusion, because it does not necessarily mean liquid level of the component served by impoundment as intended. MTB has revised the wording for clarity.

*Section 193.2175 Shared impoundment.*

AGA and INGAA argue that this rule could easily be interpreted to require each component inside an impounding system to be separately impounded, which would be impractical and unreasonable. The petitioners' suggested wording would require protection in accordance with § 193.2107, dealing with high and low temperature protection.

Section 193.2175 was intended as a more stringent requirement than § 193.2107. The original intent was that if items to be impounded as required by § 193.2149 are included within a single impounding system (shared impoundment), leakage from one item should not cause another to leak and possibly overwhelm the system. MTB now recognizes the unreasonableness in applying this policy to, say, a storage tank and its transfer line or other component combinations. As by far, the greatest hazard would be a leak from an LNG storage tank causing a leak in another storage tank. MTB believes protection can be reasonably provided in these cases and is revising the section to apply only to LNG storage tanks. Other components mentioned by INGAA, such as piping, valves, compressors, etc. would be covered by § 193.2107.

*Section 193 2181(a) Impoundment capacity, LNG storage tanks.*

AGA recommends that the required impoundment capacity for Class 2 and 3 impounding systems be changed from 150 percent to 110 percent, arguing that a 50 percent safety factor is unreasonable in light of the vapor dispersion zone required by § 193.2059 and the allowable use of vapor barriers under § 193.2163. Western recommends 100 percent for all classes of impoundment, plus any additional volume needed to meet the requirements of § 193.2151 and 193.2165, concerning dike design, and § 193.2179, impoundment capacity in general. Western argues that these sections will require varying degrees of capacity above 100 percent in amounts sufficient to keep a liquid impounded.

FERC argues that while it may be possible to design a dike to withstand phenomena such as wetting, splash, and wave action, the lack of acceptable hydrodynamic models justifies the 150 percent capacity.

As indicated by the FERC comment, dike designs which can assure containment of a spill from a major tank failure are unproven. In the case of low distant diking, configurations which can counteract horizontal components of motion in a rising wave of LNG impacting a dike face are only theoretical. Even with more testing, a question of scaling effects may remain, since large scale tests may not be practical.

With high close-in dikes, the question about formation and residence time of vapor bubbles from vaporization, with resulting expansion which could cause the column of LNG to overflow a dike, has not been fully resolved. Also, the rise in the impounded LNG column above the level of equilibration due to the kinetics of a rapid release (U-tube effect) could add to this problem.

Since designs that will reliably prevent overflow in the event of a major spill from an LNG storage tank have not yet been established, MTB believes that excess capacity is necessary to provide a factor of safety for Class 2 and 3 systems serving LNG storage tanks. Accordingly, MTB stands by its original position stated in the preamble of the NPRM and the final rules and leaves § 193.2181(a) unchanged.

*Clarifying amendments.* The scope of Part 193, as stated in § 193.2001, now

exempts marine cargo transfer systems from any of the requirements in Part 193. Under the MTB/USCG memorandum of understanding (MOU) on the regulation of waterfront LNG facilities (published in the NPRM), the siting of these facilities, except with respect to vessel traffic management, is to be subject to MTB regulatory authority. Thus, as currently stated, the scope of Part 193 conflicts with the MOU regarding the siting of marine cargo transfer systems and associated facilities. Section 193.2001(b)(3) is, therefore, amended to make it clear that the Part 193 siting requirements apply to marine cargo transfer systems (not including those portions in navigable water excluded from jurisdiction under § 193.2001(b)(4)).

So that there is no doubt about which of the safety standards in Part 193 govern "siting," the title and scope of Subpart B are amended to refer to the Subpart B requirements as "siting requirements," rather than site-related design requirements. The "site-related design" term was used in the ANPRM and NPRM since the Act at that time did not specifically authorize regulations for siting LNG facilities. The siting provisions were proposed, therefore, as an aspect of facility design, which it is in a generic sense of design.

The current definition of "LNG facility" refers to pipeline facilities that are "used in the process of" activities related to producing, transferring, or storing LNG or changing LNG to gas. MTB believes the words "in the process of" restrict the meaning of "LNG facility" in a way not intended by the Act. To be more consistent with the Act's definition, the term "LNG facility" under § 193.2007 is amended by replacing the words "in the process of" with the word "for." This change more correctly classifies pipeline facilities as LNG facilities that are associated with the various LNG processes, even though they may not directly be a part of a particular process.

*Recordkeeping.* The effective date of the recordkeeping requirements of §§ 193.2119 and 193.2329 and other provisions incorporated by reference in Part 193 was postponed in the final rules document published at 45 FR 9184 pending coordination with the Office of Management and Budget under the Federal Reports Act. MTB has since determined that such coordination is not required by that Act and, consequently, an effective date for those recordkeeping requirements is established by this document as set forth above.

In view of the foregoing, 49 CFR Part 193 is amended as follows:

1. In § 193.2001, paragraph (b)(3) is revised to read as follows:

**§ 193.2001 Scope of part.**

* * * * *

(b) * * *

(3) In the case of a marine cargo transfer system and associated facilities, any matter other than siting pertaining to the system or facilities between the marine vessel and the last manifold (or in the absence of a manifold, the last valve) located immediately before a storage tank.

* * * * *

2. In § 193.2005, paragraph (b)(1) is revised to read as follows:

**§ 193.2005 Applicability.**

* * * * *

(b) * * *

(1) The siting requirements apply only to LNG storage tanks that are significantly altered by increasing the original storage capacity or relocated, not pursuant to an application for approval filed as provided by paragraph (a)(2) of this section before March 1, 1978; and

* * * * *

3. In § 193.2007, the definition of "LNG facility" is amended to read as follows:

**§ 193.2007 Definitions.**

* * * * *

"LNG facility" means a pipeline facility that is used for liquefying or solidifying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

* * * * *

4. Section 193.2015 is revised to read as follows:

**§ 193.2015 Petitions for finding or approval.**

Where a rule in this part authorizes the Director to make a finding or approval, any operator may petition the Director to make such finding or approval. Petitions must be sent to the Director, Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590, and be received at least 90 days before the operator requests that the finding or approval be made. Each petition must refer to the rule authorizing the action sought and contain information or arguments that justify the action. Unless otherwise specified, no public proceeding is held on a petition before it is granted or denied. Within 90 days after a petition is received, the Director notifies the petitioner of the disposition of the petition or, if the request requires more extensive consideration or additional information or comments are requested and delay is expected, of the date by which action will be taken.

5. Section 193.2051 is revised to read as follows:

**§ 193.2051 Scope.**

This subpart prescribes siting requirements for the following LNG facilities: Containers and their impounding systems, transfer systems and their impounding systems, emergency shutdown control systems, fire control systems, and associated foundations, support systems, and normal or auxiliary power facilities necessary to maintain safety.

* * * * *

6. In § 193.2057, paragraph (a)(1) is revised to read as follows, and item (6) of the table under paragraph (d) is amended by deleting the words "property line" and inserting the words "right-of-way" in lieu thereof:

**§ 193.2057 Thermal radiation protection.**

(a) * * *

(1) Within the thermal exclusion zone, the impounding system may not be located closer to targets listed in paragraph (d) of this section than the exclusion distance "d" determined according to this section, unless the target is a pipeline facility of the operator.

* * * * *

7. In § 193.2059, paragraph (d)(1)(i) is revised to read as follows:

**§ 193.2059 Flammable vapor-gas dispersion protection.**

* * * * *

(d) * * *

(1) * * *

(i) The rate of vaporization is not less than the sum of flash vaporization and vaporization from boiling by heat transfer from contact surfaces during the time necessary for spill detection, instrument response, and automatic shutdown by the emergency shutdown system but, not less than 10 minutes, plus, in the case of impounding systems for LNG storage tanks with side or bottom penetrations, the time necessary for the liquid level in the tank to reach the level of the penetration or equilibrate with the liquid impounded assuming failure of the internal shutoff valve.

* * * * *

8. In § 193.2061, paragraph (f) is revised, paragraph (g) is redesignated as (h), and a new paragraph (g) is added to read as follows:

**§ 193.2061 Seismic investigation and design forces.**

* * * * *

(f) An LNG storage tank or its impounding system may not be located at a site where an investigation under paragraph (c) of this section shows that any of the following conditions exists unless the Director grants an approval for the site:

(1) The estimated design horizontal acceleration exceeds 0.8g at the tank or dike foundation.

(2) The specific local geologic and seismic data base is sufficient to predict future differential surface displacement beneath the tank and dike area, but displacement not exceeding 30 inches cannot be assured with a high level of confidence.

(3) The specific local geologic and seismic data base is not sufficient to predict future differential surface displacement beneath the tank and dike area, and the estimated cumulative displacement of a Quaternary fault within one mile of the tank foundation exceeds 60 inches.

(4) The potential for soil liquefaction cannot be accommodated by design and construction in accordance with paragraph (b)(1) of this section.

(g) An application for approval of a site under paragraph (f) of this section must provide at least the following:

(1) A detailed analysis and evaluation of the geologic and seismic characteristics of the site based on the geotechnical investigation performed under paragraph (c) of this section, with emphasis on prediction of near-field seismic response.

(2) The design plans and structural analysis for the tank, its impounding system, and related foundations, with a report demonstrating that the design requirements of this section are satisfied, including any test results or other documentation as appropriate.

(3) A description of safety-related features of the site or designs, in addition to those required by this part, if applicable, that would mitigate the potential effects of a catastrophic spill (e.g., remoteness or topographic features of the site, additional exclusion distances, or multiple barriers for containing or impounding LNG).

(h) * * *

9. In § 193.2067, paragraphs (a)(3) and (b)(2) are revised to read as follows:

**§ 193.2067 Wind forces.**

(a) * * *

(3) In the case of impounding systems for LNG storage tanks, impact forces and potential penetrations by wind borne missiles.

(b) * * *

(2) For all other LNG facilities—

(i) An assumed sustained wind velocity of not less than 200 miles per hour, unless the Director finds a lower velocity is justified by adequate supportive data; or

(ii) The most critical combination of wind velocity and duration, with respect to the effect on the structure, having a probability of exceedance in a 50-year period of 0.5 percent or less, if adequate wind data are available and the probabilistic methodology is reliable.

**§ 193.2109 [Amended]**

10. In § 193.2109, paragraph (c) is amended by inserting the word "detrimental" between the words "to" and "ultraviolet."

11. In § 193.2123 paragraph (d) is revised to read as follows:

**§ 193.2123 Valves.**

* * * * *

(d) Powered local and remote operation must be provided for valves intended for use during a controllable emergency that would be difficult or excessively time-consuming to operate manually during such an emergency.

* * * * *

**§ 193.2165 [Amended]**

12. Section 193.2165 is amended by inserting the word "horizontal" between the words "the" and "distance" and by deleting the word "impounded" and inserting the words "in the component or vessel" in lieu thereof.

13. Section 193.2175 is revised to read as follows:

**§ 193.2175 Shared impoundment.**

When an impounding system serves more than one LNG storage tank, a means must be provided to prevent low temperature or fire resulting from leakage from any one of the storage tanks served causing any other storage tank to leak. The means must not result in a vapor dispersion distance which exceeds the exclusion zone required by § 193.2059.

**Subpart B [Title Amended]**

14. In the table of sections and the text of the rules, the title of Subpart B is amended by deleting "Site Related Design Requirements" and inserting "Siting Requirements" in lieu thereof.

(49 U.S.C. 1674a; 49 CFR 1.53 and Appendix A of Part 1)

Issued in Washington, D.C., on August 21, 1980.

L. D. Santman,

*Director, Materials Transportation Bureau*

[FR Doc. 80-26213 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-60-M

## INTERSTATE COMMERCE COMMISSION

**49 CFR Part 1033**

**[Seventh Revised Service Order No. 1473]**

## Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Seventh Revised Service Order No. 1473.

**SUMMARY:** Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation. In particular, Seventh Revised Service Order No. 1473, revises Appendix A, Item 12 of Sixth Revised Service Order No. 1473, by rescinding the authority for the Southwestern Oklahoma Railroad Company to operate between Mangum and Anadarko, Oklahoma, due to an apparent inability of the carrier to provide rail service as authorized.

**EFFECTIVE DATE:** 11:59 p.m., August 31, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

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

Decided: August 22, 1980.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Seventh Revised Service Order No. 1473, revises Appendix A, Item 12 of Sixth Revised Service Order No. 1473, by rescinding the authority for the

Southwestern Oklahoma Railroad Company to operate between Mangum and Anadarko, Oklahoma, due to an apparent inability of the carrier to provide rail service as authorized. This action is taken without prejudge to a future refiling by Southwestern Oklahoma Railroad wherein the carrier must assure the Commission of its ability to provide the service applied for. Please advise the Railroad Service Board if locomotive and equipment on the authorized lines cannot be removed by the effective date of this rescission. In Appendix A, all items after Item 11 are renumbered one number less.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,*

**§ 1033.1473 Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).**

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

(d) Interim operators authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the RI lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) Rate applicable. Inasmuch as this operation by interim operators over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees*—In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., August 31, 1980.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304-10305 and Section 122, Pub. L. 96-254.

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald, Jr. William F. Sibbald, Jr. not participating.

Agatha L. Mergenovich,

*Secretary.*

Appendix A

*RI Lines Authorized To Be Operated by Interim Operators*

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka, and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. From Colby to Caruso, Kansas.

C. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9).

E. CBQ Junction, Kansas (milepost 325.9) to Gem, Kansas (milepost 380.5).

6. *Fort Worth and Denver Railway Company (FW&D):*

A. From Groom, Texas (milepost 718.9) to Adrian, Texas (milepost 809.5).

B. Terminal trackage at Amarillo, Texas, including approximately (3) three miles northerly along the old Liberal Line, and at Bushland, Texas.

C. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Gove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 502.2).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Rake (milepost 50.7) to Ocheyedan, Iowa (milepost 502).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

8. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Seymour, Iowa.

C. Washington, Iowa.

D. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

9. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Davenport, Iowa.

B. Moline, Illinois.

C. Rock Island, Illinois, including 26th Street yard.

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

E. From East Moline to Silvis, Illinois.

F. From Davenport to Wilton, Iowa.

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *St. Louis Southwestern Railway Company (SSW):* Operating the Tucumcari Line from Santa Rosa, NM, to St. Louis, MO (via Kansas city, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles, and North Topeka, KS. Also between Brinkley and Briark, Arkansas, and at Stuttgart, Arkansas.

12. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

13. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

14. *Missouri-Kansas-Texas Railroad Company/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 645, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rook Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to interchange with and use the properties of the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. The Ponca City Line at approximately milepost 26.1 at Billings, Oklahoma, to North Enid, Oklahoma, at milepost 339.5 on the Southern Division main line, a distance of 26.1 miles.

J. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

K. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *El Dorado and Wesson Railroad Company:* From El Dorado to Catesville, Arkansas, a distance of 8 miles, in order to serve the Velsical Plant.

16. *The Denver and Rio Grande Western Railroad Company:*

A. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

17. *Norfolk and Western Railway Company:* Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

18. *St. Louis-San Francisco Railway Co.:*

A. At Okeene, Oklahoma.

B. At Lawton, Oklahoma.

19. *Southern Railway Company:*

A. At Memphis, Tennessee.

20. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

21. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

22. *Louisiana Midland Railway Company:*

A. From Hodge, Louisiana (milepost 173.3) to Alexandria, Louisiana (milepost 247.8), which includes assumption of RI's trackage rights over the Louisiana and Arkansas Railway Company between Winnfield, Louisiana, and Alexandria, Louisiana, and the RI's track and yard in Alexandria, Louisiana.

[FR Doc. 80-26293 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## 49 CFR Part 1033

[Service Order No. 1393; Amdt. No. 2]

### Southern Pacific Transportation Co. Authorized To Operate Over Tracks of the Kansas City Southern Railway Co. at Beaumont, Tex.

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Amendment No. 2 to Service Order No. 1393.

**SUMMARY:** This amendment extends the effectiveness of Service Order No. 1393, which authorized the Southern Pacific to operate over tracks of the Kansas City Southern at Beaumont, TX, until October 31, 1980, permitting the Commission time to consider Southern Pacific's permanent authority application without interruption of the temporary authority.

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

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

Decided: August 22, 1980.

Upon further consideration of Service Order No. 1393, (44 FR 47773 and 45 FR 45913), and good cause appearing therefor:

*It is ordered,* That § 1033.1393, Amendment No. 2 to Service Order No. 1393, *Southern Pacific Transportation Company authorized to operate over tracks of the Kansas City Southern Railway Company at Beaumont, Texas,* Service Order No. 1393 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall remain in effect until 11:59 p.m., October 31, 1980, unless otherwise modified, amended or vacated by order of this Commission.

*Effective date.* This order shall become effective at 11:59 p.m., August 31, 1980.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and William F. Sibbald, Jr. William F. Sibbald, Jr. not participating.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26412 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## 49 CFR Part 1270-1279

[Docket No. 37392]

### Elimination of Regulation Over Passes and Free Transportation

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** This rule eliminates the Commission's regulations governing passes and free transportation for railroads, water carriers and motor carriers. This rule reduces the additional recordkeeping for passenger carriers under the Commission's jurisdiction by eliminating long-standing requirements now considered unnecessary.

**DATES:** This rule is effective for the year beginning January 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Bryan Brown, Jr., (202) 275-7448.

**SUPPLEMENTARY INFORMATION:** In a Notice of Proposed Rulemaking published May 1, 1980, (45 FR 29103), the Commission proposed to eliminate its regulation over passes and free transportation. The regulation was originally issued in 1911 when the issuing of passes was common to railroad operations. The regulations have applied to motor carriers and water carriers since 1936 and 1943, respectively. Originally, the regulations were formulated to prevent any substantial financial burden from loss of passenger revenue and to forestall other possible abuses, such as concessions.

In response to its notice, the Commission received comments from the National Bus Traffic Association, Inc. (NBTA).

NBTA supports our proposal to eliminate pass regulation. They state that this rule will eliminate long-standing requirements which are incompatible with many of their member carriers internal administrative procedures and which are now considered unnecessary in fulfilling the Commission's regulatory responsibilities.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

### PARTS 1270-1279 [DELETED]

It is ordered: Parts 1270-1279 of Chapter X of Title 49 of the Code of Federal Regulations are deleted.

Decided: August 15, 1980.

By the Commission, Chairman Gaskins, Vice-Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam. Chairman Gaskins absent and not participating.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26413 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 32

### Opening of the Barnegat National Wildlife Refuge, New Jersey, to Hunting

**AGENCY:** United States Fish and Wildlife Service, Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to hunting of Barnegat National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**DATES:** September 1, 1980 through January 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, Telephone No. 609-652-1665.

**SUPPLEMENTARY INFORMATION:** The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Barnegat National Wildlife Refuge was established. This determination is based upon consideration of, among other

things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

Public hunting of rails, gallinules, waterfowl and coots on the Barnegat National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. On opening days, Saturdays and holidays a Federal permit will be required.

2. No permanent blinds or pit blinds may be constructed.

3. The use of steel shot ammunition on the refuge hunting area is required—shotshell limit 25 rounds per hunter per day. No person may have more than 25 steel shotshells or any lead shotshells in their possession while hunting waterfowl.

4. Hunters, when requested by Federal or State enforcement officers must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Barnegat Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

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

Howard N. Larsen,

*Regional Director, U.S. Fish and Wildlife Service.*

August 21, 1980.

[FR Doc. 80-26285 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

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## 50 CFR Part 32

## Opening of the Chincoteague National Wildlife Refuge, Virginia, to Hunting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to hunting of Chincoteague National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**DATES:** October 11, 1980 through January 2, 1981.

**FOR FURTHER INFORMATION CONTACT:** James P. Oland, Chincoteague National Wildlife Refuge, Box 62, Chincoteague, Virginia, 23336, Telephone No. 804-336-6122.

**SUPPLEMENTARY INFORMATION:** The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Chincoteague National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

Public hunting of deer is by special permit only on designated areas shown on maps available at refuge headquarters, and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158. Hunting shall be in accordance with all state regulations subject to the following special conditions:

1. Species to be taken: (a) Archery Hunt—Sika and Whitetail deer, (b) Stag Hunt—Sika and Whitetail deer.

2. Bag Limits: (a) Archery Hunt—One per day, three per license year, (b) Stag Hunt—One per day, three per license year. During the stag hunt the first deer must be an antlerless deer or a buck with unbranched antlers. If the first deer is an antlerless deer, the second deer may be any deer. If the first deer is a buck with unbranched antlers, the second deer must be an antlerless deer or a buck with unbranched antlers. The third deer will vary depending on the first two, but the total bag of three deer may not contain more than one buck with branched antlers or more than two bucks total (one with branched antlers and one with unbranched antlers or two with unbranched antlers). If a hunter takes three deer, at least one deer *must* be an antlerless deer.

3. Season: (a) Archery—Will coincide with the State archery deer season. (b) Stag Hunt will occur within the State deer season, but will be restricted as stated in hunter permits.

4. Hunting equipment: (a) Archery—Long bow, Recurve, or Compound bow and arrows (cross bow prohibited). Archers must use broadheads with blades at least 7/8 inches wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archer's possession while hunting must be permanently marked with hunter's name and address. Archers may not have firearms or illegal archery equipment in their possession while hunting. Quivers must have broadheads covered. (b) Stag Hunt—All firearms must function as a single shot only. Modern firearms may be used if modified to hold only one round. Rifles of .23 caliber or larger and shotguns of 20 gauge or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on the refuge which is not stipulated as permitted in these regulations is prohibited.

5. Dogs are prohibited.

6. Hunting hours—Same as State

hunting hours. All hunters must be clear of hunting areas by two hours after the close of legal hunting hours, unless authorized by refuge personnel to remain longer to track a wounded deer.

7. Carrying loaded firearms or nocked arrows in or on a vehicle or shooting from a vehicle is prohibited. Guns in vehicles must be unloaded and must be cased or be disassembled.

8. Camping and fires on refuge are prohibited.

9. All hunters under 18 years of age must be accompanied by an unarmed adult.

10. One other individual may accompany each hunter, but only the designated hunter will be allowed to carry a gun.

11. All hunters must make a reasonable effort to recover a wounded deer.

12. *All wounded but not recovered deer will be reported to refuge personnel immediately,* so that data on wounded deer can be gathered. All deer taken on the area must be brought to the maintenance area to be checked out. Jawbones may be removed by refuge personnel.

13. Shooting at wildlife other than deer is prohibited.

14. Violation of any state or federal regulation warrants withdrawal of hunting permit.

15. Before any hunter is issued a permit, he/she must meet the following Hunter Qualification Standards:

(a) All firearm hunters must provide proof of passing a state hunter safety course.

(b) Archery hunters must provide proof of passing the National Field Archery Association Bowhunters Education Program, or equivalent course.

(c) All hunters are required to wear a minimum of 400 total square inches of a safety fluorescence color material distributed over the chest and back.

(d) Youths who have not reached their 18th birthday must hunt under the control of a qualified adult hunter.

(e) Hunters/Applicants must have a written certification from a range officer (civilian or military), police officer, or refuge personnel that they have performed the following qualifications test or tests:

(1) Archery: Place three out of five shots using broadheads in a 9" x 14" chest area of a standard size deer target at 25 yards. This qualification is required each year.

(2) Rifle and Muzzleloaders: Place three consecutive shots in a 12 inch bullseye from 50 yards or better from an offhand position. This is a life-time qualification. Each hunter will sight in his/her weapon under refuge supervision prior to hunting.

(3) Shotgun with rifle slugs: Place three consecutive shots in a 12 inch bullseye from 30 yards or better from an offhand position. This is a life-time qualification. Each hunter will sight in his/her weapon under refuge supervision prior to hunting.

(f) All hunters must carry into the field a whistle, for use in emergency circumstances.

(g) All hunters will be charged a $10 special recreation permit fee.

The provisions of this Special Regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

Howard N. Larsen,

*Regional Director, U.S. Fish and Wildlife Service.*

August 22, 1980.

[FR Doc. 80-26284 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

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## 50 CFR Part 32

## Certain National Wildlife Refuges in Oklahoma and Texas; Hunting Regulations

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** The Director has determined that the opening to hunting of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for hunting deer and wapita (elk).

**EFFECTIVE DATES:** September 20, 1980 through December 31, 1980.

**FOR FURTHER INFORMATION CONTACT:** The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

### General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

### § 32.32 Special regulations; big game; for individual wildlife refuge area.

### Oklahoma

Salt Plains National Wildlife Refuge, Route 1, Box 76, Jet, Oklahoma 73749, telephone 405-626-4794. White-tailed deer.

Special conditions: (1) An archery hunt on October 18-19 and October 25-26, 1980. Thirty-two either sex permits for each two-day hunt for a total of 64 permits. A muzzle-loading rifle hunt, November 1-2, 1980. Thirty-two permits for the single two-day hunt. Limited to flintlock rifles only, forty (40) caliber or larger. A modern-gun hunt, November 22-23, November 25-26, November 29-30. Twenty-six permits for each of these two-day hunts for a total of 78 permits. Participants will be selected by the Oklahoma Department of Wildlife Conservation through its application-special permit system. (2) Permitted hunters must check in at the refuge office prior to entering the assigned hunting area and must check out at the refuge office upon leaving the area. (3) Shooting hours on the refuge will end each day at sunset. State hunting regulations will apply in all points not specifically described above.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, telephone number 405-371-2402. White-tailed deer.

Special conditions: (1) Public hunting of white-tailed deer is permitted in season on the Tishomingo National Wildlife Refuge, Oklahoma, except on the Refuge Headquarters area and that part of Farming Unit C east of Big Sandy Creek (East Flat). (2) The open season for archery hunting of deer will be for "either sex" on the Tishomingo Wildlife Management Unit (all zones) only and will extend from October 18, 1980, through November 2, 1980, inclusive. (3) A controlled hunt permit will not be required. (4) The Tishomingo Wildlife Management Unit will be closed to all public use except archery deer hunting during the archery deer hunt season. (5) The two-day season for gun hunting of deer on the Tishomingo National Wildlife Refuge, including the Tishomingo Wildlife Management Unit, will be held on November 6 and 7, 1980. (6) The Tishomingo NWR, including the Tishomingo WMU, will be closed to all public use except gun deer hunting on November 6 and 7, 1980. (7) Legal game for the gun deer hunt on the Tishomingo WMU and Delta Area of the Refuge will be "either sex." Legal game for the gun deer hunt on the Tishomingo NWR will be anterless deer. (8) Gun deer hunting on the Tishomingo WMU and the Delta Area, will be with any legal firearms, as approved by the Oklahoma Department of Conservation for hunting deer. (9) Only shotguns of 20 gauge or larger firing single rifled slugs, primitive firearms and pistols may be used on the Tishomingo NWR. Rifles are not permitted. (10) Gun deer hunting on the Tishomingo WMU and Tishomingo NWR will be by permits. Forty (40) permits being issued each day for each of the two (2) areas. Permits will be awarded by public drawing conducted by the State for these "bonus deer" hunts. (11) "Bonus deer" hunters on the Tishomingo NWR, but excluding those on the Tishomingo WMU, will be assigned hunting sites (deer stands) where they must remain until they are reassigned or until they conclude their hunt. (12) Gun deer hunting on the Delta Area of the Tishomingo NWR will be by permits issued as a result of a public drawing to be held at refuge headquarters at 3:00 p.m. on November 5, 1980. This is not a "bonus hunt." For the Delta Area segment of the Refuge's gun deer hunt, fifty (50) permits will be issued by drawing for each one-day hunt. Permits will be issued to hunters in pairs only. Applicants must be 18 years of age or older and must furnish their own boat for access to the area. Unclaimed permits and "no shows" for the Delta Area hunt will be filled at the check station on the day of the hunt on a first-come basis after 8:00 a.m. on the day of the hunt. Delta hunters will enter the hunt area from Nida Point. (13) Hunters, upon entering and leaving the hunting areas, will report at designated checking stations as may be established for the regulation of hunting activities and will furnish information pertaining to their hunt as requested.

Wichita Mountains Wildlife Refuge, RR 2, Box 448, Indiahoma, Oklahoma 73552, Telephone Number 405-429-3222. Wapiti (Elk).

Special Conditions: (1) Hunting days will be restricted to December 2, 3, 4, 9, 10, and 11, (Tuesdays, Wednesdays, and Thursdays) 1980. (2) Except as provided in special condition below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt period. (3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during this period when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exceed, one camping companion who will be confined to Camp Doris or refuge headquarters during hunt period unless authorized to assist with the removal of game by the Refuge Manager or his agent. (4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings. Violation of any of these rules or regulations or of any Federal or State hunting law, will terminate the hunt of the person or persons so involved.

Texas

Aransas National Wildlife Refuge, P.O. Box 68, Austwell, Texas 77950. Telephone number 512-286-3559. White-tailed deer.

Special Conditions: (1) All hunters must check in and out of the hunt area at the refuge entrance on Texas Farm Road 2040. (2) A valid 1980-81 Texas hunting license is required of each participant. (3) No camping will be allowed on the refuge proper, however, camping outside the front gate is permitted. (4) In the event of the arrival of whooping cranes, the refuge or any portion thereof may be immediately closed to hunting. Archery Hunt; archery hunting of white-tailed deer and feral hogs is permitted on the Aransas Refuge during the following periods: September 18 through September 22 and September 25 through September 29, 1980. Hunting shall be in accordance with applicable State hunting regulations subject to the following special conditions. (a) A bag limit of three (3) deer, with no more than two (2) buck. There is no limit as to the number of wild hogs that may be taken. (b) A current State archery tag is required. (c) All hunting arrows must bear the name and address of the user in a non-water-soluable medium. (d) No target or field arrows are permitted on the refuge. (5) No deer may be removed from the refuge without a metal transportation seal being attached to the carcass by a refuge officer. Firearms Hunt; (1) Firearm hunting of white-tailed deer and feral hogs is by permit only on the Aransas Refuge during the following periods: October 3-4, 5-6, 7-8, 9-10, and 11-12, 1980. Each hunter is allowed two consecutive days to hunt. (2) Hunting hours are 12:00 o'clock noon the first day, and 30 minutes before sunrise the second day of each two day hunt, until 30 minuts after sunset each evening. All hunters must be out of the refuge by dark. (3) The bag limit per hunter for the total firearm season is two deer. The first deer must be anterless or a spike buck. A spike buck is defined as a deer with at least one unforked antler. There is no limit as to the number of feral hogs that may be taken. (4) All hunters will wear international orange cap and vest. (5) There will be a lottery drawing with 200 hunter permits per two day session with 1,000 total hunter permits drawn.

Violation of any of these rules or regulations or of any Federal or State hunting law will terminate the hunt of the person(s) so involved.

Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Texas 78550, Telephone 512-748-2426, White-tailed deer.

Special Conditions: (1) Hunting with, or possession of weapons other than legal long-bows is not permitted. (2) The open season for hunting deer on the refuge is from 30 minutes before sunrise to 2:00 P.M. CST, October 17 through October 26, 1980. (3) The bag limit is two deer either sex. (4) Target and field arrows are not permitted. (5) Hunters must check in and out each day of the hunt at the Laguna Atascosa Hunter Check Station, which will be open from 5:00 A.M. until 2:00 P.M. Permits will be issued and collected at this point. Failure to check out will result in loss of future hunting privileges. Deer must be checked out at this checkpoint. (6) Vehicles will not be permitted off the Bayside or Lakeside Tour roads or the County road. (7) Archery equipment must be left at the check station prior to trailing wounded deer into closed areas and for entry after 2:00 P.M. (8) Hunting is prohibited within 50 yards of the

Bayside and Lakeside Tour roads or the County road which passes through the Refuge. (9) The construction of permanent blinds is not permitted. Hunting permitted only from portable stands, natural blinds or by stalking (still hunting). No driving of deer is permitted. (10) Hunters under 16 years of age must be accompanied by an adult 21 years of age or older. Firearms Hunt; (11) The open season for hunting deer with firearms on the refuge is 30 minutes before sunrise until 30 minutes after sunset CST, December 12 through December 16, 1980. (12) The bag limit is two (2) deer, either sex. (13) Quotas by sex and age class will be established by the refuge manager. When the quotas for a given sex or class age is reached, hunting for that sex or age class will be discontinued. (14) Hunters will be selected by a drawing held prior to the hunt. There will be no substitutions. One hundred twenty-five permits will be issued. (15) Hunters must attend a briefing prior to hunt. Those who do not attend, do not hunt. (16) Hunters must stay in assigned Unit and/or stand. Units will be assigned on each morning of the hunt. (17) Hunters must check out at check station at the end of the hunt. (18) Hunters under 16 years of age must be accompanied by an individual over 21 years of age. (19) International orange must be worn on head *and* shoulders. Red and yellow are not substitutes. (20) Possession of handguns and alcoholic beverages is prohibited. (21) Firearms must be sighted-in prior to arrival. Target practice on refuge is prohibited.

The provisions of this special regulation supplement the regulations which govern public hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A107.

Joseph R. Higham,

*Area Manager, Austin, Tex.*

[FR Doc. 80-26286 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

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**50 CFR Part 32**

## Certain National Wildlife Refuges in Oklahoma and Texas; Hunting Regulations

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** The Director has determined that the opening to public hunting of certain National Wildlife Refuges in Oklahoma and Texas is compatible with the objectives for which the area was established, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season.

**EFFECTIVE DATES:** Hunting on portions of the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions as indicated below.

**FOR FURTHER INFORMATION CONTACT:** The Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

### General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. The possession of lead shot is prohibited and non-toxic shot (steel) will be required for waterfowl hunting on the following national wildlife refuges: Anahuac, Aransas (Matagorda Island Unit), Brazoria, McFaddin Marsh, San Bernard and Sea Rim in Texas and Sequoyah in Oklahoma. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 East 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

**§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.**

### Oklahoma

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Oklahoma 74962. Telephone 918-773-5251. Mourning doves and teal ducks. Special Conditions: (1) Firearms of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where firearms must be cased or broken down. (2) Only longbow and arrow or shotguns without slug ammunition are permitted. (3) Camping or possession of firearms on the refuge at night is prohibited. (4) All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, Telephone Number 405-371-2402. Mourning doves and teal ducks. Special Conditions: (1) The area to be hunted is the Tishomingo Wildlife Management Area. (2) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving game. (3) Hunters, upon entering and leaving the hunting area, shall report at designated checking stations as may be established for the regulation of the hunt and shall furnish upon request information pertaining to their hunting activities. (4) Duck hunters, during the Special Early Teal Season, who hunt the following areas are required to use a boat or hunt with a retrieving dog as otherwise water depths would prevent adequate retrieval of downed birds: McAdams Pond, Teller Pond, Whiskey Creek Pond, Muel Lake, Reeves Ravine, Lost Lake and Bobcat Gulch.

### Texas

Anahuac National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone Number 512-286-3559. Teal Duck. Special Conditions: (1) Open season will be each day of the special early teal season as established in the State of Texas. (2) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. (3) Access to the hunting unit is by boat only. Hunters are not permitted to use refuge roads for access to the hunting area. (4) Marsh buggies, airboats, and all

terrain vehicles are not allowed within the hunting unit.

Brazoria National Wildlife Refuge, Box 1088, Angleton, TX 77515, Telephone Number 713–849–6062. Early teal ducks. Special Conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted. Areas open to hunting are designated on maps which are available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) The refuge early teal season is in accordance with the Texas state early teal season.

Hagerman National Wildlife Refuge, Route 3, Box 123, Sherman, Texas 75090, Telephone Number 214–786–2826. Mourning dove. Special Conditions: (1) The open season for hunting mourning doves on the refuge is restricted to the first four weeks of the State season for the North Zone. (2) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving. (3) Entrance into closed areas by hunters or dogs for retrieving of game or for any other reason is prohibited.

Matagorda Island Unit, Aransas National Wildlife Refuge, P.O. Box 68, Austwell, Texas 77950. Telephone Number 512–286–3559. Mourning Dove. Special Conditions: (1) Open season for hunting mourning dove on the Matagorda Island is restricted to the first four weeks of the State season for the South Zone. (2) All portions of Matagorda Island under Federal ownership or control will be open to dove hunting with the exception of the old Air Force base itself which is fenced off. (3) Hunters may be transported to specific hunt areas at the discretion of the refuge manager or his appointed representative, depending on the work load at the time. (4) All hunters arriving at the Island docks must register with refuge personnel prior to the hunt.

McFaddin Marsh National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone 713–267–3337. Teal Duck. Special Conditions: (1) The McFaddin Marsh will be open to hunting on Sunday, Tuesday, Thursday and Saturday of the special early teal season. (2) No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) Hours are one-half hour before sunrise until 12:00 o'clock noon daily. (4) Any boat is allowed, except airboats may not have an engine of more than 10 horsepower. (5) No marsh buggies or all-terrain vehicles permitted in the refuge marsh or grass lands. (6) No hunting is allowed within 300 feet of any road, highway, or building. (7) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor.

San Bernard National Wildlife Refuge, P.O. Box 1088, Angleton, Texas 77515. Telephone Number 713–849–6062. Special conditions: (1) Only the free waterfowl hunting areas known locally as the Cedar Lakes and the Smith Marsh are open to the hunting of teal ducks during this early season. These areas are designated on maps available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) The refuge early teal season is in accordance with the Texas state early teal season.

Sea Rim National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone Number 713–267–3337. Teal Duck. Special Conditions: (1) Sea Rim National Wildlife Refuge will be open to hunting on Monday, Wednesday, Friday, and Saturday of the special early teal season. (2) Hunting hours will be from one-half hour before sunrise until 12:00 o'clock noon each day of the hunt. No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) No hunting will be permitted closer than 150 yards to any road, highway, or building. (4) Access to the refuge is by foot or by outboard or inboard powered boats, canoes, mudboats or skiffs, and by airboats with engines of 10 horsepower or less. All motorcycles and marsh buggies, and all airboats with engines of more than 10 horsepower are not permitted within the refuge. (5) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

Joseph R. Higham,
*Area Manager, Austin, Tex.*

[FR Doc. 80-26286 Filed 8-27-80; 8:45 am]
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## 50 CFR PART 32

## Certain National Wildlife Refuges in Oklahoma and Texas; Hunting Regulations

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Special regulations.

**SUMMARY:** The Director has determined that the opening to hunting of certain National Wildlife Refuges in the States of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting season for hunting waterfowl, snipe and woodcock.

**EFFECTIVE DATE:** Hunting on portions of all the following refuges shall be in accordance with applicable State and Federal seasons and regulations, subject to additional special regulations and conditions as indicated below.

**FOR FURTHER INFORMATION CONTACT:** The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

### General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. The possession of lead shot is prohibited and non-toxic shot (steel) will be required for waterfowl hunting on the following National Wildlife Refuges: Anahuac, Aransas (Matagorda Island Unit), Brazoria, McFaddin Marsh, San Bernard and Sea Rim in Texas, and Sequoyah in Oklahoma. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G–121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act

requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

**§ 32.12 Special regulations; migratory game birds: for individual wildlife refuge area.**

Oklahoma

Sequoyah National Wildlife Refuge, Route 1. Box 18A, Vian, Oklahoma 74962. Telephone: (918) 773-5251. Migratory game birds. Special conditions: (1) Hunting of ducks, geese, coots, snipe, woodcock and crow is in accordance with the Oklahoma State season for migratory birds. (2) Firearms of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigational Channel, where firearms must be cased or broken down. (3) Camping or possession of firearms on the refuge at night is prohibited.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460. Telephone: (405) 371-2402. Migratory game birds. Special conditions: (1) Public hunting of ducks and coots is permitted on Tishomingo Wildlife Management Area of the Tishomingo National Wildlife Refuge, Oklahoma. (2) Goose, ducks and coots may be hunted from one-half hour before sunrise until 11:45 a.m. on Thursdays, Saturdays and Sundays, and from 1:00 p.m. until sunset on Tuesdays, except that hunting is not permitted on Thanksgiving nor Christmas Days. (3) All hunters, upon entering or leaving the area, shall report at designated check stations as may be established for this purpose. (4) Ducks and coots may be hunted only in Management Area zones 1 and 2. Retrievers or boats must be used on zone 2 to prevent undue loss of downed birds in deep water. Temporary blinds may be constructed and placed where desired after giving due consideration to safety and hunting opportunities to other hunters already in the area. No more than 25 shells may be used by or in the possession of any hunter. (5) Geese may be hunted only in zone 3 and from the goose blinds provided. Each hunter will select the blind he wishes to use, and the order in which hunters make their selections will be determined by a daily drawing. Hunters may leave their assigned blinds to pick up decoys and return to the check station only at designated times, except that hunters may leave blinds to place or adjust decoys and to retrieve downed birds. No more than 6 shotgun shells may be used by or in the possession of any hunter; shot size may not exceed BB's. (6) As requested, hunters must provide information relating to their hunts and permit collection of tissues from their harvested birds.

Texas

Anahuac National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone: (713) 267-3337. Special conditions: (1) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. (2) Access to the hunting unit is by boat only. Hunters are not permitted to use refuge roads for access to the hunting area. (3) Marsh buggies, airboats, and all terrain vehicles are not allowed within the hunting unit. (4) Pits may not be dug and permanent blinds may not be constructed.

Aransas National Wildlife Refuge, (Matagorda Island Unit), P.O. Box 68, Austwell, Texas 77950. Telephone: (512) 286-3559. Migratory game birds. Special conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning waterfowl hunting will be applicable. (2) Taking of snow geese will not be permitted on the refuge. (3) Hunting hours: one-half (1/2) hour before sunrise until 12 o'clock noon. (4) The area will be open 3 days a week (Saturday, Sunday and Wednesday). Refuge transportation on the island will be provided to and from the Matagorda Island dock and the hunt area. Hunters will receive a short briefing covering hunter behavior, bird identification with special emphasis on the peregrine falcon and other endangered species, and refuge management on the island prior to the hunt. Hunters must be at the Island docks by 5:00 a.m., at which time a drawing will be held for blind selection. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

Brazoria National Wildlife Refuge, P.O. Box 1088, Angleton, Texas 77515. Telephone: (713) 849-6062. Migratory game birds. Special conditions: (1) Access to the hunting areas must be entirely over public water routes. Travel across the refuge mainland to and from the area open to hunting is not permitted. Areas open to hunting are designated on maps which are available from the refuge manager at the above address. (2) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt. (3) The refuge waterfowl season is in accordance with Texas State waterfowl season.

McFaddin Marsh National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone: (713) 267-3337. Migratory game birds. Special conditions: (1) The McFaddin Marsh will be open to hunting on Sunday, Tuesday, Thursday and Saturday of the early teal and regular duck season as established by the State of Texas. The refuge will not be open during the goose only seasons or on Christmas Day. (2) Hunting hours are one-half hour before sunrise until 12:00 o'clock noon daily. (3) Any boat is allowed, except airboats may not have an engine of more than 10 horsepower. (4) No marsh buggies or all-terrain vehicles permitted in the refuge marsh. (5) Pits may not be dug and permanent blinds may not be constructed. (6) No hunting is allowed within 300 feet of any road, highway or building. (7) Hunters 16 years of age or younger must be accompanied by an adult 21 years of age or older who shall be responsible for the conduct of the minor. (8) McFaddin Marsh is open to public foot and boat access at all times. (9) Refuge roads are open to public vehicle access from 7:30 a.m. until 4:00 p.m. Monday through Friday and other times as posted by signs and leaflets. Any portion of the refuge may be closed periodically because of public or wildlife hazards. (10) Overnight camping is permitted only adjacent to the Gulf of Mexico beach. Camping is limited to three days and three nights.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 20 and are effective through December 31, 1980.

San Bernard National Wildlife Refuge, P.O. Box 1088, Angleton, Texas 77515. Telephone: (713) 849-6062. Migratory game birds. Special conditions: (1) The waterfowl hunting area on this refuge is divided into two parts: Special Permit Waterfowl Hunting area (SPWH area) and Free Waterfowl Hunting areas (also locally known as the Cedar Lakes and the Smith Marsh tract). These areas are designated on maps available from the refuge manager at the above address. (2) A refuge permit will be required for participation in the SPWH area. Permit applications are available at the Refuge Office, 1208 North Velasco Street, Angleton, Texas, and must be returned to the refuge office by October 15, 1980 to be eligible for drawing for advanced reservations. (3) The refuge waterfowl season is in accordance with the Texas State waterfowl season. (4) Hunters participating in the Special Permit Waterfowl Hunt are required to be present at the check station by 4:30 a.m. for the first portion of the split season and 5:00 a.m. for the second portion. (5) The refuge will furnish duck decoys for the Special Permit Waterfowl Hunt and no other duck decoys may be used in this segment of the hunt. Goose decoys are permitted but will not be furnished. (6) Hunters participating in the Special Permit Waterfowl Hunt may not leave their blinds except to retrieve dead or wounded waterfowl or to rearrange their decoys. (7) Hunting days for the SPWH area will be Saturdays, Mondays and Wednesdays. (8) Hunters will stop hunting and shooting at 10:00 a.m., local time, in the SPWH area and return to a hunt check station to fill out a hunter questionnaire. (9) Any available hunting blinds in the SPWH area will be filled by hunters without reservations on a standby basis immediately prior to each day's hunt. (10) A "special hunter service recreation fee" of $3 will be collected from each hunter for each hunting trip on the SPWH area. Holders of "Golden Age Passports" will be charged $1.50. (11) Hunters will be required to walk through marsh terrain to assigned blinds from designated parking areas. (12) In the SPWH area, guns may not be loaded until hunters reach their assigned blinds. (13) No guest or observers are permitted in the blinds. (14) Access to the Free Waterfowl Hunting areas (Cedar Lakes and Smith Marsh tract) must be primarily over public water routes. (15) On the Free Waterfowl Hunting areas, pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought on to the refuge for blind construction must be removed at the end of each hunt. (16) Birds may not be plucked on the refuge. (17) Alcoholic beverages and controlled drugs are prohibited in all hunt areas on the refuge.

Sea Rim National Wildlife Refuge, P.O. Box 278, Anahuac, Texas 77514. Telephone: (713) 267-3337. Migratory game birds. Special conditions: (1) The Sea Rim National Wildlife Refuge will be open to hunting Monday, Wednesday, Friday and Saturday of the regular waterfowl season as established by the State of Texas. The refuge will not be open during the goose only seasons or on Christmas day. (2) Hunting hours will be from one-half hour before sunrise until 12 o'clock noon each day of the hunt. No firearms are permitted on the refuge prior to 3:00 a.m. or after 1:00 p.m. daily. (3) No hunting will be permitted closer than 150 yards to any road, highway or building. (4) Pits may not be dug and permanent blinds may not be constructed. (5) Access to the refuge is by foot or by outboard or inboard powered boats, canoes, mudboats or skiffs, and by airboats with engines of 10 horsepower or less. All motorcycles and marsh buggies, and all airboats with engines of more than 10 horsepower are not permitted within the refuge. (6) Hunters 16 years of age or younger must be accompanied by an adult hunter 21 years of age or older who shall be responsible for the conduct of the minor.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

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

Joseph R. Higham,

*Area Manager, Austin, Tex.*

[FR Doc. 80-26280 Filed 8-27-80; 8:45 am]
BILLING CODE 4310-55-M

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## 50 CFR Part 32

## Umatilla National Wildlife Refuge in Oregon; Hunting Regulations

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Amendment to Special Regulations.

**SUMMARY:** This document amends certain portions of the special regulations governing hunting on Umatilla National Wildlife Refuge, Oregon, published on page 52394, Federal Register, Volume 45, No. 154, Thursday, August 7, 1980. This amendment relieves a restriction on waterfowl hunting on the Umatilla National Wildlife Refuge, Oregon, in 1980-81 to permit both lead shot and steel shot to be used experimentally in shooting tests.

**DATES:** September 1, 1980 to February 28, 1981.

**ADDRESSES:** Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations as amended.

**FOR FURTHER INFORMATION CONTACT:** L. A. Mehrhoff, Area Manager, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 238, Boise, Idaho 83705.

**SUPPLEMENTARY INFORMATION:** This amendment relieves a restriction on waterfowl hunting on the Umatilla National Wildlife Refuge, Oregon, in 1980-81 to permit both lead shot and steel shot to be used experimentally in shooting tests.

The reasons for this change are as follows: (1) The U.S. Fish and Wildlife Service has determined as a result of studies over the past several years that waterfowl feeding in areas where lead shot is used are subject to lead poisoning. (2) The results of these previous tests have been contested by state wildlife agencies, wildlife related organizations, and some segments of the hunting public. (3) Additional research data is being gathered to resolve this difference of opinion which the tests at Umatilla will be a part of. (4) Shooting tests which compare the effectiveness of steel shot and lead shot in bagging waterfowl will be conducted on the Umatilla National Wildlife Refuge. On a voluntary basis hunters at certain blinds will be provided and asked to use unmarked shotgun shells. Shotguns will be provided if the hunters choose not to use the shells in their own gun. The hunters shooting activity that day will be observed and recorded. The regulations are amended to allow this testing to occur.

The Service has determined that since this amendment relieves a restriction and will provide information to help resolve a mutual problem, the notice and public comment procedure required by 5 U.S.C., 553(b) is impracticable and not in the public interest. The Service further finds the 5 U.S.C., 553(d) does not apply. Accordingly, 50 CFR Part 32 is amended by revising § 32.12 as described below.

**§ 32.12 Special Regulations; migratory game birds; for individual wildlife refuge areas.**

Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, Oregon 97882, phone 503-922-3232. Special Conditions; (Amended) (4) On the area located on the Umatilla National Wildlife Refuge where a shooting test will be conducted by the U.S. Fish and Wildlife Service lead shot can be used in addition to steel shot by participants in the test.

Note.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11494 and OMB Circular A-107.

Dated: August 20, 1980.

L. A. Mehrhoff,

*Boise Area Manager.*

[FR Doc. 80-26290 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

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## 50 CFR Part 32

## Opening of the Brigantine National Wildlife Refuge, New Jersey, to Hunting

**AGENCY:** United States Fish and Wildlife Service, Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to hunting of Brigantine National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**EFFECTIVE DATES:** September 1, 1980 through January 19, 1981.

**FOR FURTHER INFORMATION CONTACT:** Gaylord Inman, Brigantine National Wildlife Refuge, Great Creek Road, P.O. Box 72, Oceanville, New Jersey 08231, Telephone No. 609-652-1665.

**SUPPLEMENTARY INFORMATION:** The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Brigantine National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

**§ 32.12 Special regulations; migratory game birds; individual wildlife refuge areas.**

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1, 2 and 3 on maps available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds subject to the following special conditions:

1. Steel shotshells are required for shotguns used to hunt migratory waterfowl during the State waterfowl hunting season. Persons may not possess lead shotshells during the State waterfowl hunting season.
2. Hunters when requested by Federal or State enforcement officers, must display for inspection all game, hunting equipment and ammunition.
3. Hunting on Unit 3 during the waterfowl season is open to the public during the first half of the split season and following the second Saturday of the second half of the split season. Unit 3 is restricted to Certified Young Waterfowlers Program Trainees from the opening day of the second half of the split season through the second Saturday of the second half of the split season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Administrative needs require that the Brigantine Refuge hunting seasons be held concurrent with the New Jersey State hunting season dates. It is therefore found impracticable to issue regulations that would be effective 30 days after publication in accordance with Department of the Interior general policy.

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

Howard N. Larsen,

*Regional Director, Fish and Wildlife Service.*

August 20, 1980.

[FR Doc. 80-26342 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

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## 50 CFR Part 32

## Opening of the Great Swamp National Wildlife Refuge, New Jersey, to Hunting

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Special regulation.

**SUMMARY:** The Director has determined that the opening to hunting of Great Swamp National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

**EFFECTIVE DATES:** December 8, 1980 through December 18, 1980.

**FOR FURTHER INFORMATION CONTACT:** John L. Fillio, Great Swamp National Wildlife Refuge, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, Telephone No. 201-647-1222.

**SUPPLEMENTARY INFORMATION:** The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Great Swamp National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

**§ 32.32 Special regulations; big game; for individual wildlife refuge areas.**

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 8, 1980 to December 13, 1980, inclusive, and December 15 to December 18, 1980. Hunting of deer with firearms shall be in accordance with all State and Federal regulations subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. E.S.T. and 5 p.m. E.S.T. Participation will be limited to the 600 hunter permittees randomly selected for the special Great Swamp hunt. Only 250 hunters will be allowed at any given time on each day during the hunt period. Armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange in accord with State requirements. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shotgun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor large than Number 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loads certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed". Baiting or hunting with the aid of bait is prohibited.

Regulations, summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The refuge will be closed to the general public during the hunting period, December 8 through December 18, 1980.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32. The public is invited to offer suggestions and comments at any time.

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

Howard N. Larsen,

*Regional Director, Fish and Wildlife Service.*

August 20, 1980.

[FR Doc. 80-26341 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

# Proposed Rules

Federal Register
Vol. 45, No. 169
Thursday, August 28, 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 JUSTICE

### Immigration and Naturalization Service

### 8 CFR 204

### Petition To Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Revision of Requirements for Petitions Based on Adoptive Relationships

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** This is a proposal to change the regulations concerning filing a petition for classification as an immediate relative of a United States citizen on behalf of an alien orphan, submitting a request for advance processing of such a petition, and filing a relative petition based upon an adoptive relationship. These revisions clarify and add to existing regulations and establish uniform procedures within the Service.

**DATE:** Comments must be received on or before October 27, 1980.

**ADDRESSES:** Please submit comments, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, N.W., Washington, D.C. 20536.

**FOR FURTHER INFORMATION CONTACT:**
For General Information:
Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C., 20536. Telephone: (202) 633-3048.
For Specific Information:
Alice Strickler, Immigration Examiner Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C., 20536. Telephone: (202) 633-5015.

**SUPPLEMENTARY INFORMATION:** The present 8 CFR 204.1(b)(1) concerns filing a petition for classification as an immediate relative on behalf of an alien orphan. The present 8 CFR 204.1(b)(2) concerns the advance processing of such petition before an orphan is located. The proposed revision sets forth new requirements and procedures for both matters and divides the two sections into smaller paragraphs to provide greater clarity.

The proposed additions to § 204.1(b) would be as follows:

(1) The new 8 CFR 204.1(b)(1)(ii) would provide that if the petitioner resides abroad, a request for advance processing may be made at the office of the Service having jurisdiction over his/her place of residence. (2) The new 8 CFR 204.1(b)(1)(iii) would permit the filing of an orphan petition at a stateside office if it would facilitate the processing of the case when a request for advance processing is already on file at that office, even though the petitioner and/or spouse, if married are/is traveling abroad to locate a child for adoption. (3) The new 8 CFR 204.1(b)(2)(iii) would provide that a child who is in the United States in parole status and who has not been adopted in the United States is eligible for the benefits of an orphan petition and for adjustment of status to that of a lawful permanent resident when all the requirements of §§ 101(b)(1)(F) and 204(e) of the Immigration and Nationality Act have been met. This proposed addition to the regulations states the new Service policy concerning the eligibility of a child in parole status in the United States for benefits under § 101(b)(1)(F) of the Act. Under former Service policy, all children in the United States were ineligible for the benefits of an orphan petition and for adjustment of status on that basis. (4) The new 8 CFR 204.1(b)(3)(ii) would provide that an unmarried petitioner at least twenty-four years of age may file an advance processing request if he/she will be at least twenty-five years of age at the time of the adoption and of filing the orphan petition.

The present 8 CFR 204.2 explains what documentation is necessary for filing a petition for classification as an immediate relative of a United States citizen or as a preference immigrant. The proposed amendment would add two sentences to 8 CFR 204.2(c)(7). That section describes the requirement for obtaining immigration benefits under § 101(b)(1)(E) of the Act. Under § 101(b)(1)(E), an adopted child may be classified as a child for immigration purposes if he/she has been adopted while under the age of fourteen and has been in the legal custody of, and has resided with, the adopting parent or parents for two years. The amendment would reflect the Board of Immigration Appeals' decision in *Matter of M———*, 8 I. & N. Dec. 118(1959), that the two-year residence with the adopted child may be satisfied by residence preceding the adoption. The Board has followed this decision to date.

The proposed amendment to 8 CFR 204.2 would also add two new sections, § 204.2(e) and § 204.2(f), and redesignate the present §§ 204.2(e) and (f) as §§ 204.2(g) and (h), respectively. The new § 204.2(e) would enable a petitioner who has located a child to avail himself/herself of a preliminary processing procedure similar to that of advance processing. The new § 204.2(e) would provide for the filing of an orphan petition on behalf of a known child without submitting either documentary evidence relating to the child or a home study. The new § 204.2(f) would explain what specific evidence and information are required in advance processing cases. In addition, it would permit the filing of an advance processing request without a home study if the home study will be submitted within one year after filing.

The following revisions and amendments are proposed:

## PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Section 204.1(b) would be revised to read as follows:

**§ 204.1 Petition.**

* * * * *

(b) Orphan—(1) *Jurisdiction.* (i) *Petitioner residing in the United States.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act or a request for advance processing of such a petition must be filed with the office of the Service having jurisdiction over the place where the petitioner is residing, if the petitioner is residing in the United States.

(ii) *Petitioner residing abroad.* If the petitioner resides outside of the United States, the petition or request for advance processing must be filed with the overseas or stateside office of the Service designated to act on the petition

or request. This can be ascertained by consulting an American consul.

(iii) *Petitioner proceeding abroad when advance processing request is on file at a statewide office.* When a request for advance processing is already on file at a stateside office and the petitioner and/or spouse, if married, is/are traveling abroad to locate or adopt a child, the petition in behalf of the child may be filed at the stateside office if it will facilitate the processing of the petition. Otherwise it should be filed at the Service office which has jurisdiction over the place where the child is residing.

(iv) *Petitioner residing in Canada.* Since no Service office in Canada is designated for processing orphan cases, a petitioner residing in that country shall file an orphan petition or request for advance processing with the office of the Service having jurisdiction over the place of the child's intended residence in the United States.

(2) *Petition*—(i) *Filing the petition.* A petition for a child as defined in section 101(b)(1)(F) of the Act must be filed on Form I-600 by a United States citizen. It must identify the child and must be accompanied by the fee required under section 103.7(b)(1) of this chapter. If the petitioner is married, the Form I-600 must also be signed by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-five years of age at the time of the adoption and when the petition is filed.

(ii) *Decision.* The petitioner shall be notified of the decision. If the petition is denied, the petitioner shall be advised of the reasons for the denial and of the right to appeal in accordance with the provisions of Part 103 of this chapter. When the petition is denied, the fee will not be refunded.

(iii) *Child in the United States.* A child who is in parole status and who has not been adopted in the United States is eligible for the benefits of an orphan petition and adjustment of status to permanent residence when all the requirements of section 101(b)(L)(F) and 204(e) of the Act have been met. A child in the United States either illegally or as a nonimmigrant, however, is ineligible for the benefit of an orphan petition and adjustment of status on that basis.

(3) *Advance processing request*—(i) *Circumstances where advance processing request may be submitted.* A prospective petitioner may request advance processing of a petition for a child as defined in section 101(b)(1)(F) of the Act when—

(A) a prospective orphan has not been located and identified; or

(B) the prospective petitioner and/or spouse, if married, is/are going abroad to adopt or locate a child.

(ii) *Submitting the request.*—(A) *General.* A request for advance processing shall be submitted by a United States citizen on Form I-600 with block I and the affidavit of petitioner completed. It shall be accompanied by the fee specified in section 103.7(b)(1) of this chapter. If the petitioner is married, Form I-600 shall also be signed by the petitioner's spouse. If unmarried, the petitioner must be at least twenty-four years of age provided that he/she will be at least twenty-five at the time of the adoption and of filing the completed petition in behalf of a child.

(B) *Properly filed petition.* The petition in an advance processing case will not be regarded as properly filed until the orphan has been identified and the biographical information and documentary evidence concerning the child are furnished to this Service. When the child has been identified, a completed duplicate Form I-600 shall be submitted with all necessary documentary evidence relating to him/her.

(iii) *Disposition of the request for advance processing.* The petitioner will be informed that the request for advance processing will be retained for one year from the date of completion of all advance processing, that if a child is not identified to this Service within that year, the request will be considered abandoned, and that any further proceedings will require the filing of a new Form I-600. If the request for advance processing is considered abandoned, the fee will not be refunded.

§ 204.2 [Amended]

§ 204.2(c)(7) would be revised to read as follows:

* * * * *

(c) * * *

(7) *Relationship by adoption.* If the petitioner and the beneficiary are related to each other by adoption, a certified copy of the adoption decree must accompany the petition. Immigration benefits may be obtained under §§ 101(b)(1)(E) or 101(b)(2) of the Act by virtue of an adoptive relationship provided that the child was adopted while under the age of fourteen if the child has been in the legal custody of, and has resided with, the adopting parent or parents for at least two years. While the legal custody must be after the adoption, residence occurring prior to the adoption can satisfy the residence requirement.

* * * *

The following § 204.2(e) would be added and the former § 204.2(e) would be redesignated as § 204(g). The new section would read as follows:

* * * * *

(e) *Preliminary processing of orphan petition without full documentation or home study.* When a child has been identified but the documentary evidence relating to him/her or the home study is not yet available, an orphan petition may be filed without such evidence or home study. All other evidence and the fingerprints required in paragraph (d)(1) of this section, however, must be submitted. The petition will not be considered properly filed until complete documentary evidence relating to the child and the home study are furnished. If the necessary evidence and home study are not submitted within one year from the date of submission of the petition, the petition will be considered abandoned, and the fee will not be refunded. Any further proceedings will require the filing of a new petition.

* * * * *

The following § 294.2(f) would be added and the former § 204.2(f) would be redesignated as § 204.2(h). The new section would read as follows:

* * * * *

(f) *Evidence and information to be furnished with request for advance processing of orphan petition.*

(1) *Evidence.* A request for advance processing of an orphan petition in behalf of a child who has not been identified made pursuant to § 204.1(b)(3) must be accompanied by—

(i) Fingerprints on Form FD-258 of the United States citizen petitioner and spouse, if married;

(ii) Documentary evidence relating to the petitioner and spouse, if married, as provided in paragraph (d)(1) of this section; and

(iii) A valid home study as described in paragraph (d)(2) of this section, if available. If not yet available, it shall be submitted within one year from the date of submission of the request for advance processing or the request shall be considered abandoned.

(2) *Information.* The petitioner must furnish the following information with a request for advance processing:

(i) Whether the child is coming to the United States for adoption after compliance with the preadoption requirements, if any, of the state of proposed residence or whether the child will be adopted abroad after having been personally seen and observed by the petitioner and spouse, if married.

(ii) Name and address of the organization or individual assisting the

petitioner in locating or identifying an eligible orphan.

(iii) City, province or state and country of intended destination if the petitioner and/or spouse are/is proceeding abroad to locate or adopt a child.

(iv) Date of intended departure of the petitioner and/or spouse, if traveling abroad.

(Secs. 101(b)(1)(E) and (F), 103, 204; 8 U.S.C. 1101(b)(1)(E) and (F), 1103, 1154)

### Public Comment Invited

In accordance with 5 U.S.C. 553, the Service invites comments of interested parties on this proposed rule. All relevant data, views, or arguments submitted on or before October 27, 1980 shall be considered. Comments should be submitted in writing, in duplicate, to the Commissioner of the Immigration and Naturalization Service at the address shown at the beginning of this notice.

Dated August 25, 1980

David Crosland,

*Acting Commissioner of Immigration and Naturalization.*

[FR Doc. 80-26465 Filed 8-27-80; 8:45 am]

BILLING CODE 4410-10-M

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Airspace Docket No. 80-ANE-33]

## Alteration of VOR Federal Airway

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposes to realign VOR Federal Airway V-167 between Hartford, Conn., Providence, R. I., by making it a direct route. This alteration will improve the service and aid flight planning. Also, controller workload would be reduced by providing an airway in an area where aircraft are normally vectored.

**DATES:** Comments must be received on or before September 29, 1980.

**ADDRESSES:** Send comments on the proposal in triplicate to:

Director, FAA New England Region, Attention: Chief, Air Traffic Division, Docket No. 80-ANE-33, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Lewis Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received on or before September 29, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of coments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

### Availability Of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Cirular No. 11-2 which describes the application procedures.

### The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would alter the description of V-167 in the vicinity of Hartford, Conn. Presently, there is a dogleg in the segment between Hartford and Providence, R.I., and the FAA proposes to alter this segment by making it a direct route. This change will imporve flight planning and reduce controller workload by providing an airway in an area where aircraft are usually vectored. Section 71.123 of Part 71 was republished in the Federal Register on January 2, 1980, (45 FR 307).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) as follows:

Under V-167: "Hartford; INT Hartford 081° and Providence, R.I., 270° radials; Providence;" is deleted and "Hartford, Conn.; Providence, R.I.;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on August 19, 1980.

B. Keith Potts,

*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc. 80-25969 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## 14 CFR Part 71

[Airspace Docket No. 80-SO-48]

## Proposed Designation of Transition Area, Ocean Springs, Miss.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule will designate the Ocean Springs, Mississippi, Transition Area and will lower the base of controlled airspace in the vicinity of the Gulfpark Airport from 1,200 to 700 feet above ground level (AGL). A standard instrument approach procedure has been developed to the airport, and additional controlled airspace is required to protect Instrument Flight Rule (IFR) operations.

**DATES:** Comments must be received on or before: October 3, 1980.

**ADDRESS:** Send comments on the proposal to: Federal Aviation

Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

**FOR FURTHER INFORMATION CONTACT:** Harlan D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

**SUPPLEMENTARY INFORMATION:**

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 3, 1980, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Person interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate the Ocean Springs, Mississippi, 700-foot transition area. This action will provide controlled airspace protection for IFR operations at the Gulfpark Airport. A standard instrument approach procedure, VOR-B, to the airport, utilizing the Gulfport VORTAC, is proposed in conjunction with the designation of the transition area. If the proposed designation is acceptable, the airport operating status will be changed from VFR to IFR.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181 (45 FR 445), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

*Ocean Springs, Miss.*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gulfpark Airport (lat. 30°23'25" N., long. 88°45'09" W.); excluding that portion within the Gulfport, Mississippi, Transition Area.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. a1348(a) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal this action does not warrant preparation of a regulatory evaluation.

Issued in East Point, Ga., on August 15, 1980.

Louis J. Cardinali,

*Director, Southern Region.*

[FR Doc. 80-26224 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

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## CIVIL AERONAUTICS BOARD

## 14 CFR Parts 222 and 385

[EDR-403A; ODR-22A; Docket 38329]

## Air Cargo Pick-Up and Delivery Zones; Filing of Tariffs; Application for Authority To File; Delegation and Review of Action Under Delegation; Nonhearing Matters

Dated: August 25, 1980

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Denial of Request for Extension of Comment Period.

**SUMMARY:** The CAB is denying a request for an extension of the comment period in its rulemaking proceeding to eliminate Board restrictions upon intermodal cargo services. The request was made by counsel for The Flying Tiger Line.

**DATES:** Comments by August 22, 1980. Reply comments by September 22, 1980.

**FOR FURTHER INFORMATION CONTACT:** Joseph Di Bella, Bureau of International Aviation, Legal Division, 1825 Connecticut Avenue N.W., Washington, D.C. 20428, (202) 673-5035.

**SUPPLEMENTARY INFORMATION:** By EDR-403/ODR-22, 45 FR 42318, June 24, 1980, the Board proposed to eliminate Board restrictions upon intermodal cargo service, *i.e.*, surface cargo transportation in connection with air transportation, except in those cases where the intermodal cargo services of foreign air carriers must be restricted for international civil aviation policy reasons. Foreign air carriers would be required to apply for statements of authorization to conduct intermodal services, and approval of those applications would depend on whether a foreign carrier's government had granted U.S. carriers reciprocal rights or on broader international aviation policy considerations. The Board would also discontinue its requirement that carriers file separate tariffs for pick-up and deliverly services.

The initial and reply comment deadlines set by EDR-403/ODR-22 are August 22 and September 22, 1980. At the close of business on August 20, counsel for the Flying Tiger Line asked for a 7-day extension of these deadlines to August 29 and September 29, 1980, citing the complexity of the issues in support the of request.

A 60-day comment period has provided ample time to thoroughly consider and comment upon the issues raised by this rulemaking. Moreover, the extension request was filed so late that it would be impossible to grant and publicize it in time to benefit other interested persons. Counsel for the Flying Tiger Line has offered no reason for the extension that is compelling enough to outweight this unfairness. Accordingly, I do not find good cause to extend the comment period for EDR-403/ODR-22.

Under authority delegated by the Board in 14 CFR 385.20(d), the request to extend the comment period is denied.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

Mark Schwimmer,

*Acting Associate General Counsel.*

[FR Doc. 80-26409 Filed 8-27-80; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 15 CFR Part 970

### Deep Seabed Mining; Extension of Comments Date for Advance Notice of Proposed Rulemaking

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Extension of comments date.

**SUMMARY:** The period within which comments were requested on an advance notice of proposed rulemaking to implement Public Law No. 96-283, the Deep Seabed Hard Mineral Resources Act (the "Act"), is extended form August 31, 1980, to September 10, 1980. NOAA is extending the date in recogniation of the complex issues and in the interest of encouraging all comments that will assist the agency in its decisions incidental to implementing the Act.

**DATE:** Comments should be received by September 10, 1980.

**ADDRESS:** Submit communications, which should identify the advance notice of proposed rulemaking, to Martin H. Belsky, Assistant Administrator for Policy and Planning, National Oceanic and Atmospheric Administration (NOAA), Room 5222, Department of Commerce, Washington, D.C. 20230.

**FOR FURTHER INFORMATION CONTACT:** James P. Lawless, Office of General Counsel, NOAA, Room 5816, Department of Commerce, Washington, D.C. 20230 (202-377-3403).

**SUPPLEMENTARY INFORMATION:** On July 28, 1980, NOAA published in the Federal Register at page 49953 an advance notice of proposed rulemaking pertaining to deep seabed hard mineral resources exploration licenses and commercial recovery permits, to implement the Act. The notice requested that comments be received by August 31, 1980. Interested persons have expressed the desire to submit comments but have indicated that the scope and complexity of issues relating to seabed mining, and of their anticipated comments, will prevent them from submitting comments by the above date. In recogniation of these complexities, and in the interest of encouraging all comments that will assist the agency in its decisions incidental to implementing the Act, NOAA is extending the date for receiving comments on the advance notice until September 10, 1980.

Dated: August 20, 1980.

Francis J. Balint,

*Acting Director, Office of Management and Computer Systems.*

[FR Doc. 80-26372 Filed 8-27-80; 8:45 am]

BILLING CODE 3510-12-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 250

**[Release No. 35-21685; file No. S7-847]**

### Proposed Rule to Exempt Certain Non-Utility Subsidiaries Under the Public Utility Holding Company Act of 1935

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Commission is requesting comments concerning a proposed rule that would exempt subsidiaries of registered holding companies primarily engaged in the production, manufacture, transmission or storage of gas from the duties, liabilities and obligations imposed under the Public Utility Holding Company Act of 1935 ("Act") on "subsidiary companies," as such, if no more than 50% of the voting securities of or other voting interests in such subsidiaries are owned, directly or indirectly, by one or more registered holding companies.

The proposed rule is intended to eliminate an impediment to participation by registered holding company systems in joint ventures with persons not subject to the Act for the purpose of providing non-utility facilities useful to the business of the registered system, by exempting the joint venture entity, whether a corporation or partnership, from the regulatory provisions of the Act.

**DATE:** Comments must be received on or before September 26, 1980.

**ADDRESSES:** Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comment letters received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

**FOR FURTHER INFORMATION CONTACT:** Grant G. Guthrie, Associate Director, Division of Corporate Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, (202) 523-5156.

**SUPPLEMENTARY INFORMATION:** Section 2(a)(7) of the Act defines a "holding company" as any company which owns 10% or more of the voting securities of a "public utility company," a term which includes an "electric utility company" (Section 2(a)(3)) or a "gas utility company" (Section 2(a)(4)). For purposes of the Act, a "gas utility company" is a company engaged in the *retail distribution* of natural or manufactured gas. Companies which are engaged in the manufacture or production of gas, or its transmission, are not gas utility companies, within the meaning of this definition, and the owners of such companies are not "holding companies," unless retail gas service is also undertaken. The definition of an "electric utility company," on the other hand, includes generation and transmission of power, as well as its distribution, so there is no similar distinction between the wholesale and retail functions.

The provisions of the Act, particularly Section 7, which govern security issues, apply to all subsidiaries which are only partly owned and subsidiaries which are not utility companies, unless the subsidiary is exempted by rule under Section 3(d). If a group of companies undertakes a non-utility joint project of common interest, such as a pipeline or a synthetic fuel plant, the inclusion of a member of a registered system as a significant owner may subject to Commission authority under the Act all the financing and other activities of the company created for that purpose. Since such company will not be a "gas utility company" and its other owners will not become "holding companies" within the meaning of the Act, there is no apparent need for such regulation. Such additional regulation may make potential co-venturers reluctant to include a registered system in their plans.

There are now three gas utility holding company systems registered under the Act, two of which also own major gas transmission subsidiaries. The three systems represent only about 8½% of the total gas industry, counting both pipelines and retail distribution systems. Most of the pipeline systems are not subject to the Act, and significant joint ventures will be principally with non-utility companies.

Two applications for approving joint projects, one dealing with a plant to manufacture synthetic gas, and the other with major new pipelines, have been filed and we are informed that further ventures are contemplated. Each of these projects is directed to provide gas to multiple pipeline systems from heretofore inaccessible sources for resale in existing markets. All of these

projects are based on joint ownership of he company to be created to own and operate the facility. The recent passage of the Energy Security Act of 1980,[1] Title I of which is directed to promoting the development of a synthetic fuels industry in the United States, and other developments in the industry suggest that this kind of subsidiary relationship may become important in the planning of other similar projects.

Section 3(d) of the Act authorizes the Commission to:

> By rules and regulations, conditionally or unconditionally exempt any specified class or classes of person from the obligations, duties or liabilities imposed upon such persons as subsidiary companies or affiliates under any provision or provisions of this title, and may provide within the extent of any such exemption that such specified class or classes of persons shall not be deemed subsidiary companies or affiliates within the meaning of any such provision or provisions, if and to the extent that it deems the exemption necessary or appropriate in the public interest or for the protection of investors or consumers and not contrary to the purposes of this title.

Proposed Rule 16 would be an exercise of this exemption authority. It would declare the entity organized to own the specified kinds of non-utility facilities not to be a "subsidiary company" of an owner which is in a registered holding company system, provided certain conditions are met. The rule would not exempt the registered system in any other respect.

The Commission's responsibilities with respect to both the integration of the registered utility system, as defined in Section 11(b)(1) of the Act, and the financial involvement of the registered holding company system would seem to be satisfied by the exercise of its authority under Sections 9(a)(1) and 10 of the Act over that system's acquisition of an interest in the joint venture and under Sections 6(a) and 7 of the Act over the obligations it may undertake.

The rule, as proposed, does not extend to a company a majority of whose voting securities or other interests are held by registered systems, since such companies would be effectively part of the regulated systems.

### Text of The Proposed Rule

It is proposed to amend 17 CFR Part 250 by adding § 250.16 to read as follows:

[1] Pub. L. 96-294.

## PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

**§ 250.16 Exemption of non-utility subsidiaries.**

Any company which is a subsidiary company, as defined in section 2(a)(8)(A) of the Act, of a registered holding company shall be exempt from every obligation, duty, and liability imposed upon such company, as such, *Provided* That:

(a) Such company is primarily engaged in the exploration, development, production, manufacture, storage, transportation or supply of natural or synthetic gas for resale and is not a gas utility company within the meaning of section 2(a)(4) of the Act;

(b) No more than 50 percent of its voting securities or other voting interests are owned or controlled, directly or indirectly, by any one or more registered holding companies; and

(c) The acquisition of an interest in such company by a registered holding company or subsidiary thereof has been approved by order under sections 9(a)(1) and 10 of the Act.

A failure of any member of a registered holding company system to otherwise comply with the Act shall not affect the exemption herein granted.

(Sec. 3 (d) and 20(a) of the Public Utility Holding Co. Act of 1935 (15 U.S.C. 79a *et seq.*))

By the Commission.

George A. Fitzsimmons,

*Secretary.*

August 21, 1980.

[FR Doc. 80-26392 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

### 24 CFR Part 25

[Docket No. R-80-862]

### Mortgagee Review Board

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule invites comments on revisions in the administrative actions available to the Mortgagee Review Board and the permissible grounds for such actions. The rule would provide greater clarification of the grounds which may result in an administrative action by the Board against a HUD–FHA approved mortgagee. The rule would also provide greater flexibility in the administrative actions available to the Board to ensure compliance with HUD regulations and procedures.

**DATE:** Comments must be received on or before October 27, 1980.

**ADDRESS:** Interested persons are invited to submit written suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** K. H. Sauerbrunn, Department of Housing and Urban Development, Office of General Counsel, Room 10270, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5657 [not a toll-free number].

**SUPPLEMENTARY INFORMATION:** The Department of Housing and Urban Development has undertaken a review of the Administrative actions available to the Mortgagee Review Board and the bases on which the board may act in monitoring the activities of HUD-approved mortgagees. As a result of this review the Department has determined that the provisions of Part 25 should be improved and clarified. In addition, to assure that the administrative actions under this Part will accomplish their intended result and will serve the best interests of the Government and the public, the Department is presently considering further revision of the Part, which was previously amended on August 9, 1977, 42 FR 40194. The proposed revision would entail the following major changes:

1. Under the new § 25.5, the Mortgagee Review Board would have at its disposal a variety of administrative actions to enable it to act with greater flexibility in assuring that the conduct of HUD-approved mortgagees comports with HUD requirements. The new actions include the following: a notice of probable violation by which the Board may notify a mortgagee of allegations concerning its conduct and seek a written reply; a letter of reprimand by which the Board may formally warn a mortgagee against particular conduct and order it to bring its activities into compliance; a remedial order by which the Board may require a mortgagee to institute appropriate measures to correct or mitigate the effects of violations,

including the demand for indemnification against existing or future insurance claims; a probation order by which the Board may temporarily place the mortgagee in a probationary status in order to evaluate the mortgagee's compliance with HUD/FHA requirements or a remedial order; and suspension by which the Board may immediately suspend the mortgagee's approval for up to one year where the Board determines that such action is necessary in the interests of the Department or the public pending the completion of any audit, investigation or other review.

2. The new § 25.8 lists grounds for action by the Board, including: a mortgagee's failure to comply with conditions of approval; failure to comply with any statute, regulation, handbook, mortgagee letter, contract or other written requirement or instruction relating to mortgagee activities; failure to meet or maintain net worth; failure to comply with orders of the Board, the Secretary or the Hearing Office; submission of false information to HUD/FHA in connection with any insured loan; failure to respond to inquiries by the Board; indictment or conviction of a mortgagee or any of its officers, directors, principals or employees; violation of the nondiscrimination provisions of the Equal Credit Opportunity Act or the Fair Housing Act; business practices which do not conform to the practices of prudent lenders; and failure to cooperate with a HUD audit, investigation or review.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environment Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

Accordingly, it is proposed to amend Title 24, Subtitle A, by adding a new Part 25 to read as follows:

## PART 25—MORTGAGEE REVIEW BOARD

### Subpart A—Department of Housing and Urban Development Mortgagee Review Board

*Secs.*

25.1 Scope of rules of this part.
25.2 Establishment of Board.
25.3 Definitions.
25.4 Operation of the Mortgagee Review Board.
25.5 Administrative actions.
25.6 Notice of administrative action.
25.7 Hearings and hearing request.
25.8 Grounds for an administrative action.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), and Section 211 of the National Housing Act of 1934, 12 U.S.C. 1715b.

### Subpart A—Department of Housing and Urban Development Mortgagee Review Board

**§ 25.1 Scope of rules in this part.**

The rules in this part are applicable to the operation of the Mortgagee Reveiw Board and to proceedings arising from Mortgagee Review Board administrative actions.

**§ 25.2 Establishment of Board.**

There is established in the Office of the Secretary a Mortgagee Review Board. Except as limited by this part, the Mortgagee Review Board shall exercise all of the authority and perform all of the functions of the Secretary with respect to administrative actions against mortgagees. The Board shall have all powers necessary and incident to the performance of these functions.

**§ 25.3 Definitions.**

(a) *Administrative Action.* A notice of possible violation, a remedial order, a letter of reprimand, an order of probation, a suspension or withdrawal of approval issued by the Mortgagee Review Board.

(b) *Party.* The Department of Housing and Urban Development or the respondent.

(c) *Respondent.* A mortgagee against which the Mortgagee Review Board has taken an administrative action.

(d) *Secretary.* The Secretary of the Department of Housing and Urban Development or a person designated by the Secretary.

**§ 25.4 Operation of the Mortgagee Review Board.**

(a) *Members.* The Mortgagee Review Board consists of the following members: The Assistant Secretary for Housing—Federal Housing Commissioner Who serves as the Chairperson; the General Counsel; the Assistant Secretary for Administration; the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection; or their designees.

(b) *Advisor.* The Inspector General, or designee, serves as a nonvoting advisor to the Board.

(c) *Quorum.* Three members of the Mortgagee Review Board or their designees shall constitute a quorum.

(d) *Determination by the Board.* Any suspension or withdrawal of mortgagee approval shall be determined by a unanimous vote of the quorum. Any other administrative action shall be determined by a majority vote of the members present and voting.

(e) *When action effective.* Any acts taken by the Board shall be effective when served in accordance with § 25.6 and § 26.16.

**§ 25.5 Administrative actions.**

When any report, audit, investigation or other information before the Mortgagee Review Board discloses that a basis for an administrative action against a mortgagee exists under § 25.8, the Mortgagee Review Board, depending on the nature and extent of the violations, may take one or more of the following administrative actions:

(a) *Notice of possible violation.* The Board may issue a written statement to the mortgagee informing the mortgagee as to the alleged violations and directing that the mortgagee reply in writing to the Board within a specified period of time. If the mortgagee fails to reply, it shall be deemed to have conceded the allegations in the notice. If a mortgagee either fails to reply or submits a reply which the Board determines inadequate, the Board may impose any other administrative action under this part that the Board finds appropriate.

(b) *Remedial order.* (1) The Board may issue an order directing that the mortgagee, within such reasonable time as the Board determines, shall cease any violation or institute measures as the Board deems appropriate to correct or mitigate the effects of any violation.

(2) The remedial measures imposed may include a demand that the respondent: repay sums of money wrongfully or incorrectly paid to the mortgagee by a mortgagor, by a seller or by HUD; collect sums of money wrongfully or incorrectly paid by the mortgagee to a third party; indemnify HUD/FHA for mortgage insurance claims on mortgages originated in violation of HUD requirements; or implement a quality control plan or other corrective measures acceptable to the Board.

(3) Failure of a mortgagee to comply with a remedial order of the Board may result in suspension or withdrawal.

(c) *Letter of reprimand.* (1) The Board may issue a letter of reprimand to a mortgagee informing the mortgagee of the existence or occurrence of a violation and directing the mortgagee to bring and maintain its activities in conformity with all HUD requirements.

(2) Failure of the mortgagee to comply with a directive in the letter of reprimand may result in any other administrative action under this part that the Board finds appropriate.

(d) *Probation.* (1) The Board may place a mortgagee on probation for a specified period of time for the purpose of evaluating the mortgagee's compliance with HUD requirements or an order of the Board. During a period of probation, the Board may impose reasonable additional requirements on a mortgagee to aid the Board in evaluating the mortgagee. Such additional requirements may include supervision of the mortgagee's activities by HUD, periodic reporting to HUD, or submission to HUD of internal audits, audits by an Independent Public Accountant or other audits.

(2) If the Board determines that a mortgagee has failed to comply with the terms of a probation or otherwise violates HUD requirements, the Board may impose any other administrative action the Board determines appropriate.

(e) *Suspension.* (1) The Board may issue an order suspending a mortgagee's approval temporarily if there exists adequate evidence of violation(s) under § 25.8 such that continuation of mortgagee approval pending completion of any audit, investigation or other review, or such administrative or legal proceeding as may ensue would not be in the public interest or in the best interests of the Department.

(2) *Duration.* A suspension shall be for a specified period of time not to exceed one year. The Board may extend the suspension for an additional six (6) months if it determines the extension is in the public interest. These time limits may be waived by the respondent.

(3) *Effect.* During the period of suspension, HUD/FHA will not commit to insure any mortgage originated by the suspended mortgagee. The Board may limit the geographical extent of the suspension or limit its scope to either the single family or multifamily activities of the suspended mortgagee.

(f) *Withdrawal.* (1) The Board may issue an order withdrawing the HUD/FHA approval of a mortgagee.

(2) *Duration.* A withdrawal shall be for a reasonable, specified period of time commensurate with the seriousness of the ground(s) for withdrawal, generally not to exceed six (6) years. A withdrawal may be for an indefinite period for egregious or willful violations by the mortgagee.

(3) *Effect.* (i) During the period of withdrawal, HUD/FHA will not commit to insure any mortgage originated by the withdrawn mortgagee. The Board may limit the geographical extent of the withdrawal or limit its scope to either the single family or multifamily activities of the withdrawn mortgagee.

(ii) Upon expiration of a period of withdrawal, the mortgagee may file a new application for approval with the Secretary pursuant to Part 203.

(iii) Where a withdrawal is for an indefinite period, the mortgagee, at the expiration of six (6) years and then no more than one time during each following year, may file with the Board a written request to set a date certain for expiration of the withdrawal. The decision to grant or deny the request is solely within the discretion of the Board.

(4) *Effective date of withdrawal.* The withdrawal of a mortgagee's approval shall be effective:

(i) Immediately if the Board determines that continuation of mortgagee approval pending a hearing under § 25.7 would not be in the public interest or in the best interests of the Department;

(ii) At the expiration of the 30 day period specified in § 25.7 if the mortgagee has not requested a hearing; or

(iii) Upon receipt of a final determination under Part 26.

(g) *Settlements.* The Board may at any time enter into a consent agreement with a mortgagee to resolve any outstanding grounds for administrative action.

**§ 25.6 Notice of administrative action.**

Whenever the Mortgagee Review Board takes an administrative action against a mortgagee, the Chairperson of the Board or the designee of the Chairperson shall notify the mortgagee in writing of the determination. The notice shall describe the nature and duration of the administrative action and shall state in general terms the reasons for the action. The notice shall inform the mortgagee of any right to a hearing pursuant to Part 26 and the manner and time in which to request such hearing, as required § 25.7. The notice shall be served in accordance with § 26.16.

**§ 25.7 Hearings and hearing request.**

(a) In the case of a suspension or withdrawal, a mortgagee is entitled to request a hearing before a Hearing Officer to challenge the suspension or withdrawal.

(b) Hearings to challenge a suspension or withdrawal shall be conducted according to the applicable rules of Part 26.

(c) *Request for hearing.* The request for hearing shall be made in writing within thirty (30) days of receipt of the notice of suspension or withdrawal. The request shall be filed in accordance with §26.16, addressed to the Mortgagee Review Board Docket Clerk. Failure to request a hearing within the thirty (30) days shall be a waiver of the mortgagee's opportunity for hearing and a waiver of its right to contest the suspension or withdrawal which shall then become final.

**§ 25.8 Grounds for an administrative action.**

Any administrative action under § 25.5 shall be upon one or more of the following grounds:

(a) The transfer of an insured mortgage to a nonapproved mortgagee, except pursuant to 24 CFR §§ 203.433 or 203.435;

(b) The failure of a nonsupervised mortgagee to segregate all escrow funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, or failure to deposit these funds in a special account with a financial institution whose accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation or by the National Credit Union Administration except as otherwise provided in writing;

(c) The use of escrow funds for any purpose other than that for which they were received;

(d) The failure of a nonsupervised mortgagee to conduct its business in accordance with the plan indicated by its application for approval;

(e) The termination of a mortgagee's supervision by a governmental agency;

(f) The failure of a nonsupervised mortgagee or an investing mortgagee to submit the required annual audit report of its financial condition prepared in accordance with instructions issued by the Secretary within 75 days of the close of its fiscal year or such longer period as the Assistant Secretary for Housing—Federal Housing Commissioner may authorize in writing prior to the expiration of the 75 days;

(g) The payment by a mortgagee of any fee, kickback or other consideration, directly or indirectly, in connection with any insured mortgage transaction to any person including an attorney, escrow agent, title company, consultant, mortgage broker, seller, builder or real eastate agent, if that person has received any other payment or other consideration from the mortgagor, the seller, the builder or any other person for services related to the transaction or related to the purchase or sale of the mortgaged property, except that compensation may be paid for the actual performance of such services as may be approved by the Assistant Secretary for Housing-Federal Housing Commissioner;

(h) Failure to comply with one or more of the conditions of approval listed on

either a mortgagee's application for approval or on an approved mortgagee's application for approval of one or more branch offices;

(i) Failure of an approved mortgagee to meet or maintain the net worth in assets required by 24 CFR Part 203;

(j) Failure or refusal of an approved mortgagee to comply with an order of the Mortgagee Review Board, the Secretary or hearing officer under this part;

(k) Violation of the requirements of any contract with the Department, or violation of the requirements set forth in any statute, regulation, mortgagee letter, handbook or other written rule or instruction;

(l) Submission of false information to HUD in connection with any HUD/FHA insured mortgage transaction;

(m) Failure of a mortgagee to respond to inquiries from the Mortgagee Review Board;

(n) Indictment or conviction of a mortgagee or any of its officers, directors, principals or employees;

(o) Violation by an approved mortgagee of the nondiscrimination requirements of the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.*, Title VII of the Civil Rights Act of 1968 (Fair Housing Act, 42 U.S.C. 3601), Executive Order 11063 (27 FR 11527) and all regulations issued pursuant thereto;

(p) Business practices which do not conform to the practices of prudent lenders or which demonstrate irresponsibility;

(q) Failure to cooperate with an audit or investigation by the HUD Office of Inspector General or a review by HUD into the conduct of the mortgagee's FHA-insured business or any other failure to provide information to the Secretary or a representative related to the conduct of the mortgagee's FHA-insured business;

(r) Violation by an approved mortgagee of the requirements of prohibitions of the Real Estate Settlemen Procedures Act, 12 U.S.C. 2601 *et seq.*;

(s) Without regard to the date of insurance of the mortgage, failure to service an insured mortgage in accordance with the regulations and any other requirements of the Secretary;

(t) Failure to administer properly an assistance payment contract under Section 235 of the National Housing Act; and

(u) Any other reasons the Board, Secretary or Hearing Officer, as appropriate, determine to be justified.

Issued at Washington, D.C., August 21, 1980.

Moon Landrieu,

*Secretary of Housing and Urban Development.*

[FR Doc. 80-26407 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-01-M

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## 24 CFR Part 26

**[Docket No. R-80-863]**

## Proceedings Before a Hearing Officer

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule invites comments on new procedures for appeals before a HUD Hearing Officer. The rule would promote procedural uniformity among actions for debarment, actions for suspension, Multifamily Participation Review Committee determinations, and administrative actions by the Mortgagee Review Board.

**DATE:** Comments must be received on or before October 27, 1980.

**ADDRESS:** Interested persons are invited to submit written comments, suggestions or data regarding the proposed rule to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. All relevant material received on or before October 27, 1980, will be considered before adoption of a final rule. A copy of each communication submitted will be available for public inspection during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**
K. H. Sauerbrunn, Department of Housing and Urban Development, Office of the General Counsel, Room 10270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-5557 [not a toll-free number]; or
Steven Horowitz, Department of Housing and Urban Development, Office of the General Counsel, Room 10254, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-7138 [not a toll-free number].

**SUPPLEMENTARY INFORMATION:** The Department of Housing and Urban Development has undertaken a review of its administrative procedures. As a result of this review, the Department has determined that uniform procedural rules shall apply to certain administrative actions taken by HUD, such as debarments and suspensions under 24 CFR Part 24; administrative actions taken by the Mortgagee Review Board under 24 CFR Part 25; and determinations by the Multifamily Participation Review Committee under 24 CFR 200.210 *et seq.* In order to improve the procedural guarantees presently afforded under Part 24, Part 25, and 24 CFR 200.210 *et seq.*, and also to assure that the actions under these Parts shall be applied uniformly, accomplish their intended results, and serve the best interest of the Government, the Department is currently considering adding a new Part 26, Proceedings Before a Hearing Officer. The proposed Part would provide standard rules of procedure for the adjudication of matters brought before hearing officers and thereby assure that all parties receive a fair and impartial hearing.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

Accordingly, it is proposed to amend Title 24, Subtitle A by adding a new Part 26 to read as follows:

## PART 26—PROCEEDINGS BEFORE A HEARING OFFICER

### Subpart A—Rules of Procedure

Sec.
26.1 Purpose.

### Subpart B—Hearing Officer

26.2 Hearing officer, power and duties.
26.3 Failure to comply with hearing officer's directions.
26.4 Ex parte communications.
26.5 Disqualification of hearing officer.

### Subpart C—Representation of the Parties

26.6 Department representative.
26.7 Respondent's representative.
26.8 Qualification for appearance.
26.9 Standards of practice.

### Subpart D—Commencement of Action, Pleadings and Motions

26.10 Notice of administrative action.
26.11 Complaint.
26.12 Answer.
26.13 Amendments and supplemental pleadings.
26.14 Motions.
26.15 Form and filing requirements.
26.16 Service.
26.17 Time computation.

### Subpart E—Discovery

26.18 General.
26.19 Depositions.
26.20 Admissions as to facts and documents.
26.21 Prehearing conference.

Subpart F—Hearings

Sec.
26.22 Public nature and timing of hearings, transcripts.
26.23 Rules of evidence.
26.24 Hearing officer's initial determination and order.

Subpart G—Secretarial Review

26.25 Review of initial determinations of hearing officers.
26.26 Interlocutory rulings.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

## Subpart A—Rules of Procedure

### § 26.1 Purpose.

This Part sets forth rules of procedure in proceedings of the Department of Housing and Urban Development presided over by a hearing officer. They apply to debarment and suspension hearings pursuant to 24 CFR Part 24, to hearings with respect to administrative actions taken by the Mortgagee Review Board pursuant to 24 CFR Part 25, and to hearings with respect to determinations by the Multifamily Participation Review Committee pursuant to 24 CFR 200.210 *et seq.* They also apply in any other case where a hearing is required by statute or regulation to the extent that rules adopted in the governing regulations are not contradictory.

## Subpart B—Hearing Officer

### § 26.2 Hearing officer, powers and duties.

(a) Proceedings conducted under these rules shall be presided over by a hearing officer who shall be a member of the HUD Board of Contract Appeals or an Administrative Law Judge.

(b) The hearing officer shall set the time and place of any hearing and shall notify the parties accordingly.

(c) The hearing officer shall conduct a fair and impartial hearing and take all action necessary to avoid delay in the disposition of proceedings and to maintain order. The hearing officer shall have all powers necessary to those ends, including but not limited to the power:

(1) To administer oaths and affirmations;

(2) To request subpoenas as authorized by law;

(3) To rule upon offers of proof and receive evidence;

(4) To order or limit discovery as the interests of justice may require;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon all procedural and other motions appropriate in adjudicative proceedings; and

(8) To make and file initial determinations.

### § 26.3 Failure to comply with an order of the hearing officer.

If a party refuses or fails to comply with an order of the hearing officer, the hearing officer may enter any appropriate order necessary to the disposition of the hearing including judgement against the noncomplying party.

### § 26.4 Ex parte communications.

(a) An exparte communication if any communication with a hearing officer, direct or indirect, oral or written, concerning the merits or procedures of any pending proceeding which is made by a party in the absence of any other party.

(b) Ex parte communications are prohibited except where

(1) The purpose and content of the communication have been disclosed in advance or simultaneously to all parties;

(2) The communication is a request for information concerning the status of the case; or

(3) The communication is authorized by these rules.

(c) Any hearing officer who receives an ex parte communication which the hearing officer knows or has reason to believe is unauthorized shall promptly place the communication, or its substance, in all files and shall furnish copies to all parties. Unauthorized ex parte communications shall not be taken into consideration in deciding any matter in issue.

### § 26.5 Disqualification of hearing officer.

(a) When a hearing officer believes there is a basis for disqualification in a particular proceeding, the hearing officer shall withdraw by notice on the record and shall notify the Secretary.

(b) Whenever any party believes that the hearing officer should be disqualified from presiding in a particular proceeding, the party may file a motion with the hearing officer requesting the hearing officer to withdraw from presiding over the proceedings. This motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the hearing officer does not withdraw, the hearing shall proceed.

## Subpart C—Representation of the Parties

### § 26.6 Department representative.

In each case heard before a hearing officer under this part, the Department shall be represented by an attorney from the Office of General Counsel.

### § 26.7 Respondent's representative.

The party against whom the administrative action is taken may be represented at hearing as follows:

(a) Individuals may appear on their own behalf;

(b) A member of a partnership or joint venture may appear on behalf of the partnership or joint venture; or

(c) A bona fide officer may appear on behalf of a corporation or association upon a showing of adequate authorization, or

(d) An attorney who files a notice of appearance with the hearing officer may represent any party.

### § 26.8 Qualification for appearance.

(a) Members of the bar of a Federal Court or of the highest court of any state are eligible to appear at hearings conducted under this part.

(b) A party shall not be represented by an attorney except as stated in paragraph (a) of this rule unless otherwise permitted by the hearing officer.

### § 26.9 Standards of practice.

(a) Attorneys shall conform to the standards of professional and ethical conduct required of practitioners in the courts of the United States and by the bars of which the attorneys are members.

(b) Any attorney may be prohibited, temporarily or permanently, from representing a party if the attorney is not qualified under § 26.8 or has engaged in unethical or improper conduct.

## Subpart D-Pleadings and Motions

### § 26.10 Notice of administrative action.

In every case, there shall be a notice of administrative action. The notice shall be in writing and inform the party of the determination. The notice shall state in general terms the reasons for the proposed or imposed action and shall inform the party of any right to a hearing to challenge the determination, and the manner and time in which to request such hearing.

### § 26.11 Complaint.

(a) A complaint may be served upon the party against whom an administrative action is taken, who shall be called the respondent.

(b) The complaint shall state the grounds upon which the administrative action is based.

(c) A notice of administrative action may serve as a complaint provided the notice states it is also a complaint.

(d) The complaint shall be served within fifteen (15) days after a request for hearing is made.

**§ 26.12 Answer.**

(a) Respondent shall file an answer within fifteen (15) days of receipt of the complaint except where the notice of administrative action serves as the complaint, in which case the answer shall be filed with a timely request for hearing.

(b) The answer shall respond specifically to each factual allegation. A general denial shall not be permitted. Where a respondent intends to rely on an affirmative defense it shall be pleaded specifically.

(c) Allegations are admitted when not specifically denied in respondent's answer.

**§ 26.13 Amendments and supplemental pleadings.**

(a) *Amendments.*—(1) *By right*: The Department may amend its complaint without leave at any time within thirty (30) days of the date the complaint is filed or at any time before respondent's responsive pleading is filed, whichever is later. Respondent may amend its answer at any time within thirty (30) days of the filing of its answer. A party shall plead in response to an amended pleading within fifteen (15) days of the filing.

(2) *By leave*: Upon conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, the hearing officer may allow amendments to pleadings.

(3) *Conformance to evidence*: When issues not raised by the pleadings but reasonably within the scope of the proceeding initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings, and amendments of the pleadings necessary to make them conform to the evidence shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing officer may, upon reasonable notice, permit service of a supplemental pleading concerning transactions, occurrences, or events which have happened or been discovered since the date of prior pleadings.

**§ 26.14 Motions.**

(a) All motions after the commencement of the action until decision shall be addressed to the hearing officer.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds for granting the motion.

(c) *Answers.* Within seven (7) days after service of any written motion, or within any other period as may be designated by the hearing officer, the opposing party shall answer the motion. Failure to make a timely answer shall constitute a party's consent to the granting of the motion. The moving party shall have not right to reply, except as permitted by the hearing officer.

(d) *Oral argument.* The hearing officer may order oral argument on any motion.

(e) *Motions for extensions.* The hearing officer may waive the requirements of this section as to motions for extensions of time.

(f) *Rulings on motions for dismissal.* When a motion to dismiss the proceeding is granted, the hearing officer shall make and file a determination and order in accordance with the provisions of § 26.24.

**§ 26.15 Form and filing requirements.**

(a) *Filing.* An original and two copies of all documents shall be filed with the appropriate Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, on official business days between 8:45 a.m. and 5:15 p.m.

(b) *Title.* Documents shall show clearly the title of the action and the docket number.

(c) *Form.* Except as otherwise permitted, all documents shall be printed or typewritten in clear, legible form.

**§ 26.16 Service.**

(a) *Method of Service.* Pleadings, motions, and other documents required or permitted under these rules shall be served upon all parties. Whenever these rules require or permit service to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party is ordered by the hearing officer. Service shall be made by delivering a copy to the person to be served or by mailing it to that person at the last known address. Delivery of a copy within this rule means: handing it to the person to be served; or leaving it at that person's office with a clerk or other person in charge; or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, leaving it at that person's dwelling house or usual place of abode with some person of suitable age and discretion who resides there. Service by mail is complete upon deposit in a mail box or upon posting.

(b) *Proof of Service.* Proof of service shall not be required unless the fact of service is put in issue by appropriate motion or objection on the part of the person allegedly served. In these cases, service may be established by written receipt signed by or on behalf of the person to be served, or may be established prima facie by affidavit or certificate of service of mailing.

**§ 26.17 Time computation.**

(a) Computation of any period of time prescribed or allowed by this part shall begin with the first business day following the day on which the act, event, development or default initiating the period of time occurred. When the last day of the period computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Housing and Urban Development is closed, the period shall run until the end of the next following business day. Except when any prescribed or allowed period of time in seven days or less, each of the Saturdays, Sundays, and national holidays shall be included in the computation of the prescribed or allowed period.

(b) The hearing officer (or in the case of a review under § 26.25, the Secretary) may upon motion enlarge the time within which any act requried by these rules must be performed.

## Subpart E—Discovery

**§ 26.18 General.**

The parties are encouraged to engage in voluntary discovery procedures. Parties may seek an order compelling discovery only upon a showing of necessity. Discovery shall not be permitted where it will unduly delay the hearing. Every request for discovery, objection to request for discovery, and request for admissions shall be in the form of a motion addressed to the hearing officer. In connection with any discovery procedure, the hearing officer may make any order requried to protect a party or other person from annoyance, embarrassment, oppression, or undue burden or expense. Those orders may include limitations on the scope, methods, time and place for discovery, and provisions for protecting privileged information or documents. Where a party refuses to honor an order for discovery, the hearing officer may preclude that party from relying on evidence relevant to the information requested. Each party shall bear its own expenses associated with discovery.

**§ 26.19 Depositions.**

(a) *General.* Pursuant to an order of the hearing officer, a party may take the oral deposition of any person.

(b) *Procedure.* Reasonable written notice of deposition shall be served upon the opposing party and the deponent. The attendance of a deponent may be compelled by subpoena pursuant to 5 U.S.C. 304.

(c) *Objections.* Each person testifying on oral deposition shall be placed under oath by the person before whom the deposition is taken. The deponent may be examined and cross-examined. Objection may be made at hearing to receiving in evidence any deposition or part of it for any reason which would require the exclusion if the witness were then present and testifying. The questions and the answers, together with all objections made, shall be recorded by the person before whom the deposition is to be taken, or under that person's direction.

(d) *Submission to deponent.* A transcript of the deposition shall be submitted to the deponent for examination and signature, unless submission is waived. Any changes in form or substance which the deponent desires to make shall be entered upon the transcript by the person before whom the deposition was taken, with a statement of reasons given by the deponent for making them. The transcript shall then be signed by the deponent, unless the parties by stipulation waive the signing or the deponent is ill, cannot be found, or refuses to sign. If the transcript is not signed, the person before whom the deposition was taken shall sign it and state on the record the reason that it is not signed.

(e) *Certification and filing.* The person before whom the deposition was taken shall certify on the transcript as to its accuracy. The original and two copies of the transcript, together with the original and two copies of all exhibits, shall be sent by mail to the hearing officer unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(f) *Deposition as evidence.* Subject to appropriate rulings by the hearing officer on objections, the deposition or any part may be introduced into evidence for any purpose if the deponent is unavailable. Only that part of a deposition which is received in evidence at a hearing shall constitute a part of the record in the proceeding upon which a decision may be based. Nothing in this rule is intended to limit the use of a deposition for impeachment purposes.

(g) *Payment of fees.* Fees shall be paid by the person upon whose application the deposition is taken.

**§ 26.20 Admissions as to facts and documents.**

(a) At any time after an answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request or of the truth of any relevant matters of fact. Copies of documents shall be delivered with the request unless copies have already been furnished. No order of the hearing officer is necessary.

(b) Each requested admission shall be considered admitted unless, within fifteen (15) days after service of the request, the party from whom the admission is sought serves upon the party making the request either (1) a statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why the party can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant. Answers on matters to which objections are made may be deferred until the objections are ruled upon, but if written objections are made only to a part of a request, the remainder of the request shall be answered.

(c) Admission obtained pursuant to this procedure may be used in evidence only for the purposes of the pending action to the same extent and subject to the same objections as other evidence.

**§ 26.21 Prehearing conference.**

(a) The hearing officer may, on the hearing officer's own motion or at the request of any party, direct counsel for all parties to confer with the hearing officer prior to the hearing for the purpose of considering:

(1) Simplification and clarification of the issues;

(2) Stipulations and admissions of fact and of the contents and authenticity of documents;

(3) The disclosure of the names of witnesses;

(4) Matters of which official notice will be taken;

(5) Other matters as may aid in the orderly disposition of the proceeding, including disclosure of the documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

(b) The prehearing conference shall, at the request of any party, be recorded.

(c) The hearing officer shall enter in the record an order which states the rulings upon matters considered during the conference, together with appropriate directions to the parties. The order shall control the subsequent course of the proceeding, subject to modifications.

## Subpart F—Hearings

**§ 26.22 Public nature and timing of hearings, transcripts.**

(a) All hearings in adjudicative proceedings shall be public.

(b) Hearings shall proceed with all reasonable speed. The hearing officer may order recesses for good cause, stated on the record. The hearing officer may, for cause, order that hearings be conducted outside Washington, D.C., and, if necessary, at more than one place.

(c) *Transcripts.* Hearings shall be recorded and transcribed only by the official reporter of the Department under the supervision of the hearing officer. The original transcript shall be a part of the record and shall constitute the sole official transcript. Respondents and the public may obtain copies of transcripts from the reporter.

**§ 26.23 Rules of evidence.**

(a) *Evidence.* Every party shall have the right to present its case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, privileged, or unduly repetitious evidence shall be excluded.

(b) *Testimony under oath.* All witnesses shall testify under oath.

(c) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections. Rulings on objections shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any evidentiary ruling shall be considered a waiver of objection, but no exception to a ruling on an objection is necessary in order to preserve it for appeal.

(d) *Stipulations.* The parties may stipulate as to any relevant matters of fact or the authenticity of any relevant documents. Stipulations may be received in evidence at a hearing, and

when received shall be binding on the parties with respect to the matters stipulated.

(e) *Official notice.* All matters officially noticed by the hearing officer shall appear on the record.

(f) *Burden of proof.* The burden of proof shall be upon the proponent of an action or defense.

**§ 26.24 Hearing officer's determination and order**

(a) *Scope of review.* The hearing officer shall conduct a *de novo* review of the administrative action to determine whether it is supported by a preponderance of evidence or, in the case of a suspension or temporary denial of participation, by adequate evidence. Each and every charge alleged by the Department need not be proven to support the administrative action. The hearing officer may modify the determination only upon a particularized finding of facts which justifies a deviation from the determination.

(b) *Closing of hearing.* At his discretion, the hearing officer may postpone the closing of the record to a future date in order to permit the admission of other evidence into the record.

(c) Upon conclusion of the hearing, the hearing officer may request the parties to file proposed findings of fact and legal briefs. The hearing officer shall make an initial written determination and order based upon evidence and arguments presented by the parties. The determination shall be founded upon reliable and probative evidence. This determination and order shall be served upon all parties.

(d) Where the parties agree and where appropriate in the judgment of the hearing officer, a bench decision will be issued.

(e) The hearing officer shall endeavor to issue a determination within sixty (60) days from the date of the closing of the record.

(f) The determination and order shall be final unless within thirty (30) days the Secretary decides to review the determination in accordance with § 26.25 or to have the determination reviewed by a designee of the Secretary.

## Subpart G—Secretarial Review

**§ 26.25 Review of initial determination of hearing officers.**

(a) *Petition for review.* Any party may request review of the hearing officer's initial determination or order by filing a written petition for review with the Secretary within ten (10) days of receipt of the hearing officer's determination or order. A petition for review may be granted or denied in the discretion of the Secretary. This petition shall not exceed ten (10) pages and shall specifically state the issues and basis upon which the party seeks review. This petition shall be served on all parties and the Secretary simultaneously, in accordance with § 26.16.

(b) *Briefs by opposing parties.* Opposing parties may submit briefs, not to exceed ten (10) pages, opposing review. These briefs must be filed within twenty (20) days of the party's receipt of a petition for review.

(c) *Secretarial action.* Upon granting any petition for review, the Secretary may require further briefs. Secretarial review shall be limited to the factual record produced before the hearing officer. The Secretary shall issue a written determination and shall serve it upon the parties and the hearing officer.

**§ 26.26 Interlocutory rulings.**

(a) *Interlocutory rulings by the hearing officer.* A party seeking review of an interlocutory ruling shall file a motion with the hearing officer within ten (10) days of the ruling requesting certification of the ruling for review by the Secretary. Certification may be granted if the hearing officer believes that (1) it involves an important issue of law or policy as to which there is substantial ground for difference of opinion and (2) meaningful review is otherwise impossible.

(b) *Petition for review.* Any party may file a petition for review of an interlocutory ruling within ten (10) days of the hearing officer's determination regarding certification.

(c) *Secretarial review.* The Secretary shall review a certified ruling. The Secretary has the discretion to grant or deny a petition for review from an uncertified ruling.

(d) *Continuation of hearing.* Unless otherwise ordered by the hearing officer or the Secretary, the hearing shall proceed pending the determination of any interlocutory appeal by the Secretary and the order or ruling of the hearing officer shall be effective pending review.

Issued at Washington, D.C., August 21, 1980.

Moon Landrieu,

*Secretary of Housing and Urban Development.*

[FR Doc. 80-26466 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-01-M

## Office of Assistant Secretary for Housing—Federal Housing Commissioner

**24 CFR Part 200**

**[Docket No. R-80-835]**

## Proposed Revision of Use of Materials Bulletin No. 79 for Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings

**AGENCY:** Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

**ACTION:** Proposed rule.

**SUMMARY:** This is a revision to HUD Use of Materials Bulletin No. 79 (UM 79) dated April 25, 1978. The change is necessitated in order to incorporate a recently published national standard covering Acrylonitrile-Butadiene-Styrene (ABS) plastic drain pipe: American Society for Testing and Materials Standards No. F 628-79, Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe Having a Foam Core. The Bulletin is an Appendix to the HUD Minimum Property Standards, which is incorporated by reference in 24 CFR Part 200, Subpart J, and sets forth requirements and conditions for acceptance of PVC and ABS plastic materials used in drain, waste and vent sanitary systems.

**COMMENT DUE DATE:** October 27, 1980.

**ADDRESS:** Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Each person submitting a comment should include name and address, refer to the document by the docket number indicated by the headings, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Lynford K. Snell, Materials Acceptance Division, Office of Architecture and Engineering Standards, Room 6178, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone: (202) 755-5929. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** HUD Use of Materials Bulletin No. 79 (UM 79) was issued on April 25, 1978 [1] as an

[1] UM 79 was not published in the Federal Register.

update of earlier HUD Use of Materials Bulletins No. 53 and 54 for Poly(Vinyl Chloride) (PVC) and Acrylonitrile-Butadiene-Styrene (ABS) plastic drain, waste and vent pipe and fittings. UM 79 set forth the requirements and conditions for HUD Field Office acceptance of PVC and ABS plastic materials used in drain, waste and vent sanitary systems. UM 79 incorporated several references to standards published by the American Society of Testing and Materials (ASTM), the Plastic Pipe Institute (PPI) and the National Sanitation Foundation (NSF).

Early in 1979 ASTM published Standard No. F 628-79, Standard Specification for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe Having a Foam Core. At the request of consultants to the plastic pipe industry, and after a review by a nationally known HUD consultant, UM 79 was revised and is herewith proposed for promulgation as HUD Use of Materials Bulletin No. 79a.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, at the above address.

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

A copy of existing UM 79 and of proposed UM 79a are available for review during regular business hours in the Office of Architecture and Engineering Standards, Room 6178, or in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

Authority: Sec. 7(d), Department of Housing and Urban Development Act of 1965, 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b and 81 Stat. 54; 5 U.S.C. 552(a).

Issued at Washington, D.C. on July 8, 1980.

Lawrence B. Simons,

*Assistant Secretary for Housing—Federal Housing Commissioner.*

Department of Housing and Urban Development, Assistant Secretary for Housing—Federal Housing Commissioner

*Use of Materials Bulletin No. 79a*

To: Regional Administrators, Directors, Offices of Regional Housing, Field Office Managers and Supervisors.

Subject: Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings

Members of the HUD Staff processing cases and inspecting construction shall use this information in determining acceptability of the subject material for the uses indicated.

This bulletin should be filed with Bulletins on Special Methods of Construction and Materials as required by prescribed procedures. Additional copies may be requisitioned by the field offices.

*The technical description, requirements and limitations expressed herein do not constitute an endorsement, approval or acceptance by the Department of Housing and Urban Development (HUD/FHA) of the subject matter, and any statement or representation, however made, indicating approval or endorsement by the Department of Housing and Urban Development is unauthorized and false, and will be considered a violation of the United States Criminal Code 18, U.S.C. 709. Any reproduction of this Bulletin must be in its entirety and any use in sales promotion or advertising is not authorized.*

Subject to good workmanship, compliance with applicable codes, and the methods of application listed herein, the materials described in this bulletin may be considered suitable for HUD Housing Programs, including Housing for the Elderly and Care-Type Housing.

The eligibility of a property under these Programs is determined on the property as an entity and involves the consideration of underwriting and other factors not indicated herein. Thus, compliance with this bulletin should not be construed as qualifying the property as a whole, or any part thereof, as to its eligibility.

The methods of application for the materials listed herein are to be considered as part of the HUD Minimum Property Standards and shall remain effective until this bulletin is cancelled or superseded.

Section I—General Statement

This Bulletin sets forth the requirements and conditions for the acceptance of plastic drainage, waste and vent pipe and fittings manufactured from Acrylonitrile-Butadiene-Styrene (ABS) or Poly (Vinyl Chloride) (PVC) plastic. The information contained herein is available for use as a guide by manufacturers, architects, engineers and builders seeking appropriate HUD acceptance. These materials are acceptable for use in the applications detailed in Section II. Terminology used in consistent with that of the nationally recognized model plumbing codes.

This Bulletin supersedes the following Use of Materials Bulletins and Notice:

| Number | Subject | Date |
|---|---|---|
| UM 53a | Polyvinyl Chloride Plastic Drainage Waste and Vent Pipe and Fittings. | Feb. 22, 1971. |
| UM 54 | ABS (Acrylonitrile-Butadiene-Styrene) Plastic Drainage Waste and Vent Pipe Fittings. | Mar. 2, 1970. |
| *UM 79 | Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings. | Apr. 25, 1978. |
| Notice H 78-99 (HUD). | Clarification of Use of Materials Bulletin No. 79, Acrylonitrile-Butadiene-Styrene and Poly (Vinyl Chloride) Drain, Waste and Vent Pipe and Fittings. | Sept. 20, 1978. |

*Revised.

Section II—Allowable Uses

ABS and PVC pipe, fittings and joining materials conforming to the standards and other publications referenced in Section III are acceptable for use in the construction of storm and sanitary drain-waste-vent (DWV) systems and building sewers for single and multifamily structures, including Housing for the Elderly and Care-Type Housing.

Included in these uses are interior storm water conductors, building storm drains, building storm sewers, and drain lines connecting septic tanks and soil absorption systems.

Exposure of ABS and PVC DWV in parking garages, boiler/mechanical rooms or service/storage rooms—such pipe may be exposed in these spaces as long as they are protected from hot surfaces and mechanical damage, and are otherwise properly installed in accordance with the provisions of this Bulletin.

Section III—Reference Standards

The latest editions of the following publications form a part of this Bulletin:

*ASTM Standards and Specifications* [1]

D1784—Rigid Poly (Vinyl Chloride) (PVC) Compounds and Chlorinated Poly (Vinyl Chloride) (CPVC) Compounds.

D1788—Rigid Acrylonitrile-Butadiene-Styrene (ABS) Plastics.

D2235—Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings.

[1] American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

D2321—Underground Installation of Flexible Thermoplastic Sewer Pipe.
D2564—Solvent Cement for Poly (Vinyl Chloride) (PVC) Plastic Pipe and Fittings.
D2661—Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe, and Fittings.
D2665—Poly(Vinyl Chloride) (PBC) Plastic Drain, Waste, and Vent Pipe, and Fittings.
D2855—Making Solvent Cemented Joints with Poly(Vinyl Chloride) (PVC) Pipe and Fittings.
D3311—Drain, Waste, and Vent (DWV) Plastic Fittings Patterns.
E119—Standard Methods of Fire Tests of Building Construction and Materials.
F628*—Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste, and Vent Pipe Having a Foam Core.

*Other Publications*

PPI [2] TR [3] 12—Acrylonitrile-Butadiene-Styrene (ABS) Plastic Piping Design and Installation.
PPI TR 21—Thermal Expansion and Contraction of Plastic Pipe PPI Plastics Pipe Manual.
NSF [4]—Standard No. 14, Thermoplastic Materials, Pipe, Fittings Valves, Traps and Joining Materials.

## Section IV—Materials

### A. *Composition and Properties*

Pipe, fittings and joint cements shall be manufactured from materials as defined in the following specifications:

| Pipe and fittings | Joint cements |
|---|---|
| ABS (Pipe) Type I Grade 2 ASTM D 1788. | ASTM D 2235 (for ABS). |
| ABS* (Pipe) Foam Core ASTM F 628. | |
| ABS (Fittings) Virgin black ASTM D 2661. | |
| PVC (Pipe and Fittings) Virgin Type I (Grade 1 or 2), ASTM D 1784. | ASTM D 2564 (for PVC). |

*Revised.

### B. *Dimensional Details and Test Requirements*

Dimensions, tolerances, shapes, and applicable test requirements for pipe, fittings and joint cements shall conform with the following specifications:

| Pipe and fittings | Joint cements |
|---|---|
| ABS ASTM D 2661 | ASTM D 2235 |
| ABS* ASTM F 628 (Foam Core) | ASTM D 2235 |
| PVC ASTM D 2665 | ASTM D 2564 |

*Revised.

[2] Plastic Pipe Institute, a Division of the Society of the Plastics Industry, 355 Lexington, Avenue, New York, New York 10017.
[3] Technical Report (or the Plastics Pipe Institute).
[4] National Sanitation Foundation, P.O. Box 1468, Ann Arbor, Michigan 48106.
*Revised.

## Section V—System Design and Installation Requirements

### A. *General Requirements*

The selection, design, installation and leak testing of plastic piping systems shall conform with all applicable requirements of the HUD Minimum Property Standards, the applicable nationally recognized model code and industry standards of good practice as referenced below and summarized in Appendix A.

### B. *Requirements for Making Joints and Connections*

The materials and installation techniques used for joining pipes and fittings shall assure adequate resisitance of the completed system to leaking, and shall assure adequate resistance to joint failure from long-term exposure to the service environment. Only solvent cements with shelf life marking shall be used, and cements should be used before expiration of the shelf life period. The recommendations of the manfacuturer and applicable industry standards shall be followed in making joints and connections. Standards and other publications defining generally accepted practice include the following:

ABS ASTM D 2661, Appendix X1, *ASTM F 628, Appendix A1, PPI TR 12, Paragraph 6.2, PPI Plastics Piping Manual; Chapter 4, Page 40, Chapter 5, Pages 48–49.
PVC ASTM D 2855, ASTM D 2665, Appendix X1, PPI Plastics Piping Manual; Chapter 4, Page 40, Chapter 7, Pages 59–60.

### C. *Control of Expansion and Contraction*

Design and installation detail shall provide for accommodation of thermal expansion and contraction without compromising the essential performance of the system. Hangers and supports, restraining fittings or expansion joints, and clearances adjacent to pipe and fittings shall be in accordance with the manufacturer's recommendations and applicable industry standards. Publications defining generally accepted practice include the following:

ABS ASTM D 2661, Appendix X1, *ASTM F 628, Appendix A1, PPI TR 12, Section 4.2, PPI TR 21, PPI Plastics Piping Manual, Chapter 7, Page 56.
PVC ASTM D 2665, Appendix X1, PPI TR 13, Sections 4.2 and 6.1, PPI TR 21, PPI Plastics Piping Manual, Chapter 7, page 56.

### D. *Requirements for Hangers and Supports*

Hangers and straps shall not damage the pipe or fittings. Supports shall be provided for horizontal piping at intervals sufficient to prevent deflections (sagging) likely to interfere with drainage or leak resistance. Vertical stacks shall be anchored at appropriate intervals.

Selection and installation of hangers and supports shall be in accordance with the manufacturer's recommendation and applicable industry standards. Publications defining generally accepted practice include the following:

ABS ASTM D 2661, Appendix X1, *ASTM F 628, Appendix A1, PPI TR 12, Paragraph 6.1, PPI Plastics Piping Manual, Chapter 5, Page 50.
PVC ASTM D 2665, Appendix X1, PPI TR 13, Paragraph 6.1, PPI Plastics Piping Manual; Chapter 4, Page 41, Chapter 7, Page 58.

### E. *Requirements for Underground Installation*

Techniques used for trenching and back-filling shall not produce stresses and strains, or cutting or abrasive effects, likely to interfere with drainage or leak resistance or to result in structural collapse of pipe or fittings. Earth and live loads shall be less than the manufacturer's published load rating for the material and conditions of installation. Methods of installation used shall be in accordance with the manufacturer's recommendations and applicable industry standards. Publications defining generally accepted practice include the following:

ABS ASTM D 2321, ASTM D 2661, Appendix X1, *ASTM F 628, Appendix A1, PPI TR 12, Paragraph 6.3, PPI Plastics Piping Manual, Chapter 5, Pages 41–42.
PVC ASTM D 2321, ASTM D 2665, Appendix X1, PPI TR 13, Paragraph 6.3, PPI Plastics Piping Manual, Chapter 4, Pages 41–43.

### F. *Requirements for Fire Safety*

The DWV system, as designed and installed in fire rated walls and chases, shall not compromise the fire endurance ratings of such building elements as required in Section 405 of the HUD Minimum Property Standards and as evaluated by methods based on ASTM E 119, Standard Methods of Fire Test of Building Construction and Materials.

The following construction requirements for the use of thermoplastic DWV piping shall be complied with:

1. With the exception of one and two family housing, all plastic piping installed in private and public spaces shall be installed in enclosed walls, floors, ceilings, chases and shafts complying with the fire resistance

ratings of Table 4-5.1 of the Minimum Property Standards for Multifamily and Care Construction, as applicable.

Any drop ceiling containing plastic piping shall have a fire rating equivalent to the adjoining floor above, and any penetrations through fire-rated walls or floors shall be fire protectd as discussed above. Likewise, a chase containing such pipe shall have a fire rating equivalent to its adjoining wall and shall be completely enclosed (i.e., not exposed to the open wall cavity of the adjoining wall).

2. All penetrations through required fire resistive walls, partitions or chases, which are cut to allow the passage of plastic pipe, shall not be excessively larger than required for passage of the lateral and shall be back packed or sealed with plaster spackling or suitable non-combustible material resistant to deterioration or disruption caused by movement of the pipe.

3. Pipes or laterals penetrating required fire resistive wall membrane shall not be greater than three inches in diameter.

4. Thermoplastic stacks and risers in chases more than forty feet in height shall be sleeved with galvanized steel not thinner than eighteen gauge and shall be fire-stopped and back packed as described above at each floor where the pipe is anchored, but not less than every fourth floor. Sleeves shall be not less than four pipe diameters in length or twelve inches, whichever is greater, and shall be positioned midway in the firestop.

5. The pipe and fittings of a plastic piping assembly in an enclosed required fire resistive wall or chase shall have sufficient clearance so that no part of the assembly, other than the pipe lateral, penetrates the backside of the wall membrane. Departure from the above construction requirements may be taken only on the basis of tests demonstrating that fire safety is not compromised by the proposed construction.

Section VI— Handling and Storage Requirements

Exposure to sunlight, heat, and cold, impact and superimposed weight can have a deleterious effect on plastic materials. Therefore, care will be taken in handling and storage so that the performance characteristics of pipe and fittings are not compromised. Handling and storage methods shall be in accordance with the manufacturer's recommendations and applicable industry standards. Publications defining generally accepted practice include the following:

ABS ASTM D 2661, Appendix XI. PPI TR 12, Paragraph 5, PPI Plastics Piping Manual; Chapter 4, Page 40, Chapter 5, Page 48

PVC ASTM D 2665, Appendix XI. PPI TR 13, Paragraph 5, PPI Plastics Piping Manual; Chapter 4, Page 40

Section VII—Determination of Compliance

*Marking*—Pipe, fittings and joining materials shall be marked or labeled in accordance with the following standards as applicable:

ABS ASTM D 2235, ASTM D 2661, ASTM D 3311, *ASTM F 628 (Foam Core)

PVC ASTM D 2564, ASTM D 2665

The marking shall indicate the applicable ASTM Specification and shall show the logo of an acceptable nationally recognized testing laboratory.[5] In addition, the marking shall identify the manufacturer's name or trademark.

September 1979

Guide for Generally Accepted Practice for the Design and Installation of ABS and PVC Plastic Drain, Waste and Vent Systems and Building Sewers for Residential Building

*Appendix A for HUD Use of Materials Bulletin No. 79a*

Department of Housing and Urban Development, Office of Architecture and Engineering Standards, Washington, D.C. 20410

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1. Background

It is generally understood that satisfactory plumbing systems depend on accepted good practice for design and installation. Plumbing codes and regulating agencies usually require that installations be made in accordance with established good practice and with the recommendations of the manufacturer.

Although much valuable material is available in several different publicated documents, HUD examiners and inspectors need a concise and specific summary guide which reflects accepted good practice as it pertains to their particular needs.

2. Purpose and Scope

The purpose of this guide is to provide in a single brief document for HUD field office use, the essential requirements of acceptable design and installation practice.[1] The guide should be considered as an advisory document to facilitate compliance with industry standards of good practice as referenced in HUD Use of Materials Bulletin No. 79a.

The scope of this guide is limited to ABS and PVC[1] plastic drain, waste and vent systems and building sewers and treated by HUD Use of Materials Bulletin No. 79a.

3. General Information on Thermoplastic DWV Pipe and Methods of Fabrication

Thermoplastic DWV Pipe (ABS and PVC) is usually sold in 10 foot lengths. The pipe diameters and wall thicknesses with which this *guide is concerned are defined by ASTM D 2661 and ASTM F 628 (ABS), and ASTM D 2665 (PVC). These dimensions have been abstracted in Table 3.1.

ABS and PVC plastic DWV pipe and fittings are generally joined with an appropriate solvent cement as defined by ASTM D 2235 (ABS) and ASTM D 2564 (PVC). (See Section 5 for further details).

BILLING CODE 4210-01-M

[5] One such testing laboratory is the National Sanitation Foundation Testing Laboratory, Ann Arbor, Michigan 48106, whose logo for DWV thermoplastic piping products is "NSF-dwv" certifying compliance with the requirements of the standard(s) identified by the marking. This program is administered under the protocol detailed in NSF 14, Thermoplastic Materials, Pipe, Fittings, Valves, Traps and Joining Materials.

[1] The information contained in this guide was summarized from the documents referenced under Section V of HUD Use of Materials Bulletin No. 79a, Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings.

TABLE 3.1 DIAMETERS AND WALL THICKNESSES OF ABS AND PVC DRAIN-WASTE-VENT PIPE CONFORMING TO ASTM D 2661 AND F 628 (ABS), AND D 2665 (PVC)

| Nominal Pipe Size | Outside Diameter | | | | Total Wall Thickness | | | *Inner and Outer Wall Thicknesses -ABS Foam Core | |
|---|---|---|---|---|---|---|---|---|---|
| | Average | Tolerance on Average | | Permissible Deviations of Diameter from Measured Average (Out-of-Roundness | Minimum | Tolerance | | | |
| | ABS & PV | ABS | PVC | ABS & PVC | ABS & PVC | ABS | PVC | Min. Inner Wall | Min. Outer Wall |
| | Inches | | | | | | | | |
| 1 1/4 | 1.660 | +0.010 -0.000 | ±0.005 | ±0.012 | 0.140 | +0.015 -0.000 | +0.020 -0.000 | 0.056 | 0.028 |
| 1 1/2 | 1.900 | +0.010 -0.000 | ±0.006 | ±0.012 | 0.145 | +0.015 -0.000 | +0.020 -0.000 | 0.058 | 0.029 |
| 2 | 2.375 | +0.010 -0.000 | ±0.006 | ±0.012 | 0.154 | +0.015 -0.000 | +0.020 -0.000 | 0.062 | 0.031 |
| 3 | 3.500 | +0.015 0.000 | ±0.008 | ±0.015 | 0.216 | +0.020 -0.000 | +0.026 -0.000 | 0.087 | 0.043 |
| 4 | 4.500 | +0.015 -0.000 | ±0.009 | ±0.015 | 0.237 | +0.024 -0.000 | +0.028 -0.000 | 0.095 | 0.047 |
| 6 | 6.625 | +0.011 -0.011 | ±0.011 | ±0.025 | 0.280 | +0.030 -0.000 | +0.034 -0.000 | 0.112 | 0.056 |

*Revised

BILLING CODE 4210-01-C

ABS and PVC pipe can be cut by several methods. Pipe is cut by manufacturers with cut-off saws equipped with carbide-tipped circular blades. These give the best long-term tool performance and produce a neat square pipe cut without burrs. This is considered the best and most efficient means of cutting the pipe in quantity. When cutting pipe in the shop or at the building site, it is recommended that a cut-off radial arm saw be used. When this is not feasible or desirable, a number of alternatives may be utilized. These are: (a) portable electric hand saw with a fine-toothed blade; (b) hand saw and miter box; and (c) wheel type pipe cutter with special wheels for plastic pipe. Each of these three methods has certain advantages and disadvantages. The electric hand saw requires a power supply, requires some care and skill to produce a square cut, and will not cut through a 3 inch pipe in a single pass even with a 8 inch blade. It has the advantage of requiring little time and effort and produces a neat, clean, square cut. The hand saw and miter box requires a stand or base and more physical effort and time. It produces a square cut that requires little de-burring. The pipe cutter requires the most physical effort both in cutting and de-burring. However, it produces a square cut and is quite suitable for cutting pipe up to 2 inches.

4. Handling and Storage

4.1 *Protection Against Long-Term Exposure to Sunlight.* Do not store pipe and fittings in direct sunlight for long periods. However, exposure to sunlight of pipe openly stored at the building site during normal construction periods can be tolerated.

4.2 *Support of Stored Pipe.* Store pipe in such a manner as to prevent sagging or bending. Provide adequate support where piping is exposed to wind, snow and ice loading.

4.3 *Protection Against Abrasion by Sharp Objects.* Store and handle pipe and fittings so as to avoid contact with sharp objects.

4.4 *Safe Handling of Solvent Cements.*

4.4.1 General solvents contained in most plastic pipe cements are classified as airborne contaminants and are highly flammable and combustible liquids. Follow the precautions listed herein to avoid injury to personnel and the hazards of fire.

4.4.2 Avoid prolonged breathing of solvent vapors. When pipe and fittings are being joined in enclosed areas, use a ventilating device to remove hazardous vapors. Select ventilating devices and locate them so as not to provide a source of ignition to flammable vapor mixtures.

4.4.3 Keep solvent cements away from all sources of ignition, heat, sparks, and open flame.

4.4.4 Keep containers from solvent cements tightly closed except when the cement is being used. The container type shall conform with Parts 1 to 199, Title 49—Transportation, Code of Federal Regulations. Container labeling shall conform with the requirements of the Federal Hazardous Substance Act as amended.

4.4.5 Dispose of all rags and other materials used for mopping up spills in a safety waste receptacle. Empty the receptacle and destroy the contents daily in a safe manner.

4.4.6 Most of the solvents used in pipe cements can be considered eye irritants and contact with the eye should be avoided as it may cause eye injury. Proper eye protection such as chemical goggles or face shields is required where the possibility of splashing exists in handling solvent cements. In case of eye contact, call a physician immediately and flush quantities of water for 15 minutes.

4.4.7 Avoid repeated contact with the skin. Wear gloves which are impervious to and unaffected by the solvents. Use bristle paint brushes or other applicators not chemically affected to apply the solvents. Application of the solvents with bare hands is not acceptable. Dispose of used applicators in the same manner as the rags in 4.4.5. In the event of excessive skin contact, remove contaminated clothing and wash skin with soap and water. Clean contaminated clothing of flammable and toxic materials before wearing them again.

4.5 *Storage of Solvent Cements.* Store solvent cements in a cool place except when actually in use at the job site. The cements have a limited shelf lift when not stored in hermetically sealed containers. Screw top containers are not considered to be hermetically sealed. Cement containers usually are stamped with a date signifying that the cement should be sold to the user on or before this date.

Consult the cement manufacturer for specific storage recommendations. Cement is unsuitable for use on the job if it exhibits an appreciable change from the original viscosity, or if a sign of gelation is apparent. Restoration of the original viscosity or removal of gelation by *adding solvents or thinners is not acceptable* after shelf life has expired. Use only cements that are marked with a shelf-life date.

5. Making Joints and Connections

5.1 *ABS.*

5.1.1 *Solvent Cements.* Use solvent cements which meet the requirements of ASTM Specification D 2235, Solvent Cement for Acrylonitrile-Butadiene-Styrene (ABS) Plastic Pipe and Fittings, and which are packaged in 1 quart containers or smaller for field use. If, within the shelf life of the cement, *thinning is required* to reduce viscosity for use with smaller pipe, use *only methyl ethyl ketone.* The solvent cement shall provide sufficient open time for making good joints and connections but joints must be completed as rapidly as possible after applying the cement. Should delay develop in assembly, an additional coat of solvent cement shall be applied immediately prior to joining. CAUTION. If longer open time (slower drying) is required for particular types of installation special instructions and specifications should be obtained from the cement manufacturer. Any solvent cement of a "long-open-time" type should be evaluated for possible deleterious effects on the pipe and fittings. The use of such solvent cement should be avoided if at all possible.

5.1.2 *Socket Fit.* ABS pipe and fittings are manufactured to close tolerances. Close tolerances are required to ensure satisfactory "interference" fit between pipe and fitting during the solvent cement joining. Use only pipe and fittings combinations that give interference fits. Pipe and fittings that give a loose fit in the socket will not properly fuse chemically. Allowable tolerances provide a forced fit, thus assuring chemical fusion and yielding maximum strength of solvent cemented joints. Attempting to compensate for a loose fit after assembly by applying additional cement will result in an unsatisfactory joint.

5.1.3 *Joining Technique.* (a) *Cutting the Pipe.* Cut the pipe square using saws or pipe cutters designed specifically for this material. Protect pipe and fittings from serrated holding devices and abrasion.

(b) *Cleaning Pipe.* Remove burrs and wipe off all moisture, dust and other foreign matter from surfaces to be cemented.

(c) *Application of Cement.* Using an ordinary pure bristle paint brush of adequate size, or the brush supplied with the can of solvent cement, first apply a moderate even coating of cement in the fitting socket, completely covering the joining surfaces only. (Heavy or excessive applications of cement in the socket may result in an obstruction inside the piping after the joint is completed). Next, without delay

apply cement to the outside of the pipe. (Make sure that the coated distance on the pipe is equal to the depth of the fitting socket).

(d) *Assembly.* Make the joint as quickly as possible after application of the cement and before the cement dries. Insert the pipe into the fitting socket, turning the pipe slightly while inserting, (e.g. about ¼ turn, where possible) to ensure even distribution of cement. Make sure that the pipe is inserted to the full depth of the socket, and hold pipe into socket for a few seconds to prevent "backing out." Then immediately remove excess solvent cement from the exterior of the joint with a clean, dry cloth. Should the cement dry too much before the joint is made up, as indicated by difficulty in the insertion of the pipe into the fitting or by apparent dryness of the cement film, reapply cement before assembling. Do not attempt to disturb the pipe-fitting joint until after the cement has set: damage to the joint and loss of fit may result. Handling of the assembly with care is permissible within 2 minutes after joining. Allow 15 minutes for the joint to develop good handling strength.

(e) *Visibility of Marking.* Position pipe and fittings so that identifying markings are reasily visible for inspection when installed.

5.1.4 *Joints.* (a) *Threading Connections.* Do not cut threads on APS drain, waste and vent pipe. Molded threads are permitted. Adapter fittings are required. The joint between the ABS pipe and transition fitting shall be of the solvent cement type. Only approved thread tape or thread lubricant specifically intended for use with ABS plastic pipe shall be used. Conventional pipe thread compounds, putty, linseed oil base products, and unknown mixtures shall be avoided.

(b) *Connections to Traps.* Connect threaded traps and trap nuts by means of approved threaded adaptors.

(c) *Connection to Closet Flanges.* Install screw-type closet flanges in the drainage system by means of an approved threaded adapter fitting. Install calk-type closet flanges in accordance with the procedures outlined in (f) below.

(d) *Connection to Non-Plastic Piping.* When connecting plastic pipe to other types of piping, use only approved types of fittings and adaptors, designed for the specific transition intended. Consult the manufacturer.

(e) *Thread Tightness.* Where a threaded joint is made, obtain tightness by maximum hand tightening plus additional tightening with a strap wrench not to exceed one full turn.

(f) *Transition to Bell-and-Spigot Pipe.* Make connections or transitions to bell-and-spigot cast iron soil pipe and fittings, and to bell-and-spigot pipe and fittings of other materials, utilizing approved mechanical compression joints designed for ths use, or utilizing calking joints made in an approved manner. In calking, pack the joint with oakum or hemp and fill with molten lead to a depth of not less than 1 inch. Allow a period of 4 minutes for cooling, then calk the lead at the inside and outside edges of the joint. Do not overheat the lead; heat to its melting point only.

(g) *Alignment and Grade.* Align all piping system components properly without strain. Do not bend or pull pipe into position after being solvent welded. The grade of horizontal drainage and vent piping shall be as specified in the applicable code.

(h) For further information on making joints and connections with ABS pipe and fittings, consult: PPI Plastics Piping Manual, PPI TR 12.

5.2 *PVC.*

5.2.1 Solvent Cements. Use solvent cements which meet the requirement of ASTM specification D 2564, Solvent Cements for Poly(Vinyl Chloride) (PVC) Plastic Pipe and Fittings, and which are packaged in 1 quart containers or smaller for field use. If thinning is required use only thinner supplied by the cement manufacturer for the specific cement being thinned.

5.2.2 *Socket Fit.* PVC pipe and fittings are manufactured to close tolerances. Close tolerances are required to ensure satisfactory "interference" fit between pipe and fitting during solvent cement joining. Use only pipe and fitting combinations that give interference fits. Pipe and fittings that give interference fits. Pipe and fittings that give a loose fit in the socket will not properly fuse chemically. Allowable tolerances provide a force fit, thus assuring chemical fusion yielding maximum strength of solvent cemented joints. Attempting to compensate for a loose fit after assembly by applying additional cement will result in an unsatisfactory joint.

5.2.3 *Joining Technique.* (a) *Cutting the Pipe.* See 5.1.3 (a) above. Cutting requirements for PVC are the same as for ABS.

(b) *Cleaning Pipe.* See 5.1.3 (b) above. Cleaning requirements for PVC are the same as for ABS.

(c) *Application of Cement.* See 5.1.3 (c) above. Cement application requirements for PVC are the same as for ABS.

(d) *Assembly.* See 5.1.3. (d) above. Assembly requirements for PBC are the same as for ABS.

(e) *Visibility of Marking.* See 5.1.3 (e) above. Requirements for visibility of markings are the same for PVC as for ABS.

5.2.4 *Joints.* (a) *Threaded Connections.* Do not cut threads on PVC drain; waste, and vent pipe. Molded threads are permitted. Adapter fittings for transition to threaded construction are required. The joint between the PVC pipe and transition fitting shall be of the solvent cement type. Only approved thread tape or thread lubricant specifically intended for use with PVC plastic pipe shall be used. Conventional pipe thread compounds, putty, linseed oil base products, and unknown mixtures shall be avoided.

(b) *Connections to Traps.* See 5.1.4 (b) above. Requirements for connection to threaded traps and trap nuts are the same for PVC as for ABS.

(c) *Connection to Closet Flange.* See 5.1.4(c) above. Requirements for connection to closet flanges are the same for PVC as for ABS.

(d) *Connection to Non-Plastic Pipe.* See 5.1.4 (d) above. Requirements for connection to non-plastic pipe are the same for PVC as for ABS.

(e) *Thread Tightness.* See 5.1.4 (e) above. Requirements for thread tightness are the same for PVC as for ABS.

(f) *Transition to Bell-and-Spigot Pipe. See 5.1.4 (f) above. Requirements for transition to bell-and-spigot are the same for PVC as for ABS.*

(g) *Alignment and Grade.* See 5.1.4 (g) above. Requirements for alignment and grade are the same for PVC as for ABS.

(h) For further information on making joints and connections with PVC pipe and fittings, see ASTM D 2855, Making Solvent-Cemented Joints With Poly(Vinyl Chloride) (PVC) Pipe and Fittings. This document discusses joints and connections, including cleaners and primers, viscosity of cements for different sizes of pipe, and illustrations showing techniques. See also PPI Plastics Piping Manual and PPI TR 13.

## 6. Control of Thermal Expansion and Contraction

6.1 Thermal Expansion. Allow for thermal expansion and movement in all piping installations by the use of approved methods. Support, but do not rigidly restrain piping at branches or at changes of direction. Do not anchor pipe rigidly in walls. Holes through framing members shall be adequately sized to allow for free movement. The amount of longitudinal thermal expansion for installations subject to temperature changes may be extimated from Tables 6.1–1 and 6.1–2. The linear expansion shown is independent of the diameter of

the pipe. Buried piping, or piping installed in the crawl space under a builiding, is normally subject to less than the ambient temperature change.

ABS and PVC DWV pipes are not normally adversely affected by ordinary operating temperatures in warm spaces (nominally not over 120° F.), e.g., parking garages and boiler/mechanical rooms. However, such pipes shall be protected from mechanical damage and from potential damage due to close proximity to hot surfaces.

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TABLE 6.1-1. THERMAL EXPANSION TABLE FOR ABS PLASTIC PIPE

| Length, feet | Temperature Change, F | | | | | | |
|---|---|---|---|---|---|---|---|
| | 40 | 50 | 60 | 70 | 80 | 90 | 100 |
| | Length Change, in. | | | | | | |
| 20 | 0.54 | 0.67 | 0.80 | 0.94 | 1.07 | 1.21 | 1.34 |
| 40 | 1.07 | 1.34 | 1.61 | 1.88 | 2.05 | 2.42 | 2.69 |
| 60 | 1.61 | 2.01 | 2.41 | 2.82 | 3.22 | 3.62 | 4.02 |
| 80 | 2.14 | 2.68 | 3.22 | 3.76 | 4.29 | 4.83 | 5.36 |
| 100 | 2.68 | 3.35 | 4.02 | 4.70 | 5.36 | 6.03 | 6.70 |

Example:

| | |
|---|---|
| Highest temperature expected | 100 F |
| Lowest temperature expected | 50 F |
| Total variation | 50 F |

For length of run of 60 feet the chart indicates that the installation should provide for a linear expansion of 2.01 inches.

TABLE 6.1-2. THERMAL EXPANSION TABLE FOR PVC PLASTIC PIPE

| Length, feet | Temperature Change, F | | | | | | |
|---|---|---|---|---|---|---|---|
| | 40 | 50 | 60 | 70 | 80 | 90 | 100 |
| | Length Change, in. | | | | | | |
| 20 | 0.28 | 0.35 | 0.42 | 0.49 | 0.56 | 0.63 | 0.70 |
| 40 | 0.56 | 0.70 | 0.84 | 0.97 | 1.11 | 1.25 | 1.39 |
| 60 | 0.84 | 1.04 | 1.25 | 1.46 | 1.67 | 1.88 | 2.09 |
| 80 | 1.13 | 1.39 | 1.67 | 1.95 | 2.23 | 2.51 | 2.78 |
| 100 | 1.39 | 1.74 | 2.09 | 2.44 | 2.78 | 3.13 | 3.48 |

Example:

| | |
|---|---|
| Highest temperature expected | 100 F |
| Lowest temperature expected | 50 F |
| Total variation | 50 F |

For length of run of 60 feet the chart indicates that the installation should provide for a linear expansion of 1.04 inches.

BILLING CODE 4210-01-C

6.2 *Methods for Control.*

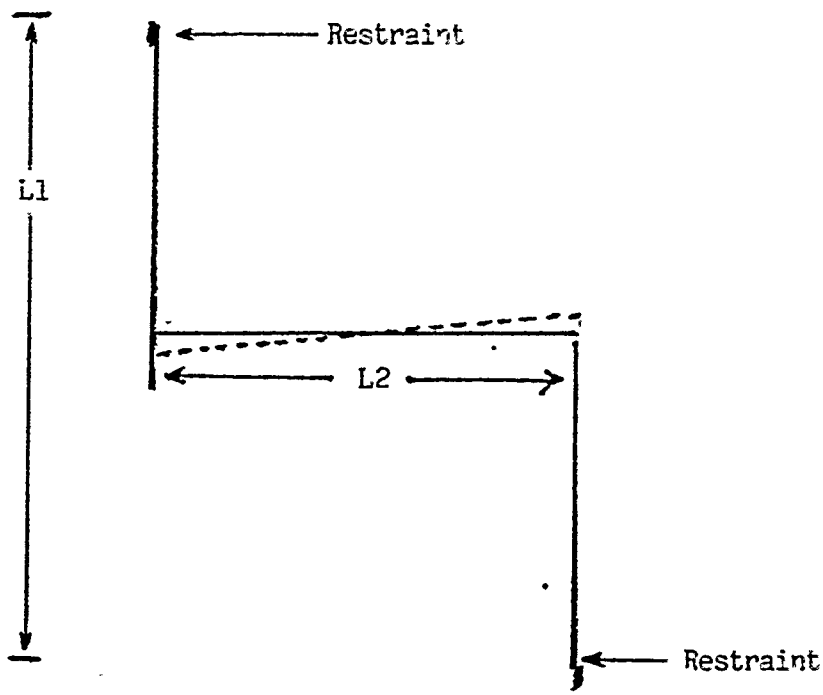
6.2.1 *Above-Ground DWV Installations.* Expansion or contraction seldom presents any problems in DWV installations in one and two family dwellings due to the short lengths of piping involved. It does become of concern in high rise buildings where long stacks are involved, or in large buildings with long runs of above-ground horizontal drains (e.g. suspended building drains). There are three generally recognized methods of accommodating expansion-contraction, as described below.

(a) If the DWV system is designed with one or more offsets in the stack or building drain, the offsets alone may provide a sufficient means for accommodating thermal expansion. The required lengths of offset for two pipe diameters and three pipe lengths with a temperature change of 50° F. are shown in Table 6.2-1[3].

[3] See PPI Plastics Piping Manual, Chapter 3 for formula and discussion.

TABLE 6.2-1 MINIMUM LENGTH OF OFFSET, 3/ L2, FOR A 50 F TEMPERATURE CHANGE

| L1 (Length of Run) | DIAMETER | L2 (Length of Offset) | |
|---|---|---|---|
| | | ABS | PVC |
| ft. | in. | in. | in. |
| 20 | 3 | 29 | 21 |
| | 4 | 33 | 24 |
| 40 | 3 | 41 | 30 |
| | 4 | 47 | 34 |
| 60 | 3 | 50 | 36 |
| | 4 | 57 | 41 |



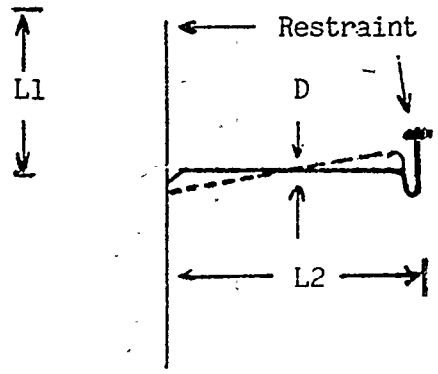

3/ Based on Eq (2), Page 25, PPI Plastics Piping Manual

BILLING CODE 4210-01-M

If the main run of pipe (e.g. a soil or waste stack) is subject to longitudinal movement at the point of connection of a branch pipe (e.g., a fixture drain or a trap arm) the maximum length of branch pipe shall be in accordance with Table 6.2-2. 2/

TABLE 6.2-2 MINIMUM LENGTH OF BRANCH, 3/ L2, FOR A 50° F TEMPERATURE CHANGE

| L1 (Length of Run) | DIAMETER | L2 (Length of Offset) | |
|---|---|---|---|
| | | ABS | PVC |
| ft. | in. | in. | in. |
| 6 | 1 1/2 | 10 | 7.5 |
| | 2 | 12 | 8.4 |
| | 3 | 14 | 10 |
| 8 | 1 1/2 | 12 | 8.7 |
| | 2 | 13 | 9.7 |
| | 3 | 16 | 12 |
| 10 | 1 1/2 | 14 | 9.7 |
| | 2 | 15 | 11 |
| | 3 | 18 | 13 |
| 20 | 1 1/2 | 19 | 14 |
| | 2 | 21 | 15 |
| | 3 | 26 | 19 |
| 30 | 1 1/2 | 23 | 17 |
| | 2 | 26 | 19 |
| | 3 | 32 | 23 |




2/ See Footnote 2, Page 12

3/ See Footnote 3, Page 13

BILLING CODE 4210-01-C

(b) In many designs, expansion joints may be used for either PVC or ABS. There are a number of designs available which are basically a slip joint with an elastomeric seal; others utilize a bellows principle. If these methods are employed, the expansion joints shall be installed at intervals not exceeding 30 ft., and in accordance with the manufacturer's recommendations. Except at unusually low or high ambient temperatures, install the expansion joint in the neutral (midpoint) position so that it can move in either direction to take care of either expansion or contraction. For vertical piping (e.g., soil, waste and vent stacks) the pipe shall be anchored either by securing the branches or by the installation of fixed clamps around the vertical pipe at or near each expansion joint to prevent the joint from telescoping together due to the weight of the stack. The recommendations of the expansion joint manufacturer shall be followed in the application and installation of expansion joints.

(c) For ABS DWV there is a third method—the use of restraint. Engineering studies have shown that by restraining the pipe every 30 ft. to prevent longitudinal movement, satisfactory installations can be made. Tensile or compressive forces developed by contraction or expansion are absorbed by the piping itself without harm. If the restraint method is used, special stack anchors, available from several manufacturers, shall be used and installed according to the manufacturers' recommendations.

(d) Except where rigid anchoring of DWV piping is required or is otherwise appropriately provided, pipe hangers and supports shall be installed so as to permit longitudinal movement of the pipe and fittings near walls, ceilings, floors and framing members. Such hangers and supports shall be positioned so that ample clearance is provided to avoid interference with thermal movement.

6.2.2 *Underground Piping.* Thermal expansion and contraction is generally not a problem with underground piping such as building drains and building sewers. Movements in buried piping are generally less than in above-ground installations because of the more stable temperature environment and the restraint imposed by the earth cover.

If the pipe of 3 in. diameter or less is installed at a temperature lower than the expected maximum service temperature, as in winter, the pipe may be installed straight, brought to the (higher) service temperature and the increased length taken up by snaking. The trenching may then be backfilled in the normal manner. Rigid pipe with solvent cemented joints or other rigid couplings, up to 3 in. nominal size, can be handled by snaking, provided the joint has cured sufficiently. Offsets and loop lengths for snaking rigid pipe are shown in Table 6.2-3.

For larger sizes of pipe, snaking is not practical, or possible, in most cases. When snaking is not possible the line shall be completely installed except that it is left unconnected at one end. The pipe is then brought to within 15° F. of the service temperature and the final connection made. This can be accomplished by "shade" backfilling in summer, i.e. allowing the pipe to cool at night and then connecting early in the morning, or by cooling with water. The stresses produced by the final 15° F. temperature change will be absorbed by the piping without harm.

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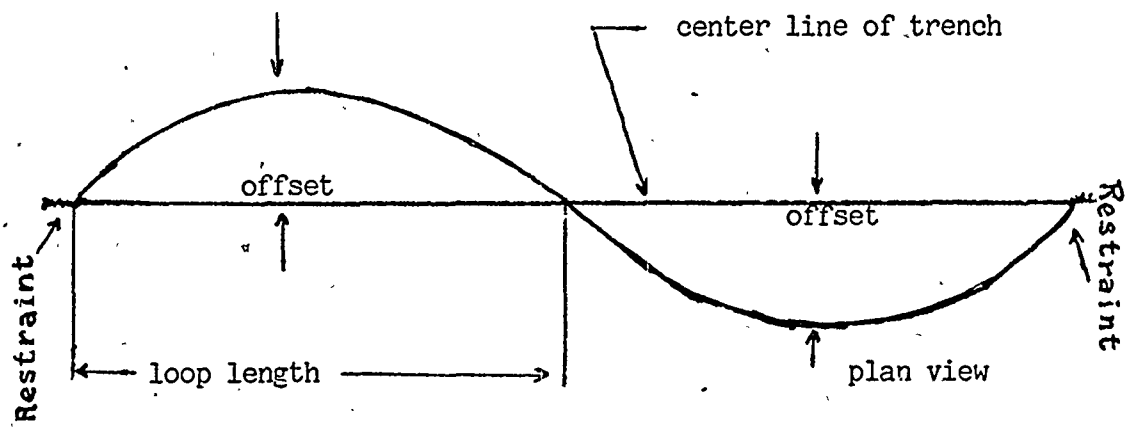
TABLE 6.2-3 RECOMMENDED OFFSETS AND LOOP LENGTHS FOR SNAKING RIGID PIPE (applicable to sizes of 3 in. and less)

| Temperature Change, F | 10 | 20 | 30 | 40 | 50 | 60 | 70 | 80 | 90 | 100 |
|---|---|---|---|---|---|---|---|---|---|---|
| Loop Length, ft. | Offset for contraction, in. | | | | | | | | | |
| 20 | 1-1/2 | 2 | 2-1/2 | 3 | 3-1/3 | 4 | 4-1/2 | 5 | 5-1/2 | 6 |
| 50 | 3-3/4 | 5 | 6-1/4 | 7-1/2 | 8-3/4 | 10 | 11-1/4 | 12-1/2 | 13-3/4 | 15 |
| 100 | 7-1/2 | 10 | 12-1/2 | 15 | 17-1/2 | 20 | 22-1/4 | 25 | 27-1/2 | 30 |

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7. Requirements for Hangers and Supports

Hangers and straps shall not compress, distort, cut or abrade the piping and shall allow free movement of pipe. Support all piping at intervals of not more than 4 ft., at end of branches and at change of direction or elevation. Supports shall allow free movement. Maintain vertical piping in straight alignment. Support trap arms in excess of 3 ft. in length as close as possible to the trap. Securely fasten closet rings to the floor with corrosion-resistant fasteners with top surface of closet ring ¼ in. above the finished floor. Stabilize closet bends or stubs against all horizontal or vertical movement. Protect pipe exposed to damage by sharp edges (e.g. in passages through structural members, sheet metal, subflooring etc.) with grommets or sleeves of rubber or plastic.

8. Underground Piping

8.1 *Trenching and Bedding.* (a) *Building drains under floor slabs.* Make trench bottoms smooth and of uniform grade with either undisturbed soil or a layer of selected and compacted backfill so that no settlement will be encountered. Pipe must bear on this material throughout the entire length of its barrel.

(b) *General recommendations.* The width of trench shall be no greater than required to permit joining of the pipe in the ditch.

The trench bottom shall be continuous, relatively smooth and free of rocks. Where ledge rock, hardpan or boulders are encountered, the trench bottom shall be padded using sand or compacted fine grained soils.

The pipe shall be uniform and continuously supported over its entire length on firm, stable material. Blocking shall not be used to change pipe grade or to intermittently support pipe across excavated sections.

8.2 *Burial Depth.* Provide a minimum cover of 24 in. for locations subject to heavy overhead traffic. A minimum cover of 12 to 18 in. is normally adequate for locations subject to no overhead traffic or light overhead traffic. Provide sufficient cover to prevent stress levels in excess of the manufacturer's published load ratings due to the superimposed static and dynamic loads for the applicable installation conditions. Burial depth shall be limited to depths such that combined earth loads and superimposed static and dynamic loads will not yield stress levels in excess of the manufacturer's published load ratings for the applicable installation conditions. Effects of ground freezing shall be considered also when pipe is installed at depths subject to frost penetration.

8.3 *Embedment and Backfilling.*

8.3.1 *Embedment.* Use a graded, compacted backfill material of particle size of ½ in. or less to surround the pipe. Place the backfill in layers, and compact each layer sufficiently to develop uniform laterial passive soil forces against the pipe during the backfilling and compacting operation. Sand and gravel containing a significant proportion of fine-grained material, such as silt and clay, shall be compacted by mechanical tamper or by hand.

8.3.2 *Backfilling.* The remainder of the backfill above the pipe soil encasement area shall be placed and spread in approximately uniform layers in such a manner as to fill the trench completely so that there will be no unfilled spaces under or near rocks, or lumps of earth in the backfill. Remove large rocks, frozen clods and other debris greater than 3 in. in diameter from the backfill. The final backfill only may be consolidated by using rolling equipment or heavy tampers except that under sidewalks and driveways the backfill shall be compacted in layers. Rolling equipment shall not be used in consolidating initial backfill.

8.3.3 *Compaction.* Vibratory methods are preferred when compacting sand or gravels. Best results are obtained when the soils are in a nearly saturated condition. Where water flooding is used, provide sufficient initial backfill to insure complete coverage of the pipe. Additional material shall not be added until the water flooded backfill is firm enough to walk on. Avoid floating the pipe.

Additional informtion on underground installation is given in ASTM D 2321, Underground Installation of Flexible Thermoplastic Sewer Pipe. Particular attention must be given to compacting the embedment on both sides and underneath the haunches of the pipe to ensure maximum ability to support soil loads and superimposed static and dynamic loads.

9. Protection of Vent Terminals From the Effects of Long-Term Exposure to Sunlight

Plumbing vents of ABS or PVC exposed to sunlight shall be protected by exterior type water-base synthetic latex paints. Where roof or ambient temperatures near vent terminal are expected to exceed 165° F. (for ABS) or 140° F. (for PVC) the terminal shall be protected by means of reflective shielding and thermal insulation.

10. Protection Against Freezing

When necessary to protect traps, fixtures and devices of ABS or PVC from the effects of freezing water, alcohol or petroleum products shall *not* be used. Use only approved plactic pipe antifreeze packaged for this purpose, or one of the following solutions:

(a) Sixty percent by weight of glycerin in water mixed at 73° F.

(b) Twenty-two percent by weight of magnesium chloride or sodium chloride in water.

[FR Doc. 80-26190 Filed 8-27-80; 8:45 am]
BILLING CODE 4210-01-M

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## Office of the Secretary

## 24 CFR Part 200

[Docket No. R-80-857]

## Minimum Property Standards for One- and Two-Family Dwellings

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notice of transmittal of proposed rule to Congress under Section 7(o) of the Department of HUD Act.

**SUMMARY:** Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review. This proposed rule would incorporate appropriate portions of the current model One- and Two-Family Dwelling Code into the MPS for One- and Two-Family Dwellings; remove certain criteria from the MPS that do not bear directly on health, safety, durability and legislative requirements; reduce the length of the MPS; update certain criteria and reorganize and revise the MPS to improve readability.

**FOR FURTHER INFORMATION CONTACT:** Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

**SUPPLEMENTARY INFORMATION:** Concurrently with issuance of this notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following proposed rulemaking document:

24 CFR Part 200—Subpart S, Change to HUD 4900.1 Minimum Property

Standards for One- and Two-Family Dwellings.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., August 8, 1980.

Moon Landrieu,

*Secretary, Department of Housing and Urban Development.*

[FR Doc. 80-26314 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-01-M

## 24 CFR Part 235

[Docket No. R-80-864]

## Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

**SUMMARY:** Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review. This interim rule provides for the use of Section 235 assistance payments for eligible families who are likely to be involuntarily displaced without such assistance. The rule amends existing Section 235 to permit assistance in acquiring membership in a cooperative association or in purchasing an existing condominium unit.

**FOR FURTHER INFORMATION CONTACT:** Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6207.

**SUPPLEMENTARY INFORMATION:** Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 235—Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C., August 22, 1980.

Moon Landrieu,

*Secretary, Department of Housing and Urban Development.*

[FR Doc. 80-26313 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-01-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

[FRL 1590-7]

## North Carolina: Approval of Plan Revisions; Approval and Promulgation of Implementation Plans

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to withdraw its approval, as announced in the Federal Register of September 19, 1978 (43 FR 44842), of that portion of North Carolina regulation .0527 relating to emissions of sulfuric acid mist. It is also proposed to approve revised opacity limits for existing kraft pulp mill recovery furnaces, and to approve relaxed opacity limits for new sources and for existing sources other than kraft pulp mill recovery furnaces.

The public is invited to submit comments on the matters discussed here and on the actions proposed.

**DATE:** To be considered, comments must be received on or before September 29, 1980.

**ADDRESSES:** Written comments should be addressed to Mr. Walter Bishop of EPA Region IV's Air Programs Branch (see address below). Copies of relevant materials may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Air Programs Branch, Air & Hazardous Materials Division, EPA Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Air Planning and Environmental Standards Branch, Division of Environmental Management, North Carolina Department of Natural Resources & Community Development, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina 27604.

**FOR FURTHER INFORMATION CONTACT:** Walter Bishop, EPA Region IV Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308, 404/881-3286 (FTS 257-3286).

**SUPPLEMENTARY INFORMATION:** A. *Sulfuric acid mist from spodumene ore roasting.* On September 29, 1978 (43 FR 44842), EPA announced its approval of new regulations which North Carolina had developed to limit emissions of sulfur dioxide and sulfuric acid mist from the roasting of spodumene ore, a process for extracting lithium. Since sulfuric acid mist is not regulated under Section 110 of the Clean Air Act (CAA), it was inappropriate for EPA to approve emission limits for this pollutant as part of the State implementation plan for the criteria pollutants. On January 29, 1979, EPA Region IV, wrote the State to that effect, asking that consideration be given to the feasibility of rewriting the acid mist limit as a particulate limit. In a letter dated November 14, 1979, the State declined to revise the regulation. Accordingly, it is proposed to withdraw EPA approval of North Carolina regulation .0527, as set forth at 40 CFR 52.1770(c)(19), as it applies to sulfuric acid mist. This proposed action would in no way affect the enforceability of the acid mist limit by the State, nor does it imply any deficiency in the particulate control strategy for sources which process spodumene ore.

B. *Visible emissions limitations.* As originally written, regulation .0521, Control of Visible Emissions, provided that existing sources were to meet a 40% opacity limit immediately and achieve 20% by July 1, 1976; new sources were to meet a limit of 20% upon starting operation. In July 1976 the State submitted a revision deferring until April 1, 1977, the date by which existing sources were to meet the 20% limit; this change was approved by EPA on April 18, 1977 (42 FR 20132).

On March 22, 1977, the State submitted a revision eliminating the 20% limit for existing sources; this change was not announced in the Federal Register at the time because of problems with other revisions in the submittal. In response to concerns expressed by EPA, the State on June 2, 1980, submitted additional information in support of this revision. In EPA's view, it is important to consider that if a blanket 40% opacity limit was adequate to assure compliance by all types of existing sources regulated by mass emission limits before April 1, 1977, it is still adequate unless particulate mass emission limits have been made more stringent in the interim, and in fact, they have not. Accordingly, it is proposed to approve this revision.

On April 19, 1978, the State submitted a revision in regulation .0521 such that new (post-July 1, 1971) sources could

obtain an exemption from the 20% limit, and emit at up to 40%, by making certain demonstrations; at the same time the State submitted a revision setting an opacity limit of 35%, with excess emissions exempted for five minutes of any hour or twenty minutes of any 24-hour period, for existing kraft pulp mill recovery furnances. EPA now proposes to approve the latter revision, which is basically consistent with 40 CFR 60.282, governing particulate emissions from new kraft pulp mills, and to approve the opacity exemption for new sources. The proposed revision for new sources is deficient in that it is inconsistent with the provisions of 40 CFR 60.11(e)(3) concerning opacity testing, and limits source testing required of applicants for an exemption to a single test of three runs. However, North Carolina regulation .0524 provides that in the case of a new source subject to 40 CFR Part 60, the Federal regulations apply when there is a conflict with State regulations.

The public is invited to participate in this rulemaking by submitting written comments on the proposed actions. After considering pertinent comments received together with all other information available to him, the Administrator will take final action.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: August 20, 1980.

Rebecca W. Hanmer,

*Regional Administrator.*

[FR Doc. 80-26420 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

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## 40 CFR Part 52

[FRL 1590-6]

## Approval and Promulgation of Implementation Plans—Massachusetts; Notice of Proposed Rulemaking

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** On March 2, 1979, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted a revision to the Massachusetts State Implementation Plan (SIP) which would permanently amend Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof". This regulation presently allows sources in the Pioneer Valley Air Pollution Control District (PVAPCD) having an energy input capacity greater than or equal to 100 million Btu per hour to burn 2.2 percent sulfur fuel oil. Sources rated at less than 100 million Btu per hour are presently limited to burning 1 percent sulfur fuel oil. The revision which EPA is proposing to approve would allow sources rated at less than 100 million Btu per hour hear input located in Franklin and Hampshire Counties of the PVAPCD to burn 2.2 percent sulfur fuel with the exception of four sources which EPA is proposing to disapprove.

**DATE:** Comments must be received on or before September 29, 1980.

**ADDRESSESS:** Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region 1, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. St., S.W., Washington, D.C. 20460; and Massachusetts Department of Environmental Quality Engineering, Air and Hazardous Materials Division, Room 320, 600 Washington Street, Boston, MA. 02111.

Comments should be submitted to the Regional Administrator, Region 1, Environmental Protection Agency Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

**FOR FURTHER INFORMATION CONTACT:** Margaret McDonough, Air Branch, EPA Region 1, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

**SUPPLEMENTARY INFORMATION:** The Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted on March 2, 1979 a revision to the Massachusetts State Implementation Plan (SIP) which amends Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof". Additional technical information was submitted on January 18, 1980.

The original Massachusetts SIP, approved by EPA on May 31, 1972 (37 FR 10842), allowed all sources in the PVAPCD to burn fuel oil having a sulfur content of not more than 1 percent. Pursuant to Chapter 494 of the Massachusetts General Laws of 1974, the Massachusetts Department was required periodically to review its control strategies and to relax any regulation which was more stringent than necessary to attain the National ambient Air Quality Standards (NAAQS). As a result, the Massachusetts Department has submitted revisions to its SIP to allow the burning of higher sulfur content fuel. On May 21, 1979 (44 FR 29453) EPA approved a SIP revision allowing sources then burning 2.2 percent sulfur fuel oil in the PVAPCD to burn 2.2 percent sulfur fuel oil. All other sources rated at 100 million Btu per hour or greater were approved to burn 2.2 percent sulfur fuel oil on October 2, 1979 (44 FR 56694). Sources rated at less than 100 million Btu per hour were not included in the May 21, 1979 or October 2, 1979 revisions and are presently required to burn 1 percent sulfur fuel oil.

The Massachusetts Department's March 2, 1979 submittal requests approval for all sources located in Hampshire and Franklin Counties of the PVAPCD having a heat input capacity of less than 100 million Btu per hour to burn 2.2 percent sulfur fuel oil. Accompanying this submittal was technical support which included a modeling analysis to predict the effect on the ambient air quality of additional sulfur dioxide emissions ($SO_2$) which would be permitted by the revision. Subsequently, EPA performed additional modeling analyses to supplement the work of the Massachusetts Department. The mathematical modeling performed was used to determine compliance with the NAAQS and Class II Prevention of Significant Deterioration (PSD) increments for $SO_2$. The NAAQS are maximum allowable ambient air pollutant concentrations which are set to protect public health and welfare. The NAAQS for $SO_2$ is 80 $\mu g/m^3$ based on an annual averaging time; 365 $\mu g/m^3$ based on a 24-hour averaging time and 1300 $\mu g/m^3$ based on a 3-hour averaging time. The PSD increments are allowable incremental increases in ambient pollutant concentrations which are set to limit the degradation of air quality over baseline levels. The Class II PSD increments which apply to Hampshire and Franklin counties for $SO_2$ are 91 $\mu g/m^3$ based on a 24-hour averaging time; 512 $\mu g/m^3$ based on a 3-hour averaging time; and 20 $\mu g/m^3$ based on an annual average. It should be noted, however, that EPA promulgated amendments to its PSD regulations on August 7, 1980 (45 52676). These regulations change the definition of baseline date from August 7, 1977 to the date on which a source subject to the PSD regulations filed a permit application to construct or modify in an area designated attainment or unclassifiable under Section 107(d)(1) of the Clean Air Act. The baseline date has been set for the State of Massachusetts which is the Section 107 designated attainment area where the sources subject to these revisions are located. The date is August 4, 1978 which was set by the application filed by the Massachusetts Municipal

Wholesale Electric Company (MMWEC).

The MMWEC plant consumes increment in part of the same area that Texon, Inc. of South Hadley consumes increment. The combined increment consumption of the two sources based on an annual, 24-hour and 3-hour averaging time is 5.3 $\mu g/m^3$, 81 $\mu g/m^3$ and 394 $\mu g/m^3$, respectively. These estimates of increment consumption are conservative and do not take into account varying meteorological conditions. No refined analysis was performed since the increments were not in danger of being violated; however, sources that may wish to locate in the same area in the future may have to perform a refined interactive (all sources) modeling analysis if these conservative estimates predict increment violations.

For purposes of this modeling analysis, sources having actual annual $SO_2$ emissions of 100 tons or greater were modeled individually using maximum emission rates for short term (24-hour and 3-hour) modeling and annual average emission rates for long term (annual) modeling. Sources having annual $SO_2$ emissions of less than 100 tons were modeled using annual average emission rates for all averaging times. Sources emitting less than 100 tons per year $SO_2$ which are isolated by terrain or distance were modeled as point (individual) sources, while those located in the more populated areas of Northampton, Easthampton and Greenfield were grouped together to form a number of area sources. An area source consists of several small sources that are treated as one in the modeling analysis.

The proposed SIP revision was primarily evaluated with conservative EPA screening model techniques which assumed worst case meterology for short-term analyses. The annual average modeling used a joint frequency distribution (frequency distribution of wind speed, wind direction and stability) of meterological conditions recorded at Bradley Field in Connecticut. Since all 23 sources are located near rugged terrain, the VALLEY model was used for all sources. Those sources for which the VALLEY screen predicted no standards violations (violations were predicted at three sources) were also modeled with simple terrain screening models PTMAX and PTMTP. For the single source that failed the PTMAX and PTMTP screen, a more refined EPA model (CRSTER) was used. This analysis used actual hourly meterological data recorded at Bradley Field over a 5-year period.

$SO_2$ data from six air monitoring stations were examined for the years 1978 and 1979. Based on these data EPA determined maximum background levels of $SO_2$ in the two county area of 31 ug/$m^3$ (annual average), 179 ug/$m^3$ (24-hour average) and 452 ug/$m^3$ (3-hour average).

Since the addition of the appropriate PSD Class II increments of 20 ug/$m^3$ (annual), 91 ug/$m^3$ (24-hour) and 512 ug/$m^3$ (3-hour) to these background levels yields ambient levels well below all NAAQS (51 vs 80 ug/$m^3$ for annual, 270 vs 365 ug/$m^3$ for 24-hour and 964 vs 1300 ug/$m^3$ for 3-hour) it was apparent that compliance with the Class II increments would also ensure compliance with NAAQS. However, the modeling results for the increment consumption analysis, which shows only the modeled increases in ambient levels due to the increases in sulfur emissions, were scaled to show the total modeled impact of these sources with respect to NAAQS.

Two Erving Paper Companies are located in Erving, Massachusetts approximately 1.5 km apart. The facility being considered for the revision, the Usher Division, is the smaller of the two. The Erving Division, a larger facility was submitted to EPA in a previous SIP revision. Modeling done for this previous SIP revision predicted violations of air quality standards attributable to the Erving Division (no action has been taken on the Erving Division) and, therefore, Erving Paper Company has been gathering monitoring data to be used to refute these modeled violations. This data, however, was not available to EPA. Since the predicted impacts of the source being considered in this revision, the Usher Division, in the area of modeled violations of the Erving Division is below EPA's level of significance, EPA, determined that it was not necessary to await the availability of the monitoring data gathered by Erving Paper Company.

Violations of both the 24-hour NAAQS and Class II increments were predicted by the VALLEY model for the Millers Falls Paper Company, the Strathmore Paper Company, and the Esleeck Manufacturing Company. The PTMAX screening model indicated violations of the 24-hour and 3-hour PSD increments at Butler and Ullman, Inc. The source interaction modeling performed with the PTMTP screening model also indicated violations of the 24-hour PSD increment attributable to Butler and Ullman, Inc. A more refined flat plane analysis using the CRSTER model likewise resulted in predicted violations of the 24-hour PSD increment at Butler and Ullman, Inc. Concerning the Erving Paper Co., Usher Division, the modeling showed maximum impacts well below NAAQS and PSD increments. Because the modeling in the area of modeled violations of Erving Division predicted impacts for the Usher Division which were below the EPA level of significance, EPA is proposing approval of the Erving Paper Co., Usher Division. Consequently, EPA is proposing to approve the revision allowing sources rated at less than 100 million Btu per hour to burn 2.2 percent sulfur fuel oil with the exception of the following sources as to which EPA is proposing to disapprove the revision:

Butler and Ullman, Inc. Hadley
Esleeck Manufacturing Company, Montague
Strathmore Paper Company, Montague
Millers Falls Paper Company, Millers Falls

During the 30-day public comment period EPA will consider approval of these sources if it can be demonstrated that air quality standards will be maintained by reducing the maximum allowable emission rates of the facilities.

In recent months, there has been increased awareness of the impact of sulfur emissions on the acid rain phenomenon. In spite of the increased sulfur emissions which would result, EPA is proposing approval of this revision, except for the four excluded sources, because no NAAQS or PSD increment violations would result and because the increased sulfur emissions, 541 tons per year, are not significant compared to the total statewide emissions of approximately 425,000 tons per year. Comments are, of course, welcome on this aspect of the proposed revision.

Note.—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.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)A)-(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 and 7601).

Dated: August 8, 1980.

William R. Adams,

*Regional Administrator, Region I.*

[FR Doc. 80-26493 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

## 40 CFR Part 52

[FRL 1590-4]

## Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions for the State of Minnesota; Extension of Comment Period

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Notice of Extension of Comment Period.

**SUMMARY:** The purpose of this notice is to announce that the comment period for USEPA's proposed rulemaking published July 18, 1980 (45 FR 48168) has been extended from August 18, 1980 to September 2, 1980.

**DATE:** Comments must be received on or before September 2, 1980.

**ADDRESS:** All comments should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Stephen Goranson, Chief, Air Monitoring Staff, U.S. Environmental Protection Agency, Region V, 536 South Clark Street, Chicago, Illinois 60605 (312) 886-6226.

**SUPPLEMENTARY INFORMATION:** On March 5, 1980, the State of Minnesota submitted to USEPA a revision to its SIP which provides for the establishment of an air quality monitoring network. USEPA announced receipt of and proposed rulemaking on the proposed revisions on July 18, 1980 (45 FR 48168). At that time, USEPA invited public comments on the revisions, and set a deadline of August 18, 1980 for the receipt of all comments.

On August 18, 1980, an extension of time was requested to allow additional time for industry to respond to USEPA's proposed action.

USEPA has decided that the extension of the comment period to September 2, 1980, is a reasonable extension, and the comment period is hereby extended to September 2, 1980.

Dated: August 19, 1980.

John McGuire,

*Regional Administrator.*

[FR Doc. 80-26180 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

## 40 CFR Parts 162 and 164

[FRL 1591-5; FRL OPP-60004A]

## Rules Governing Rebuttable Presumption Against Registration (RPAR) Proceedings; Proposed Rules of Practice Governing Hearings Under Sec. 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Correction.

**SUMMARY:** This document corrects the address to which comments should be sent regarding the proposed "Rules Governing the Rebuttable Presumption Against Registration (RPAR) Proceedings" and the proposed "Rules Governing Hearings under section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)", published in the Federal Register of August 7, 1980 (45 FR 52628-52674).

**FOR FURTHER INFORMATION CONTACT:** David E. Menotti, Associate General Counsel for Pesticides, Office of General Counsel (A-132), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-755-0794).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 80-23812 appearing in the Federal Register of August 7, 1980, (45 FR 52628), the text incorrectly stated the address to which comments should be sent. The correct address is: Document Control Officer (TS-793), Room E-447, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

Dated: August 22, 1980.

Edwin L. Johnson,

*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc. 80-26418 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

## 40 CFR Part 180

[FRL 1591-1 OPP-260035]

## Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Editorial Amendments

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes that 40 CFR 180.1(j)(6) be amended to include parsnips and rutabagas wherein, like carrots, the tops shall be removed and discarded before analyzing roots for pesticides residues and the crop grouping "leafy vegetables" in 40 CFR 180.34(f) be amended to include upland cress. These proposals were submitted by the Interregional Project No. 4 (IR-4).

**DATE:** Comments must be received by September 29, 1980.

**ADDRESS:** Send comments to: Clinton Fletcher, Rm: E-124, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Clinton Fletcher (202-426-0223) at the above address.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, has submitted amendments to EPA on behalf of the IR-4 Technical Committee. These amendments requested that the Administrator, pursuant to Section 408(e) of the Federal Food, Drug, and Cosmetic Act, amend 40 CFR 180.1(j)(6) to include parsnips, radishes and rutabagas wherein, like carrots, the tops shall be removed and discarded before analyzing roots for pesticide residues. The IR-4 contends that the additions are justified since, as with carrots, the roots are the only part of the plant consumed. IR-4 also proposed that:

(1) The crop grouping "leafy vegetables" in 40 CFR 180.34(f) be amended to include upland cress since the present listing includes watercress and many other commodities belonging to the cruciferae family.

(2) The commodity grouping, nuts, be amended to include pistachio nuts since the present listing includes cashews, which belong to the same botanical family, Anacardiaceae, as pistachio nuts.

(3) the commodity grouping stone fruit be amended to include kiwifruit because the size of the fruit is similar to the other fruit in this group and because the description of kiwifruit (fleshy edible tissue which adheres to the skin) is similar to those in the stone fruit group.

IR-4 concluded pesticide residue behavior in or on upland cress, pistachio nuts, and kiwifruit should be similar to commodities included in the respective groups.

The Administrator concurs with the IR-4 on the proposed amendment of 40 CFR 180.1(j)(6) to include parsnips and turnips, but not radishes since information is available that indicates radish leaves may be a human food item. Also, the crop grouping "leafy vegetables" in 40 CFR 180.34(f) should be amended to include upland cress since upland cress is related to watercress and horseradish and, as

grown under cultivation, leaf exposure, and general culture, is similar to spinach and turnips for greens.

The Administrator does not concur with the IR-4 to include pistachio nuts in the crop grouping "nuts", since the morphology of this commodity is not sufficiently similar to the other nuts to allow it to be unqualifiedly placed in the crop grouping. The most important difference between pistachio nuts and other nuts is that the shell partially splits when the nut is ripe, exposing the nutmeat. Also, kiwifruit cannot be placed in the crop grouping "stone fruit" since kiwifruit cannot be considered a stone fruit. Kiwifruit do not have a pit or stone and the skin is not eaten.

Therefore, the Administrator proposes that the pesticide regulations should be amended to reflect these changes. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180, is amended as set forth below.

Interested persons are invited to submit comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number "OPP-260035". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Clinton Fletcher, Rm. 124 East Tower, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

(Sec. 4089(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: August 22, 1980.

Reto Engler,

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, it is proposed that of 40 CFR Part 180 be amended as follows:

1. By revising § 180.1(j)(6) to read as follows:

**§ 180.1 Definitions and Interpretations.**

* * * * *

(j) * * *

(6) "Where a tolerance is established on a root vegetable including tops and/or with tops, and the tops and the roots are marketed together, they shall be analyzed separately and neither the pesticide residue on the roots nor the pesticide residue on the tops shall exceed the tolerance level, except that in the case of carrots, parsnips, and rutabagas, the tops shall be removed and discarded before analyzing roots for pesticide residues.

* * * * *

2. By alphabetically inserting in the table in § 180.34(f) a new item in the crop grouping "leafy vegetables," to read as follows:

**§ 180.34 Tests on the amount of residue remaining.**

* * * * *

(f) * * *

* * * * *

| Group | Commodities Therein |
|---|---|
| Leafy vegetables..... | Anise (fresh leaf and stock only), beet (tops), broccoli, broccoli raab, Brussels sprouts, cabbage, cauliflower, celery, Chinese cabbage, collards, dandelion, endive, escarole, fennel, kale, kohlrabi, lettuce, mustard greens, parsley, rhubarb, salsify tops, spinach, sugar beet tops, Swiss chard, turnip greens (tops), upland cress, watercress. |

* * * * *

[FR Doc. 80-26463 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-5845]

### National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction; Conn.

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Ledyard, New London County, Connecticut, previously published at 45 FR 46108 on July 9, 1980.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, 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) Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Ledyard, New London County, Connecticut, previously published at 45 FR 46108 on July 9, 1980, 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).

Due to a clerical error the Town of Ledyard, Connecticut, was erroneously listed as being in New Haven County. The county name should be corrected to read New London County.

(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: August 15, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26328 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

### 44 CFR Part 67

[Docket No. FEMA-5843]

### National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations, Ill.

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed based (100-year) flood elevations listed below for selected locations in the Village of South Barrington, Cook County, Illinois.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *Barrington Courier-Review* on June 5, 1980 and June 12, 1980, and at 45 FR 42693 on June 25, 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 the

Village of South Barrington, Cook County, Illinois, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations 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) |
|---|---|---|---|---|
| Illinois | (V) South Barrington, Cook County. | Poplar Creek | About 1,500 feet downstream of Mundhank Road | *824 |
| | | | Just downstream of Mundhank Road | *830 |
| | | | About 200 feet upstream of Mundhank Road | *832 |
| | | | Just upstream of Covered Bridge Dam | *837 |
| | | | About 800 feet upstream of Barrington Road | *841 |
| | | Poplar Creek Tributary | About 300 feet upstream Interstate 90 | *815 |
| | | | About 2,500 feet upstream of Interstate 90 | *817 |

Maps available for inspection at the Village Clerk's Office, South Barrington Village Hall, Witt Road, Route #3, Barrington, Illinois.

Send comments to Honorable Frank J. Munao, Jr., Village President, Village of South Barrington, South Barrington Village Hall, Witt Road, Route #3, Barrington, Illinois 60010.

(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: August 14, 1980

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26321 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

## 44 CFR Part 67

[Docket No. FEMA-5845]

## National Flood Insurance Program, Proposed Flood Elevation Determinations; correction; Maine

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Otisfield, Oxford County, Maine, previously published at 45 FR 46113 on July 9, 1980.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, 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) Washington, D.C. 20472.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Otisfield, Oxford County, Maine, previously published at 45 FR 46113 on July 9, 1980, 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).

Due to a clerical error the Town of Otisfield, Maine, was erroneously listed as being in Cumberland County. The county name should be corrected to read Oxford County.

(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: August 15, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26327 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

## 44 CFR Part 67

[Docket No. FEMA-5853]

## National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction; Minnesota

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Minnetonka, Hennepin County, Minnesota, previously published at 45 FR 49612 on July 25, 1980.

**EFFECTIVE DATE:** August 28, 1980.

**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 correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the City of Minnetonka, Hennepin County, Minnesota previously published at 45 FR 49612 on July 25, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The elevation, 919 feet, which corresponds to the location described as, "Just upstream of St. Albans Mill Road," under the Source of Flooding of Minnehaha Creek, has been changed. The elevation should be 918 feet. The accompanying Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed. The listing appears correctly as follows:

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Minnesota | (C) Minnetonka, Hennepin County | Minnehaha Creek | Just upstream of St. Albans Mill Road | *918 |

(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: August 14, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26323 Filed 8-27-80; 8:45 am]

BILLING CODE 6710-03-M

## 44 CFR Part 67

**[Docket No. FEMA-5884]**

## National Flood Insurance Program; Proposed Flood Elevation Determinations; Missouri

**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 and section 206 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) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

The elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) 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.

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) |
|---|---|---|---|---|
| Missouri | (C) De Soto, Jefferson County | Joachim Creek | About 2,850 feet downstream of Missouri-Pacific Railroad | *472 |
| | | | About 150 feet upstream of Kelly Street | *502 |
| | | | About 150 feet downstream of State Highway E | *519 |
| | | | About 150 feet upstream of State Highway E | *524 |
| | | | About 550 feet upstream of State Highway E | *525 |
| | | Ball Creek | Confluence with Joachim Creek | *476 |
| | | | About 80 feet upstream of State Highway 110 | *480 |
| | | | About 820 feet upstream of State Highway 110 | *483 |
| | | County Road Tributary | Confluence with Joachim Creek | *483 |
| | | | Just downstream of Second Street | *490 |
| | | | About 2,200 feet upstream of Fifth Street | *533 |

Proposed Base (100-Year) Flood Elevations—Continued

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| | | East Tributary | Confluence with Joachim Creek | *498 |
| | | | About 350 feet upstream of Flucom Road | *528 |
| | | Tanyard Branch | Confluence with Joachim Creek | *505 |
| | | | About 600 feet upstream of Elm Street | *538 |

Maps available for inspection at the City Hall, 413 South Second Street, De Soto, Missouri.

Send comments to Honorable Clifford Day, Mayor, City of De Soto, City Hall, 413 South Second Street, De Soto, Missouri 63020.

(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: August 14, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26325 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

## 44 CFR Part 67

**[Docket No. FEMA-5853]**

## National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction; Ohio

**AGENCY:** Federal Insurance Administration, FEMA.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of New Paris, Preble County, Ohio, previously published at 45 FR 49615 on July 25, 1980.

**EFFECTIVE DATE:** August 28, 1980.

**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 correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Village of New Paris, Preble County, Ohio previously published at 45 FR 49615 on July 25, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The elevation 1,023 feet, which corresponds to the location description, "About 850 feet upstream from mouth," under the Source of Flooding of Rocky Fork, has been changed. The elevation should be 1,002 feet. The location description remains unchanged.

Under the Source of Flooding of East Fork Tributary, the location description, "About 300 feet upstream of Walnut Street," with a corresponding elevation of 1,016 feet, should be added.

The accompanying Flood Insurance Study (profile) and Flood Insurance Rate Map were correct as printed. The listing appears correctly as follows:

| State | City/town/county | Source of flooding | Location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|---|---|---|
| Ohio | (V) New Paris, Preble County | Rocky Fork | About 850 feet upstream from mouth | *1,002 |
| | | East Fork Tributary | About 300 feet upstream of Walnut Street | *1,016 |

(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: August 14, 1980.

Gloria M. Jimenez,

*Federal Insurance Administrator.*

[FR Doc. 80-26324 Filed 8-27-80; 8:45 am]

BILLING CODE 6718-03-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### 45 CFR Part 16

### Departmental Grant Appeals Board Procedures

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice of decision to develop regulations.

**SUMMARY:** We propose to revise the regulations of the Departmental Grant Appeals Board to provide for a dispute resolution process which is fair, simple, quick, and more advantageous to our assistance community and to the Department. In particular, we propose to make the regulations easier to understand, simplify procedures, and consider changes such as adding special procedures for small claims and for cases where an appellant elects to expedite an appeal. We also propose to add procedures for disputes arising under agreements for Federal administration of State supplementary payments in the Supplemental Security Income Program.

**FOR FURTHER INFORMATION CONTACT:** Judith Ballard, Departmental Grant Appeals Board, Room 2006, Switzer Building, 330 C Street, S.W., Washington, D.C., (202) 245-0222.

Dated: August 15, 1980.

Norval D. Settle,

*Chair, Departmental Grant Appeals Board.*

[FR Doc. 80-26467 Filed 8-27-80; 8:45 am]

BILLING CODE 4110-12-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[BC Docket No. 80-328; RM-3546]

### FM Broadcast Station in Bemidji, Minnesota; Order Extending Time for Filing Comments and Reply Comments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period (Order).

**SUMMARY:** Action taken herein extends the time for filing comments and reply comments in the proceeding involving the proposed assignment of an FM channel to Bemidji, Minnesota. Midwest Radio-Television, Inc., requests the additional time to prepare and submit engineering information.

**DATES:** Comments must be filed on or before September 5, 1980, and reply comments on or before September 25, 1980.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

**SUPPLEMENTARY INFORMATION:**

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bemidji, Minnesota) (BC Docket No. 80-328; RM-3546); Order extending time for filing comments and reply comments.

Adopted: August 18, 1980.

Released: August 21, 1980.

By the Chief, Policy and Rules Division.

1. On June 20, 1980, the Commission adopted a *Notice of Proposed Rule Making*, proposing the assignment of Channel 275 to Bemidji, Minnesota (45 FR 47457, published July 10, 1980). Comments are presently due August 22, 1980, and reply comments September 5, 1980.

2. Counsel for Midwest Radio-Television, Inc. filed a request seeking additional time for filing comments and reply comments to and including September 5, and September 25, 1980, respectively. Counsel states that the consulting engineer is currently in the process of exploring the feasibility of assigning a different Class C channel to Bemidji. He notes that a preliminary review shows at least two other channels available for assignment to Bemidji.

3. We believe that the public interest would be served by granting the extension so that Midwest Radio-Television, Inc. may file information that may be helpful to the Commission in resolving this proceeding.

4. Accordingly, IT IS ORDERED, that the dates for filing comments and reply comments in BC Docket No. 80-328 (RM-3546) ARE EXTENDED to and including September 5, and September 25, 1980, respectively.

5. This action is taken pursuant to Section 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

*Chief, Policy and Rules Division, Broadcast Bureau.*

[FR Doc. 80-26414 Filed 8-27-80; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

[Docket No. 80-14; Notice 1]

### Federal Motor Vehicle Safety Standards; New Pneumatic Tires—Passenger Cars

**AGENCY:** National Highway Traffic Safety Administration, Department of Transportation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice responds to a petition by Michelin Tire Corporation (Michelin) requesting that Table I, relating to tire sizes and load factors, be deleted from Federal Motor Vehicle Safety Standard 109. Before introducing and selling a new tire size, a manufacturer is now required to submit the load factor information to this agency and await the inclusion of the tire size and the load factor information in Table I through an expedited rulemaking process. Adoption of the proposal would dispense with this administrative process and expedite the introduction of new tires.

**DATES:** Comment closing date: Comments on this notice must be received on or before October 27, 1980.

Proposed effective date: If adopted, this rule would be effective 180 days after the final rule is issued.

**ADDRESS:** All comments on this notice should refer to Docket No. 80-14; and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours 8:00 a.m. to 4:00 p.m.)

**FOR FURTHER INFORMATION CONTACT:** Arturo Casanova, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1714).

**SUPPLEMENTARY INFORMATION:** Standard No. 109, *New Pneumatic Tires—Passenger Cars*, 49 CFR 571.109, specifies the requirements which all tires manufactured for use on passenger cars manufactured after 1948 must meet. Briefly, the Standard requires that the tires meet specified strength, endurance, and high speed performance requirements and be labeled with certain information. Closely related to the Standard is Standard 110, *Tire Selection and Rims*, 49 CFR 571.110, which requires that each passenger car be equipped with tires that comply with

Standard 109, that the tires of the car be capable of carrying the load of the vehicle, that the rims on the car be appropriate for use with the tires, and that this information appear on a placard in the car.

For purposes of testing tires and vehicles to determine their compliance with these two standards, several variable factors such as the tire's inflation pressure, the load on the tire, and the rim on which the tire is mounted, must be specified. When a manufacturer decides to introduce a new tire size, it must submit these factors to the agency for inclusion in Table I of Appendix A of Standard 109. The manufacturer obtains these factors from the trade associations for the tire and rim industry. Until these factors are incorporated in the tire size and load table (Table I), the new tire cannot be imported into or sold in this country.

Michelin has filed a petition requesting this agency to dispense with the final steps in this process, i.e., the submission of the information to the agency and the incorporation of the information in Table I. Thus, the variable factors to be used for testing new tire sizes would continue to be those determined by the trade associations.

The National Highway Traffic Safety Administration (NHTSA) is issuing this notice to propose that these steps be taken. As discussed more fully below, there are four primary reasons for this proposal. First, the Table has served the purpose for which it was originally created, i.e., standardization of the tire loading ratings. Second, the agency already accepts the values calculated by the trade associations without undertaking any independent verification. Third, the administrative process of incorporating the variable factors in the Table has on occassion created significant delays in the introduction and sale of new tire sizes. Fourth, tire tables appear to be dispensable since Standard 119, *New Pneumatic Tire for Vehicles Other Than Passenger Cars,* has functioned well without tire tables since that standard's issuance in 1973.

Standard 109 and the requirements concerning Table I were established on November 8, 1967 (32 FR 15792). Table I was included in the Standard primarily to ensure standardization of the load ratings for the various tire sizes. In 1966 and 1967, when the Standard was being developed, such standardization often did not exist. Trade associations such as the Tire & Rim Association (T&RA), the American Trade Association, the European Tyre and Rim Technical Organisation (ETRTO), and the Japan Automobile and Tire Manufacturers Associations (JATMA) annually published yearbooks listing specifications for certain tire sizes and the maximum loads that the various tire sizes could carry at designated inflation pressures. However, the load ratings assigned by these associations to a particular tire size frequently differed, especially for radial tires.

The different load ratings resulted in confusion on the part of consumers and tire servicemen about the appropriateness of a designated tire size for use on a particular vehicle. Some trade associations said that a tire size was suitable for use on a vehicle, while others said that it was not. In addition to causing confusion, the differing values created the possibility that the same tire size would be tested under different conditions for compliance with Standard 109.

To eliminate this confusion and inconsistency, the agency decided to publish tire tables listing one value for each tire size shown in the Table. By publishing the Table, NHTSA sought to induce the trade associations to adopt uniform values for tire sizes. This effort has been successful. The trade associations have standardized the load values assigned to a particular tire by adopting the same formula for calculating the value to be assigned at a given inflation pressure. The disputes about other specifications have also been resolved to conform with the values shown in the Table.

The agency tentatively concludes that Table I need no longer be maintained to ensure standardization. Further, the agency does not perceive that any other justification for maintaining it has arisen or is likely to arise.

The second reason for this proposal concerns the limited value of the review which the agency makes of the values submitted by the manufacturers or a trade association. These submissions regarding new tire sizes indicate that the tire complies with the performance and labeling requirements of Standard 109 and provide a loading schedule for the tire. (A loading schedule is a list of the maximum loads the tire can safely carry at various inflation pressures.) NHTSA examines the petition to ascertain whether the tire has actually been subjected to all of the Standard 109 tests, and to ensure that the dimensions and loading schedule indicated for the tire size correspond exactly to those shown for that size in the trade association yearbooks. No verification of the values in the yearbooks is undertaken. Were any verification effort to be made, there would be significant additional costs for the agency and further delays in adding new tire sizes to the tire tables without any likelihood that these costs and delays would produce any additional safety benefits. Thus far, there has not been a single case, to NHTSA's knowledge, in which the dimensions and loading schedules specified by the trade associations have turned out to be inadequate.

The third reason for this proposal is that the process of reviewing the dimension and loading information and adding it to Table I is a typically time-consuming process that delays the introduction and sale of new tire sizes. The problem of delay became apparent in May 1968. At that time, the agency received its first petition requesting the addition of a new tire size to Table I. Since the tire tables were part of Standard 109, the addition could be made only by engaging in rulemaking. NHTSA realized that the normal notice and comment period of the informal rulemaking process would require a longer period of time than was appropriate for such a minor step, especially since the new tire sizes could not be introduced and sold until the requisite information concerning them was added to Table I.

The agency stated that when it received a petition to add new tire sizes, it would issue a notice stating that the new sizes would be automatically added to the table 30 days after publication unless objections to the inclusion of the new sizes were received within that period. If objections were received, then the agency would commence a notice and comment rulemaking proceeding regarding the addition of those tire sizes. Then, using this expedited process, NHTSA added the new tire sizes to Table I fairly promptly after receipt of the request.

Until 1978, use of the expedited rulemaking process kept delays in adding new tire sizes to Table I to a minimum. In early 1978, the agency received petitions from Michelin, Goodyear, and Dunlop requesting the addition of new tire sizes to Table I. These requests were for new metric tire/rim combinations. The new tires were elliptic-type tires, which offer improved fuel economy and have already been used in Europe without safety problems.

When NHTSA published its routine notice for the expedited addition of these tires to Table I, many objections were received. The primary basis for the objections was that "intermix" problems could occur with these tires and rims. According to the commenters, the near identity of the nominal diameters of the proposed metric tire/rim combinations and of certain existing English unit tire/rim combinations would make it

technically possible to mount and inflate an English unit tire on one of the proposed metric rims. Another alleged technical possibility was that one of the proposed metric tires could be mounted and inflated on existing English unit rims. It was suggested that both possible intermixes could lead to tire explosions or sudden deflations.

Although the agency doubted the validity of the objections, it felt obliged to conduct some tests on the elliptic-type tires. The tests confirmed the agency's expectations that the "blow-by" feature (typically a little groove in the tire bead) of the Goodyear and Michelin elliptic tires made it impossible to inflate these tires on rims other than those for which they were designed. Thus, the primary effect of the objections was to delay the introduction of these elliptic tires in this country. One of the leading trade journals for the automotive industry editorially suggested that this effect was the goal of the objecting commenters who were attempting to gain additional time in which to bring comparable tires to market. This possibility of Table I being misused for anti-competitive purposes is one of the major considerations underlying this proposal.

The agency notes that the objections to the elliptic tires were not totally without merit. The Dunlop elliptic tire did not incorporate a "blow-by" feature and was actually subject to the intermix problems suggested by the commenters. The Dunlop tire had been approved by T&RA, the American trade association, before the agency was petitioned to have it added to Table I. That association apparently did not consider the intermix problem in approving the tire. According to T&RA, its primary functions are to establish practical and sound engineering standards for the dimensions and load ratings of tires at designated inflation pressures, and to establish the appropriate dimensions, rims, and values for those tires.

The agency believes that the intermix problem with the Dunlop elliptic tire was an anomaly. NHTSA is not aware of any intermix problem that has occurred to date other than with that tire. The issue potentially arises only with respect to new tires needing new rims similar to existing tires or rims. Recurrence of the intermix problem does not appear likely since the tire manufacturers are now routinely adding "blow-by" features to new tires needing new rims. (Objections based on the intermix issue were filed last year by General Motors to a run-flat tire whose addition to Table I was proposed by the agency (May 10, 1978; 44 FR 27396). However, that tire, like the Goodyear and Michelin elliptics, has a "blow-by" feature.)

Further assurance that the tire manufacturers will continue to design their tires in appropriate instances with "blow-by" features could be provided if the trade associations would agree among themselves not to approve the addition of new tire/rim combinations to their yearbooks unless the associations are satisfied by the presence of "blow-by" features or other factors that intermix problems will not occur. NHTSA specifically invites comment from the trade associations and other interested persons on feasibility of the associations voluntarily undertaking this role.

If the trade associations would voluntarily undertake this role, it would seem that there would be no potential safety problems which might occur with respect to tire sizes. NHTSA specifically invites comments from interested persons on the adequacy of this step for ensuring that no future intermix problems will occur. If a commenter believes that this voluntary step by the trade associations would be inadequate, the agency requests the commenter's ideas of what steps the agency should take. The agency also invites comments on what should be done if the trade associations decline to voluntarily take steps to ensure that the intermix problems do not recur. Pending the analysis of these comments, the agency does not at this time intend to follow through on plans announced in a June 5, 1978, notice to issue an advance notice of proposed rulemaking on the intermix issue.

The fourth reason for this proposal related to the successful implementation of Standard 119 without the use of tire tables. That agency tentatively concludes that Standard 109 could be equally successfully implemented were Table I to be deleted. In originally proposing Standard 119, the agency intentionally omitted tire tables. NHTSA noted that the only tire characteristics relevant to the safety performance characteristics included in the proposed standard were the general tire type, speed restrictions (if any), the maximum load rating, load range, and rim diameter. Information on each of these characteristics was either readily available or actually labeled on the tire itself. Accordingly, NHTSA decided not to include a proposal to establish the elaborate set of tire tables that would have been necessary for all these tire sizes.

To prevent the trade associations from having ultimate regulatory power over individual manufacturers, the agency included a provision in the proposal which permitted a manufacturer to assign values to its tires other than those set forth in the trade association yearbooks if it provides a listing of values to NHTSA, dealers of those tires, and, upon request, to the public. (This provision, which was ultimately adopted, has not led to any standardization problem since the manufacturers use the same constants and formulas as the associations do in calculating the variable factors.) The agency also included a provision in the proposal to prevent underrating the load of tires in any size designation. The agency proposed that individual manufacturers would be prohibited from assigning any maximum load to a particular size designation that was lower than the maximum load value published for that tire size by the trade associations.

Although the agency received some objections to establishing Standard 119 without tire tables, it published a final standard which did not include such tables. NHTSA explained its decision in the following manner:

> The inclusion in the Code of Federal Regulations of load-inflation and dimension tables for every road tire sold in this country (they presently are included in Standard No. 109 only for passenger cars) would be a vastly cumbersome process, not only in its inception, but as a continuous maintenance task.
>
> The NHTSA finds no justification at this time for undertaking to monitor substantively the manufacturing processes and testing that lead to the continual changes in the standard association tables, so its function in this regard would be largely clerical.
>
> The point is not, as the (U.S.) Rubber Manufacturers Association asserted, primarily one of administrative convenience. it is that no justification has been found for locking both the government and the world tire industry into a restrictive and unwieldy system by which the Code of Federal Regulations is formally amended every time a manufacturer decides to add a tire size, or change the load rating or dimensional specifications of one of its tires. There are many reasons to avoid over-regulation: administrative convenience is among the least of them.
>
> The agency has no intent to dilute the standardizing function of trade-association table systems that presently are used to provide necessary tire and rim information to dealers and users. These systems monitor the safety aspects of tire dimensions and load ratings satisfactorily without government regulations, and the NHTSA expects that they will continue to do so. No evidence has been presented of under or over-sizing of tires that would warrant the institution of a massive government regulatory program in the area. If such a practice should arise in the future to a degree that constitutes a public hazard, the NHTSA has ample authority to deal with it, specifically, as safety-related

defect, and prospectively under its rulemaking powers. 38 FR 34299; November 13, 1973.

The reasoning and expectations of the agency regarding the consequences of promulgating Standard 119 without tire tables have proven to be accurate. The dimensions and load ratings for tires covered by this standard have been specified by the trade associations without any safety or administrative problems.

If Table I were to be deleted from Standards 109, NHTSA would have to amend the sections in Standard 109 and 110 which refer to that table. These references require that tires being tested for compliance with Standards 109 and 110 be tested according to the specifications and loading schedules given in the tire table. Accordingly, NHTSA is proposing to replace the reference to the specifications listed in Table I with a reference to the specifications listed for that tire size in the trade association yearbooks. This is not a substantive change, since the specifications listed in Table I of Standard 109 and the specifications listed in the trade association yearbooks are identical.

Regarding the reference to the appropriate loads to be placed on the tires while they are being tested, NHTSA is proposing a slight substantive change. For the endurance tests and high speed performance tests required under Standard 109, NHTSA proposes that the load on the tire be a specified percentage of the maximum load rating labeled on the tire. This approach is currently used in Standard 119 for tires for vehicles other than passenger cars, and is recommended by the Society of Automotive Engineers for these tests; *see* SAE J941a.

It is very simple to determine the appropriate load using this method. Further, this approach is objective and is fair for all tire sizes. For all other references to the load on the tire, NHTSA proposes that the standards refer to the trade association yearbooks.

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as follows:

**§ 571.109 Standard No. 109; New pneumatic tires.**

1. Section S4.2.1(c) is amended to read as follows:

S4.2 *Performance Reqirements.*

S4.2.1 *General.* Each tire shall conform to each of the following:

* * * * *

(c) Its load rating shall be that specified in one of the publications described in S4.4.1(b) for its size designation, type, and each appropriate inflation pressure. If the maximum load rating for a particular tire size is shown in more than one of the publications described in S4.4.1(b) with different published load ratings, the load rating on the tire shall be not less than the lowest maximum load rating published for that tire size.

* * * * *

2. In section S4.2.2.2 the introductory text of pargraphs (a) and (b) are amended to read as follows:

S4.2.2 *Test Requirements.*

S4.2.2.2 *Physical Dimensions.* Each tire, when measured in accordance with S5.1, shall conform to each of the following:

(a) Its actual section width and overall width shall not exceed the section width specified in one of the publications described in S4.4.1(b) for its size designation and type by more than:

* * * * *

(b) Its size factor shall be at least as large as that specified in one of the publications described in S4.4.1(b) for its size designation and type.

3(a) In Section S4.2.2.3.1, the introductory text and paragraph (c) are amended to read as follows: S4.2.2.3 *Tubeless tire resistance to bead unseating.*

S4.2.2.3.1 When a tubeless tire that has a maximum inflation pressure other than 60 psi is tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall be not less than:

(c) 2,500 pounds for tires with a designated section width of either (8) inches or more, using the section width specified in one of the publications described in S4.41.(b) for the applicable tire size designation and type.

3(b) In Section S4.2.2.3.2, the introductory text and paragraph (c) are amended to read as follows:

S4.2.2.3.2 When a tire that has a maximum inflation pressure of 60 psi is tested in accordance with S5.2, the applied force required to unseat the bead at the point of contact shall be not less than:

* * * * *

(c) 2,500 pounds for tires with a maximum load rating of 1,400 pounds or more, using the maximum load ratings specified in one of the publications described in S4.4.1(b) for the applicable tire size designation and type.

4. Section S4.2.2.4 is revised to read as follows:

S4.2.2.4 *Tire Strength.* Each tire shall meet the requirements for minimum breaking energy specified in Table 1 when tested in accordance with S5.3.

5. Section S4.4.1(a) is revised to read as follows:

S4.4 *Tire and rim matching information.*

S4.4.1 * * *

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590; or

* * * * *

6. Section S5.1(a) is amended to read as follows:

S5 *Test Procedures.*

S5.1 *Physical Dimensions.* Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on a test rim having the test rim width specified in one of the publications described in S4.4.1(b) for that tire size designation and inflate it to the applicable pressure specified in Table II.

* * * * *

7. Section S5.2.1.2 is amended to read as follows:

S5.2.1 *Preparation of tire-wheel assembly.*

* * * * *

S5.2.1.2 Inflate it to the applicable pressure specified in Table II at ambient room temperature.

* * * * *

8. Section S5.3.1.1 is amended to read as follows:

S5.3 *Tire Strength.*

S5.3.1 *Preparation of tire.*

S5.3.1.1 Mount the tire on a test rim and inflate it to the applicable pressure specified in Table II.

* * * * *

9. Section S5.4.1.1 is amended to read as follows:

S5.4 *Tire endurance.*

S5.4.1 *Preparation of tire.*

S5.4.1.1 Mount a new tire on a test rim and inflate it to the applicable pressure specified in Table II.

* * * * *

10. Section S5.4.2.3 is revised to read as follows:

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without pressure adjustment or other interruptions:

The loads for the following periods are the specified percentage of the maximum load rating market on the tire sidewall:

| | |
|---|---|
| 4 hours | 85% |
| 6 hours | 90% |
| 24 hours | 100% |

11. Section S5.5.1 and S5.5.3 are amended to read as follows:

S5.5 *High speed performance.*

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with a load of 85 percent of the tire's maximum load rating as marked on the tire sidewall.

* * * * *

S5.5.3 Allow to cool to 100±5° F and readjust the inflation pressure to the applicable pressure specified in Table II.

* * * * *

12. Section S6 is revised to read as follows:

S6. *Nonconforming tires.* No tire of a type and size designation specified in one of the publications described in S4.4.1(b) that is designed for use on passenger cars and manufactured on or after October 1, 1972, but does not conform to all the requirements of this standard, shall be sold, offered for sale, introduced or delivered for introduction into interstate commerce, or imported into the United States, for any purpose.

13. Appendix A is amended by deleting Tables I–A through I–YY and redesignating Tables II and III as Tables I and II, respectively.

**§ 571.110 Standard No. 110; Tire Selection and Rims.**

14. Section S4.2.1 is amended to read as follows:

S4.2 *Tire load limits.*

S4.2.1 The vehicle maximum load on the tire shall not be greater than the applicable maximum load rating specified in one of the publications described in S4.4.1(b) of Motor Vehicle Safety Standard No. 109 for the tire's size designation and type.

**Table I.**—*Occupant loading and distribution for vehicle normal load for various designated seating capacities*

| Designated seating capacity, number of occupants | Vehicle normal load, number of occupants | Occupant distribution in a normally loaded vehicle |
|---|---|---|
| 2 through 4 | 2 | 2 in front. |
| 5 through 10 | 3 | 2 in front, 1 in second seat. |

* * * * *

15. In Section S4.3.1, paragraph (c) is amended to read as follows:

S4.3.1 No inflation pressure other than the maximum permissible inflation pressure may be specified unless—

* * * * *

(c) The tire rating specified in one of the publications described in S4.4.1.(b) of Motor Vehicle Safety Standard No. 109 for the tire size at that inflation pressure is not less than the vehicle load on the tire for that vehicle loading condition.

Interested members of the public are invited to submit comments on this proposal to the address for comments given above. It is requested but not required that 10 copies be submitted. Those persons desiring to be notified of the receipt of their comments in the docket section should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receipt of the comments, the docket supervisor will return the poscard by mail.

All comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the close of business on the comment closing date indicated above will be considered in formulating a final decision on this proposal. All such comments will be available for public inspection in the docket before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be considered. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date and it is recommended that interested persons continue to examine the docket for new material.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including the purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the address for comments given above. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter, or in the case of a corporation, a responsible corporate official authorized to speak for the corporation, must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of 5 U.S.C. 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to ensure that none of the specified items has previously been released to the public.

The agency has considered the affects of this proposal and believes that it would reduce the costs for manufacturers by reducing the required paperwork and by ending delays in the introduction and sale of new tire sizes which have been approved by trade associations. Additionally, the elimination of unnecessary regulation is a useful step for the industry, the general public, and this agency. NHTSA does not anticipate that this proposal will be controversial or that it will have any adverse impacts on the environment or on fuel consumption. Therefore, NHTSA has determined that this proposal is not significant within the meaning of Executive Order 12044.

Furthermore, no regulatory evaluation is believed necessary for this proposal, because in this agency's view, there is no chance that the implementation of this proposal could increase the costs or time required by any of the parties. As has already been stated, when a tire manufacturer wants a new tire size approved by the agency, it must conduct the tests specified in Standard 109 for the tires and calculate the loading schedule and dimensions according to the factors established for that type of tire to ensure that its tire indeed complies with Standard 109. In other words, all the data which must be submitted to NHTSA under the present requirements of Standard 109 has to be generated by the manufacturer for its own purposes anyway. The proposed change would save the manufacturer the trouble of making extra copies of the data and submitting it to NHTSA. After considering the minimal cost impacts associated with the proposed change in the requirements of Standard 109, NHTSA has determined that no regulatory evaluation is needed.

The program official and attorney principally responsible for the development of this proposal are Arturo Casanova and Stephen Kratzke, respectively.

(Secs. 102, 119, and 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, and 1442); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on August 22, 1980.

Michael M. Finkelstein,

*Associate Administrator for Rulemaking.*

[FR Doc. 80-26312 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 80

## Federal Aid in Fish and Wildlife Restoration

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This is a notice of proposed amendments to current requirements for participation in the Federal Aid in Wildlife Restoration program and the Federal Aid in Fish Restoration program. The proposed amendments are intended to simplify existing language, clarify requirements, and to delete certain sections which are no longer applicable or are adequately covered in other regulations and policies such as OMB Circular A-102.

**DATES:** Comments must be received by October 14, 1980.

**ADDRESS:** Any comments on the proposed requirements should be submitted to the Chief, Division of Federal Air, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235-1526.

**SUPPLEMENTAL INFORMATION:** The Federal Aid in Fish and Federal Aid in Wildlife Restoration programs (CFDA numbers 15.605 and 15.611) provide financial assistance to State fish and wildlife agencies and to Puerto Rico, Guam, the Virgin Islands, and America Samoa. Rules contained in 50 CFR Part 80 are intended to provide basic requirements for participation in these programs. In addition to the rules, the Fish and Wildlife Service provides standards and procedures in a Federal Aid Manual to guide the States. This Manual incorporates applicable provisions of other requirements contained in Federal laws, regulations and policies, including OMB Circular A-102, Federal Management Circular 74-4, and OMB Circular A-95.

Principal changes to existing rules are:

1. The definition of a State fish and game department was changed to a State fish and wildlife agency and was revised to address State agencies or officials which also exercise other than fish and wildlife responsibilities.

2. A section (80.2) was added to summarize basic participant eligibility.

3. A section (80.3) was added to incorporate requirements of the Acts related to State assent legislation.

4. The prohibition against diversion of hunting and fishing license fees was modified to include capital assets acquired with license fees.

5. A section (80.5) was added to clarify those actions which are eligible for funding. References to sport hunting were removed to make clear that work on nongame wildlife was eligible.

6. The requirement for each State to notify the Director each year of its desire to participate was revised to clarify the optional methods for submitting the notice. A formal notice is not required if the State has an approved project for use of funds made available.

7. The requirement for certification of paid license holders was revised to clarify a "paid" license for the purpose of counting license holders.

8. Requirements for submission of proposals were revised to incorporate reference to OMB Circular A-95 (80.11(b)), and to delete the requirement for the State to certify as to the official(s) authorized to sign applications.

9. A section was added (80.13) to more clearly state the basic requirements for project proposals consistent with current policy.

10. The previous prohibition on use of Federal Aid funds for maintenance of improvements acquired or constructed with non-Federal Aid funds was revised to allow such use under certain conditions.

11. A section was added (80.21) to emphasize the responsibilities of the State in management and control of activities funded under the Acts.

12. A section was added (80.12) to emphasize the responsibilities of the State to comply with all applicable Federal laws, regulations and requirements.

The principal author of this proposal is Robert N. Bartel, U.S. Fish and Wildlife Service, Division of Federal Aid, Washington, D.C. 20240, telephone 703/235-1526.

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

The Fish and Wildlife Service proposes to revise 50 CFR Part 80 to read as follows:

## PART 80—ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Sec.
80.1 Definitions.
80.2 Eligibility.
80.3 Assent legislation.
80.4 Diversion of license fees.
80.5 Eligible undertakings.
80.6 Prohibited activities.
80.7 Appeals.
80.8 Availability of funds.
80.9 Notice of desire to participate.
80.10 Hunting and fishing license certification.
80.11 Submission of proposals.
80.12 Cost sharing.
80.13 Substantiality in character and design.
80.14 Application of Federal Aid funds.
80.15 Allowable costs.
80.16 Federal Aid payments.
80.17 Maintenance.
80.18 Responsibilities.
80.19 Records.
80.20 Land control.
80.21 Assurances.

Authority: Federal Aid in Fish Restoration Act (16 U.S.C. 777i) and Federal Aid in Wildlife Act (16 U.S.C. 669i).

### § 80.1 Definitions.

As used in this part, terms shall have the following meanings:

(a) *The Federal Aid Acts or the Acts.* The Federal Aid in Wildlife Restoration Act of September 2, 1937, as amended (50 Stat. 917; 16 U.S.C. 669-669i); and the Federal Aid in Sport Fish Restoration Act of August 9, 1950, as amended (64 Stat. 430; 16 U.S.C. 777-777k).

(b) *State.* Any State of the United States; the territorial areas of Guam, the Virgin Islands, and American Samoa; and the Commonwealth of Puerto Rico.

(c) *State fish and wildlife agency.* The agency or official of a State designated under State law or regulation to carry out the laws of the State in relation to the management of fish and wildlife resources of the State. Such an agency or official which is also designated to exercise collateral responsibilities, e.g., State Department of Natural Resources, shall be considered the State fish and wildlife agency only when exercising the responsibilities specific to the management of the fish and wildlife resources of the State.

### § 80.3 Assent legislation.

A State may participate in the benefits of the Act(s) only after it has passed legislation which assents to the provisions of the Acts and has passed laws for the conservation of fish and wildlife including a prohibition against the diversion of license fees paid by hunters and sport fishermen to purposes other than administration of the fish and game department. Subsequent legislation which amends these State laws shall be subject to review by the Secretary. If the legislation is found contrary to the assent provisions, the State shall become ineligible.

**§ 80.4 Diversion of license fees.**

Revenues from fees paid by hunters and sports fishermen shall not be diverted to purposes other than administration of the State fish and wildlife agency. Administration of the State fish and wildlife agency includes all the functions of such an organization in exercising its authorities and responsibilities to manage the fish and wildlife resources of the State.

(a) A diversion of license fees occurs when a State fish and wildlife agency, through legislation or otherwise:

(1) Loses control of the expenditure of any portion of its license revenues, or

(2) Loses control of capital assets derived from license revenues, or

(3) Expends license revenues for any purpose other than administration of the State fish and wildlife agency.

(b) If a diversion of license fees occurs, the State becomes ineligible to participate under the pertinent Act from the date the diversion is declared by the Director until:

(1) Control of expenditure or assets is returned, and

(2) An amount equal to license revenues or the current market value of assets diverted is returned.

(c) Federal funds obligated for projects approved prior to the date a diversion is declared remain available for expenditure on such projects without regard to the intervening period of the State's ineligibility.

**§ 80.5 Eligible undertakings.**

The following are eligible for funding under the Acts:

(a) Federal Aid in Wildlife Restoration Act.

(1) Projects having as their primary purpose the restoration, conservation, management, and enhancement of wild birds and wild mammals, and the provision for public use of and benefits from these resources.

(2) Projects having as their primary purpose instruction and practice in the safe use of firearms and archery equipment and the avoidance of accidents associated with hunting and other related subjects.

(b) Federal Aid in Sport Fish Restoration Act.

Projects having as their primary purpose the restoration, conservation, management, and enhancement of sport fish, and the provision for aquatic, gill-breathing, vertebrate animals, bearing paired fins, and having material value for sport or recreation.

**§ 80.6 Prohibited activities.**

The following are not eligible for funding under the Acts, except when necessary for the accomplishment of project purposes as approved by the regional director.

(a) Law enforcement activities conducted by the State to enforce the fish and game regulations.

(b) Public relations activities conducted to promote the State fish and wildlife agency.

**§ 80.7 Appeals.**

Any difference of opinion over the eligibility of proposed activities or differences arising over the conduct of work may be appealed to the Director. Final determination rests with the Secretary.

**§ 80.8 Availability of funds.**

Funds are available to a State for obligation or expenditure during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement is signed by the regional director.

**§ 80.9 Notice of desire to participate.**

Any State fish and wildlife agency desiring to avail itself of the benefits of the Acts shall notify the Secretary within 60 days after it has received a certificate of apportionment of funds available to the State. Notification to the Secretary may be accomplished by either of the following methods. In either method, the document must be signed by a State official authorized to commit the State to participation under the Act(s).

(a) Submitting to the regional director within the 60-day period a letter stating the desire of the State to participate in the Act(s); or,

(b) Having an approved Application for Federal Assistance for the use of the funds apportioned.

**§ 80.10 Hunting and fishing license certification.**

(a) Information concerning the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished upon request of the Director by the fish and wildlife agency of each State on forms furnished by the Fish and Wildlife Service.

(b) This information shall be certified as accurate by the director of the State fish and wildlife agency. When requested by the Director, evidence used in determining accuracy of the certification shall also be furnished.

(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed.

(1) Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation shall not be included.

(2) Licenses which do not return net revenue to the State shall not be included. To qualify as a paid license, the fee must produce significant net revenue for the State. Net revenue is any amount returned to the State after deducting agent or sellers fees and the cost for printing, distribution, control or other costs directly associated with the issuance of each license.

(3) Licenses which are valid for a specific number of years, the cost of which is commensurate with the period for which hunting or fishing privileges are granted, may be counted in each of the years covered by the license.

(4) Combination fishing and hunting licenses (a single license which permits the holder both to hunt and fish) shall be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

(5) Some licensing systems require or permit an individual to hold more than one license to hunt or to fish in a State. Such an individual shall not be counted more than once as a hunting or fishing license holder. The fish and wildlife director, in certifying license information to the Director, is responsible for eliminating duplication or multiple counting of single individuals in the figures which he certifies. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

**§ 80.11 – Submission of proposals.**

A State may make application for use of funds apportioned under the Acts by submitting to the regional director either a comprehensive fish and wildlife management plan or project proposal.

(a) Each application shall contain such information as the regional director may require to determine if the proposed activities are in accordance with Acts, the provisions of this part, and the standards contained in the Federal Aid Manual.

(b) Each application and significant amendments of scope shall be submitted to the State Clearinghouse as required by Office of Management and Budget (OMB) Circular A-95.

(c) Applications must be signed by the director of the State fish and wildlife agency or the official(s) delegated to exercise the authority and responsibilities of the State's director in

committing the State to participation under the Acts. The director of each State fish and wildlife agency shall notify the regional director, in writing, of the official(s) authorized to sign Federal Aid documents, and any changes in such authorizations.

**§ 80.12 Cost sharing.**

Federal participation is limited to 75 percent of eligible costs incurred in the completion of approved work or the Federal share specified in the project agreement, whichever is less, except that the non-Federal cost sharing for the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa shall not exceed 25 percent and may be waived at the discretion of the regional director.

(a) A minimum Federal participation of 10 percent of the estimated costs is required as a condition of approval.

(b) The non-Federal share of project costs may be in the form of cash or in-kind contributions. The allowability and evaluation of in-kind contributions are subject to the policies and standards prescribed in Office of Management and Budget (OMB) Circular A-102.

(c) The non-Federal share of project costs may not be derived from other Federal grant funds, except as authorized by specific legislation.

**§ 80.13 Substantiality in character and design.**

All projects proposed for funding under the Acts must be substantial in character and design. A substantial project (for fish and wildlife purposes) is one which:

(a) Identifies and describes a need within the purposes of the relevant Act to be utilized;

(b) Identifies the objectives to be accomplished based on the stated need;

(c) Utilizes accepted fish and wildlife conservation and management principles, sound design, and appropriate procedures; and

(d) Will yield benefits which are pertinent to the identified need at a level commensurate with project costs.

**§ 80.14 Application of Federal aid funds.**

(a) Federal Aid funds shall be applied only to activities or purposes approved by the regional director. If otherwise applied, such funds must be replaced or the State becomes ineligible to participate.

(b) Real property acquired or constructed with Federal Aid funds must continue to serve the purpose for which acquired or constructed.

(1) When such property passes from management control of the fish and wildlife agency, the control must be fully restored to the State fish and wildlife agency or the real property must be replaced using non-Federal Aid funds. Replacement property must be of equal value at current market prices and with equal benefits as the original property. The State may have a reasonable time, up to three years from the date of notification by the regional director, to acquire replacement property before becoming ineligible.

(2) When such property is used for purposes which interfere with the accomplishment of approved purposes, the violating activities must cease and any adverse effects resulting must be remedied.

(3) When such property is no longer needed or useful for its original purpose, and with prior approval of the regional director, the property may be used or disposed of as follows:

(i) the State may use the property for other eligible purposes under the applicable Act.

(ii) the State may sell the property and apply the proceeds of the sale to other eligible purposes under the applicable Act as directed by the regional director. The State may have a reasonable time, up to three years after the sale, to apply the proceeds as specified above.

(c) Federal Aid funds shall not be used for the purpose of producing income. However, income producing activities incidental to accomplishment of approved purposes are allowable. Income derived from such activities shall be accounted for in the project records and disposed of as directed by the Director.

**§ 80.15 Allowable costs.**

Allowable costs are limited to those which are necessary and reasonable for accomplishment of approved project purposes, and are in accordance with the cost principles of Federal Management Circular 74-4.

(a) All costs must be supported by source documents or other records as necessary to substantiate the application of funds. Such documentation and records are subject to review by the Secretary to determine the allowability of costs.

(b) Costs incurred prior to the effective date of the project agreement are allowable only when specifically provided for in project agreement.

(c) Projects or facilities designed to include purposes other than those eligible under the pertinent Act shall provide for the allocation of costs among the various purposes. The method used to allocate costs shall produce an equitable distribution of costs based on the relative uses or benefits provided.

(d) Administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and wildlife agency must be in accord with an approved cost allocation plan and shall not exceed in any one fiscal year three percentum of the annual apportionment.

**§ 80.16 Federal aid payments.**

Payments shall be made for the Federal share of allowable costs incurred by the State in accomplishing approved projects.

(a) Requests for payments shall be submitted on forms furnished by the regional director.

(b) Payments shall be made only to the office or official designated by the State fish and game department and authorized under the laws of the State to receive public funds for the State.

(c) All payments are subject to final determination of allowability based on audit. Any overpayments made to the State shall be recovered as directed by the regional director.

(d) The regional director may withold payments pending receipt of all required reports or documentation for the project.

**§ 80.17 Maintenance.**

The state is responsible for maintenance of all capital improvements acquired or constructed with Federal Aid funds throughout the useful life of each improvement. The maintenance of improvements acquired or constructed with non-Federal Aid funds are not allowable costs except when such improvements are necessary to accomplishment of project purposes as approved by the regional director.

**§ 80.18 Responsibilities.**

In the conduct of activities funded under the Acts, the State is responsible for:

(a) The supervision of each project to assure it is conducted as provided in the project documents, including:

(1) Proper and effective use of funds.

(2) Maintenance of project records.

(3) Timely submission of reports.

(4) Regular inspection and monitoring of work in progress.

(b) The selection and supervision of project personnel to assure that:

(1) Adequate and competent personnel are available to carry the project through to a satisfactory and timely completion.

(2) Project personnel perform the work to ensure that time schedules are met, projected work units are accomplished, other performance objectives are being achieved, and reports are submitted as required.

(c) The accountability and control of all assets to assure that they serve the purpose for which acquired throughout their useful life.

(d) The compliance with all applicable Federal, State, and local laws.

(e) The settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into.

**§ 80.19 Records.**

The State shall maintain current and complete financial, property and procurement records in accordance with requirements contained in the Federal Aid Manual and OMB Circular A-102.

(a) Financial, supporting documents, and all other records pertinent to a project shall be retained for a period of three years after submission of the final expenditure report on the project. If any litigation, claim, or audit was started before the expiration of the three-year period, the records shall be retained until the resolution is completed. Records for nonexpendable property shall be retained for a period of three years following final disposition of the property.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of the State.

**§ 80.20 Land control.**

The State must control lands or waters on which capital improvements are made with Federal Aid funds. Controls may be exercised through fee title, lease, easement, or agreement. Control must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

**§ 80.21 Assurances.**

The State must agree to and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds under the Acts. The Secretary shall have the right to review or inspect for compliance at any time. Upon determination of noncompliance, the Secretary may terminate or suspend those projects in noncompliance, or may declare the State ineligible for further participation in program benefits until compliance is achieved.

Dated: August 20, 1980.

Lynn A. Greenwalt,

*Director, Fish and Wildlife Service.*

[FR Doc. 80-26250 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

# Notices

Federal Register
Vol. 45, No. 169
Thursday, August 28, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Noranda Mining, Inc., Blackbird Project, Salmon National Forest, Lemhi County, Id.; Intent To Prepare an Environemental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, as lead agency, will prepare or cause to be prepared under agency direction, an Environmental Impact Statement (EIS). This Statement will address Noranda Mining Incorporated's proposed Blackbird Mining Project (cobalt extraction) covering 21 square miles of the Blackbird Creek drainage in the Salmon National Forest, Lemhi County, Idaho.

Noranda has indicated that their program of exploration and other feasibility studies, which have been in progress since 1977, have shown the presence of commercial ore resources in the Blackbird area sufficient to support a 2,000-ton-per-day (TPD) (approximate) mine-mill operation for a minimum of 12 years. A typical monthly balance sheet for the complex at 2,000 TPD is 60,000 tons of ore feed containing:

3,360 tons of 26% copper concentrate
2,100 tons of 12% cobalt concentrate
27,000 tons of backfill for the mined concentrate
27,540 tons of mill tailings

The principal impacts of the proposed plan are: (1) the reactivation of the Blackbird Mine; (2) possible millsite relocation on public lands; (3) use of Forest Service roads for transportation of ore concentrates, employees, and supplies; (4) location of a tailings disposal area on public land; and (5) associated direct and indirect impacts related to the approximately 600-person workforce anticipated at full production.

The Environmental Impact Statement will:

I. Address and analyze public issues and management concerns found to be significant as they relate to the project proposal.

II. Address a reasonable range of alternatives which will include at least:

A. A "no action" alternative which represents the current situation projected into the future, assuming the mining and milling proposal is not developed.

B. The proponent's proposal as represented in the operating plan.

C. Other reasonable alternatives to the proponent's proposal which becomes apparent through the agency's environmental review and analysis and which might include alternate mill and tailing sites and transportation corridors.

III. Identify, describe, and evaluate the significant environmental consequences of the alternatives considered.

IV. Identify a Forest Service selected alternative for the proposed mining and milling operation.

V. Identify monitoring and evaluation requirements.

As an early step in the assessment process, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the proposal will be invited to participate in (1) identification of the issues to be addressed, (2) identification of the issues to be analyzed in depth, (3) elimination from detailed study those issues which are not significant or have been covered by prior environmental review, and (4) identification of cooperating agencies to assist in preparing the Environmental Impact Statement.

At this time, an initial list of issues, concerns, and opportunities (ICO's) has been developed through informal contacts with State and Federal agencies, organizations, individuals, and elected officials. This preliminary effort has identified the following areas of concern: effects on water quality and wildlife and fishery resources; methods, along with short- and Long-term effects, of waste disposal practices; reclamation methods and maintenance of facilities once the mine is closed; socio-economic impacts; the nation's need for a domestic supply of cobalt; cultural-historic resoures which may be affected; and the design and maintenance of the transportation corridors which will be used.

Beginning with publication and distribution of this Notice, the Forest Service will begin a formal process to refine existing information and solicit additional input from Federal, State, and local agencies, organizations, and individuals to satisfy the requirements of items (1) through (4) above.

A public participation program has been developed which includes: (1) the distribution of information packets containing a description of the project as well as preliminary ICO's (2) personal contact with concerned individuals and organizations, (3) solicitation of responses from affected Federal, State, and local agencies, and (4) public meetings which will be held to inform concerned individuals about important aspects of the proposal and the Enviromental Impact Statement process. In addition, the Forest Service hopes to obtain public input on the significant issues, concerns, and opportunities which should be addressed by the EIS. The Forest Service will hold public meetings at the Pioneer High School multi-purpose room in Salmon, Idaho, at 7:30 p.m. on Tuesday, September 30, 1980, and at the Inter-mountain Science in Idaho, on Wednesday, October 1, 1980.

Public participation activities will begin with this Notice of Intent and continue through the filing of the final EIS document.

Information packets may be obtained by contacting Tom Buchta, Cobalt Ranger District, Salmon, Idaho 83467, or by calling either 22F11 through the Salmon operator, or 1-208-756-2240.

Mr. Richard T. Hauff, the Forest Supervisor, is the responsible official and Tom Buchta, Minerals Specialist on the Cobalt District, will be project coordinator for the Environmental Impact Statement.

It is anticipated that the Environmental Impact Statement will take approximately 12 months to complete. The Draft Environmental Impact Statement is scheduled for completion in April of 1981, with a two-month review period. The Final Environmental Impact Statement is scheduled for completion in September of 1981.

Comments on anything in this Notice of Intent, or by anyone wishing to be included on a mailing list to receive future information on the project should be sent to Tom Buchta, Cobalt Ranger

District, Salmon National Forest, Salmon, Idaho 83467. Any Federal or State agency which has jurisdiction by law or special expertise with respect to any environmental issue may request to be a cooperating agency with the responsibilities outlined in 40 CFR 1501.6, by notifying this office in writing.

Dated: August 20, 1980.

Richard K. Griswold,

*Director, Planning and Budget Intermountain Region.*

[FR Doc. 80-26377 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-11-M

## Sawtooth National Forest Land Management Plan; Notice of Intent To Prepare an Environmental Impact Statement for Proposed Forest Land and Resource Management Plan

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for the proposed Forest Land and Resource Management Plan for the Sawtooth National Forest. The Management Plan for the Forest will encompass 2,101,422 acres.

Preparation of the Plan will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. The Forest Plan will be prepared according to regulations promulgated by the Secretary of Agriculture. The regulations implement section 6 of the National Forest Management Act of 1976.

The resulting Plan will provide for multiple use and sustained yield of products and services from the Sawtooth National Forest. The Plan will guide all natural resource management activities and establish management standards and guidelines. It will determine resource management practices, harvesting levels and procedures under the principles of multiple and sustained yield, and the availability and suitability of lands for resource management.

Review of the undeveloped and unimproved portions of the Sawtooth National Recreational Area, as required by section 5 of P.L. 92-400 (the law that established the Sawtooth National Recreation Area), will be a part of the planning process, as well as a study of the White Cloud-Boulder Wilderness Study Area.

The Forest Plan will be selected from among representative alternatives which will include at least: (1) a no-change in existing resource outputs alternative, (2) a range of alternatives that displays possible outputs of resources available at each of several expenditure levels, and (3) alternatives designed to resolve the identified major public issues and management concerns.

The Forest Plan will be coordinated with the plan of Indian tribes; local city, county, and State governmental organizations; as well as other Federal agencies.

Public participation will be an integral part of the planning process. Small "scoping" meetings to identify issues to be addressed will be held early in the process. Times and places for these meetings will be announced by notices in area newspapers; news releases to news media; and announcements mailed to other agencies, organizations, and individuals known to have interest in the management of the Sawtooth National Forest. Sixteen general meetings will be held in October of 1980 at the following locations: Twin Falls, Ketchum, Hailey, Fairfield, Mountain Home, Gooding, Buhl, Stanley, Challis, Burley, Hansen, Malta, Oakley, Rockland, and Jerome, Idaho; and Snowville, Utah.

Jeff M. Sirmon, Regional Forester, is the responsible official for this Plan.

Further information about the planning and Environmental Impact Statement process or comments on the Notice of Intent should be directed to: John L. Hougaard, Forest Planner, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, ID 83301, (208) 733-3698.

The estimated date for filing the Draft Environmental Impact Statement is December 1982, and the anticipated date for filing the Final Environmental Impact Statement is November 1983.

Dated: August 20, 1980.

Richard K. Griswold,

*Director, Planning and Budget, Intermountain Region.*

[FR Doc. 80-26381 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-11-M

## Greenbrier Wild and Scenic River Study; Monongahela National Forest, Pocahontas, Greenbrier, Monroe, and Summers Counties, W. Va.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement to determine eligibility and resulting management of the Greenbrier River for inclusion in the National Wild and Scenic River system.

The Bluestone, Gauley and Greenbrier Rivers in West Virginia were authorized for study to determine whether they qualify for designation under the National Parks and Recreation Act of 1978. The Forest Service is the lead agency conducting the Greenbrier River study. Concurrent with this project, the National Park Service, Department of Interior, is conducting studies of the Bluestone and Gauley Rivers.

Following determination of eligibility for classification of river segments, alternatives will be considered which involve the segments to be proposed for classification and their management direction.

The Forest Service held public information meetings on October 8, 1979, at the Greenbrier County Courthouse in Lewisburg, West Virginia, and on October 9, 1979, at the Pocahontas County Courthouse in Marlinton, West Virginia.

A river evaluation trip beginning just south of Durbin, West Virginia, ending at Hinton, West Virginia was conducted May 5 through May 11, 1980. The Forest Service, National Park Service, West Virginia Department of Natural Resources, Ohio River Basin Commission, and several interest groups and organizations were represented.

A field task force has been formed to conduct the river study under the coleadership of the Forest Service and National Park Service. Those agencies serving on the task force include the West Virginia Department of Natural Resources, the U.S. Army Corps of Engineers, the Soil Conservation Service, the Fish and Wildlife Service, the Heritage Conservation and Recreation Service, the Ohio River Basin Commission and other agencies as required on an ad hoc basis.

The draft environmental impact statement should be available for public review by April 1981. Public involvement activities will include hearings on the proposed alternatives and the draft environmental impact statement. The final environmental impact statement is scheduled for completion in December 1981.

The scope of the issues to be addressed will be identified through the various public involvement activities and the field task force study. A scoping meeting will not be held.

The official responsible for recommending a preferred alternative to the Secretary of Agriculture is R. Max Peterson, Chief, Forest Service. The final environmental impact statement and study report will be submitted to the President and Congress for legislative consideration by the Secretary.

Written comments and suggestions concerning this study and environmental analysis should be sent to Ralph Mumme, Forest Supervisor, Monongahela National Forest, Box 1548, Elkins, West Virginia 26241.

Questions about the proposed action and environmental impact statement should be directed to John Hazel, Wild and Scenic River Planner on the Forest Supervisor's staff at the above address, telephone number (303) 636-1800.

Jerome A. Miles,

*Acting Chief, Forest Service.*

August 22, 1980.

[FR Doc. 80-26343 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-11-M

## Direction for Floodplain Management and Wetland Protection; Proposed Policy

**AGENCY:** Forest Service, Agriculture.

**ACTION:** Notice of proposed policy.

**SUMMARY:** This notice provides for public review and comment of directive material the Forest Service proposes to use in implementing Executive Order (E.O.) 11988 (Floodplain Management) and E.O. 11990 (Protection of Wetlands).

**DATE:** Comments must be received on or before October 27, 1980.

**ADDRESS:** All comments should be sent to USDA-Forest Service, Watershed Management Staff, P.O. Box 2417, Washington, DC 20013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert H. Tracy, Director, Watershed Management (at the address above), Telephone: 703-235-8096.

**SUPPLEMENTARY INFORMATION:** The proposed directive material has been issued as an interim directive in the Forest Service Manual (FSM) section 2520. It is identified as ID No. 11, FSM 2527, issued May 19, 1980. It superseded interim directives issued in June 1978 and June 1979.

The policy and guidance provided by this directive is in accordance with the U.S. Department of Agriculture Secretary's Memorandum No. 1827, Revised, and Supplement No. 1, and the Department's proposed policy and agency procedures set forth in the Federal Register on June 9, 1978 (43 FR 25322), for complying with the Executive orders. No written comments were received with respect to the Forest Service proposed procedures published as a part of the Department's overall proposal.

The proposed manual material is intended to complement the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing E.O. 11988 (43 FR 6030) and to supplement the Forest Service NEPA process (43 FR 21254) and rules for National Forest System Land and Resource Management Planning (43 FR 53928) by adding specific direction for complying with the special requirements of the E.O.'s when proposed actions are within or will affect floodplains or wetlands. Those Forest Service documents should be referred to for additional information on the Forest Service planning and environmental compliance process. Copies may be obtained by contacting the Director, Land Management Planning, USDA-Forest Service, P.O. Box 2417, Washington, DC 20013; telephone 202-447-697.

This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant."

Because the final direction will be set forth in the Forest Service Manual, the numbering system used is that of the Manual commencing at FSM 2527.03.

### *2527.03—Policy*

1. The Forest Service shall comply with the direction of E.O.'s 11988 and 11990, including public involvement requirements, through the use of the Forest Service processes for implementing NEPA and accomplishing land and resource management planning and decisionmaking (FSM 1920, 1950).

2. The agency will take action to:

a. Avoid, to the extent practicable, the long and short term adverse impacts associated with the occupancy and modification of floodplains and the destruction and modification of wetlands.

b. Avoid direct and indirect support of floodplain development and new construction in wetlands wherever there is a practicable alternative.

c. Reduce the risk of flood loss.

d. Promote the use of nonstructural flood protection methods to reduce the risk of flood hazard and flood loss.

e. Minimize the impacts of floods on human health, safety and welfare.

f. Minimize, to the extent practicable, the destruction, loss or degradation of wetlands.

g. Capitalize on opportunities to restore and preserve the natural and beneficial values served by floodplains, and to preserve and enhance the natural values of wetlands.

h. Adhere to the objectives of the Unified National Program for Floodplain Management published by the United States Water Resource Council, and provide leadership for improving and coordinating application of the conceptual framework and strategies set forth in that report in carrying out Forest Service programs.

i. Carry out the research needed to guide management decisions affecting floodplains and wetlands located on the Nation's forest and range lands.

j. Provide leadership in promoting floodplain management and protection of wetlands on non-federal forest and range lands.

k. Integrate the goals of the E.O.'s into technical assistance provided by the Forest Service through Federal-State forestry programs.

### *2527.04—Responsibilities*

*2527.04a—Chief.* The Chief is responsible for:

1. Providing agency leadership for floodplain management and wetland protection and guideline procedures and standards needed to fulfill requirements of the E.O.'s.

2. Ensuring that floodplain management and wetland protection consideration are included in the land and resource management planning and the program planning and budgeting processes.

*2527.04b—Regional Forester/Area Director.* The Regional Forester/Area Director is responsible for:

1. Ensuring that floodplain hazards and floodplain and wetland values, and all practicable alternatives to locating in such areas, are identified, analyzed, and documented as an integral part of the Forest Service planning and decisionmaking process. (Outlined in FSM 1920 and FSM 1950.)

2. Assessing floodplain hazards and wetland values in formulating and evaluating land management prescriptions and in the identification of practicable alternatives, and ensuring that planned allocations and uses of land and water resources are appropriate to the degree of hazard and existing natural values involved.

3. Coordinating activities and interchange of floodplain and wetlands information with other concerned Federal and State agencies, including, but not limited to, the Corps of Engineers, Federal Emergency Management Agency, Soil Conservation Service, U.S. Fish and Wildlife Service, the U.S. Geological Survey, the Bureau of Land Management, and State fish and wildlife agencies.

4. Ensuring that cooperative technical/financial assistance programs are conducted in accord with evaluation of flood hazards and in consideration of floodplain and wetland values.

5. Identifying in documents authorizing the use of the National Forest Service and in convenyances of interests in National Forest lands those

necessary restrictions not adequately incorporated in existing Federal, State, or local laws and regulations.

6. Withholding National Forest System lands from use or disposal until the conditions of item 5 above are met, unless overriding considerations relating to the public interest exist as outlined in FSM 2527.4.

*2527.04c—Forest Supervisor.* The Forest Supervisor is responsible for:

1. Determining if proposed facilities or actions are located in, or if they could affect or be affected by floodplains or wetlands and, if so, assessing floodplain hazards and wetland values in formulating and evaluating land and resource management options and determining whether there is a practicable alternative action or location, and whether the "no action" option is practicable.

2. Modifying plans, activities, and designs to minimize impacts of the action and to mitigate its effects on the natural and beneficial values of the floodplain or wetland in all actions where an alternative to siting in the floodplain or wetland is not practicable.

3. Preparing and circulating a notice through the State and areawide clearinghouses (OMB Circular A-95) and providing for public involvement throughout the decisionmaking process for actions identified in 1 and 2 above (FSM 1656, 1626, and 1951.1).

4. Ensuring that all practicable mitigating measures are incorporated in specifications for the proposed action and that the implementation of the selected action is accomplished in a manner that preserves, restores, and enhances, to the extent practicable, the natural functioning of floodplains and wetlands.

5. Documenting analysis of floodplain hazards and management options in the Forest Service NEPA process (FSM 1950) and in accord with the general guidance in "A Unified National Program for Floodplain Management" published by the Water Resources Council.

6. Requiring flood hazard and wetlands evaluations prior to issuing special-use authorizations and providing assistance to applicants in obtaining help to make such evaluations in their proposals.

7. Ensuring that floodplain hazard and floodplain and wetland management considerations and appropriate restrictions are included in authorizing documents.

8. Designing, constructing, or rehabilitating Forest Service real property in accordance with standards and criteria outlined in the National Flood Insurance Program (42 U.S.C. 4001 *et seq.*) using flood proofing measures and structural elevation, where practicable. Examine the need for and apply more rigid standards where NFIP standards and criteria may not be adequate to minimize risk to lives, property, and floodplain values.

9. Providing for the conspicuous marking of highest past flood levels and probable 100-year flood heights on permanent structures, including those in developed recreation sites used by the general public during periods when flooding can occur on Federal lands administered by the Forest Service (FSM 2512.23, 7114.11).

10. Developing appropriate warning and evacuation plans or procedures, integrating available warning time into such plans.

11. Indicating in appropriate documentation those planning, program, and budget proposals which include specific actions in floodplains and assuring that these proposals are in accord with the intent of E.O. 11988.

*2527.05—Definitions*

1. *Action.* Any Federal activity including (1) acquiring, managing, and disposing of Federal lands and facilities, (2) providing federally undertaken, financed, or assisted construction or improvements, and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

2. *Critical Action.* Any action for which even a slight chance of flooding would be too great. The minimum floodplain of concern for critical actions is the 500-year floodplain. These may include actions which create or extend the useful life of structures or facilitites vital to the public safety and welfare, especially in disaster situations, including but not limited to: (1) The storage of hazardous substances such as pesticides or other environmental toxins; (2) essential public services such as utilities, hospitals, schools, or emergency services where loss of life and injury are high risk; (3) emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood and storm events, and (4) power generating plants and other principal points of utility lines.

3. *Facility.* Any man-made or man-placed items other than a structure.

4. *Flood or Flooding.* A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

5. *Flood Hazard.* A general term meaning the danger to life or damage to property from overflows of the river or stream channel, extraordinary waves or tides occurring on lake, estuary, or ocean shores; flood flows in intermittent or normally dry streams; floods on tributary streams; floods caused by accumulated debris or ice in rivers; or other similar events.

6. *Flood Risk.* The probability that one or more events will exceed a given flood frequency within a specified period of years.

7. *Flood Hazard and Risk Evaluation.* This includes factors associated with flood risk and potential for flood damage, such as flood area and depth, velocities and pressures, rates of rise and duration, seasonality and probability of occurrence, and probable load of debris and pollutants.

8. *Floodplain.* The lowland and relatively flat areas joining inland and coastal waters including debris cones and floodprone areas of offshore islands, including at a minimum, that area subject to a 1-percent (100-year recurrence) or greater chance of flooding in any given year.

9. *Floodway.* That portion of the floodplain which is effective in carrying flow, within which this carrying capacity must be preserved and where the flood hazard is generally highest, i.e., where flood depths and velocities are the greatest.

10. *Minimize.* To reduce to the smallest practicable amount or degree.

11. *Mitigate.* These are the steps necessary to minimize the potentially adverse effects of the proposed action, and to restore and preserve the natural and beneficial values of floodplains and to preserve and enhance natural values of wetlands.

12. *Practicable.* Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors such as environment, cost, or technology.

13. *Preserve.* To prevent modification of the natural environment or to maintain it as closely as possible to its natural state.

14. *Restore.* To reestablish a setting or environment in which the natural functions of the area can again operate.

15. *Structures.* Walled or roofed buildings including mobile homes and gas or liquid storage tanks that are primarily above ground.

16. *Wetlands.* Those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetation or aquatic life that requires

saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

*2527.06—Applicability and Exemptions*

*2527.06a—Test for Applicability.* The requirements of this section apply to all agency actions which have the potential to adversely affect floodplains or wetlands or their occupants, or which are subject to potential harm by location in floodplains or wetlands. The basic test of the potential of an action to affect floodplains or wetlands is the actions' potential to result in the long- or short-term adverse impacts associated with one of the following:

1. The occupancy or modification of floodplains, and the direct and indirect support or floodplain development.

2. The destruction or modification of wetlands and the direct or indirect support of new construction in wetlands.

*2527.06b—Exempted Emergency Actions.* Assistance for emergency work performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146) are exempted from requirements of the Executive orders. This exemption applies to unanticipated emergency situations that require immediate action to prevent or reduce risk to public health or safety or serious resource losses. However, every effort will be made to comply with those requirements which can be met without interference with, or delay of, the emergency work.

*2527.1—Procedural Steps.* The Water Resources Council has prescribed an 8 step decisionmaking process to be followed by Federal agencies in applying the Orders to its actions. The established Forest Service processes for land and resource management planning and NEPA compliance provide for consideration of these steps. The eight steps are complementary to the planning and NEPA processes and as further assurance of and emphasis on adequate protection of floodplains and wetlands, they are repeated here. These are:

Step 1. Determine whether the proposed action is located in a wetland and/or the 100-year floodplain (500-year floodplain for critical actions); or whether it has the potential to affect a floodplain or wetland or indirectly support floodplain develoment or new construction in a wetland. (See FSM 2527.06a). If not, or if an action is of an emergency nature (FSM 2527.06b), requirements of the Executive Orders will have been satisfied.

Step 2. Notify the public at the earliest possible time of the intent to carry out an action in a floodplain or wetland, and involve the affected and interested public in the decisionmaking process.

Step 3. Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland including alternative sites outside the floodplain or wetlands, alternative actions serving the same purpose as the proposed action, and the "no action" option.

Step 4. Identify the full range of potential direct or indirect adverse impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action.

Step 5. Identify and evaluate mitigating measures that will minimize the potential adverse impacts of the action if avoidance cannot be achieved, and measures that will restore and preserve the natural and beneficial floodplain and wetland values that would be adversely impacted by action.

Step 6. Reevaluate the proposed action to determine first, if it is still practical, even with the application of appropriate mitigating measures, in light of its exposure to flood hazards and its potential to disrupt floodplain and wetland values and, second, if the alternatives identified in Step 3 are practicable in light of information gained in Steps 4 and 5 above.

Step 7. Prepare and provide the public with a finding and public explanation of any final decision that there is no practicable alternative to locating an action in or affecting a floodplain or wetland.

Step 8. Review the implementation and post-implementation phases of the proposed action to ensure that all provisions associated with the action, including appropriate mitigating measures as identified in the environmental assessment, are fully implemented.

*2527.2—Identification of Floodplains and Wetlands*

A determination of whether or not a proposed action on National Forest lands is located within or will affect a floodplain or wetland will be made during the land and resource management planning process (FSM 2527.03). See Step 1 of the procedural process (2527.1).

Definitions of a floodplain and a wetland as set forth in the Executive orders are given in FSM 2527.05. The general location of floodplains and wetlands on National Forest lands will be identified in the delineation and inventory of riparian areas (FSM 2526); their specific location will be clearly defined during the preliminary phases of planning for proposed development or new construction within those areas. For actions involving assistance within areas of predominately private ownership, the Forest Service will consult the FIA Flood Insurance Rate Map, the Flood Insurance Study and appropriate FIA Flood Hazard Boundary Maps. If data needed are not available from these sources, the Forest Service will seek assistance from other Federal and State agencies or acquire the services of persons experienced in this type of work.

*2527.3—Public Notice Requirements*

The Forest Service shall provide opportunity for public review and comment on proposals for actions having potential to adversely affect or be affected by floodplains or wetlands at the earliest possible time and throughout the decisionmaking process; and upon completion of this process, provide the public with an account of its final decision. Specific procedures for public involvement are set forth in FSM 1950—The Forest Service NEPA Process. These procedures include provision for adequate information, opportunity for review and comments, and the rationale for the proposed action. For actions involving floodplains or wetlands, a finding of no significant effect will be made available for a 30 day public review before the determination not to prepare an Environmental Statement is effective (FSM 1952.24). The established procedures shall fulfill procedural steps 2 and 7 as set forth in FSM 2527.1.

Notice will also be made to State and areawide clearinghouses pursuant to OMB Circular A-95 (Revised) of all ongoing or planned development activities proposed in or affecting floodplains or wetlands. These notices will include:

1. The reasons why the action is proposed to be located in the floodplain or wetland.

2. A statement indicating whether or not the action conforms to applicable State or local floodplain and wetland protection standards.

3. A list of all alternatives considered.

4. A location map identifying siting of the proposed action with respect to the floodplain or wetland boundary, as well as the general geographic location.

All request for funds for undertaking or financing, or assisting in, construction and improvement projects which are located in floodplains or wetlands and meet the test of applicability (FSM 2527.06a) require a statement

documenting the fact that the project meets all requirements of Executive Order 11988 and 11990 as appropriate (FSM 1930.3).

*2527.4—Analysis and Evaluation of Proposed Actions and Practicable Alternatives*

An analysis and evaluation will be made of the full range of potential direct and indirect adverse impacts of a proposed action involving construction or development which could effect or be affected by a floodplain or wetland. These analyses and evaluations shall include an assessment of the effect of alternative structural or development location, design or modification, and of all practicable measures which might be appropriate for minimizing hazards and degradation of natural values and for preserving, restoring, and enhancing such areas. Relocation of facilities or their appropriate modification will be considered for existing developments. Additional development and new uses will be carefully regulated to assure the harmonious development of floodplains consistent with the hazards and values present. Filling of land within floodplains and wetlands will be avoided wherever practicable.

A flood hazard analysis and evaluation shall also be made prior to the disapproval or exchange of land within floodplains or wetlands. They shall also be made prior to the acquisition of lands within floodplains or wetlands when a facility, structure, or other development is planned for the proposed purchase (FSM 5430.3, 5431.7, and 5435.23). Known or anticipated changes in land use within floodplains or wetlands as a result of changes in land ownership and the subsequent effect of such changes on their flood hazard and on the natural and beneficial values of such areas shall be considered in making analyses and evaluations associated with land adjustment actions.

*2527.—Evaluation Factors.* Multiple use considerations are a fundamental responsibility on all National Forest System lands. Floodplains and wetlands will be recognized as definite areas of interrelated water and land and be considered in the context of total community, regional, and national planning and management. Floodplain and wetland impacts will not be considered in isolation since this could result in an alternative which, while avoiding some floodplain and wetland impacts, causes some other much more serious impact.

The potential direct and indirect impacts resulting from development in or effecting the floodplain and the potential direct or indirect support arising from such development will be identified. Three types of floodplain impacts are important: (1) Positive and negative, (2) concentrated and dispersed; and (3) short and long term. These will be assessed in terms of the resource values associated with water, living resources, cultural resources, agriculture, aquaculture, and forestry. Evaluations and decisions will be developed in the total land management planning context considering the public interest in: (1) Human health, safety, and welfare; (2) preventing loss of property values; (3) maintenance of natural systems; (4) economic efficiency; and (5) environmental health of Regions and localities. The characteristics of risk will also be examined. These include: depth, velocity, and rate of rise of floodwater; location in a floodway or coastal high hazard area; available warning and evacuation time; and, special problems such as flood related erosion, subsidence, sinkholes, and combination of flood sources. Efforts will be made to optimize and balance these considerations in both short and long range planning, recognizing the values protection and damage mitigation requirement of the Executive Orders. Reference to general guidelines in "A Unified National Program for Floodplain Management," issued by the U.S. Water Resources Council, will aid in this assessment.

Because of the special values and unique nature of the areas, analyses and evaluations of proposed actions in wetlands will involve the collection and interpretation of data which may or may not be required for management decisions in less sensitive areas. This includes data on water supply, water quality, recharge and discharge; pollution; flood and storm hazards; sediment and erosion; conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; hydrologic utility; fish, wildlife, timber, food forage, fiber, and visual resources; and, recreational, scientific, and cultural uses.

A preliminary determination as to whether or not the floodplain or wetland is the only practicable location for the proposed action will be made during the analysis of the management situation (FSM 1920.84).

Where the action consists of a road, powerline, gas-line or other developments of a longitudinal nature which cross numerous floodplains or wetlands of varying size and importance, the evaluation will be made for sections or projects between logical termini (See FSM 1921.45 and FSM 1922.42). The decison process will include the alternative of avoiding any action by withdrawing the proposed project. For actions where the "no-build" alternative is not a viable alternative, the decision is not whether the action should be located in or out of a floodplain or wetland, but rather which series of floodplains or wetlands to impact. That decision must be supported by a thorough evaluation of the impacts for all sections or projects involved in the alternative.

*2527.42—Data Needs for Floodplain and Wetland Evaluations.* Issues and concerns identified during the land management planning process determines the type of data needed for the evaluation and the degree of accuracy required. Its primary use is to meet the avoidance responsibility through the analysis of practical alternatives. Where avoidance is not practical, the data must be adequate to identify measures needed to carry out the mitigation responsibility.

*2527.43—Study Methods.* Flood hazard and wetland evaluations generally involve both detailed study methods, such as those used on a specific project, and approximate study methods, such as those used at the Forest Plan level. Detailed study methods for floodplain management are those that, as a minimum, involve hydrologic and hydraulic analysis to determine the 100-year flood profiles. Approximate study methods are those that do not include detailed studies and result only in an approximate determination of the 100-year flood boundaries or of the wetland.

The appropriate type, scope, and intensity of study and analysis for any particular area and proposed action will be established through the land management planning process. At the Forest Plan level, approximation of the floodplain and wetland boundaries through identification of the riparian area at the time an action is being planned (FMS 2526) will usually be adequate. Floodplain evaluations for projects or actions located within a riparian area will, at minimum, be made where the width of the 100-year floodplain is determined to be 200 feet or more, or where the drainage area of the flooding source is greater than one square mile. However, the studies and evaluations must include all floodplain locations involving existing or planned structures and facilities, such as bridges, roads, campgrounds, picnic areas, or other developments within the 100-year floodplain, regardless of floodplain width or size of flood source area.

*2527.44—Reevaluation.* If the preliminary evaluation clearly indicates

that there is a practical alternative location the proposal will be modified accordingly. An analysis will also be made to determine whether the action at an alternative location will indirectly impact floodplains or wetlands or support development therein. If so, alternative actions, including the "no action" alternative will be evaluated; if not, the remaining analysis procedure set out in this section is not required. Where there is a finding that no practicable alternative location or action exists, appropriate mitigating measures to minimize potential adverse impacts and restore, preserve and enhance impacted values will be identified and evaluated. Upon determination of what measures are necessary to comply with the requirement to minimize harm to and within floodplains and wetlands the alternatives will be reevaluated to:

1. Determine if they are still practicable at a floodplain or wetland site in light of the exposure to flood risk and potential disruption of natural values.

2. Determine if there is a potential for limiting the action to increase the practicability of previously rejected non-floodplain or wetland sites and alternative actions.

*2527.45—Minimization Provisions.* Minimization provisions will include the following standards:

1. There shall be no new construction or substantial improvement of a structure or facility in a floodway unless one of the following conditions exists:

a. It is a functionally dependent use, such as a bridge or culvert.

b. It will facilitate an open space use.

c. It is elevated or otherwise flood-proofed for the 100-year flood (the 500-year flood for critical structures or facilities).

d. It is consistent with the criteria of the National Flood Insurance Program or any more stringent federal, State or local floodplain management standards.

e. It is designed to preserve, restore or enhance the natural and beneficial uses of floodplains and wetlands.

2. Where appropriate, integrate the proposed action into existing flood warning and preparedness plans to ensure that available flood warning time is reflected.

3. Provide adequate access to and from the site of the proposed action.

4. Provide flood proofing or relocate building contents, materials, and equipment outside or above the 100-year floodplain level (the 500-year floodplain level for critical actions).

5. Application of Best Management Practices.

*2527.46—Documentation of Analyses and Evaluations.* Documentation of findings from analyses and evaluations, and test of those findings against decision criteria, will be an integral part of plan development and associated environmental assessment. Sources of evaluation criteria are to be documented (FSM 1951.31). Appropriate findings will be included in Environmental Assessments and Environmental Impact Statements (FSM 1952), in notification to State and areawide A-95 clearinghouses (FSM 1565, FSM 1950.3), and in public notices of proposed actions involving floodplains or wetlands made as a part of the public involvement process (FSM 1626, FSM 1951.1).

*2527.46a—Documentation Outline.* Information used to evaluate floodplains and wetlands will be briefly documented in accord with FSM 1950. The following items will normally appear in supporting documentation as a single report:

1. *Findings.* Brief abstract or summary of findings, particularly those findings related to hazards to life and property and to natural values of the area.

2. *Methodology.* Brief description of the process used to determine that the area meets the definition for a floodplain or wetland.

3. *Information Search.* Contacts used in making an information search for data from other agencies.

4. *Hydrologic Evaluation.* Review of flood histories and watershed conditions including climatic and environmental factors associated with past flood events.

5. *Floodplain Evaluation.* Evaluation of flood magnitude and associated floodplain heights for the 1 percent chance events. Where critical actions or facilities are involved, the evaluations will include the 0.2 percent chance events.

6. *Mapping.* Location map and specific project map identifying flood boundaries for the 1-percent (100-year) events or boundaries of the wetland areas. Where critical actions or facilities are involved, the projected 0.2 percent (500 year) flood event boundaries will also be mapped.

7. *Alternatives.* Alternatives considered for relocation of activity or for mitigative measures. Purchases and acceptance of donations involving floodplains and wetlands acquired solely for the purpose of watershed protection or improvement are exempt from this requirement.

*2527.5—Restrictions.* Restrictions, as identified by Federal, State, or local regulations, on the use of floodplains or wetlands will be referenced in documents authorizing the use of National Forest System lands. The location, design, and plans for construction of facilities within floodplains and wetlands on National Forest System (NF) lands will not be approved prior to the completion of a hazard evaluation (FSM 2703). Furthermore, restrictions, as determined by Federal, State, or local regulations, will be incorporated into documents conveying title to National Forest System lands to non-Federal public or private parties by means other than land exchange. Appropriate analysis and evaluation will be accomplished for exchanges to non-Federal parties involving lands in floodplains and wetlands (FSM 5430.3). Where the inclusion of restrictions is needed but prohibited by law, the properties will normally be withheld from conveyance. However, if the EA or EIS results in a conclusion that overall environmental impact of the exchange is favorable and the potential harm to floodplain or wetland on NF lands will be offset by acquisition of floodplain or wetland on the non-Federal lands, the conveyance may be made without inclusion of restrictions.

*2527.6—Posting of Past and Probable Flood Heights.* All high water marks will be recorded and clearly posted as a part of flood damage surveys to show height of water and date on which the high water occurred (FSM 2512.23). Appropriate signs identifying the highest past flood level and probable 100-year flood heights on Forest Service administered lands will be clearly displayed on major bridges, on the outside of permanent structures, and in areas of concentrated public use, such as recreation developments, administrative sites, and VIS centers (FMS 7114.11).

The general priority for signing will be:

1. Areas where the probability of rapid rises of water level (flash floods) is greatest and where flood warning time is minimal, or where public use or the threat of property damage is greatest or where critical structures and facilities are involved.

2. Areas where the raise in water level is normally gradual and predictable and where warning time is generally sufficient to allow for evacuation of persons and movable property.

3. Areas where signing is primarily to create greater public awareness of the potential danger of flooding.

Douglas R. Leisz,

*Acting Chief.*

[FR Doc. 80-26344 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-11-M

## Soil Conservation Service

### "Big Ditch" and Richland Creek Erosion Control R.C. & D. Measure, North Carolina

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919-755-4210.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the "Big Ditch" and Richland Creek Erosion Control RC&D Measure, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the reduction of erosion on approximately 1.1 miles of streambank. The planned works of improvement include sloping .52 miles of existing streambank to a 2:1 slope and installing rock riprap, and sloping another .56 miles of streambank and establishing permanent vegetation. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26384 Filed 8-27-80; 8:45 am]

BILLING Code 3410-16-M

### Canadian Critical Area Treatment R.C. & D. Measures in Hemphill County, Tex.

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of No Significant Impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone 817-774-1214.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statementa are not being prepared for the Canadian Critical Area Treatment RC&D Measures in Hemphill County, Texas.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for critical area treatment on approximately 10 separate critically eroding sites involving about 56 acres of privately owned agricultural land and 3 acres of public land. The planned works of improvement include erosion control practices such as shaping, smoothing, and establishing permanent vegetative cover, installing nine grade stabilization structures (GSS), and fencing the treated area where it is necessary for the establishment and management of the vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26387 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

### Carter Run Watershed, Virginia; Intent To Prepare an Environmental Impact Statement

**AGENCY:** Soil Conservation Service, Department of Agriculture.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**FOR FURTHER INFORMATION CONTACT:** Mr. Manley S. Wilder, State Conservationist, Soil Conservation Service, Federal Building, Room 9201, 400 N. 8th Street, Richmond, Virginia 23240, telephone 804-782-2457.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Carter Run Watershed, Fauquier County, Virginia.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Manley S. Wilder, State Conservationist, has determined that preparation and review of an environmental impact statement are needed for this project.

The project consists of a plan for watershed protection, flood prevention, and provision of storage for municipal, industrial, and wildlife uses. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, and impoundments.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites the participation and consultation of all agencies and persons that have special expertise, legal

jurisdiction, or interest to assist in the proposed action. A scoping meeting will be held at 11 A.M., Tuesday, September 23, 1980, in the Soil Conservation Service Conference Room, Federal Building, Richmond, Virginia, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or on this scoping meeting may be obtained by contacting Mr. Manley S. Wilder, State Conservationist, at the above address.

Dated: August 27, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

[FR Doc. 80-26-368 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## Morrison-Rowdy Creeks Area Critical Area Treatment R.C. & D. Measures in Lamar County, Tex.

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone 817-774-1214.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Morrison-Rowdy Creeks Area Critical Area Treatment RC&D Measures in Lamar County, Texas.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern plans for installation of erosion control practices on privately owned agricultural land. The planned works of improvement include shaping, smoothing, and establishing permanent vegetated cover on about 660 acres of separate gullied areas; small grade stabilization structures, diversions, critical area plantings, fencing, and grassed waterways will be applied where needed to control gully erosion and associated sediment damage.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26686 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## Homstead (Whitaker) Run, Munhall Borough, Critical Area Treatment R.C. & D. Measure, Pennsylvania

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Room 820, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Homestead (Whitaker) Run, Munhall Borough, Critical Area Treatment RC&D Measure, Allegheny County, Pennsylvania.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include streambank sloping, vegetating, and gabion and concrete walls along a wet-weather stream affecting approximately 50 scattered areas totaling about 2,600 linear feet of streambank.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Graham T. Munkittrick. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26683 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## North Judson Park Critical Area Teatment R.C. & D. Measure, Indiana

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Suite 2200, Corporate Square-West, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-269-6515.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northe Judson

Park Critical Area Treatment R.C. & D. Measure, Starke County, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include 4 acres of critical area planting (grass), tree planting on 1 acre of blow-sand area, and planting a four-row windbreak along the north and west property line totaling 1,500 feet.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.091, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26389 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## R. L. Vann School Flood Prevention and Land Drainage R.C. & D. Measure, North Carolina

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, Room 544, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611, telephone 919-755-4210.

**NOTICE:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the R. L. Vann School Flood Prevention and Land Drainage R.C. & D. Measure, Hertford County, North Carolina.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing flooding and for improving drainage on the school grounds. The planned works of improvement include installing catch basins, pipes, subsurface drainage tubing, and renovating an open ditch. Grading and shaping will be done to improve surface drainage and to eliminate ponding. All disturbed areas will be seeded with adapted permanent vegetation.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jesse L. Hicks. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26385 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## Red River Resource Conservation and Development (R.C. & D.) Critical Area Treatment Measures, North Dakota

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Michael Nethery, State Conservationist, Soil Conservation Service, P.O. Box 1458, Bismarck, North Dakota 58502, telephone 701-255-4011, Extension 421.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Red River Resource Conservation and Development (RC&D) Critical Area Treatment Measures in Grand Forks, Nelson, Pembina, and Walsh Counties, North Dakota.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. J. Michael Nethery, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

The measures concern a plan for critical area treatment on approximately 160 seriously eroded sites along public and private roads that total about 430 acres. The planned works of improvement include grade stabilization structures, diversions, debris basins, fencing, grassed waterways, lined waterways or outlets, streambank protection, stream channel stabilization, and critical area plantings.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. J. Michael Nethery. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.

Joseph W. Haas,

*Deputy Chief for Natural Resource Projects.*

August 15, 1980.

[FR Doc. 80-26338 Filed 8-27-80; 8:45 am]

BILLING CODE 3410-16-M

## Silas Perkins Mini-Park Critical Area Treatment R.C. & D. Measure, Maine

**AGENCY:** Soil Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of finding of no significant impact.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eddie L. Wood, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473, telephone 207-866-2132.

**NOTICE:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Silas Perkins Mini-Park Critical Area Treatment RC&D Measure, York County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing a critically eroding riverbank on publicly owned property. The planned works of improvement include installation of a layer of rock riprap on the eroding slope and grading, seeding, and landscaping the small public area above the slope.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Eddie L. Wood. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 29, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Joseph W. Haas,
*Deputy Chief for Natural Resource Projects.*
August 15, 1980.

[FR Doc. 80-26382 Filed 8-27-80; 8:45 am]
BILLING CODE 3410-16-M

## CIVIL AERONAUTICS BOARD

**[Order 80-8-133; Docket 38621]**

## Domestic Baggage Liability Limitations; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of August, 1980.

Most U.S. airlines set forth baggage liability limits for domestic and overseas flights in Rule 230 of CAB No. 352, the domestic passenger rules tariffs.[1] While most carriers have established a $750 ceiling on the amount of money they will pay to settle a claim for lost, damaged, or delayed baggage, a few smaller commuter carriers publish lower liability limits for joint service offered with certificated airlines. For reasons set forth in this order, the Board is directing all interested parties to show cause why we should not direct all carriers filing tariffs to increase these limits to $1,000.

### Increase of Baggage Liability Limit

Historically, airlines have been permitted to file tariffs limiting their liability for mishandled baggage, as long as the limits were reasonable and the tariffs provided for higher limits when a passenger declared a higher value and paid an extra charge. Over the past 15 years, the Board has initiated two major proceedings that examined airlines' liability limits. In 1966, upon completion of the Baggage Liability Rules Case, the Board set the minimum liability ceiling at $500 for certificated carriers.[2] Before this action, limits varied from one carrier to the next and generally ranged from $100 to $250. In 1975, the Board began the Domestic Baggage Liability Rules Investigation, and two years later issued a series of orders which, among other things, raised the minimum carrier liability limit to $750 for certificated carriers.[3]

When the Board reevaluated the $500 minimum liability limit in 1976, we looked at the rate of inflation in the economy since 1966, when the limit was established, using the Consumer Price Index (CPI) as a guide. In September of 1976, the overall CPI stood at 172.6 over the 1967 base of 100, with apparel at 150.2 and nondurable goods (excluding food) at 160.4. These indexes demonstrated substantial increases in the dollar values of those items most likely to be carried in baggage by the average passenger, and we determined that they justified increasing the minimum limit to $750.

Since 1976, inflation has caused these indexes to continue upward. By May 1980, the overall CPI had risen to 244.9, apparel to 177.5, and nondurables less food to 235.5. By these measures, goods worth $750 in 1976 would now have dollar values of $1,064.17, $886.32, and $1,101.15, respectively. Thus a $1,000.00 minimum would, in our tentative view, be a more reasonable amount.

In the 1966 Baggage Liability Rules Case, the Board established the criteria for the reasonableness of baggage liability limits, stating that they "should be high enough to cover all but unusual or extraordinary cases."[4] At that time and again in the 1975 investigation, the Board ordered the carriers to conduct a survey of claims settled over a one-month period and to submit the findings with their comments. The results of the 1975 survey showed that increases in the dollar amount of the baggage claims filed that year, compared to the 1966 data, did closely parallel the CPI. We believe that the CPI reflects the effect of inflation on the value of most passengers' bags and their contents. We do, however, invite the carriers and air travelers to submit any information about baggage claims experience that may indicate that the $1,000 is too high or too low.

### Joint Tariffs With Air Taxi Operators

For those services that fall under the general air taxi exemptions (14 CFR Part 298) to the Federal Aviation Act, commuter airlines and other air taxis operators do not file tariffs, but establish baggage liability by direct contract with passengers. These airlines have set baggage liability limits below the level which the Board has prescribed for certificated carriers. The

[1] For international travel, the United States is a party to the Warsaw Convention. Under this Convention, the minimum baggage liability ceiling is set at 250 French gold francs per kilogram of checked baggage. This limit applies to transportation on flights between those countries that have signed the Convention.

[2] *Baggage Liability Rules Case*, 45 C.A.B. 182.

[3] Order 77-2-9 (February 2, 1977), Order 77-4-94 (April 20, 1977), and Order 77-9-80 (September 20, 1977). The last petition for reconsideration of Order 77-9-80, was dismissed by Order 77-11-115 (November 22, 1977). By those orders, the Board raised the minimum carrier liability to $750, increased carrier responsibility for fragile and perishable items, required the carriers to accept liability for special and consequential damages, and established certain practices for the filing of passenger claims.

[4] *Baggage Liability Rules Case*, Supra, at 187.

reasonableness of these contract terms, including any liability ceiling the carrier tries to impose, and the adequacy of their disclosure, is ordinarily subject to court review in case of dispute with passengers, and if we finalize this order, it will remain so. Some air taxis offering joint fares with certificated carriers, however, have included these lower liability limits (between $100 and $500 per passenger) in joint tariffs with certificated carriers filed with the Board. Because these limits are filed in tariffs, court review may be restricted. In some cases, it has been argued that these tariffs purport to place lower limits on the liability of certificated carriers if a bag is lost on a connecting trip with a commuter.

When a bag is lost on an interline service, it is often impossible for the passenger to establish which airline is responsible for the loss and, when a commuter is involved, which liability limit is in effect. This variance in liability limits is confusing, and is, in our tentative view, inconsistent with the reasonable expectations of most air travelers. The Board has therefore tentatively decided that the $1,000 minimum ceiling should apply to all domestic and overseas air transportation covered by tariffs filed with the Board, including any tariffs filed by air taxi operators.

We recognize that imposing this limit on commuter carriers would constitute a substantial change for them in many cases. Although commuters and other air taxis do not have to file tariffs for all of their operations, under current Board rules they must do so to the extent that they utilize joint fares with certificated carriers. We specifically invite comments on the impact of a $1,000 baggage liability limit on commuters' joint-fare operations.

Miscellaneous

In January 1983, airlines will no longer file tariffs with the Board, and we plan, in the near future, to initiate a proceeding to examine whether it is necessary or advisable for the Board to set up rules or guidelines for whatever contractual arrangements regarding baggage claims may replace tariffs. On the one hand, there have been dramatic changes in the industry since the Board established uniform liability limits in 1966. As the industry becomes more competitive, carriers may have strong incentives to handle baggage carefully and to settle claims fairly and quickly. Airlines' liability limits themselves may become a subject of competition. Thus, the increase in liability ceilings proposed in this order is designed to adjust the $750 to reflect inflation pending a comprehensive review of alternative ways of assigning risks.

This proceeding involves the reasonableness of industry-wide baggage liability limits based on legislative-type policy considerations, and we do not anticipate that disputed issues of fact will arise that require adversary proceedings for their resolution. While the liability limits at issue have been included in tariffs filed with the Board, this of itself does not make the overall lawfulness or unlawfulness of these practices a matter to be determined only in an adjudicatory proceeding. See *Rocky Mountain Motor Tariff Bureau v. ICC*, 582 F. 2d 865.69 (10th Cir. 1979); *Central and Southern Motor Freight Tariff Ass'n v. ICC*, 582 F. 2d 113, 118–121 (1st Cir. 1978); *Phillips Petroleum Co. v. FPC*, 475 F. 2d 842, 484–50 (10th Cir. 1973), *cert. denied*, 414 U.S. 1146 (1974). We are therefore asking interested parties to submit any data or opinions they believe we should consider in the form of written comments.

Parties who believe an adjudicatory hearing is necessary to explore the matters raised in this proceeding, however, may request one, explaining in detail the issues to be treated in such a hearing and the reasons why they cannot be fully explored through a legislative-type written record.

In Docket 38021, EDR 396 (45 FR 25817, April 16, 1980), the Board is considering a substantial revision to the Board-prescribed notices posted at airport ticket offices and included in airline tickets sold in the United States. The proposed notices include a statement explaining that airlines limit their liability for lost, damaged, or delayed baggage for $750. Since our action here could affect the content of this statement, we want to complete the proceeding before the carriers print and distribute any new notices that may be prescribed in Docket 38021. We therefore intend to handle this proceeding on an expedited basis.

Accordingly: 1. The Board directs all interested parties to show cause why we should not issue an order finalizing the tentative findings and conclusions that Rule 230 in CAB No. 352, and any other domestic and overseas tariffs that set forth baggage liability limits should be amended as necessary to reflect a liability ceiling of no less than $1,000 per passenger;

2. Any interested party objecting to the issuance of such an order shall, within 45 days after the service of this order, file with the Board a statement of objection which shall set forth in detail any facts, economic or statistical data, and other evidence relied upon in support of the objection. Answers to objections shall be filed with the Board within an additional 14 days;

3. Parties requesting an evidentiary on-the-record hearing in this matter shall set forth in detail the reasons why a hearing is needed, including a statement of the facts they intend to develop in a hearing and the reasons why such facts cannot otherwise be presented;

4. If timely and properly supported objections are filed, we will consider fully the matters or issues they raise before taking further action; and

5. If no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order shall be served on all U.S. certificated air carriers and air taxi operators, and shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,[3]

*Secretary.*

[FR Doc. 80-26431 Filed 8-27-80; 8:45 am]

BILLING CODE 6320-01-M

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[Docket 38511]

## People Express Fitness Investigation; 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 September 9, 1980, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., August 21, 1980.

Elias C. Rodriguez,

*Administrative Law Judge.*

[FR Doc. 80-26432 Filed 8-27-80; 8:45 am]

BILLING CODE 6320-01-M

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[Order 80-8-138; Docket 38629]

## United States-People's Republic of China Service Proceeding

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Order 80-8-138, instituting the *U.S.-People's Republic of China Service Proceeding*, Docket 38629.

**SUMMARY:** The Board is instituting the *U.S.-People's Republic of China Service Proceeding* to determine which U.S. carrier should be authorized to provide foreign air transportation between the

[3] All Members concurred.

coterminal points New York, New York/San Francisco, California/Honolulu, Hawaii-Tokyo, Japan-Beijing/Shanghai, the People's Republic of China. This proceeding will be processed under non-oral procedures. The complete text of the order is available as noted below.

**DATES:** Applications, motions to consolidate, petitions to intervene, and petitions for reconsideration shall be filed by September 4, 1980, in Docket 38629.

All applicants should submit direct exhibits and other information by September 15, 1980.

Rebuttal exhibits should be filed by September 25, 1980.

**ADDRESSES:** All filings should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

**FOR FURTHER INFORMATION CONTACT:** William J. Wagner, Legal Division, Bureau of International Aviation, B-57, Civil Aeronautics Board; (202) 673-5035.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 80-8-138 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-8-138 to that address.

By the Civil Aeronautics Board: August 22, 1980.

Phyllis T. Kaylor,

*Secretary.*

[FR Doc. 80-26430 Filed 8-27-80; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration North Pacific Fishery Management Council's and Pacific Fishery Management Council's Inter-Council Salmon Coordinating Subcommittees; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA.

**SUMMARY:** The North Pacific Fishery Management Council and the Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), have established Inter-Council Salmon Coordinating Subcommittees, which will meet to discuss the coordination and implementation of salmon management objectives with respect to fishery management plan development.

**DATE:** The meeting, which is open to the public, will convene on Thursday, September 4, 1980, at approximately 2:00 p.m., and will adjourn at approximately 5:00 p.m.

**ADDRESS:** The meeting will take place at the Alaska Department of Fish and Game, Subport Building, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** North Pacific Fishery Management Council, 333 W. Fourth Avenue, Suite 32, P.O. Box 3136 DT, Anchorage, Alaska 96813.

or

Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201.

Dated: August 25, 1980.

Robert K. Crowell,

*Deputy Executive Director, National Marine Fisheries Service.*

[FR Doc. 80-26470 Filed 8-27-80; 8:45 am]

BILLING CODE 3510-22-M

## National Telecommunications and Information Administration

### Grant Appeals Board of the Public Telecommunications Facilities Program

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Memorandum opinion and order.

**SUMMARY:** On March 14, 1980, Independent School District Number 89 of Oklahoma County, Oklahoma, filed an Amended Petition with the Grant Appeals Board of the Public Telecommunications Facilities Program (PTFP) seeking reconsideration of an action of the PTFP staff. Although rules of the PTFP are silent as to whether an applicant may amend a petition for reconsideration, the Board feels that the additional facts contained in the District's Amended Petition should be given some consideration. Since the PTFP staff has not had any oppportunity to make a ruling as to whether these facts present "good cause" for the granting of forgiveness, the Board remands the matter to the staff for a determination.

**FOR FURTHER INFORMATION CONTACT:** Robert Hunter, Office of Chief Counsel, NTIA, 1800 G Street, N.W., Washington, D.C. 20504. 202/377-1866.

### Memorandum Opinion and Order

In the matter of petition for reconsideration of Independent School District Number 89 of Oklahoma County, Oklahoma.

By the Grant Appeals Board: Fishman, Chairman; Chisman; and Zimmerman. Adopted:

1. The Public Telecommunications Facilities Program's (PTFP) Grant Appeals Board (Board) of the National Telecommunications and Information Administration has before it for consideration the Petition for Reconsideration and the Amended Petition for Reconsideration of Independent School District Number 89 of Oklahoma County, Oklahoma (District). These petitions were filed on May 30, 1979, and March 14, 1980, respectively, and seek reconsideration of an action of the PTFP staff denying the District's Petition for Forgiveness, filed on May 30, 1979. In its initial petition, the District sought forgiveness of its obligation to reimburse the Federal government for a portion of the ten-year Federal interest [1] remaining in equipment purchased with a grant from the former Educational Broadcasting Facilities Program (EBFP) of the Department of Health, Education, and Welfare (HEW).[2] The EBFP awarded the grant to the District for the purchase of the equipment necessary to operate an educational television station to serve Oklahoma City, Oklahoma, and the period of Federal interest began to run on April 23, 1971. With these funds the District constructed and began the operation of educational television station, KOKH-TV. Prior to the expiration of the ten-year Federal interest, however, the District ceased operation of KOKH-TV, transferred its license and sold its facilties to a commercial broadcasting entity.[3] Thereafter, the District sought forgiveness [4] of its obligation to repay the Federal Government the remaining Federal interest in the equipment sold.[5] In support of its Petition for Forgiveness, the District cited its financial need brought on by:

[1] *See* Pub. L. No. 87-447, 76 Stat. 65 (1962), as amended by Pub. L. No. 90-129, 81 Stat. 365 (1967), and further amended by Pub. L. No. 94-309, 90 Stat. 683 (1976). 47 U.S.C. § 392.

[2] On November 2, 1978, President Carter approved the Public Telecommunications Financing Act of 1978 (Act) that transferred administration of the EBFP to the Department of Commerce.

[3] On December 14, 1978, the District notified the Director of the PTFP of its intention to cease operation of KOKH-TV and to sell its facilities.

[4] Under Section 153.21 of the rules of the former EBFP, 45 C.F.R. § 153.21, the Commissioner of Education was authorized to forgive the obligation of a grantee to reimburse the Federal Government upon a showing of "good cause." *See also* 15 C.F.R. § 2301.32.

[5] The PTFP and the District have agreed that the Federal interest equals $119,122.

(1) *Lau* Regulation Requirements,[6]

(2) Education of the Handicapped Programs, [and]

(3) Expansion of athletic programs for female students.

2. The Director of the PTFP denied the District's Petition for Forgiveness and the District subsequently filed a Petition for Reconsideration in which it realleged the facts stated in the Petition for Forgiveness and alleged two additional circumstances to establish "good cause." [7] In the alternative, the District requested that the Board allow the District to grant the amount of the Federal interest to the Oklahoma Educational Television Authority (OETA). On February 20, 1980, the Board met to consider the District's Petition for Reconsideration. At that time we were aware that the District desired to make an additional proposal, but we had not received any formal documentation. Consequently, we took no final action at that meeting and set March 14, 1980, as the final date by which the District would be allowed to file any additional materials. On March 14, 1980, the District filed an Amended Petition for Reconsideration in which it suggested that foregiveness be granted so that it could use the funds to purchase the equipment necessary to originate programming for a public channel on a local cable television system.

3. We note that neither the additional circumstances alleged in its Petition for Reconsideration, the proposed transfer to OETA, nor the District's proposed operation of a public channel on a cable television system have ever been presented to the PTFP staff for an initial decision. Thus, the staff has never made a determination as to whether any of these additional grounds constitute "good cause" for the granting of forgiveness. Therefore, we are remanding the matter to the staff for a decision.

Dated: August 20, 1980.

Grant Appeals Board of the Public Telecommunications Facilities Program.

William Fishman,
*Chairman.*

Forrest Chisman,
*Member.*

Edward Zimmerman,
*Member.*

[FR Doc. 80-26311 Filed 8-27-80; 8:45 am]
BILLING CODE 3510-60-M

[6] Although the District's petition did not give the citation for the *Lau* decision or explain its holding, we believe that the decision referred to is *Lau v. Nichols*, 414 U.S. 563 (1974). There the Supreme Court held that the failure of a school district to establish a program to rectify the language problem of non-English speaking students violated the equal protection clause of the Fourteenth Amendment. The District estimated that the "costs for the implementation of the *Lau* decision alone for the 1979-80 school year is $410,000."

[7] Those additional circumstances are:

(1) The District's "urgent need to expand its video tape capabilities of its television media system for disseminating information," and

(2) The District's "additional programming needs."

## COUNCIL ON ENVIRONMENTAL QUALITY

### National Environmental Policy Act (NEPA); Implementation Procedures, Appendix I and Appendix II

**AGENCY:** Council on Environmental Quality, Executive Office of the President.

**ACTION:** Appendix I and Appendix II to the Council on Environmental Quality's regulations for implementing the procedureal provisions of the National Environmental Policy Act (NEPA).

**SUMMARY:** Appendix I contains federal agency NEPA contacts. Appendix II lists federal agencies with jurisdiction by law or special expertise on environmental quality issues. These appendices are intended to improve public participation and facilitate agency compliance with the National Environmental Policy Act (NEPA) and the Council on Environmental Quality's NEPA Regulations.

**SUPPLEMENTARY INFORMATION:** Appendix I revises and replaces Appendix III to the Council's Guidelines on the preparation of Environmental Impact Statements (38 FR 20550, August 1, 1973) which were replaced by the Council's NEPA regulations on July 30, 1979. Appendix II revises and replaces Appendix II to the Guidelines. For further information on the content and organization of Appendix II refer to its introductory paragraphs. Appendix II was published in the Federal Register (44 FR 60353, October 19, 1979) for public review and comment. As a result of public and agency review and comment, a number of changes were made and incorporated into the current list.

**FOR INFORMATION CONTACT:** C. Foster Knight, Acting General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, (202) 395-5750.

Appendix I.—Federal Agency—National Environmental Policy Act (NEPA) Contacts

*ACTION*

Office of Policy and Planning, ACTION, Room M-606, 806 Connecticut Avenue NW., Washington, D.C. 20525, (202) 254-6860.

*Advisory Council on Historic Preservation*

Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, Suite 536, 1522 K Street NW., Washington, D.C. 20005; (202) 254-3974.

*Department of Agriculture*

Director, Office of Environmental Quality, Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250, (202) 447-3965.

*Department of Agriculture Component Agencies*

Animal and Plant Health Inspection Service: Office of the Administrator, Animal and Plant Health Inspection Service; Room 2135 South Agriculture Bldg., Washington, D.C. 20250, (202) 447-2290.

Agriculture Stabilization and Conservation Service: Director, Impact Analysis and Public Participation Staff, Agriculture Stabilization and Conservation Service, Room 3757 South Agriculture Bldg., Washington, D.C. 20250, (202) 447-7865.

*Farmers Home Administration:* Director, Environmental and Technology Staff; Farmers Home Administration, Room 6309 South Agriculture Bldg., Washington, D.C. 20250, (202) 447-3394.

*Food Safety and Quality Service:* Food Safety and Quality Service; Room 611 Annex Bldg., Washington, D.C. 20250, (202) 447-7745.

*Forest Service:* Environmental Coordinator, Forest Service Room 3210 South Agriculture Bldg., P.O. Box 2417, Department of Agriculture, Washington, D.C. 20250, (202) 447-4708.

*Rural Electrification Administration:* Environmental and Energy Requirements Division; Rural Electrification Administration, Room 3860 South Agriculture Bldg., Department of Agriculture, Washington, D.C. 20250, (202) 447-5755.

*Science and Education Administration:* Science and Education Administration, Room 20, Bldg. 005-BARC-W, Beltsville, MD 20705, (301) 344-2198.

*Soil Conservation Service:* Environmental Services Division, Soil Conservation Service, Room 6105 South Agriculture Bldg., P.O. Box 2890, Washington, D.C. 20013, (202) 447-3839.

*Appalachian Regional Council*

Division of Energy, Environment and Natural Resources, Appalachian Regional Council, 1666 Connecticut Avenue NW., Washington, D.C. 20235, (202) 673-7661.

*Arms Control Disarmament Agency*

Office of the General Counsel, Arms Control Disarmament Agency, Room 5534, 320 21st Street NW.; Washington, D.C. 20451, (202) 632-0760.

*Central Intelligence Agency*

Director of Logistics, Central Intelligence Agency, Room 2CO2 Page Bldg., 603 Follin Lane, Vienna, VA 22180, (703) 281-6200.

*Civil Aeronautics Board*

Office of the General Counsel, Civil Aeronautics Board, Room 909 Universal Bldg., 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5858.

*Department of Commerce*

Office of Environmental Affairs, Department of Commerce, Room 3425 Commerce Bldg., Washington, D.C. 20230, (202) 377-4335.

*Department of Commerce Component Agencies*

*Economic Development Administration:* Special Assistant for the Environment, Economic Development Administration, Room 7217 Main Commerce Bldg., Washington, D.C. 20230, (202) 377-4208.

*Maritime Administration:* Division of Environmental Activities, Maritime Administration, Department of Commerce, Washington, D.C. 20230, (202) 377-5136.

*National Oceanic and Atmospheric Administration:* Office of Ecology and Conservation, National Oceanic and Atmospheric Administration, Department of Commerce, Room 5811 Commerce Bldg., Washington, D.C. 20230, (202) 377-5181.

*Community Service Administration*

Office of Public Affairs, Community Services Administration, Room 540, 1200 19th Street NW., Washington, D.C. 20506, (202) 254-5150.

*Consumer Product Safety Commission*

Office of the Executive Director, Consumer Product Safety Commission, Room 528, 1111 18th Street NW., Washington, D.C. 20207, (202) 634-7770.

*Department of Defense*

Office of Assistant Secretary of Defense (Energy, Environment, and Safety), Department of the Defense, Room 3D825 The Pentagon, Washington, D.C. 20301, (202) 695-7820.

*Department of Defense Component Agencies*

*Department of the Air Force:* Deputy for Environment and Safety, Office of the Secretary, Department of the Air Force, Room 4C885 The Pentagon, Washington, D.C. 20301, (202) 697-9297.

*Department of the Army:* Army Environmental Office, H2DA(DAEN-2CE); Department of the Army, Room 1E676 The Pentagon, Washington, D.C. 20301, (202) 694-3434.

*Corps of Engineers:* Executive Director of Civil Works, Office of the Chief of Engineers, Corps of Engineers, Washington, D.C. 20314, (202) 272-0101.

*Defense Logistics Agency:* Defense Logistics Agency, Headquarters, Cameron Station, Alexandria, VA 22314, (703) 274-6967.

*Department of the Navy:* Environmental Protection Office, Office of the Chief of Naval Operations, Department of the Navy, Room BC 766, The Pentagon, Washington, D.C. 20350, (202) 695-3639/89.

*Department of Energy*

NEPA Affairs Division, Department of Energy, Room 4G064, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-4600.

*Department of Energy Component Agencies*

*Federal Energy Regulatory Commission:* Advisor on Environmental Affairs, Federal Energy Regulatory Commission, Room 3347, 825 North Capitol Street NE., Washington, D.C. 20460, (202) 357-8228.

*Environmental Protection Agency*

Director, Office of Environmental Review, Environmental Protection Agency, Room 2119 Mall, 401 M Street SW., Washington, D.C. 20460, (202) 755-0777.

*Export-Import Bank of the United States*

Office of General Counsel, Export-Import Bank of the United States, Room 947 Lafayette Bldg., 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 566-8334.

*Farm Credit Administration*

Governor's Office, Farm Credit Administration, 490 L'Enfant Plaza East SW., Washington, D.C. 20587 (202) 755-2130.

*Federal Communications Commission*

Office of General Counsel, Federal Communications Commission, Room 616, 1919 M Street NW., Washington, D.C. 20554, (202) 632-6990.

*Federal Deposit Insurance Corporation*

Office of the Comptroller, Federal Deposit Insurance Corporation, Room 4006A, 550 Seventeenth Street NW., Washington, D.C. 20429, (202) 389-4481.

*Federal Home Loan Bank Board*

Office of General Counsel, Federal Home Loan Bank Board, Third Floor, East Wing, 1700 G Street NW., Washington, D.C. 20552 (202) 377-6404.

*Federal Emergency Management Agency*

Office of General Counsel, Federal Emergency Management Agency, 1725 I Street NW., Washington, D.C. 20472 (202) 634-4100.

*Federal Reserve System*

Secretary of the Board of Governors of the Federal Reserve, Federal Reserve System, 20th and Constitution Avenue NW., Washington, D.C. 20551, (202) 452-3252.

*Federal Savings and Loan Insurance Corporation*

Federal Savings and Loan Insurance Corp., 1700 G Street NW., Washington, D.C. 20552, (202) 377-6000.

*Federal Trade Commission*

Office of General Counsel, Federal Trade Commission, Room 588, Pennsylvania Avenue at 6th St. NW., Washington, D.C. 20580, (202) 523-1928.

*General Services Administration*

Office of Space Management, General Services Administration, Room 2321, 18th and F Streets NW., Washington, D.C. 20405, (202) 566-1416.

*Department of Health and Human Services*

Office of Environmental Affairs, Office of the Assistant Secretary for Administration, Management and Budget, Department of Health, and Human Services, Room 527F Humphrey Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, (202) 472-9740.

*Department of Health and Human Services Component Agencies*

*Food and Drug Administration:* Environmental Impact Staff HFV-2/HFV-9, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-4501.

*Department of Housing and Urban Development*

Office of Environmental Quality, Department of Housing and Urban Development, Room 7258 HUD Building, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6306.

*Department of the Interior*

Office of Environmental Project Review, Department of the Interior, Room 4526 Interior Bldg., C Street, between 18th and 19th NW., Washington, D.C. 20240, (202) 343-3801.

*Department of the Interior Component Agencies*

*Bureau of Land Management:* Office of Planning, Inventory and Environmental Coordination, Bureau of Land Management, Department of the Interior, 18th and C Sts. NW., Washington, D.C. 20240, (202) 343-7417.

*Bureau of Indian Affairs:* Bureau of Indian Affairs, Room 4525 Main Interior Bldg., C Street, between 18th and 19th NW., Washington, D.C. 20240, (202) 343-9468.

*Bureau of Mines:* Special Assistant for Environmental Assessment, Bureau of Mines, Department of the Interior, Room 1005 Columbia Plaza Bldg., 2401 E Street NW., Washington, D.C. 20506, (202) 634-1313.

*Water and Power Resources Service:* Office of Environmental Affairs, Water and Power Resource Service, Department of the Interior, Room 7622 Interior Bldg., C Street, between 18th and 19th NW., Washington, D.C. 20240, (202) 343-5287.

*Geological Survey:* Environmental Impact Analysis Program, Geological Survey, Department of the Interior, 760 National Center, Reston, VA 22092, (703) 860-7455, 7456, or 7457.

*Fish and Wildlife Service:* Office of Environmental Coordination, Fish and Wildlife Service, Department of the Interior, 18th and C Streets. NW., Washington, D.C. 20240, (202) 343-5685.

*Heritage Conservation and Recreation Service:* Division of Environmental Compliance and Review, Heritage Conservation and Recreation Service, Room 303 Pension Bldg., 440 G Street NW., Washington, D.C. 20243, (202) 343-5711.

*National Park Service:* Environmental Compliance Office, National Park Service, Department of the Interior,

Room 1210 Main Interior Bldg., C Street, between 18th and 19th NW., Washington, D.C. 20240, (202) 343-2163.

*Office of Surface Mining Control and Reclamation:* Branch of Environmental Analysis, Office of Surface Mining Control and Reclamation, Department of the Interior, Room 130 South Bldg., 1951 Constitution Ave. NW., Washington, D.C. 20240, (202) 343-5287.

*International Boundary and Water Commission, U.S. Section*

International Boundary and Water Commission, (U.S. Section), IBW Bldg., 4110 Rio Bravo, El Paso, Texas 79902, (FTS) 572-7393.

*International Communication Agency*

Office of General Counsel, International Communication Agency, Room 917, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547, (202) 724-9054.

*Interstate Commerce Commission*

Section of Energy and Environment, Interstate Commerce Commission, Room 3371, 12th and Constitution Avenue NW., Washington, D.C. 20423, (202) 275-7658.

*Department of Justice*

General Litigation Section, Land and Natural Resources Division, Department of Justice, Room 2127 Justice Bldg., 9th and Pennsylvania Ave. NW., Washington, D.C. 20530, (202) 633-2704.

*Department of Justice Component Agencies*

*Office of Justice Assistance, Research and Statistics (formerly LEAA):* Environmental Coordinator, Room 1154, 633 Indiana Avenue NW., Washington, D.C. 20531, (202) 724-7659.

*Bureau of Prisons:* Office of Facilities Development and Operations, Bureau of Prisons, Department of Justice, 320 1st St. NW., Washington, D.C. 20534, (202) 724-3234.

*Drug Enforcement Administration:* Office of Science and Technology, Drug Enforcement Administration, Department of Justice, 1405 I St. NW., Washington, D.C. 20537, (202) 633-1211.

*Immigration and Naturalization Service:* Facilities and Engineering Branch, Immigration and Naturalization Service, Department of Justice, 425 I St. NW., Washington, D.C. 20536.

*National Institute of Justice:* Environmental Coordinator, National Institute of Justice, Department of Justice, Washington, D.C. 20530.

*Department of Labor*

Office of Health and Disability, Department of Labor, Room S-2121, 200 Constitution Avenue NW., Washington, D.C. 20210, (202) 523-6094.

*Department of Labor Component Agencies*

*Occupational Safety and Health Administration:* Occupational Safety and Health Administration, Room N-3651 Labor Bldg., 200 Constitution Avenue NW., Washington, D.C. 20210, (202) 523-7056.

*Mine Safety and Health Administration:* Office of Standards, Mine Safety and Health Administration, 4015 Wilson Blvd., Arlington, VA 22032, (703) 235-1910.

*Marine Mammal Commission*

General Counsel, Marine Mammal Commission, Room 307, 1625 Eye Street NW., Washington, D.C. 20006, (202) 653-6237.

*National Academy of Sciences*

National Academy of Sciences, Room JH 804, 2101 Constitution Avenue NW., Washington, D.C. 20418, (202) 389-6864.

*National Academy of Engineering*

National Academy of Engineering, Room JH 804, 2101 Constitution Avenue NW., Washington, D.C. 20418, (202) 389-6864.

*National Aeronautics and Space Administration*

Management Support Office (External Relations), National Aeronautics and Space Administration, Code LB-4, Room 6133, 400 Maryland Avenue, SW., Washington, D.C. 20546, (202) 755-8383.

*National Capital Planning Commission*

Environment/Energy Branch, National Capital Planning Commission, Room 1040, 1325 G Street NW., Washington, D.C. 20576, (202) 724-0180.

*National Credit Union Administration*

Office of General Counsel, National Credit Union Administration, Room 4202, 2025 M Street NW., Washington, D.C. 20456, (202) 357-1030.

*National Science Foundation*

Assistant Director, Astronomical, Atmospheric, Earth and Ocean Sciences, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, (202) 632-7300.

*Nuclear Regulatory Commission*

Division of Site Safety and Environmental Analysis, Nuclear Regulatory Commission, Room P518A, Phillips Bldg., 7920 Norfolk Avenue, Bethesda, MD 20014, (301) 492-8446.

*Overseas Private Investment Corporation*

General Counsel's Office, Overseas Private Investment Corporation, Room 725, 1129 Twentieth Street NW., Washington, D.C. 20527, (202) 632-1796.

*Pennsylvania Avenue Development Corporation*

Office of Long Range Planning, Pennsylvania Avenue Development Corporation, Suite 1148, 425 13th Street NW., Washington, D.C. 20004, (202) 566-1218.

*United States Postal Service*

Director, Office of Program Planning, United States Postal Service, Room 8915, 475 L'Enfant Plaza SW., Washington, D.C. 20260, (202) 245-4304.

*Securities and Exchange Commission*

Office of General Counsel, Securities and Exchange Commission, Room 2327 L, 500 North Capitol Street, Washington, D.C. 20549, (202) 523-2350.

*Small Business Administration*

Office of Financing, Small Business Administration, Room 800, 1441 L Street NW., Washington, D.C. 20416, (202) 653-6696.

*Smithsonian Institution*

General Counsel, Smithsonian Institution, 1000 Jefferson Drive SW., Washington, D.C. 20560, (202) 628-4422.

*Department of State*

Office of Environmental Affairs, Department of State, Room 7820 State Department Bldg., 21st and C Streets NW., Washington, D.C. 20520, (202) 632-9266.

*Department of State Component Agencies*

*Agency for International Development:* Agency for International Development, Room 3245, State Department Bldg., 2201 C Street NW., Washington, D.C. 20523, (202) 632-1036.

*Tennessee Valley Authority*

Environmental Quality Staff, Tennessee Valley Authority, Forrestry Building, Norris, Tennessee 37828, (615) 494-9800/ (FTS) 856-6450.

*Department of Transportation*

Office of Environment and Safety, Department of Transportation, Room 9422 Nassif Bldg., 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-4357.

*Department of Transportation Component Agencies*

*United States Coast Guard:* Office of Marine Environment and Systems, G-W5/73, U.S. Coast Guard Headquarters, 2100 2d St. SW., Washington, D.C. 20593, (202) 426-2010.

*Federal Aviation Administration:* Office of Environment and Energy, Federal Aviation Administration, Room 939 FOB-10A, 800 Independence Avenue SW., Washington, D.C. 20591, (202) 426-8406.

*Federal Highway Administration:* Office of Environmental Policy, Federal Highway Administration, Room 322 Nassif Bldg., 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-0106.

*Federal Railroad Administration:* Office of Policy and Program Development, Federal Railroad Administration, Room 5100 Nassif Bldg., 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-9684.

*National Highway Traffic Safety Administration:* Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2992.

*St. Lawrence Seaway Development Corp.:* Office of Comprehensive Planning, 800 Independence Ave. SW., Washington, D.C. 20591, (202) 426-9755.

*Urban Mass Transit Administration:* Office of Program Analysis, Urban Mass Transit Admininstration, Room 9305 Nassif Bldg., 400 Seventh Street, SW., Washington, D.C. 20590, (202) 472-2435.

*Department of the Treasury*

Department of the Treasury, Room 706 Treasury Bldg., 1331 G Street NW., Washington, D.C. 20220, (202) 376-0289.

*Veterans Administration*

Environmental Affairs Coordinator, Veterans Administration, Code 004A, 810 Vermont Avenue NW., Washington, D.C. 20420, (202) 389-2526/2529.

*Water Resources Council*

Policy Analysis Division, Water Resources Council, Suite 800, 2120 L Street NW., Washington, D.C. 20037, (202) 254-6453.

*Water Resources Council Component Commissions*

*Great Lakes Basin Commission:* Office of the Chairman, Great Lakes Basin Commission, Post Office Box 999, 2475 Plymouth Road, Ann Arbor, Michigan 48106, (313) 668-2333.

*Missouri River Basin Commission:* Office of the Chairman, Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha, Nebraska 68114, (406) 449-2876.

*New England River Basin Commission:* Office of the Chairman, New England River Basins Commission, 53 State St., First Floor, Boston, Mass. 02109, (617) 223-6244.

*Ohio River Basin Commission:* Office of the Chairman, Ohio River Basin Commission, 36 East 4th St., Suite 208-220, Cincinnati, Ohio 45202, (513) 684-3831.

*Pacific Northwest River Basins Commission:* Office of the Chairman, Pacific Northwest River Basins Commission, P.O. Box 908, One Columbia River, Vancouver, Washington 98660, (206) 694-2581.

*Susquehanna River Basin Commission:* Office of the Commissioner, Susquehanna River Basin Commission, 1100 L St. NW., Room 5113, Washington, D.C. 20240, (202) 343-4091.

*Upper Mississippi River Basin Commission:* Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Bldg., Room 510, Fort Snelling, Twin Cities, Minnesota 55111, (612) 725-4690.

## Appendix II—Federal Agencies and Federal-State Agencies With Jurisdiction by Law or Special Expertise on Environmental Quality Isssues[1]

The following list is a compilation of all federal agencies with jurisdiction by law or special expertise on environmental quality issues. Agencies with "jurisdiction by law" are defined in Section 1508.15 of the Council's NEPA regulations as federal agencies with authority to approve, deny or finance all or part of a proposal. Federal regulatory approval requirements (including permits and licenses) administered by agencies with jurisdiction by law are listed under the appropriate agency and marked by an asterisk (*).[2]

"Special expertise" is defined in Section 1508.26 of the NEPA regulations as statutory responsibility, agency mission or related program experience. The subject of "Special expertise" is listed in parentheses opposite the appropriate agency. These designations are intended to provide examples rather than to define the limits of an agency's expertise.

The Council on Environmental Quality has prepared this list to supplement its National Environmental Policy Act (NEPA) regulation which became effective on July 30, 1979. Both the public and private sectors and governmental agencies may use this list as a reference guide to facilitate their participation in and compliance with the NEPA process.[3] The list will be helpful in the following ways.

First, the Council on Environmental Quality's NEPA regulations require the federal agency having primary responsibility for preparing an environmental impact statement (EIS) under NEPA (the lead agency to determine whether any other federal agencies have jurisdiction by law or special expertise with respect to any environmental effects involved in a proposal for legislation or other major federal action significantly affecting the human environment. 40 CFR 1501.5(a), 1501.6(a), 1501.7(a). The federal lead agency must, at the earliest possible time in the NEPA process, request the participation of federal cooperating agencies with jurisdiction by law or special expertise concerning the proposal. 40 CFR 1501.6(a), 1501.7(a). The lead agency and those involved in the "scoping process" (See 40 CFR 1501.7) may use this list to help determine which other federal agencies should be requested to participate as cooperating agencies in the NEPA process. The list will also be helpful to the lead agency in determining which agencies should receive copies of the draft environmental impact statement for review and comment.

Second, this compilation will prove useful to those whose activities or proposed actions require federal regulatory approvals by facilitating the identification of those federal agencies with the authority to issue applicable permits, licenses or other federal regulatory approvals.

Third, a major goal of NEPA and the CEQ regulations is to encourage public participation in agency decisionmaking. 40 CFR 1500.2(d). Individuals, citizen groups and state and local governments who are interested in an environmental issue may use the list to help identify those agencies that have jurisdiction by law over or special expertise in the subject matter of a proposal. Those interested may then contact the potentially involved agencies to obtain information on the issues and to participate in the NEPA process.

The list is organized into four broad categories: polution control, energy, land use, and natural resource management. Because some activities may fall into more than one of these categories, users of the list should consult all pertinent entries.

Finally, since federal legal authorities, programs and agency responsibilities change periodically, the Council will periodically update this list. The public and agencies are strongly encouraged to send comments noting changes or corrections that should be made to the list. Comments should be addressed to General Counsel (ATTN: List of Agencies With Jurisdiction By Law or Special Expertise) Council on Environmental Quality, 722 Jackson Place N.W., Washington, D.C. 20006.

Dated: August 23, 1980.

C. Foster Knight,

*Acting General Counsel.*

Appendix II—Federal Agencies and Federal-State Agencies With Jurisdiction by Law or Special Expertise on Environmental Quality Issues

*Index*

I. *Pollution Control*
A. Air Pollution
B. Water Pollution
(1) Water Quality
(2) Pollution of Marine Resources
C. Solid and Liquid Waste
D. Noise
E. Radiation
F. Hazardous Substances
(1) Toxic Materials
(2) Food Additives and Contamination of Food
(3) Pesticides
II. *Energy*
A. Electric Power
B. Petroleum

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Susquehanna, Upper Mississippi) and similar federal-state agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions. In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted and should be sent a copy of any draft and final impact statement that covers such action.

[2] Because laws are amended or new laws enacted, these responsibilities may change and new ones may be added. The definitive designation of an agency with jurisdiction by law depends on the law and not on this index.

[3] Section 1507.2 of the regulations requires agencies to have a person responsible for overall agency NEPA compliance and most agencies have an office that exercises NEPA oversight. A list of federal agency NEPA offices with addresses and telephone numbers is attached.

C. Natural Gas
D. Coal and Minerals
III. *Land Use*
A. Land Use Changes, Planning, and Regulation of Land Development
B. Public Land Management
C. Coastal Areas
D. Environmentally Critical Areas
E. Community Development
F. Historic, Architectural, and Archeological Preservation
G. Outdoor Recreation
IV. *Natural Resource Management*
A. Weather Modification
B. Waterway Regulation and Stream Modification
C. Soil and Plant Conservation and Hydrology
D. Fish and Wildlife
E. Renewable Resources
F. Energy and Natural Resources Conservation

## I. POLLUTION CONTROL

### A. Air Pollution

*Department of Agriculture*

• Forest Service (effects of air pollution on vegetation and visibility and fire smoke management on National Forest Systems lands).

* Clean Air Act, 42 U.S.C. 7470, *et seq.* as amended.

• Rural Electrification Administration (electric power plant emissions).

• Soil Conservation Service (effects of air pollution on vegetation; wind erosion).

*Department of Commerce*

• National Bureau of Standards (measurements, standards, data and methods).

• National Oceanic and Atmospheric Administration (meteorological and climatological research and monitoring; urban pollution; incorporation of national standards in Coastal Zone Management Plans for management and protection of coastal and marine resources).

*Department of Defense*

• Department of the Air Force (pollution from military aircraft).

• Department of the Army (exhaust from rotary wing military aircraft).

*Department of Energy*

• Office of Environment (energy policy, programs, and projects; emissions from energy sources).

• Economic Regulatory Administration.

* Exemptions from, prohibitions against burning of natural gas and oil in power plants and major fuel-burning installations, Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301; Department of Energy Organization Act, 42 U.S.C. 7101.

*Department of Health and Human Services*

• Public Health Service:

Center for Disease Control (effects of air pollutions on health).

National Institutes of Health (effects of air pollution on health).

*Department of Housing and Urban Development*

(Housing, community planning and developing.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands, effect of air pollution and smoke on vegetation and visibility).

• Bureau of Mines (air pollution for mining and minerals processing).

• Fish and Wildlife Service (effects of air pollution on fish and wildlife resources).

• Geological Survey (emissions from outer-continental shelf lease operations).

• Heritage Conservation and Recreation Service (effects on historic or recreational areas and facilities).

• National Park Service (visibility and other effects on National Park System areas and facilities).

• Office of Surface Mining Reclamation and Enforcement (surface mining and reclamation operations).

*Department of Labor*

• Mining Safety and Health Administration (airborne hazards in workplace (mines)).

• Occupational Safety and Health Administration (airborne hazards in workplace).

*Department of Transportation*

• Coast Guard (cargo tank venting and vapor recovery systems).

• Federal Aviation Administration (aircraft emissions).

• Federal Highway Administration (highway related air quality impacts; vehicle emissions).

• Federal Railroad Administration (locomotive emissions).

• Urban Mass Transportation Administration (urban transportation systems).

*Environmental Protection Agency*

(Effect of air pollution on public health and welfare; air quality criteria and standards; air pollution control and abatement technologies; transportation emissions and air quality impacts; stationary source emissions; monitoring technology.)

*Prevention of significant air quality deterioration. 42 U.S.C. 7470, *et seq.*

*Review of emission sources for conformance with new source performance standards. 42 U.S.C. 7411.

*Application of primary non-ferrous smelter order. 42 U.S.C. 7419.

*Assuring that federal projects conform with State Implementation Plans. 42 U.S.C. 7616.

*Certification of new emission sources for conformance with National Emission Standards for Hazardous Air Pollutants including radioactive materials. 42 U.S.C. 7412(c).

*Interstate Commerce Commission*

(Air pollution from trucks and railroads.)

*National Aeronautics and Space Administration*

(Advanced technology for remote sensing of air quality parameters and for reduction of aircraft engine emissions.)

*Nuclear Regulatory Commission*

(Radioactive substances.)

*Tennessee Valley Authority*

(Air quality in the Tennessee Valley region, measurement and control of air pollution from fossil-fueled steamplants and effects on vegetation.)

### B. Water Pollution

(1) Water Quality

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (agricultural lands).

• Forest Service.

• Soil Conservation Service (watershed protection).

*Department of Commerce*

• Maritime Administration (marine pollution from ships).

• National Bureau of Standards (Measurements, standards, data, and methods).

• National Oceanic and Atmospheric Administration (management and protection of coastal and marine resources, marine pollution research and monitoring).

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting navigable waters of the United States. 33 U.S.C. 401, 403 and 419 (33 CFR Part 322).

*Permits for river and harbor improvement projects. 33 U.S.C. 541.

*Authority to enjoin dumping of, or force removal of, refuse placed in or on the banks of a navigable water or tributary of a navigable water. 33 U.S.C. 407.

*Permits for private projects to improve navigable waters. 33 U.S.C. 565.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344 (33 CFR Part 323).

*Permits for transportation of dredged materials for dumping into ocean waters. 33 U.S.C. 1413 (33 CFR Part 324).

• Department of Navy (ship pollution control).

*Department of Energy*

• Office of Environment (energy policy, programs and projects).

*Department of Health and Human Services*

• Public Health Service (effects of pollution on health).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands, coastal zone management, outer continental shelf).

*Permits (easements/leases) for water projects. 43 U.S.C. 1732(b), 1761(a)(1). (43 CFR Part 2800).

• Bureau of Mines (mining activities).

• Fish and Wildlife Service (effects on fish and wildlife resources).

• Geological Survey (hydrology).

• Heritage Conservation and Recreation Service (effects on historic or recreational areas and facilities).

• National Park Service (affecting National Park System areas and facilities).

• Office of Surface Mining, Reclamation and Enforcement (hydrologic balance in surface mining and reclamation operations).

• Office of Water Research and Technology (research in water quality and quantity, other hydrologic problems, desalinization).

• Water and Power Resources Service (public works, salinity control, sedimentation, irrigation).

*Department of Transportation*

• Coast Guard (oil spills, ship sanitation):

*Tanker construction, equipment, manning, operation. 46 U.S.C. 391a.

*Oil and hazardous substances discharge prevention. 33 U.S.C. 1321.

*Pollution prevention (33 CFR Parts 151, 154–6).

*Vessel navigation, waterfront facility regulations. 33 U.S.C. 1221 (50 U.S.C. 191).

*Certification of marine sanitation devices. 33 U.S.C. 1322 (33 CFR Part 159).

*Enviromental Protection Agency*

(Wastewater treatment works; effluent limitations; oil and hazardous substance discharges; protection of drinking water supplies; thermal discharges; monitoring technology.)

*Permits for discharge of specific pollutants from aquaculture projects. 33 U.S.C. 1328.

*Permits for disposal of sewage sludge. 33 U.S.C. 1345.

*Oil spill prevention, containment and countermeasure plans (prepared by facility owner/operator). 33 U.S.C. 1321, 1361 (40 CFR 112.7).

*Permits for treatment, storage or disposal of hazardous wastes. 42 U.S.C. 6925. (40 CFR 122, 123, 124).

*Review of permits for discharges of dredged or fill materials into navigable waters. 33 U.S.C. 1344(c).

*Assistance for construction of publicly owned wastewater treatement works. 33 U.S.C. 1281.

*Underground injection control permits. 42 U.S.C. 300F, *et seq.*

*National Pollutant Discharge Elimination System (NPDES) wastewater permits. 33 U.S.C. 1342.

*Federal Emergency Management Agency*

(Floodplain management.)

*Federal Maritime Commission*

*Certificates of financial responsibility for water pollution. 33 U.S.C. 1321 (46 CFR Part 542); 42 U.S.C. 1643 (46 CFR Part 543); 43 U.S.C. 1815 (46 CFR Part 544).

*International Boundary and Water Commission, U.S. Section*

(U.S.-Mexico border sanitation problems.)

*National Aeronautics and Space Administration*

(Advanced technology for remote sensing of water quality.)

*Nuclear Regulatory Commission*

(Radioactive substances.)

*Tennessee Valley Authority*

(Water quality in the Tennessee Valley, effects of chemical and thermal effluents.)

*Water Resources Council*

(Principles and standards for water plans.)

• River Basin Commissions (as geographically appropriate).

(2) Pollution of Marine Resources.

*Department of Commerce*

• Maritime Administration (port, coastal and ocean pollution):

*Merchant vessels, polluting discharges and dumping. 46 U.S.C. 1101 *et seq.*

*Port operations, polluting discharges, and dumping. 46 U.S.C. 867.

• National Bureau of Standards (measurements, data, standards, and methods).

• National Oceanic and Atmospheric Administration (coastal zone management; ocean pollution; ocean mining).

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403 and 419.

*Permits for private projects to improve navigable waters. 33 U.S.C. 565.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Permits for transportation of dredged materials for dumping into ocean waters. 33 U.S.C. 1413.

*Authority to enjoin or force removal of refuse placed in or on the banks of a navigable water or tributary of a navigable water. 33 U.S.C. 407.

*Regulation of artificial islands, installations and devices on the outer continental shelf. 43 U.S.C. 133(f).

• Department of the Navy (oceanography; pollution from ships.)

*Department of Energy*

(Energy programs.)

*Department of Health and Human Services*

• Public Health Service (effects on health).

• Food and Drug Administration (shellfish sanitation; contamination of fish and shellfish with toxics).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (coastal zone management, outer continental shelf).

*Coral harvesting (outer continental shelf). 43 U.S.C. 1334 (43 CFR Part 6224).

*Mineral mining on the outer continental shelf. 43 U.S.C. 1331–1343.

• Bureau of Mines (ocean mining).

• Fish and Wildlife Service (effects on sport fisheries, estuarine areas, endangered species, outer continental shelf).

• Geological Survey:

*Permits for geological and geophysical exploration on outer continental shelf. 43 U.S.C. 1340 (30 CFR Part 251).

*Permits for exploration and development activities on federal oil and gas leases on the outer continental shelf. 43 U.S.C. 1331 *et seq.* (30 CFR Part 250).

• Heritage Conservation and Recreation Service (effects on historic and recreational values of marine resoures).

• National Park Service (affecting National Parks System areas, especially National Seashores).

• Office of Water Research and Technology (research into saline and otherwise contaminated water).

• Water and Power Resources Service (water development projects in coastal areas, estuarine effects on water developments).

*Department of State*

(International marine resource issues.)

*Department of Transportation*

• Coast Guard (ocean dumping enforcement, and marine resource protection).

*Environmental Protection Agency*

(Marine discharges, oil spills, ocean dumping, and environmental effects.)

*Permits for ocean discharges. 33 U.S.C. 1343.

*Permits for discharge of specific pollutants from aquaculture projects. 33 U.S.C. 1328.

*Permit for disposal of sewage sludge. 33 U.S.C. 1345.

*Review of permits for transportation of dredged material for ocean dumping. 33 U.S.C. 1413.

*Permits for transportation of materials (other than dredged material) for ocean dumping. 33 U.S.C. 1412, 1414.

*Review of permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344(c).

*National Aeronautics and Space Administration*

(Advance technology for remote sensing of water quality.)

*Nuclear Regulatory Commission*

*(Radioactive substances.)

*Water Resources Council*

(Principles and standards for water plans.)

• River Basin Commissions (as geographically appropriate).

**C. Solid Waste**

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (solid waste, especially sludge disposal on cropland).

• Forest Service (national forests and grasslands site permits).

• Rural Electrification Administration (solid waste disposal from electric power plants).

• Soil Conservation Service (watershed protection).

*Department of Commerce*

• Maritime Administration (marine pollution from ships).

• National Bureau of Standards (measurements, standards, data, and methods).

• National Oceanic and Atmospheric Administration (ocean pollution research and monitoring; ocean dumping; management and protection of coastal and marine resources).

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403 and 419.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Transportation of dredged materials for dumping into ocean waters. 33 U.S.C. 1413.

*Department of Health and Human Services*

• Public Health Service:

Center for Disease Control (effects on health). Food and Drug Administration (contamination of food resulting from disposal of municipal and industrial waste treatment sludge).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands).

*Sale or lease of land for solid waste disposal sites. 43 U.S.C. 869 *et seq.* (for sale: 43 CFR Part 2740, for lease: 43 CFR Part 2912).

• Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling).

• Fish and Wildlife Service (National Wildlife Refuges).

• Geological Survey (geologic and hydrologic effects).

• National Park Service (National Parks System areas).

• Office of Surface Mining Reclamation and Enforcement (surface mining and reclamation operation wastes).

*Department of Labor*

• Mine Safety and Health Administration (mine waste control).

*Department of Transportation*

• Coast Guard (ship sanitation).

• Research and Special Programs Administration Materials Transportation Bureau (transport of hazardous cargo).

*Environmental Protection Agency*

(Solid wastes; hazardous waste; resource conservation and recovery; environmental effects.)

*Permits for disposal of sewage sludge. 33 U.S.C. 1345.

*The Solid Waste Disposal Act, 42 U.S.C. 3251, *et seq.*, as amended by the Resource Conservation and Recovery Act. 42 U.S.C. 6901 *et seq.* (40 CFR Parts 122, 123, 124, 350, 257).

*Criteria for classification of solid waste disposal facilities and practices. 40 U.S.C. 6907(a)(3), 6944(a), 42 U.S.C. 345 (40 CFR Part 257).

*Identification and listing of hazardous waste. 42 U.S.C. 6921 (40 CFR Part 250).

*Standards applicable to generators and transporters of hazardous waste, and for owners and operators of hazardous waste treatment, storage, and disposal facilities. 42 U.S.C. 6922, 6923, 6924 (40 CFR Part 250).

*Permits for hazardous waste treatment, storage, and disposal facilities. 42 U.S.C. 6925 (40 CFR Parts 122, 123, 124).

*Preliminary notification of hazardous waste activities. 42 U.S.C. 6930 (40 CFR Part 250).

*Use of restricted toxic substances—exemptions from rules and regulations. 15 U.S.C. 2601–2629.

*Review of permits for discharges of dredged or fill material into waters of the United States. 33 U.S.C. 1344.

*Assistance for construction of solid disposal facilities. 42 U.S.C. 6981 *et seq.*

*Federal Emergency Management Agency*

(Disaster relief assistance, hazardous materials emergency management.)

*General Services Administration*

(Public building.)

*Nuclear Regulatory Commission*

(Radioactive waste.)

*Licensing of radioactive wastes. 42 U.S.C. 2071–2114, 5842 (10 CFR Parts 20, 40).

*Tennessee Valley Authority*

(Coal combustion products.)

*Water Resources Council*

• River Basin Commissions (as geographically appropriate).

**D. Noise**

*Department of Agriculture*

• Forest Service (noise effects on National Forests and Grasslands).

*Department of Defense*

• Department of the Air Force (military aircraft noise).

• Department of the Army (rotary wing and rotary wing engine noise generation of military aircraft).

*Department of Health, and Human Services*

(Effects on health.)

*Department of Housing and Urban Development*

• Office of Community Planning and Development (environmental criteria and standards for housing and land use.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands, effects of noise, noise abatement and control).

*Lease of public lands for airports. 42 U.S.C. 211–214 (43 CFR Part 2640).

*Off-road vehicle noise. (E.O. 11644).

*Standards for operation of off-road vehicles on BLM lands. (43 CFR Part 8340).

*Authority for closure of BLM lands to off-road vehicluar uses. (43 CFR Part 8364).

*Permits for off-road vehicular use special events, i.e., tours and competitions. 43 CFR Part 8372.

• Bureau of Mines (mine noise, blasting and vibration).

• Fish and Wildlife Service (effects on fish and wildlife resources).

*Permits for off-road vehicle use on National Wildlife Refuge System areas.

• Heritage Conservation and Recreation Service (effects on historic and recreational resources—include off-road vehicluar noise).

• National Park Service (National Parks System areas) (50 CFR Part 2634).

*Permits for offroad vehicle use (36 CFR Part 7).

• Office of Surface Mining Reclamation and Enforcement (surface mining and reclamation use of explosives).

• Water and Power Resources Service.

*Permits for organized off-road vehicle events. (43 CFR 420.24).

*Department of Labor*

• Mining Safety and Health Administration (noise in the workplace (mines)).

• Occupational Safety and Health Administration (noise in the workplace).

*Department of Transportation*

• Federal Aviation Administration (aircraft noise and land use compatability).

*Airport construction, alteration, etc. 49 U.S.C. 1350, 1354, 1355 (14 CFR Part 157).

• Federal Highway Administration (traffic and motor carrier noise).

• Federal Railroad Administration (railroad noise).

• Urban Mass Transportation Administration (transit noise).

*Environmental Protection Agency*

(Noise exposure standards, noise abatement and control techniques, noise impact assessment techniques, environmental effects).

*Noise Control Act of 1972. 42 U.S.C. 4901–4918.

*Interstaste Commerce Commission*

(Noise effects from trucks and railroads.)

*National Aeronautics and Space Administration*

(Advanced technology for reduction of aircraft noise.)

E. Radiation

*Department of Commerce*

• National Bureau of Standards (measurements, standards, methods and data).

*Department of Energy*

• Office of Environment (nuclear energy; waste disposal; radiation effects).

*Department of Health, and Human Services*

• Public Health Service:

Food and Drug Administration (health and safety; contamination of food with radioactive materials).

National Institutes of Health (health).

*Department of Housing and Urban Development*

(Housing, community planning and development.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands):

*Leases for uranium exploration and mining on acquired lands. 30 U.S.C. 351–359.

*Leases for phosphate exploration and mining. 30 U.S.C. 211.

*Withdrawal of public lands for deep-burial depositories for radioactive waste. 43 U.S.C. 1714.

• Bureau of Mines (uranium mines).

• Fish and Wildlife Service (National Wildlife Refuges).

• Geological Survey (waste disposal).

• National Park Service (National Park System areas).

*Department of Labor*

• Mining Safety and Health Administration (worker protection from radiation exposure in mining).

• Occupational Safety and Health Administration (worker exposure to sources of radiation not covered by other federal agencies).

*Department of Transportation*

• Federal Highway Administration:

Bureau of Motor Carrier Safety (enforcement of hazardous materials regulation for highway transportation in interstate commerce).

*Environmental Protection Agency*

(Radiation protection standards and guidance, radioactive air emissions, ocean disposal of radioactive waste, radiation limits for drinking water, radiation monitoring.)

*Federal Emergency Management Agency*

(Review and approval of state and local nuclear incident emergency response plans, federal contingency plans, radiation hazards emergency management.)

*Nuclear Regulatory Commission*

(Radiation effects—generally.)

*Licenses for special nuclear material. 42 U.S.C. 2073–2078 (10 CFR Part 70).

*Licenses for source material. 42 U.S.C. 2091–2099 (10 CFR Part 40).

*Licenses for by-product material. 42 U.S.C. 2111–2114 (10 CFR Parts 30–35).

*Licensing for utilization or production facilities for industrial or commercial purposes. 42 U.S.C. 2131–2133 (10 CFR Part 50).

*Licensing utilization or production facilities for medical therapy and research and development. 42 U.S.C. 2134 (10 CFR Part 50).

*Nuclear power reactor operator's license. 42 U.S.C. 2137 (10 CFR Part 55).

*Licensing and regulating Department of Energy demonstration reactors. 42 U.S.C. 5842 (1) and (2).

*Licensing Department of Energy facilities for receipt and long term storage of high-level radioactive wastes. 42 U.S.C. 5842(3) and (4).

*Tennessee Valley Authority*

(Nuclear power plant planning and monitoring, uranium mining and milling.)

F. Hazardous Substances

(1) Toxic Materials.

*Consumer Product Safety Commission*

(Consumer product safety.)

*Department of Agriculture*

• Agricultural Marketing Services (consumer protection).
• Animal and Plant Health Inspection Service (control of plant pests, noxious weeds, animal diseases, and vectors).
• Forest Service (effects on forests and grasslands).
*Permits for disposal on national forest lands.

*Department of Commerce*

• Maritime Administration (port, coastal and ocean pollution):
*Merchant vessels, polluting discharges and dumping. 46 U.S.C. 1101 *et seq.*
*Port operations, polluting discharges and dumping. 46 U.S.C. 867.
• National Bureau of Standards (measurements, standards, methods and data).
• National Oceanic and Atmospheric Administration (coastal and marine resources management and protection, ocean pollution research, and monitoring).

*Department of Defense*

(Military operations.)

*Department of Health and Human Services*

• Public Health Service:
Center for Disease Control (health issues).
Food and Drug Administration (contamination of food).
National Institutes of Health (health issues).

*Department of Housing and Urban Development*

• Office of Neighborhoods, Voluntary Associations and Consumer Protection (lead-based paint poisoning prevention, housing, community planning and development).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).
• Bureau of Land Management (public lands).
• Bureau of Mines (disposal methods for selected milling and mine wastes).
• Fish and Wildlife Service (National Wildlife Refuge System areas, effects on fish and wildlife resources).
• Geological Survey.
*Discharges from outer continental shelf mineral leases. (30 CFR Part 250).
• National Park Service (affecting National Park System areas).
• Office of Surface Mining Reclamation and Enforcement (effects of surface mining and reclamation operations).
• Water and Power Resources Service (water storage and delivery projects).

*Department of Labor*

• Mining Safety and Health Administration (mining hazards).
• Occupational Safety and Health Administration (workplace hazards).

*Department of Transportation*

• Coast Guard:
*Transportation of hazardous materials by vessel. 46 U.S.C. 170, 375, 391a, 416; 49 U.S.C. 1655, 1803, 1804, 1808; 50 U.S.C. 198.
*Navigation and waterfront facility regulation. 33 U.S.C. 1221, 1224, 1321; 50 U.S.C. 191.
*Hazardous substance discharge to navigable waters. 33 U.S.C. 1321.
• Federal Highway Administration.
Bureau of Motor Carrier Safety (hazardous material transportation in interstate commerce).
• Federal Railroad Administration (railroad transport).
• Research and Special Programs Administration (hazardous cargo, pipelines).
Materials Transportation Bureau:
*Transportation of hazardous materials. 42 U.S.C. 1805–1806.
*Permits for facilities to handle hazardous materials. 42 U.S.C. 1805–1806.

*Environmental Protection Agency*

(Pollution control and environmental effects.)
*Treatment, storage and disposal of hazardous wastes—permits. Resource Conservation and Recovery Act of 1976. 42 U.S.C. 6901, *et seq.* (40 CFR Parts 122, 123, 124, 250, 257).
*Criteria for classification of solid waste disposal facilities and practices. 40 USC 6907(a)(3), 6944(a), 42 USC 345 (40 CFR Part 257).
*Identification and listing of hazardous waste. 42 USC 6921 (40 CFR Part 250).
*Standards applicable to generators and transporters of hazardous wastes and for owners and operators of hazardous waste treatment, storage and disposal facilities. 42 USC 6922, 6923, 6924 (40 CFR Part 250).
*Permits for hazardous waste treatment, storage and disposal facilities. 42 USC 6925 (40 CFR Parts 122, 123, 124).
*Preliminary notification of hazardous waste activities. 42 USC 6930 (40 CFR Part 250).
*Authorization to Construct or Modify a Project which will Erect a Hazardous Pollutant (NESHAP). (40 CFR 61.06, 61.07, 61.08).

(2) Food Additives and Contamination of Foodstuffs.

*Department of Agriculture*

• Food Safety and Quality Service (meat and poultry products).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (seafood quality).

*Department of Health and Human Services*

• Public Health Service:
Food and Drug Administration (effects on health).

*Environmental Protection Agency*

(Establishment of food additives from pesticides use.)

*Federal Emergency Management Agency*

(Disaster assistance, hazardous materials emergency management.)
(3) Pesticides.

*Department of Agriculture*

• Animal Plant Health and Inspection Service (control of animal and plant pests and exotic noxious weeds).
• Food Safety and Quality Service (consumer protection).
• Forest Service (control of animal and plant pests).
• Science and Education Administration (biological controls, food and fiber production).
• Soil Conservation Service (watershed protection).

*Department of Commerce*

• Maritime Administration (merchant ship operations).
• National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone, seafood quality, ocean pollution research and monitoring).

*Department of Defense*

• Armed Forces Pest Management Board (pesticide use on DOD lands, facilities and equipment; control of disease vectors).
• Armed-Services Explosive Safety Board (control of pests for munitions and explosive devices).

*Department of Health, and Human Services*

• Public Health Service:
Center for Disease Control (effects on health).
Food and Drug Administration (contamination of food).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands).

• Fish and Wildlife Service (National Wildlife Refuge and National Fish Hatchery System, effects of use on fish and wildlife resources).

• National Park Service (National Park System areas).

• Water and Power Resources Service (irrigated lands and other project lands, facilities and rights of way).

*Department of Labor*

• Occupational Safety and Health Administration (worker exposures during manufacture of pesticides).

*Permits for transportation of hazardous materials. 49 U.S.C. 1805–1806.

*Approval for shipments of Class A explosives. 46 U.S.C. 170(7).

*Permit for facilities to handle hazardous materials. 49 U.S.C. 1805–1806.

• Coast Guard

*Permits for transportation of hazardous substances. 46 U.S.C. 170, 391a.

*Navigation and waterfront facility, regulation. 33 U.S.C. 1221, 1321; 50 U.S.C. 191.

• Federal Aviation Administration (transport by air).

• Federal Highway Administration. Bureau of Motor Carrier Safety (pesticide transport in interstate commerce).

• Federal Railroad Administration (transport by rail).

÷ Research and Special Programs Administration Materials Transportation Bureau (transport).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Permits for hazardous waste treatment, storage and disposal facilities. 42 U.S.C. 6925 (40 CFR Parts 122, 123, 124).

*Certification of pesticide users. 7 U.S.C. 136 b, i, u. (40 CFR Part 171).

*Registration of pesticides. 7 U.S.C. 136c (40 CFR Part 162).

*Experimental pesticide use permits. 7 U.S.C. 136a (40 CFR Part 172).

*Establishment of pesticide tolerances. 21 U.S.C. 346a (40 CFR Part 180).

*Pesticide disposal and transportation. 7 U.S.C. 136q (40 CFR 165).

*Worker protection standards for agricultural pesticides. 7 U.S.C. 136w (40 CFR Part 70).

*Emergency exemptions for pesticides use. 7 U.S.C. 136p (40 CFR Part 166).

*Tennessee Valley Authority*

(Public lands and waters in Tennessee Valley region.)

II. ENERGY

A. Electric Power Development, Generation and Transmission, and Use

*Department of Agriculture*

• Forest Service (National Forests and Grasslands).

*Permits and Grants for electrical, communication, water facilities and roadways. 16 U.S.C. 522 *et seq.* (CFR 251.50), 43 U.S.C. 1761.

• Rural Electrification Administration (rural areas).

*Electrical generation and transmission projects. 7 U.S.C. 901 *et seq.*

• Farmers Home Administration (small hydro, solar, wind).

*Approval of Plans and Specifications for FMHA funded projects. 7 U.S.C. 1942.

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal energy facility planning and siting).

*Department of Defense*

• Army Corps of Engineers (hydro).

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403.

*Permits for discharges of dredged or fill material into waters of the United States. 33 U.S.C. 1344.

*Regulation of artificial islands, installations, and devices on the outer continental shelf. 43 U.S.C. 1333(f).

*Department of Energy*

• Federal Energy Regulatory Commission (hydroelectric power, electric transmission, electric supply, facility siting):

*Regulation of interconnection of electric transmission facilities and regulation of enlargement of electric transmission facilities for wheeling. 16 U.S.C. 824–825K (18 CFR 32).

*Regulation of the development of water power including the licensing of non-Federal hydroelectric power projects. Federal Power Act. 16 U.S.C. 791–825r (18 CFR 4–25, 36, 131, 141).

*Application for order directing the establishment of physical connection facilities. 16 U.S.C. 834(b).

*Withdrawal of Federal lands for power and powersite development purposes. 16 U.S.C. 818. (43 CFR 2344 *et seq.*).

• Office of Environment (energy policy, programs and projects).

• Economic Regulatory Administration.

*Exemptions from prohibitions against the burning of natural gas and petroleum in power plants and major fuel burning installations. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*

*Transmission of electric energy to a foreign country. Federal Power Act, 16 U.S.C. 824a(e) (18 CFR 32.30–32.38; 10 CFR 205.300–.309).

*Department of Health and Human Services*

• Public Health Service: National Institutes of Health (radiation effects).

*Department of Housing and Urban Development*

(Urban areas.)

*Department of the Interior*

• Bureau of Indian Affairs:

*Approval of leases for Indian lands. 25 U.S.C. 392–403b, 415 (25 CFR Part 131).

*Rights-of-way over Indian lands. 25 U.S.C. 311, 323–328 (25 CFR Part 161); 25 U.S.C. 15 (25 CFR 231–233).

• Bureau of Land Management (public lands):

*Leases and permits for use of public lands. 43 U.S.C. 931 c and d, (43 CFR Part 9).

*Easements (permits for rights-of-way, 43 U.S.C. 9, 43 U.S.C. 1701 *et seq.*, (43 CFR Parts 2800–2890).

*Exchange of Federal lands to facilitate energy development. 43 U.S.C. 1716, (43 CFR Parts 2200–2270).

• Bureau of Mines (mining research).

• Geological Survey (classification of federal lands as to their water power and water storage values):

• Fish and Wildlife Service (effects on fish and wildlife resources):

*Easements/permits for transmission line rights-of-way across National Wildlife Refuge and National Fish Hatchery System land. 16 U.S.C. 668dd for refuge, 43 U.S.C. 931c and d for hatcheries. (50 CFR 29.21).

*Public works—leases, permits, easements. 43 U.S.C. 931c, 931d (43 CFR Part 9).

*Permits for powerline rights-of-way on National Wildlife Monuments (Alaska only). 16 U.S.C. 432, 460k–3, and 742(f); (50 CFR Part 100).

• Heritage Conservation and Recreation Service (effects on historic or recreational values).

• National Park Service:

*Easements for rights-of-way across National Park System land. 16 U.S.C. 5.

• Water and Power Resources Service (hydroelectric power development and transmission in the 17 contiguous western states).

*Public works—leases, permits easements. 43 U.S.C. 931c, 931d (43 CFR Part 9).

*Easements/permits for powerline rights-of-way. 43 U.S.C. 3871.

*Department of Transportation*

• Federal Highway Administration:

*Relocation and accommodation of utility facilities on highway rights-of-way 23 U.S.C. 109(1), 116, 123 (23 CFR Part 645).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*The Solid Waste Disposal Act, 42 U.S.C. 3251, *et seq.*, as amended by the Resource Conservation and Recovery Act. 42 U.S.C. 6901, *et seq.*[4]

*Prevention of significant air quality deterioration. 42 U.S.C. 7470, *et seq.*[4]

*Review of emission sources for conformance with new source performance standards. 42 U.S.C. 7411.

*Certification of new emission sources for conformance with National Emission Standards for Hazardous Air Pollutants. 42 U.S.C. 7412(c).

*National Pollutant Discharge Elimination System (NPDES) wastewater permits. 33 U.S.C. 1342.[4]

*Oil spill prevention, containment, and countermeasure plans (prepared by facility owner/operator.) 33 U.S.C. 1321, 1361 (40 CFR 112.7).

*Review of permits for discharges of dredged or fill materials into the waters of the United States. 33 U.S.C. 1344.

*Underground injection control permits. 42 U.S.C. 300f *et seq.*[4]

*Permits for ocean discharge. 33 U.S.C. 1343.

*Review of permits for transportation of dredged material for ocean dumping. 33 U.S.C. 1413.

*Permits for transportation of materials (other than dredged material) for ocean dumping. 33 U.S.C. 1412, 1414.

*Permits for hazardous waste treatment storage, and disposal facilities. 42 U.S.C. 6925 (40 CFR Parts 122, 123, 124).

*Federal Emergency Management Agency*

(Review and approval of state and local nuclear incident emergency response plans.)

*International Boundary and Water Commission, U.S. Section*

(Hydroelectric power installations on Rio Grande.)

[4] Consolidated procedures for issuance of NPDES, PSD, RCRA, and UIC permits. (40 CFR Parts 122, 123, 124).

*Nuclear Regulatory Commission*

Licensing for utilization or production facilities for industrial or commercial purposes. 42 U.S.C. 2133 (10 CFR Part 50).

*Nuclear power reactor operator's licenses. 42 U.S.C. 2137 (10 CFR Part 55).

*Licensing uranium milling operations. 42 U.S.C. 2091 *et seq.* (10 CFR Part 40).

*Licensing and regulating demonstration reactors. 42 U.S.C. 2134, 5842 (10 CFR Part 50).

*Department of Transportation*

(Transport of sources.)

• Federal Aviation Administration.

*Tennessee Valley Authority*

(Tennessee Valley Region.)

*Water Resources Council*

(Water resources planning and data.)

• River Basin Commissions (as geographically appropriate).

**B. Petroleum Development, Extraction, Refining, Transport and Use**

*Department of Agriculture*

• Forest Service (Permits and Rights-of-Way).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal and marine resources—management and protection).

• Maritime Administration (port, coastal and ocean pollution):

*Merchant vessels, 42 U.S.C. 1101 *et seq.*

*Port operations, 42 U.S.C. 867.

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting the waters of the United States. 33 U.S.C. 403.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Regulation of artificial islands, installations, and devices on the outer continential shelf. 43 U.S.C. 1333 (f).

*Department of Energy*

• Office of Environment (energy policy, programs, and projects) Economic Regulatory Administration.

*Exemptions from prohibitions against the burning of petroleum in power plants and major fuel-burning installations. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*

*Department of the Interior*

• Bureau of Indian Affairs:

*Leases for oil and gas on Federal lands. 25 U.S.C. 392 *et seq.* (25 CFR Part 131).

*Rights-of-way over Indian lands. 25 U.S.C. 311 *et seq.* (25 CFR Parts 161, 171, 172, 183, 184).

*Approval of leases for oil and gas. For allotted lands: 25 U.S.C. 396; for tribal lands: 25 U.S.C. 396a (25 CFR Parts 131, 171, 172, 183, 184).

• Bureau of Land Management (public lands and outer continental shelf):

*Leases for oil and gas deposit:

(a) Public domain lands, 30 U.S.C. 181 *et seq.* (30 CFR Part 221, 43 CFR Part 3100).

(b) Acquired lands. 30 U.S.C. 351–359, (30 CFR Part 221, 43 CFR Part 3100).

(c) Outer continental shelf lands. 43 U.S.C. 1331–1343, (30 CFR Parts 250 and 251, 43 CFR Part 3300).

(d) In and under railroad and other rights-of-way acquired under laws of the United States. 30 U.S.C. 301–306, 43 CFR Part 3100).

*Leases and land exchanges for oil shale, native asphalt, solid and semisolid bitumen and bituminous rock. For leases: 30 U.S.C. 241 (43 CFR Part 3500); for exchanges: 43 U.S.C. 1716 (43 CFR Parts 2200–2270).

*Easements/permits for oil and gas pipeline rights-of-way. 30 U.S.C. 185, 43 U.S.C. 1701, 43 CFR Parts 2800–2890.

*Grants for rights-of-way for "common carrier" oil and gas pipelines on outer continental shelf. 43 U.S.C. 1331, 43 CFR Part 3340.

*Easements/Leases/Permits for use, occupancy and development of public lands. 43 U.S.C. 1732, 43 CFR Subchapter 2000 and 3000.

*Exchange of Federal lands with oil and gas deposits (excludes outer continental shelf lands). 43 U.S.C. 1716, 43 CFR Parts 2200–2207.

• Bureau of Mines (environmental effects of oil mining).

• Fish and Wildlife Service (effects on fish and wildlife resources).

*Permits for oil and gas pipeline rights-of-way across National Wildlife Refuge and National Fish Hatchery Systems lands. 16 U.S.C. 668dd for refuges, 43 U.S.C. 931c and d for hatcheries; 50 CFR 29.21.

*Permits for oil and gas pipeline rights-of-way across National Wildlife Monuments (Alaska only). 16 U.S.C. 432, 460k-3, and 742(f), 50 CFR Part 100.

• Geological Survey:

*Supervision of oil and gas, oil shale, and bitumen lease operations: Public domain. 30 U.S.C. 181 *et seq.* (30 CFR Part 221); Acquired land. 30 U.S.C. 351 *et seq.* (30 CFR Part 221); Outer continental shelf lands. 43 U.S.C. 1331 *et seq.* (30 CFR Parts 250, 251); Indian lands. 25

U.S.C. 396a *et seq.* (25 CFR Parts 171, 172, 174, 183, 184)

*Applications for purchase of government royalty oil. For outer continental shelf (OCS) oil: 43 U.S.C. 1334, 30 CFR Part 225a; for non-OCS oil: 30 U.S.C. 189, 192 and 134, 30 CFR Part 225.

*Easements/rights of use for "gathering" pipelines, artificial islands, platforms and other fixed structures on any Federal or State outer continental shelf oil or gas lease. 43 U.S.C. 1334 and 1335, 30 CFR 250.18 and 19.

• Heritage Conservation and Recreation Service (effects on historical or recreational values).

• National Park Service (affecting National Park System areas).

*Permits for oil and gas operations on National Park System areas. 16 U.S.C. (36 CFR Part 9).

• Water and Power Resources Service (water storage and delivery)

*Easements/permits for oil pipeline rights-of-way. 43 U.S.C. 3871.

*Department of State*

*Facilities for export/import of petroleum products, coal, minerals, water, sewage permits. Executive Order 10485.

*Department of Transportation*

(Transport and pipeline safety.)

• Coast Guard:

*Tank vessel regulation. 46 U.S.C. 391a.

*Ports and waterways safety. 33 U.S.C. 1221.

*Construction and alteration of bridges over navigable waters (for pipelines). 33 U.S.C. 525; 33 U.S.C. 494, 495; 33 U.S.C. 513–14.

*Outer continental shelf structures. 43 U.S.C. 1331.

• Federal Highway Administration:

*Relocation and accommodation of pipelines on highway rights-of-way. 23 U.S.C. 109(1), 116, 123 (23 CFR Part 645).

• Research and Special Programs Administration Materials Transportation Bureau (pipeline safety).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*The Solid Waste Disposal Act, 42 U.S.C. 3251 *et seq.*, as amended by the Resource Conservation and Recovery Act. 42 U.S.C. 6901 *et seq.*[4]

*Prevention of significant air quality deterioration. 42 U.S.C. 7470 *et seq.*[4]

*Review of emission sources for conformance with new source performance standards. 42 U.S.C. 7411.

*National Pollutant Discharge Elimination System (NPDES) wastewater permits. 33 U.S.C. 1342.[4]

*Oil spill prevention, containment, and countermeasure plans (prepared by facility owner/operator.) 33 U.S.C. 1321, 1361 (40 CFR 112.7)

*Review of permits for discharges of dredged or fill materials into the waters of the United States. 33 U.S.C. 1344.

*Underground injection control permits. 42 U.S.C. 300f *et seq.*[4]

*Permits for ocean discharge. 33 U.S.C. 1343.

*Review of permits for transportation of dredged material for ocean dumping. 33 U.S.C. 1413.

*Permits for transportation of materials (other than dredged material) for ocean dumping. 33 U.S.C. 1412, 1414

*Permits for hazardous waste treatment storage and disposal facilities. 42 U.S.C. (40 CFR Parts 122, 123, 124).

*Interstate Commerce Commission*

(Regulation of carriers; assessing differences in energy efficiencies between transport modes.)

C. Natural Gas Development, Production, Transmission, and Use

*Department of Agriculture*

• Forest Service.

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal and marine resources—management and protection).

• Maritime Administration:

*Liquified natural gas vessels. 42 U.S.C. 1101 *et seq.*

*Liquified natural gas terminals. 46 U.S.C. 867.

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting the waters of the United States. 33 U.S.C. 403.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Regulation of artificial islands, installations, and devices on the outer continental shelf. 43 U.S.C. 1333(f).

*Department of Energy*

• Federal Energy Regulatory Commission:

*Certificates for natural gas facilities (underground storage fields, LNG facilities, and transmission pipeline facilities); sale, exchange and transportation of gas; abandonment of facilities; and curtailment of natural gas service; authorization to import and export natural gas. Natural Gas Act. 15 U.S.C. 717–717w.

*Authorization compelling the expansion, improvement or connection of natural gas facilities. 15 U.S.C. 717f(a).

• Office of Environment (energy policy, programs and projects).

• Economic Regulatory Administration.

*Exemptions from prohibitions against the burning of natural gas in powerplants and major fuel-burning installations. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*

*Department of Housing and Urban Development*

• Office of Community Planning and Development (residential and other lands).

*Department of the Interior*

• Bureau of Indian Affairs:

*Leases for mining, oil and gas, farming and other uses on federal lands. 25 U.S.C. 393 *et seq.* (25 CFR Parts 171, 172).

• Bureau of Land Management (public lands and outer continental shelf):

*Application for lease on phosphate, nitrate, oil, gas, and asphaltic mineral deposits. 30 U.S.C. 121, 122, 123.

*Oil and Gas Leases. 30 U.S.C. 221.

*Lease of oil and gas deposits located in rights-of-way. 30 U.S.C. 301.

*Leasing of oil and gas deposits on the outer continental shelf. 43 U.S.C. 1331–1343.

*Gas pipeline rights-of-way. 30 U.S.C. 185.

*Permits, leases, and easements of public lands for use, occupancy, and development. 43 U.S.C. 1702.

• Bureau of Mines (methane; Federal Helium Program).

• Fish and Wildlife Service (effects on fish and wildlife resources).

• Geological Survey:

*Communitization of federal oil and gas leases. 30 U.S.C. 181 *et seq.*, 315 *et seq.*

*Supervision of oil and gas lease operations: Public domain. 30 U.S.C. 181, *et seq.* (30 CFR Part 221); Acquired lands. 30 U.S.C. 351 *et seq.* (30

*Easements/rights of use for "gathering" pipelines, artificial islands, platform, and other fixed structures on any Federal or state outer continental shelf oil or gas lease. 43 U.S.C. 1334 and 1335 (30 CFR 250.18 and .19). CFR Part 221); Outer continental shelf land. 43 U.S.C. 1331 *et seq.* (30 CFR Parts 250, 251); Indian lands. 25 U.S.C. 3969, *et seq.* (25 CFR Parts 171, 172, 173, 174, 183, 184).

[4] Consolidated procedures for issuance of NPDES, PSD, RCRA, and UIC permits. (40 CFR Parts 122, 123, 124).

• Heritage Conservation and Recreation Service (effects on historical and recreational values).

• National Park Service (affecting National Park System areas).

*Permits for oil and gas operations on National Park System lands. 16 U.S.C. 1 (36 CFR Part 9).

• Water and Power Resources Service:

*Easements/permits for gas pipeline, rights-of-way. 43 U.S.C. 3871.

*Department of Transportation*

(Transport and safety.)

• Coast Guard:

*Tank vessel regulation. 46 U.S.C. 391a.

*Navigation and waterfront facility regulation. 33 U.S.C. 1221, 1321; 50 U.S.C. 191.

*Construction and alteration of bridges over navigable waters (for pipelines). 33 U.S.C. 525; 33 U.S.C. 494–95; 33 U.S.C. 513–14.

*Outer continental shelf structures. 43 U.S.C. 1331.

• Federal Highway Administration:

*Relocation and accommodation of pipelines on highway rights-of-way. 23 U.S.C. 109(1), 116, 123 (23 CFR Part 645).

• Federal Railroad Administration (railroad transport).

• Research and Special Programs Administration Materials Transportation Bureau (pipeline safety).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*The Solid Waste Disposal Act, 42 U.S.C. 3251, *et seq.*, as amended by the Resource Conservation and Recovery Act. 42 U.S.C. 6901, *et seq.*[4]

*Prevention of significant air quality deterioration. 42 U.S.C. 7470, *et seq.*[4]

*Review of emission sources for conformance with new source performance standards. 42 U.S.C. 7411.

*Certification of new emission sources for conformance with National Emission Standards for Hazardous Air Pollutants. 42 U.S.C. 7412(c).

*National Pollutant Discharge Elimination System (NPDES) wastewater permits. 33 U.S.C. 1342[4]

*Oil spill prevention, containment, and countermeasure plans (prepared by facility owner/operator.) 33 U.S.C. 1321, 1361 (40 CFR 112.7)

*Review of permits for discharges of dredged or fill materials into the waters of the United States. 33 U.S.C. 1344.

*Underground injection control permits. 42 U.S.C. 300f, *et seq.*[4]

*Permits for ocean discharge. 33 U.S.C. 1343.

*Review of permits for transportation of dredged material for ocean dumping. 33 U.S.C. 1413.

*Permits for transportation of materials (other than dredged material) for ocean dumping. 33 U.S.C. 1412, 1414.

*Permits for hazardous waste treatment storage and disposal facilities. 42 U.S.C. 6925 (40 CFR 122, 123, 124).

*Interstate Commerce Commission*

(Regulation of carriers.)

**D. Coal and Minerals Development, Mining Conversion, Processing, Transport and Use**

*Appalachian Regional Commission*

(Appalachian region.)

*Department of Agriculture*

• Forest Service (National Forests and Grasslands—Mineral Materials Permits):

*Surface use of public domain lands under U.S. mining laws. 16 U.S.C. 478–555 (36 CFR Part 252).

*Mineral development on acquired lands for solid (hardrock) minerals, 16 U.S.C. 520 (36 CFR Part 252), and for phosphate, oil, gas, oil shale, sodium, potassium and sulphur, 30 U.S.C. 352.

*Coal leasing. 30 U.S.C. 201–352.

*Surface coal mining operations. 30 U.S.C. 1272.

*Geothermal resource developments. 30 U.S.C. 1014.

• Rural Electrification Administration:

*Financial assistance for purchase of coal mines and mining facilities. 7 U.S.C. 901 *et seq.*

• Soil Conservation Service (abandoned mined land; transportation)

*Department of Commerce*

(Technical and economic information.)

• Maritime Administration (dry bulk shipping of coal and other minerals in the inland waterways, domestic ocean, Great Lakes and U.S. foreign trades.)

• National Oceanic and Atmospheric Administration (atmospheric dispersion of effluents; acid rain; management and protection of coastal and marine resources—air and water pollution from mining, offshore and coastal mining, port planning).

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures on or affecting waters of the United States. 33 U.S.C. 403.

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Authority to enjoin or force removal of refuse placed in or on the banks of a navigable water or tributary of a navigable water. 33 U.S.C. 407.

*Department of Energy*

• Federal Energy Regulatory Commission.

• Economic Regulatory Administration.

*Exemptions from, prohibitions against burning of natural gas and oil in powerplants and major fuel-burning installations. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301; Department of Energy Organization Act, 42 U.S.C. 7101.

• Office of Environment (energy policy, programs and projects).

*Department of Housing and Urban Development*

• Office of Policy Development and Research (subsidence).

*Department of the Interior*

• Bureau of Indian Affairs:

*Rights-of-way over Indian lands. 25 U.S.C. 311 *et seq.* (25 CFR Parts 161, 171, 172, 177).

*Leases for coal and uranium on federal lands. 25 U.S.C. 392 *et seq.* (25 CFR Part 131).

*Approval of coal and uranium leases on Indian lands. For tribal lands: 25 U.S.C. 396a; for alloted lands: 25 U.S.C. 396. (25 CFR Parts 131, 171–175, 177).

• Bureau of Land Management (public lands):

*Exploration licenses to explore for coal deposits on unleased lands. 30 U.S.C. 181 and 201(b), (43 CFR Part 3400).

*Leases/permits for recovery of coal deposits. 30 U.S.C. 181 *et seq.*, 30 U.S.C. 120 *et seq.*, 43 U.S.C. 1701 *et seq.* (43 CFR Part 3400).

*Permit to mine coal for domestic needs. 30 U.S.C. 208, (43 CFR Part 3440).

*Easements/permits for rights-of-way. 43 U.S.C. 9, 43 U.S.C. 1701 *et seq.* (43 CFR Parts 2800–2890).

*Exchange of Federal lands with coal or uranium deposits. 43 U.S.C. 1716, (43 CFR Parts 2200–2270).

*Leases for uranium exploration and mining (public domain and acquired lands) 30 U.S.C. 181 and 351–359, 30 U.S.C. 1201 *et seq.* (43 CFR Parts 3500–3800).

*Approval of plan of operations in connection with uranium leases. 30 U.S.C. 22 *et seq.*, 43 U.S.C. 1701 *et seq.* (43 CFR Part 3802, 45 FR 13968).

• Bureau of Mines (mining activities and research).

• Fish and Wildlife Service (effects on fish and wildlife resources).

*Permits for use of National Wildlife Refuge and National Fish Hatchery Systems lands. 16 U.S.C. 668dd–ee for

refuges. 43 U.S.C. 931c–d for hatcheries. (50 CFR 25.41 and 29.21).

• Geological Survey:

*Consolidation of coal leases. 30 U.S.C. 202a.

*Approves and supervises coal exploration operations, on leased Federal lands, prior to issuance of a Mining Permit by Office of Surface Mining Reclamation and Enforcement. 30 U.S.C. 201(b), 30 U.S.C. 181 *et seq.*, (43 CFR Part 4300, 30 CFR Part 211).

*Approval and supervision of plan of operations for a uranium prospecting permit or mining lease. 30 U.S.C. 181 *et seq.*, (30 CFR Part 231).

• Heritage Conservation and Recreation Service (effects on historical or recreational values).

• National Park Service (affecting National Park System areas).

*Leases, permits and licenses for mining on National Park System lands involved in Wild and Scenic River Systems. 16 U.S.C. 1280.

*Access permits for mining activity within the National Park System. 16 U.S.C. 1902, 1908 (36 CFR Part 9).

• Office of Minerals Policy and Research Analysis (research).

• Office of Surface Mining Reclamation and Enforcement.

*Issues and enforces permits for coal exploration operations on Federal lands within an approved mining permit area; and, if there is no approved State Coal Mining Regulatory Program, on non-Federal and non-Indian lands. 30 U.S.C. 1262, 30 CFR Ch. VII, 43 CFR Part 4300.

*Issues and enforces permits for surface coal mining operations on Federal lands except the States do this when there is both an approved State Coal Mining Regulatory Program and a Cooperative Agreement between the State and the Secretary of the Interior. 30 U.S.C. 1267, 1268, 1271, and 1273, 30 CFR Ch. VII.

*Issues and enforces permits for surface coal mining operations on non-Federal lands in those States where there is no approved State Coal Mining Regulatory Program. 30 U.S.C. 1256–1262, 30 CFR Ch. VII.

*Issues and enforces permits for surface mining and surface effects of underground coal mining operations on Indian lands—effective September 3, 1980. 30 U.S.C. 1300, 30 CFR Ch. VII and 25 CFR Part 177.

• Water and Power Resources Service (water storage and delivery projects).

*Easements/permits for access rights-of-way. 43 U.S.C. 3871.

*Department of Labor*

• Mine Safety and Health Administration (worker safety)

• Occupational Safety and Health Administration (worker safety in very limited situations)

*Department of Transportation*

• Coast Guard.

*Construction and alterations on bridges and causeways over navigable waters. 33 U.S.C. 401, 491, 494–495, 513–514, 525.

• Federal Highway Administration (coal haul roads, effects of railroad coal transport on roads and streets).

• Federal Railroad Administration (railroad transport).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*The Solid Waste Disposal Act, 42 U.S.C. 3251 *et seq.*, as amended by the Resource Conservation and Recovery Act (RCRA). 42 U.S.C. 6901 *et seq.*[4]

*Prevention of significant air quality deterioration (PSD). 42 U.S.C. 7470 *et seq.*[4]

*Review of emission sources for conformance with new source performance standards. 42 U.S.C. 7411.

*Certification of new emission sources for conformance with National Emission Standards for Hazardous Air Pollutants. 42 U.S.C. 7412(c).

*National Pollutant Discharge Elimination System (NPDES) wastewater permits. 33 U.S.C. 1342.

*Oil spill prevention, containment, and countermeasure plans (prepared by facility owner/operator.) 33 U.S.C. 1321, 1361 (40 CFR 112.7)

*Review of permits for discharges of dredged or fill materials into the waters of the United States. 33 U.S.C. 1344.

*Underground injection control (UIC) permits. 42 U.S.C. 300f *et seq.*[4]

*Permits for transportation of materials (other than dredged material) for ocean dumping. 33 U.S.C. 1412, 1414.

*Permits for hazardous waste treatment storage and disposal facilities. 42 U.S.C. 6925 (40 CFR Parts 122, 123, 124).

*Interstate Commerce Commission*

(Regulation of carriers; environmental impacts from railroad construction for moving coal, including downline impacts; rates for coal movement by rail.)

*Tennessee Valley Authority*

(Tennessee Valley region.)

III. LAND USE

A. Land Use Changes, Planning, and Regulation of Land Development

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (Federally subsidized agricultural conservation and land use programs).

• Soil Conservation Service (data on land use patterns, soil resources and all other areas, natural resources and resource management).

• Forest Service (National Forest and Grasslands):

*Special use permits, archeological permits, leases and easements. 16 U.S.C. 497; 16 U.S.C 580d; 48 U.S.C. 341 (36 CFR Part 251), 261; 43 U.S.C. 1761.

*Permits for use of wilderness areas. 16 U.S.C. 472; 16 U.S.C. 551 (36 CFR Part 293).

*Mineral exploitation of acquired lands. 16 U.S.C. 520 (36 CFR Part 252).

*Easement and road rights-of-way in National Forests and other lands. 16 U.S.C. 533 (36 CFR 212.10).

*Grazing permits. 16 U.S.C. 580(K) and (L) (36 CFR Part 222).

*Geothermal resource developments. 30 U.S.C. 1014.

*Multiple-use sustained-yield units. 16 U.S.C. 528 (36 CFR Part 223); 30 U.S.C. 521 *et seq.*

*Surface use on public domain lands under U.S. mining laws. 16 U.S.C. 478–551 (36 CFR Part 252).

*Minerals development on acquired lands: Solid (hardrock) minerals. 16 U.S.C. 520; Phosphate oil, gas, oil shale, sodium, potassium and sulphur. 30 U.S.C. 352.

*Coal leasing. 30 U.S.C. 201–352.

*Surface coal mining operations. 30 U.S.C. 1272.

*Bankhead-Jones Farm Tenant Act, Title III—Administration of national grasslands. 7 U.S.C. 1010–1012 (36 CFR 213.3).

*Claim of privately owned horses and burros. 16 U.S.C. 1333 (36 CFR Part 222).

• Economics, Statistics and Cooperatives Service (data on natural resources; analysis of the economic impacts of agriculturally related pollution and resource degradation; and interactions of environmental programs with other federal farm policy objectives).

• Science and Education Administration (rural and community development; and the technical effects of agricultural practices on resource quality and off-farm pollution.

• Soil Conservation Service (technical planning and assistance in watershed protection for both private and public programs).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (management and protection of coastal and marine resources).

*Department of Defense*

• Army Corps of Engineers (flood plains and wetlands).

*Rules governing work on or structures in or affecting the waters of the United States. 33 U.S.C. 403.

*Permits for discharges of dredged or fill materials into the waters of the United States. 33 U.S.C. 1344.

• Department of the Air Force (land use around airfields).

*Department of Housing and Urban Development*

• Office of Interstate Land Sales (land sales).

*Subdivided land sales, registration. Interstate Land Sales Full Disclosure Act. 15 U.S.C. 1701.

• Office of Community Planning and Development (community development; planning activities).

*Department of the Interior*

• Bureau of Indian Affairs.

*Sale, exchange and conveyance of tribal trust or restricted lands. 25 U.S.C. 294, 372, 379 *et seq.*; 25 CFR 121.17–121.31.

*Rights-of-way over Indian lands. 25 U.S.C. 323–328 (25 CFR Part 161).

*Permits concessions and leases on lands withdrawn or acquired in connection with Indian irrigation projects. 25 U.S.C. 390; 25 CFR Part 203.

*Sale of timber from tribal and alloted lands. 25 U.S.C. 406, 407 *et seq.*; 25 CFR Part 141.

*Permits for grazing on Indian lands. 5 U.S.C. 301 *et seq.*; 25 CFR Part 151.

Note.—For Federal lands administered by Bureau of Indian Affairs see III B: Public Land Management.

Bureau of Land Management (effects on public lands and the outer continental shelf).

*For regulatory authorities see III B: Public Land Management.

• Bureau of Mines (minerals).

• Fish and Wildlife Service (effects on fish and wildlife resources and on components of the National Wildlife Refuge and National Fish Hatchery Systems).

*Approval of conversion of use for State lands acquired, developed or improved with grants under the (1) Pittman-Robertson Act, (2) Dingell-Johnson Act, (3) Endangered Species Act and/or (4) Anadromous Fish Act of 1965. For (1): 16 U.S.C. 669, 50 CFR 80.5; for (2): 16 U.S.C. 777, 50 CFR 80.5; for (3): 16 U.S.C. 1535; and for (4) 16 U.S.C. 757a and b.

*For regulatory authorities on Federal lands see III B: Public Land Management.

• Geological Survey (land use planning, geologic hazards, topographic and photographic mapping).

• Heritage Conservation and Recreation Service (National Trails System, Wild and Scenic Rivers System, outdoor recreation, urban parks, historic preservation).

*Approval of a conversion to a non-designated use for State and local lands acquired or developed, in whole or in part, with a Land and Water Conservation Fund Act grant. 16 U.S.C. 4601–8(f).

*Approval of a conversion to other than public recreation uses for State and local areas developed or improved with an Urban Park and Recreation Recovery Act grant. 16 U.S.C. 2509, 36 CFR Part 1228.

*Approval of a conversion to a non-designated use for lands deeded by the Federal government to State and local entities as park demonstration areas, recreation areas, wildlife conservation preserves and refuges and as historic monuments and properties under the (1) Recreation Demonstration Act of 1942 and (2) Federal Property and Administrative Services Act of 1949. For (1): 16 U.S.C. 459 r–t; for (2): 40 U.S.C. 484(k)(2), 41 CFR Part 101 47.308–7.

*Approval of a conversion to a non-designated use of abandoned railroad rights-of-way acquired by State and local governments under Section 809(b) of the Railroad Revitalization and Regulatory Reform Act of 1976. 49 U.S.C. la, 43 CFR Part 31.18.

• National Park Service (effects on National Park System areas).

*For regulatory authorities see III B: Public Land Management.

• Office of Surface Mining Reclamation and Enforcement (surface mining and reclamation operations).

*Issues and enforces permits for coal exploration operations on non-Federal and non-Indian lands if there is no approved State Coal Mining Regulatory Program. 30 U.S.C. 1262, 30 CFR Ch. VII.

*Issues and enforces permits for surface coal mining operations on non-Federal lands in those States where there is no approved State Coal Mining Regulatory Program. 30 U.S.C. 1256–1262, 30 CFR Ch. VII.

*Issues and enforces permits for surface effects of underground coal mining operations on non-Federal land in those States where there is no approved State Coal Mining Regulatory Program. 30 U.S.C. 1226, 30 CFR Ch. VII.

*Issues and enforces permits for surface coal mining and surface effects of underground coal mining operations on Indian lands—Effective September 3, 1980. 30 U.S.C. 1300, 30 CFR Ch. VII and 25 CFR Part 177.

• Water and Power Resources Service (effects on land irrigated by federal projects, planning for water development projects and basin-wide water studies).

*Sale of farm units on Federal irrigation projects. (Statutory jurisdiction appears in individual project authorizations.)

*Administration of excess lands and residency requirements. 43 U.S.C. 371.

*Department of Transportation*

• Coast Guard:

*Permits for causeways. 33 U.S.C. 401.

*Bridges over navigable waters—33 U.S.C 401, 491, 525.

*Approval of plans to alter a bridge. 33 U.S.C. 514.

• Federal Aviation Administration (airport land use compatability):

*Approval of airport development, including airport master plans and airport layout plans. 49 U.S.C. 1711–1727 (14 CFR Part 152).

*Acquisition of land for public airports. 49 U.S.C 1723 (14 CFR Part 154).

*Construction of alteration of objects affecting navigable airspace. 49 U.S.C. 1655 (14 CFR Part 77).

*Release of airport property from surplus property disposal restrictions. 49 U.S.C. 1101–1119 (14 CFR Part 155).

• Federal Highway Administration:

*Approval of highway projects and programs. 23 U.S.C. 101–156, generally, and 23 U.S.C. 204, 208–210, 212–219.

*Certification by FHWA and UMTA of urban transportation planning process. 23 U.S.C. 105(d), 134(a) and 49 U.S.C. 1604(g) (24 CFR 450.122).

*Regulation of highway-related land use: Highway beautification. 23 U.S.C. 131 (23 CFR Part 750); Junkyard control and acquisition. 23 U.S.C. 136, 315 (23 CFR Part 751); Landscapes and roadsides development. 23 U.S.C. 131, 315, 319 (23 CFR Part 752).

• Urban Mass Transportation Administration:

*Approval of Annual Element (AE) of Transportation Improvement Program (TIP). 23 U.S.C. 105 (23 CFR 450.320).

*Approval for substituting mass transit or other transit projects in lieu of interstate highway. 23 U.S.C. 103(e)(4).

*Certification by FHWA and UMTA of urban transportation planning process. 23 U.S.C. 105(d), 134(a) and 49 U.S.C. 1604(g) (24 CFR 450.122).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Assistance for construction of publicly owned wastewater treatment works. 33 U.S.C. 1281.

*Federal Emergency Management Agency*

(National Flood Insurance Program, Disaster Relief Assistance, dam and levee safety, mitigation of natural hazards.)

*International Boundary and Water Commission, U.S. Section*

(Project lands, lands along international portions of Rio Grande and Colorado River and lands along international boundary in New Mexico, Arizona, and California.)

*Interstate Commerce Commission*

*Certificate of Public Convenience and Necessity for new railroad lines. 49 U.S.C. 1(18).

*National Aeronautics and Space Administration*

(Advanced technology for remote sensing of land use and land cover.)

*National Capital Planning Commission*

*Approval of land-use plans and construction in National Capital D.C. Code 5–428; 40 U.S.C. 74a(DC Code 9–304; D.C. Code 8–104; P.L. 90–553, ¢4; 40 U.S.C. 122 (D.C. Code 8–115.)

*Tennessee Valley Authority*

(Planning on public lands in Tennessee Valley region; assistance to local organizations.)

*Water Resources Council*

• River Basin Commissions (as geographically appropriate).

B. Public Land Management

*Department of Agriculture*

• Forest Service (National Forests and Grasslands management):

*Special use permits, archeological permits, leases and easements. 16 U.S.C. 497, 16 U.S.C. 580d, 48 U.S.C. 341 (36 CFR Part 251); see also § 261; 43 U.S.C. 1761.

*Geothermal resource development. 30 U.S.C. 1014.

*Surface coal mining operations. 30 U.S.C. 1272.

*Coal leasing. 30 U.S.C. 201–352.

*Mineral development on acquired lands: solid (hardrock) minerals. 16 U.S.C. 520 (36 CFR Part 252; phosphate, oil, gas, oil shale, sodium, potassium and sulphur). 30 U.S.C. 352.

*Easement and road rights-of-way in National Forests and other lands. 16 U.S.C. 533 (36 CFR 212.10).

*Grazing permits. 16 U.S.C. 580 (K) and (L) (36 CFR 227.1).

*Multiple use sustained-yield units. 16 U.S.C. 528 (36 CFR Part 223).

*Bankhead-Jones Farm Tenant Act, Title III—Administration of National Grasslands. 7 U.S.C. 1010–12 (36 CFR 213.3).

*Claim of privately owned horses and burros. 36 CFR Part 222.

*Department of Commerce*

• National Oceanic and Atmospheric Administration (consistency of spillover impacts from public land uses with coastal management programs).

*Department of Defense*

(Lands under Department control.)

• Army Corps of Engineers (project recreation lands).

• Department of the Air Force (land use around airfields).

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands):

*Sale of Federal land purchased for Indian administrative uses. 25 U.S.C. 293.

*Leases, permits and easements for public works on public lands under the jurisdiction of BIA. 43 U.S.C. 931c, 931d (43 CFR Part 9).

*Rights-of-way over Federal lands under BIA jurisdiction. 25 U.S.C. 323–328, 25 CFR Part 161.

*Permits for grazing on Federal lands under BIA jurisdiction. 5 U.S.C. 301, *et seq.*; 25 CFR Part 151.

*Leases for mining, oil and gas, coal, farming and other uses on Federal lands under BIA jurisdiction. 5 U.S.C. 301, 25 U.S.C. 392, *et seq.*; 25 CFR Part 131.

*Note.—Indian lands are private and not public lands. For Indian lands see III A: Land Use Changes, etc.

• Bureau of Land Management (effects on public lands and outer continental shelf):

*Easements/permits for rights-of-way. 43 U.S.C. 9, 43 U.S.C. 1701 *et seq.*, 43 CFR Parts 2800–2900.

*Grants for rights-of-way for "common carrier" oil and gas pipelines on outer continental shelf. 43 U.S.C. 1331, 43 CFR Part 3340.

*Easements, permits and leases for public works. 43 U.S.C. 931 c and d, 43 CFR Part 9.

*Special land-use permits for habitation, occupation and other purposes. 43 U.S.C. 1732(b), 43 CFR Part 2920.

*Permits for off-road vehicular use special events, i.e., tours and competitions. 43 CFR Part 8372.

*Sale or lease of land for solid waste disposal sites. 43 U.S.C. 869 *et seq.* For sale: 43 CFR Part 2740; for lease: 43 CFR Part 2912.

*Permits for coral harvesting on the outer continental shelf. 43 U.S.C. 1334, 43 CFR Part 6224.

*Exchange of Federal lands for other property. 43 U.S.C. 1716, 43 CFR Parts 2200–2270.

*Withdrawal of public lands for deep-burial depositories for radioactive waste. 43 U.S.C. 1714.

*Leases for oil and gas deposits: (a) Public domain lands. 30 U.S.C. 181 *et seq.*, 30 CFR Part 221, 43 CFR Part 3100.

(b) Acquired lands. 30 U.S.C. 351–359, 30 CFR 221, 43 CFR Part 3100.

(c) Outer continental shelf lands. 43 U.S.C. 1331–1343, 30 CFR 250 and 251, 43 CFR Part 3300.

(d) In and under railroad and other rights-of-way acquired under laws of the United States. 30 U.S.C. 301–306, 43 CFR Part 3100.

*Leases for oil shale, native asphalt, solid and semisolid bitumen and butuminous rock. For leases: 30 U.S.C. 241, 43 CFR Part 3500; for exchanges: 43 U.S.C. 1716, 43 CFR 2200–2270.

*Leases for uranium exploration and mining (public domain and acquired lands). 30 U.S.C. 181 and 351–359, 30 U.S.C. 1201 *et seq.*, 43 CFR Parts 3500–3800.

*Leases for geothermal resources recovery. 30 U.S.C. 1001–1025, 43 CFR Parts 3200–3250.

*Exploration Licenses to explore for coal, uranium and other leasable minerals on unleased lands. 30 U.S.C. 181 and 201(b), 43 CFR Part 3400.

*Leases/permits for recovery of coal and uranium deposits. 30 U.S.C. 181 *et seq.*, 30 U.S.C. 120 *et seq.*, 43 U.S.C. 1701 *et seq.*, 43 CFR Parts 3400–3800.

*Permits to mine coal for domestic needs. 30 U.S.C. 208, 43 CFR Part 3440.

*Leases for phosphate, sodium, potash, etc., exploration and mining. 30 U.S.C. 181 *et seq.*, 43 CFR Group 3500.

*Licenses for geothermal powerplant. 30 U.S.C. 1001–1025, 43 CFR Part 3250.

*Licenses for synthetic liquid fuel facilities. 30 U.S.C. 323.

*Solar energy facility siting. 43 U.S.C. 1761.

*Permits for sand, stone and gravel. 30 U.S.C. 601, 602.

*Permits for grazing. 43 U.S.C. 315, 43 CFR Group 4100.

*Leases/transfers of public lands for a public airport. 49 U.S.C. 1115, 43 CFR Part 2640.

*Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 U.S.C. 869 *et seq.*, 43 CFR Part 2740 (sales), 43 CFR Part 2912 (leasing).

*Permits for commercial recreational use of public lands. 43 U.S.C. 1701 *et seq.*, 43 CFR Part 8370.

*Concurrence for placer mining use of the surface of public lands withdrawn or reserved for power development or for a

power site. 30 U.S.C. 621, 43 CFR Part 3730.

*Leases, permits and licenses for mining in Wild and Scenic River System areas. 16 U.S.C. 1280; each area has special Federal Regulations.

*Management and control of wild free-roaming horses and burros and cooperative agreements for adoption. 16 U.S.C. 1331–1340, 43 CFR Group 4700.

*Sale by contract of forest products. 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 423, and 1181a; 43 CFR Group 5400.

*Permits for free use of timber. 16 U.S.C. 604 *et seq.*, 30 U.S.C. 189, 48 U.S.C. 423, 43 CFR Part 5500.

• Bureau of Mines (mineral land assessment):

*Agreements to dispose of helium of the United States. 43 U.S.C. 1201, 30 U.S.C. 180 *et seq.*, 43 CFR Part 16.

• Fish and Wildlife Service (effects on fish and wildlife resources):

*Easements/permits for transmission line, oil and gas pipeline and other rights-of-way across National Wildlife Refuge and National Fish Hatchery System land. 16 U.S.C. 668dd *et seq.*, for refuges, 43 U.S.C. 931 c and d for hatcheries; 50 CFR 25.41 and 29.21.

*Permits for rights-of-way across National Wildlife Monuments (Alaska only). 16 U.S.C. 432, 460k–3, and 742(f); 50 CFR Part 100.

*Permits for off-road vehicular use on National Wildlife Refuge System areas. 50 CFR Part 2634.

• Geological Survey:

*Supervision of oil and gas, oil shale and bitumen lease operations. Public domain: 30 U.S.C. 181, *et seq.;* 30 CFR Part 221. Acquired lands: 30 U.S.C. 351, *et seq.;* 30 CFR Part 221. Outer continental shelf: 43 U.S.C. 1331, *et seq.;* 30 CFR Parts 250 and 251. Indian lands: 25 U.S.C. 396, *et seq.;* 25 CFR Parts 171–174, 183, 184.

*Easements/rights of use for "gathering" pipelines, artificial islands, platforms and other fixed structures on any Federal or State outer continental shelf oil or gas lease. 43 U.S.C. 1334 and 1335, 30 CFR 250.18 and .19.

*Approves and supervises coal exploration operations, on leased Federal lands, prior to issuance of a Mining Permit by Office of Surface Mining Reclamation and Enforcement. 30 U.S.C. 201(b), 30 U.S.C. 181 *et seq.*, 43 CFR 4300, 30 CFR Part 211.

*Approval and supervision of plan of operations for a prospecting permit or a mining lease issued on public domain lands, acquired lands, and tribal and allotted Indian lands for potash, sodium, phosphate and other minerals (exclusive of oil, gas and coal). 30 U.S.C. 189 *et seq.*, 30 CFR Part 231.

*Permits for geothermal resources exploration. 30 U.S.C. 1023, 30 CFR 270.78.

*Supervision of geothermal resources lease operation. 30 U.S.C. 1023, 30 CFR Parts 270 and 271.

• Heritage Conservation and Recreation Service (funding of State and local programs for acquisition, development and preservation of public park, recreation and cultural/historical resources, Wild and Scenic Rivers System, National Trails System).

• National Park Service (effects on National Park System areas):

*Leases, permits and licenses for mining on National Park System lands involved in Wild and Scenic River System. 16 U.S.C. 1280.

*Access permits for mining activity within the National Park System. 16 U.S.C. 1902, 1908 (36 CFR Part 9); 30 U.S.C. 21 *et seq.*

*Permits, leases and easements for rights-of-way, grazing, oil and gas operations, and other uses on National Park System areas. 16 U.S.C. 1 *et seq.;* 36 CFR Parts 9 *et seq.*

*Permits for commercial operations on National Park System areas. 16 U.S.C. 1 *et seq.*, 36 CFR Part 7.

*Permits for off-road vehicular use. 36 CFR Part 7.

• Office of Surface Mining Reclamation and Enforcement:

*Issues and enforces permits for coal exploration operations on Federal lands within an approved mining permit area; and, if there is no approved State Coal Mining Regulatory Program, on non-Federal and non-Indian lands. 30 U.S.C. 1262, 30 CFR Ch. VII, 43 CFR Part 4300.

*Issues and enforces permits for surface coal mining operations on Federal lands except the State does this when there is both an approved State Coal Mining Regulatory Program and a Cooperative Agreement between the State and the Secretary of Interior. 30 U.S.C. 1267, 1268, 1271 and 1273, 30 CFR Ch. VII.

• Water and Power Resources Service (water storage and delivery projects, recreational developments, salinity control, sedimentation, irrigation):

*Sale or lease of project lands to a governmental entity or a non-profit group for recreational or other public purposes. 43 U.S.C. 869.

*Lease of project lands for commercial recreational developments. 43 U.S.C. 391 *et seq.*

*Department of Transportation*

*Transportation programs with measures to protect land traversed (particularly parks, recreation areas and historic sites). Department of Transportation Act as amended. 49 U.S.C. 1651–1659.

• Federal Highway Administration (construction and management of National Park Service roads and forest highways):

*Approval of projects for Indian reservation roads and bridges. 23 U.S.C. 208.

*Construction of public lands highways. 23 U.S.C. 209.

*Approval of projects for public lands development roads and trails. 23 U.S.C. 214.

*Environmental Protection Agency*

(Pollution control and environmental effects; pesticide use and integrated pest management.)

*Underground Injection Control permits on Indian lands. 42 U.S.C. 300 f. *et seq.*

*Air emissions from federal facilities. 42 U.S.C. 7418.

*Wastewater discharges from federal facilities. 33 U.S.C. 1323.

*Solid wastes and hazardous wastes from federal facilities. 42 U.S.C. 6961.

*Pesticide use on public lands.

*Federal Emergency Management Agency*

(National Flood Insurance Program, disaster relief assistance.)

*General Services Administration*

(Public buildings management.)

• Federal Property Resources Service (land disposal).

*National Aeronautics and Space Administration*

(Advanced technology of remote sensing of land use and land cover.)

*Tennessee Valley Authority*

(Project lands.)

**C. Land Use in Coastal Areas**

*Department of Agriculture*

• Forest Service.

• Soil Conservation Service (soil stability, hydrology).

*Department of Commerce*

• Maritime Administration (ports).

• National Oceanic and Atmospheric Administration (coastal and marine resources and protection):

*Permits for activities in designated marine sanctuaries. 16 U.S.C. 143 *et seq.* (15 CFR Part 922).

*Approval and funding of state coastal management programs. 16 U.S.C. 1451 *et seq.* (15 CFR Parts 923, 930).

*Protection of threatened and endangered marine species and critical habitats. 16 U.S.C. 1531 *et seq.* (50 CFR Part 222).

*Establishment of estuarine sanctuaries. 16 U.S.C. 1461 (15 CFR Part 921).

*Consistency determinations to insure Federal development projects and Federally permitted or funded projects with an approved state coastal zone management plan. 16 U.S.C. 1451 (15 CFR Part 930).

*Review of Federal permits affecting water resources. 16 U.S.C. 661 *et seq.*

*Grants and loans under Coastal Energy Impact Program. 16 U.S.C. 1456a (15 CFR Part 931).

*Department of Defense*

• Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits):

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403, and 419.

*Authority to enjoin or force removal of refuse placed in or on the banks of a navigable water or tributary of a navigable water. 33 U.S.C. 407.

*Permits for private projects to improve navigable waters. 33 U.S.C. 565.

*Permits for discharges of dredged of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Permits for transportation of dredge materials for dumping into ocean waters. 33 U.S.C. 1413.

*Department of Energy*

• Federal Energy Regulatory Commission:

*Certificates for natural gas facilities (underground storage fields, LNG facilities, and transmission pipeline facilities); sale, exchange and transportation of gas; abandonment of facilities; and curtailment of natural gas service; authorizattion to import and export natural gas. Natural Gas Act. 15 U.S.C. 717–717w.

*Authorization compelling the expansion, improvement or connection of natural gas facilities. 15 U.S.C. 717f(a).

• Office of Environment (energy policy, programs and projects).

• Economic Regulatory Administration.

*Exemptions from prohibitions against the burning of natural gas in powerplants and major fuel-burning installations. Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.;* Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*

*Department of Housing and Urban Development*

(Development in coastal areas.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (coastal zone planning and management, outer continental shelf):

*Leases for oil and gas deposits on the outer continental shelf. 43 U.S.C. 1331–1343, 30 CFR Parts 250 and 251, 43 CFR Part 3300.

*Grants for rights-of-way for "common carrier" oil and gas pipelines on outer continental shelf. 43 U.S.C. 1331, 43 CFR Part 3340.

*Permits for harvesting coral on the outer continental shelf. 43 U.S.C. 1334, 43 CFR Part 6224.

• Fish and Wildlife Service (effects on fish and wildlife resources):

*Easements/permits for transmission line, oil and gas pipeline and other rights-of-way across National Wildlife Refuge System land. 16 U.S.C. 668dd *et seq.*, 50 CFR 25.41 and 29.21.

• Geological Survey (estuarine and geophysical exploration on outer continental shelf, coastal zone planning):

*Permits for geological and geophysical exploration on outer continental shelf. 43 U.S.C. 1340 (30 CFR Part 251).

*Approval of geologic and geophysical exploration plans. 43 U.S.C. 1340.

*Drilling permits. 43 U.S.C. 1351.

*Supervision of oil and gas lease operations in the outer continental shelf. 43 U.S.C. 1331 *et seq.*, 30 CFR Parts 250 and 251.

*Easements/rights of use for "gathering" pipelines, artificial islands, platforms and other fixed structures on any Federal or State outer continental shelf oil or gas lease. 43 U.S.C. 1334 and 1335, 30 CFR 250.18 and .19.

• Heritage Conservation & Recreation Service (effects on historical and recreational values, coastal zone planning).

• National Park Service (effects on National Park System areas, barrier island ecology and coastal processes).

*Permits, leases and easements for rights-of-way, oil and gas operations and other uses on National Park System areas. 16 U.S.C. 1 *et seq.* 36 CFR Part 9 *et seq.*

• Water and Power Resources Service (water development projects in coastal areas, estuarine effects on water developments):

*Easements/permits for rights-of-way. 43 U.S.C. 3871.

*Department of Transportation*

• Coast Guard (bridges, pipelines/transmission lines crossing navigable waters, navigation and deepwater ports):

*Bridges over navigable waters—permits. 33 U.S.C. 525.

*Approval of plans to alter a bridge. 33 U.S.C. 514.

*Permits for causeways. 33 U.S.C. 401.

*Waterfront facilities. 33 U.S.C. 1221, 1321.

*Deepwater port regulation. 33 U.S.C. 1503–1524.

*Licensing of persons to engage in the ownership, construction or operation of a deepwater port. 33 U.S.C. 1503–1520.

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Permits for ocean discharges. 33 U.S.C. 1343.

*Permits for disposal of sewage sludge. 33 U.S.C. 1345.

*Review of permits for transportation of dredged material for ocean dumping. 33 U.S.C. 1413.

*Permits for transportation of materials (other than dredged materials) for ocean dumping. 33 U.S.C. 1412, 1414.

*Oil spill prevention, containment, and countermeasure plans (prepared by facility owner/operator). 1321, 1361 (40 CFR 112.7).

*Criteria for classification of solid waste disposal facilities and practices. 40 U.S.C. 6907(a)(3), 6944(a), 42 U.S.C. 345 (40 CFR 257).

*Permits for hazardous waste treatment, storage, and disposal facilities. 42 U.S.C. 6925 (40 CFR 122, 123, 124).

*Assistance for construction of publicly owned wastewater treatment works. 33 U.S.C. 1281.

*Review of permits for discharges of dredged or fill materials in waters of the United States. 33 U.S.C. 1344.

*Federal Emergency Management Agency*

(National Flood Insurance Program; floodplain management; sand dunes, mangrove forests, barrier islands; disaster relief assistance.)

*National Aeronautics and Space Administration*

(Advanced technology for remote sensing of land use and land cover.)

D. Protection of Environmentally Critical Areas

Floodplains, Wetlands, Barrier Islands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, Tundra, Etc.

*Department of Agriculture*

*Watershed Protection and Flood Prevention Act. 16 U.S.C. 1001–1009 (7 CFR Parts 15, 23, 600).

• Agricultural Stabilization and Conservation Service (commodity and land use programs; Water Bank).

• Permits for importing or exporting terrestrial plants in compliance with the Endangered Species Act. 16 U.S.C. 1531–1543.

• Forest Service (National Forest System lands).

• Science and Education Administration (soil and water conservation program).

• Soil Conservation Service (watershed protection and flood control; soil and water conservation).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal and marine resources, management and protection):

*Protection of threatened and endangered marine species and critical habitats. 16 U.S.C. 1531 *et seq.* (50 CFR Part 222).

*Permits for activities in designated marine sanctuaries. 16 U.S.C. 1431 *et seq.* (15 CFR Part 922).

*Establishment of estuarine sanctuaries. 16 U.S.C. 1461 (15 CFR Part 921).

*Approval and funding of state coastal management programs. 16 U.S.C. 1451 *et seq.* (15 CFR Parts 923, 930).

*Review of Federal permits affecting water resources. 16 U.S.C. 661 *et seq.*

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403, 419.

*Permits for discharge of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Department of Health and Human Services*

• Public Health Service: Center for Disease Control (health issues).

*Department of Housing and Urban Development*

• Office of Community Planning and Development (urban and floodplain areas).

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Burea of Land Management (public lands, outer continental shelf; management of "special areas"):

*Leases, permits and licenses for mining in Wild and Scenic River System areas. 16 U.S.C. 1280; each area has special Federal Regulations.

*Approval of plan of operations for a mining lease in a wilderness study area. 43 U.S.C. 1701 *et seq.*, 12 U.S.C. 1201 *et seq.*, 43 CFR 802.

*Permits for use of a designated "special area" as defined in 43 CFR 8372.0–5(g). 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 460 (1–6a), 16 U.S.C. 670 (g-n), 43 CFR Part 8370.

*Federal lands exempted from coal leasing. 30 U.S.C. 181 *et seq.*, 30 U.S.C. 351–359, 43 CFR 3400.2.

*Restrictions on use of "outstanding natural areas" and "primitive areas." 43 U.S.C. 1701 *et seq.*, 43 CFR Subpart 8352.

• Fish and Wildlife Service (protection of fish and wildlife resource values, National Wildlife Refuge and National Fish Hatchery Systems):

*Protection of endangered species and critical habitats. 16 U.S.C 1531–1543, 50 CFR Part 402.

*Determination of critical habitats for endangered and threatened species of fish and wildlife and plants. 16 U.S.C. 1533; 50 CFR Parts 17, 402 and 424.

• Geological Survey (geologic and hydrologic sensitive areas; earthquake, volcanic and other natural hazards):

*Discharges from outer continental shelf mineral leases. 30 CFR Part 250.

• Heritage Conservation & Recreation Service (historical and recreational values, Wild and Scenic River System, National Trails System):

*Identification and listing on the National Registry of Natural Landmarks of nationally significant natural areas in the United States. 16 U.S.C. 461, 36 CFR Part 1212.

• National Park Service (National Park System areas):

*See III B for regulatory authorities.

• Office of Surface Mining Reclamation and Enforcement (surface coal mining and reclamation operations):

*Designation of areas unsuitable for surface coal mining and reclamation operations. 30 U.S.C. 1272 and 1276, 30 CFR Parts 760 *et seq.*

• Office of Water Research and Technology (water resource planning).

• Water and Power Resources Service (water storage and delivery projects).

*Department of Transportation*

• Coast Guard:

*Establishment of port access routes. 33 U.S.C. 1221.

*Construction and alterations on bridges and causeways over navigable waters. 33 U.S.C 401, 491, 494–495, 513–514, 525.

• Federal Highway Administration:

*Approval of federal-aid highway projects. 23 U.S.C. 101–156, generally.

*Approval of highway bridge replacement and rehabilitation. 23 U.S.C. 144 (23 CFR part 650).

*Environmental Protection Agency*

(Pollution control and environmental effects on wetlands, floodplains, and prime agricultural lands.)

*Underground injection control permits. 42 U.S.C. 300 f *et seq.*

*Criteria for classification of solid waste disposal facilities and practices. 40 U.S.C. 6907(a)(3), 6944(a), 42 U.S.C. 345 (40 CFR Part 257).

*Permits for owners and operators of hazardous waste treatment, storage and disposal facilities. 42 U.S.C. 6924 (40 CFR Part 250 Subpart D).

*Review of permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Federal Emergency Management Agency*

(National Flood Insurance Program; floodplain management; sand dunes, mangrove forests, barrier islands; disaster relief assistance.)

*Tennessee Valley Authority (Tennessee Valley Region)*

*Water Resources Council*

(Coordination of floodplain and wetland initiatives.)

• River Basin Commissions (as geographically appropriate)

**E. Community Development**

• Action (effects on low income populations).

*Advisory Council on Historic Preservation*

(Historic preservation.)

*Department of Agriculture*

• Science and Education Administration (rural and community development program).

• Soil Conservation Service (soil surveys).

• Farmers Home Administration (rural and community development program).

• Agricultural Stabilization and Conservation Service (USDA rural development and farm programs).

*Department of Commerce*

• Economic Development Administration (designated areas).

• National Oceanic and Atmospheric Administration (energy development impact on communities; financial assistance under the Coastal Energy Impact Program):

*Approval and funding of State coastal zone management programs. 16

U.S.C. 1451 *et seq.* (15 CFR Parts 923, 130).

*Department of Health and Human Services*

• Public Health Service: Center for Disease Control (health).

• Office of Human Development Services (problems of handicapped, aged, children and Native Americans).

*Department of Housing and Urban Development*

• Office of Community Planning and Development (community development; effects on low income populations: economic revitalization in distressed areas; density and congestion mitigation; rehabilitation and urban homesteading).

*Department of the Interior*

• Bureau of Indian Afairs (Indian peoples and lands).

• Bureau of Land Management (public lands):

*Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 U.S.C. 869 *et seq.*, 43 CFR 2740 for sales, 43 CFR 2912 for leases.

*Leases/transfers of public lands for a public airport. 49 U.S.C. 1115, 43 CFR Part 2640.

*Permits for free use of timber. 16 U.S.C. *et seq.*, 30 U.S.C. 208, 43 CFR 3440.

*Exchange of Federal lands for other property. 43 U.S.C. 1716, 43 CFR 2200–2700.

*Easements, leases and permits for public works. 43 U.S.C. 931 c and d, 43 CFR Part 9.

*Special land-use permits for habitation, occupation and other purposes. 43 U.S.C. 931 c and d, 43 CFR Part 9.

*Sale or lease of land for solid waste disposal sites. 43 U.S.C. 869 *et seq.* For sale: 43 CFR Part 2740; for lease: 43 CFR Part 2912.

• Fish and Wildlife Service (effects on fish and wildlife resources and National Wildlife Refuge and National Fish Hatchery System areas.

• Heritage Conservation & Recreation Service (landmarks, archeological remains, outdoor recreation, urban parks, historic preservation):

*Assistance to State and local agencies, through Land and Water Conservation Fund Act grants, for the acquisition and/or development of park and recreation areas and/or facilities. 16 U.S.C. 4601.

*Assistance to State and local agencies, through Urban Park and Recreation Recovery Act grants, for the development and/or improvement of park and recreation areas. 16 U.S.C. 2504, 36 CFR Part 1228.

*Assistance for the acquisition, rehabilitation, restoration and reconstruction of historic properties. 16 U.S.C. 470 *et seq.*, 36 CFR Part 1207, 36 CFR 60.3.

• National Park Service (effects on National Park System Areas).

• Water and Power Resources (water storage and delivery, irrigation):

*Sale of farm units on Federal irrigation projects (Statutory jurisdiction appears in individual project authorizations).

*Sale or lease of project lands to a governmental entity or nonprofit group for recreational or other public purposes. 43 U.S.C. 869.

*Department of Transportation*

• Federal Aviation Administration (effects of airport development on communities).

• Federal Highway Administration (effects of highways on communities):

*Relocation asistance in connection with highway projects. 42 U.S.C. 4601 *et seq.* (23 CFR Part 740, 49 CFR Part 25).

*Approval of economic growth center development highways. 23 U.S.C. 143.

• Urban Mass Transportation Administration.

*Urban Mass Transportation Act. 49 U.S.C. 1610.

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Federal Emergency Management Agency*

(National Flood Insurance program, disaster relief assistance, dam and levee safety, mitigation of natural hazards.)

*General Services Administration*

(Building design and construction.)

*Interstate Commerce Commission*

(Effects of freight and passenger railline abandonment on community development.)

*National Capital Planning Commission*

(Washington, D.C. area.)

*Approval of land use plans and construction in the National Capital. D.C. Code 5–428, 40 U.S.C. 74a (D.C. Code 9–304); D.C. Code 8–104; Pub. L. 90–553, section 4; 40 U.S.C. 122 (D.C. Code 8–115).

*National Endowment for the Arts*

(Effects of development on artistic values.)

F. Historic, Architectural, and Archeological Preservation

*Advisory Council on Historic Preservation*

(Effects of development or other actions on archeological and historic resources.)

*Procedures for the protection of historic and cultural properties, 36 CFR Part 800.

*Department of Agriculture*

• Forest Service (historic and archelogical resources in National Forests and Grasslands).

• Agricultural Stabilization and Conservation Service (effects on historic and archeological resources from agriculture).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (areas for preservation and restoration under State coastal zone management programs):

*Marine Sanctuaries. 16 U.S.C. 1431.

*Department of Housing and Urban Development*

(Protection of historic and architectural resources in urban areas.)

*Department of the Interior*

*Permits to examine ruins, excavations and gathering of objects on land under jurisidiction of Interior, Agriculture and Army. 16 U.S.C. 432.

• Bureau of Indian Affairs (protection of historic and archelogical resources on Indian and Native American lands):

*Concurrence for issuance and supervision of antiquity permits (see HCRS) on Indian lands. 16 U.S.C. 432, 25 CFR Part 132.

*Protection of access to sacred sites, use and possession of sacred objects and other rights of the American Indian, Eskimo, Aleut, and Native Hawaiian. 42 U.S.C. 1996.

• Bureau of Land Management (cultural resource management on public lands and outer continental shelf):

*Concurrence for issuance and supervision of antiquity permits (see HCRS). 16 U.S.C. 432, 43 CFR Part 3.

• Fish and Wildlife Service (National Wildlife Refuge and National Fish Hatchery System lands):

*Special use permit for antiquities search and collection activities—in addition to an antiquity permit (see HCRS). 16 U.S.C. 668dd *et seq.*, 50 CFR 25.41.

• Heritage Conservation & Recreation Service (HCRS) (protection of historic, archeological, architectural properties):

*Permits to examine ruins, excavate archeological sites and gather objects of

antiquity on Federal and Indian lands (Antiquity permits issued by the Departmental Consulting Archeologist). 16 U.S.C. 432, 43 CFR Part 3.

*Permits to excavate or remove archeological resources located on public lands or Indian lands. 16 U.S.C. 470aa *et seq.* [Regulations for the Archeological Resources Protection Act of 1979 under Development.]

*Determinations of eligibility for and listing on the National Register of Historic Places of sites, buildings, districts, structures and objects of historical, architectural, archeological, and/or cultural significance. 16 U.S.C. 470, 36 CFR Parts 60, 63 and 67, 36 CFR 800.4(a)(3).

• National Park Service (protection of archeological and historic resources on National Park System lands):

*Concurrence for issuance and supervision of antiquity permits (see HCRS). 16 U.S.C. 432, 43 CFR Part 3, 36 CFR 2.20 and 2.25.

• Water and Power Resources Service (protection of cultural resourses on water storage and delivery project lands):

*Concurrence for issuance and supervision of antiquity permits (see HCRS). 16 U.S.C. 432, 43 CFR Part 3.

*Department of Transportation*

*Approval of transportation programs or projects that require the use of or have significant impacts on an historic site. 42 U.S.C. 1653(f).

• Coast Guard:

*Construction and alterations on bridges and causeways over navigable waters that are or require the use of or have significant impacts on an historic site. 33 U.S.C. 401, 491, 525; 33 U.S.C. 494–495; 33 U.S.C. 513–514.

• Federal Highway Administration (effects of highway projects on cultural resources):

*Approval of transportation programs or projects that require the use of or have significant impacts on an historic site. 42 U.S.C. 138.

*Archeological and paleontological salvage on federal and federal-aid highway projects. 23 U.S.C. 305 (23 CFR Part 765).

• Urban Mass Transportation Administration (effects of rapid transit projects on architectural and historic resources).

*Environmental Protection Agency*

(Effects of pollution on historic, architectural and archeological resources.)

*General Services Administration*

• Public Buildings Service (effects of development and pollution on architectural and historic resources in urban areas).

*National Capital Planning Commission*

(Effects of development and pollution on architectural, historic and archeological resources in the Washington, D.C. area.)

*Approval of land use plans and construction in the National Capital. D.C. Code 5–428; 40 U.S.C. 74a (D.C. Code 9–304); D.C. Code 8–104; Pub. L. 90–553, section 3; 40 U.S.C. 122 (D.C. Code 8–115).

*Tennessee Valley Authority*

(Effects of development and other actions on historic and archeological resources in the Tennessee Valley region.)

**G. Outdoor Recreation**

*Department of Agriculture*

• Forest Service (National Forest land and Grasslands).

*Permits for use of wilderness areas. 16 U.S.C. 472, 16 U.S.C. 551 (36 CFR Part 293).

*Permits for hunting and fishing in refuge lands. 16 U.S.C. 551; 16 U.S.C. 683.

• Soil Conservation Service (watershed protection).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (marine recreational fishing, coastal access planning in state coastal zone management programs

*Department of Defense*

• Army Corps of Engineers (recreation areas on Department of Defense lands):

*Activities on water resources development projects. 16 U.S.C. 460d (36 CFR Parts 313, 327).

*Department of Health and Human Services*

• Public Health Service:

Center for Disease Control (outdoor recreation and health).

*Department of Housing and Urban Development*

(Outdoor recreation in urban areas.)

*Department of the Interior*

• Bureau of Indian Affairs (outdoor recreation on Indian lands).

• Bureau of Land Management (outdoor recreation on public lands generally, including ORV use and river management):

*Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 U.S.C. 869 *et seq.* 43 CFR Part 2740 for sales, 43 CFR Part 2912 for leases.

*Exchange of Federal land for other property. 43 U.S.C. 1717, 43 CFR Parts 2200–2700.

*Permits for off-road vehicular use special events, i.e., tours and competitions. 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 460(1–6a), 43 CFR Part 8372).

*Permits for use of a national trail, developed facility and a designated "special area" as defined in 43 CFR 8372.0–5(g). 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 460 (1–6a), 16 U.S.C. 670 (g-n), 43 CFR Part 8370.

*Permits for commercial recreation use of public lands. 43 U.S.C. 1701 *et seq.* 43 CFR Part 8370.

• Fish and Wildlife Service (effects on fish and wildlife resources):

*Permits for special uses including concessions and other recreational facilities on National Wildlife Refuge System lands. 16 U.S.C. 668dd *et seq.*, 50 CFR 25.51–25.41.

*Permits for off-road vehicular use on National Wildlife Refuge System lands. 50 CFR Part 2634.

• Heritage Conservation & Recreation Service (outdoor recreation, urban parks, Wild and Scenic Rivers System, National Trails System):

*Assistance to State and local agencies, through Land and Water Conservation Fund Act grants, for the acquisition and/or development of park and recreation areas and/or facilities. 16 U.S.C. 4601.

*Assistance to State and local agencies, through Urban Park and Recreation Recovery Act grants, for the development and/or improvement of park and recreation areas. 16 U.S.C. 2504, 36 CFR Part 1228.

• National Park Service (affects on National Park System areas):

*Permits for off-road vehicle use. 16 U.S.C. 1 *et seq.*, 36 CFR 7.

• Water and Power Resources (effects on water storage and delivery projects):

*Sale or lease of project lands to a governmental entity or a non-profit group for recreational purposes. 43 U.S.C. 869.

*Lease of project lands for commercial recreational developments. 43 U.S.C. 391 *et seq.*

*Permits for organized off-road vehicular events. 43 CFR 420.24.

*Department of Transportation*

• Coast Guard:

*Recreational boating regulation. 46 U.S.C. 1451.

• Federal Highway Administration:

*Preservation of parklands. 23 U.S.C. 138.

*Access highways to public recreation areas on lakes. 23 U.S.C. 155.

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*National Capital Planning Commission*

*Approval of land use plans and construction in the National Capital. D.C. Code 5–428; 40 U.S.C. 74a (D.C. Code 9–304); D.C. Code 8–104; Pub. L. 90–553; 40 U.S.C. 122 (D.C. Code 8–115).

*Tennessee Valley Authority*

(Recreation on public lands and waters in Tennessee Valley Region.)

*Water Resources Council*

(Recreation on water and related land resources.)

• River Basin Commissions (as geographically appropriate).

IV. NATURAL RESOURCE MANAGEMENT

A. Weather Modification

*Department of Agriculture*

• Forest Service (national forests and grasslands).

• Soil Conservation Service (snow survey).

• World Food and Agricultural Outlook and Situation Board (data relating to commodities).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (research and development; reports on private activities).

*Department of Defense*

• Department of the Air Force (fog dissipation).

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands).

• Bureau of Land Management (effects on public lands).

• Fish and Wildlife Service (effects on fish and wildlife resources and National Wildlife Refuge and National Fish Hatchery System areas).

• Geological Survey (effects on hydrologic resources).

• National Park Service (effects on National Park System areas).

• Water and Power Resources Service (effects on water storage and delivery projects, water resources research):

*Areawide precipitation augmentation research through cloud seeding, etc. 43 U.S.C. 377.

*Environmental Protection Agency* (pollution control and environmental effects).

B. Waterway Regulation and Stream Modification

*Department of Agriculture*

• Agricultural Stablization and Conservation Service (resource conservation; Water Bank programs).

• Animal and Plant Health Inspection Service (control of exotic noxious weeds).

• Forest Service (National Forests and Grasslands).

• Science and Education Administration (soil and water conservation).

• Soil Conservation Service (watershed protection).

*Department of Commerce*

• Maritime Administration (merchant vessels, barges and inland vessels).

• National Oceanic and Atmospheric Administration (conservation of marine, estuarine and anadromous fish habitat; review of federal permits affecting water resources, management and protection of coastal and marine resources).

*Department of Defense*

• Army Corps of Engineers:

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 401, 403, and 419 (33 CFR Part 322).

*Permits for discharges of dredged or fill materials into waters of the United States. 33 U.S.C. 1344 (33 CFR Part 323).

*Permits for activities at lakes managed by a lakeshore management plan. 33 U.S.C. 1251.

*Permits for use of river or harbor improvement built by U.S. 33 U.S.C. 408 (33 CFR 320.2(e)).

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands).

• Bureau of Land Management (effects on public lands).

• Bureau of Mines (effects on mineral resources, production and transportation).

• Fish and Wildlife Service (effects on fish and wildlife reources and National Wildlife Refuge and National Fish Hatchery System areas):

*Consultation regarding Federal or Federally permitted projects which affect streams and water bodies under the Fish and Wildlife Coordination Act. 16 U.S.C. 661 *et seq.*, 43 CFR Part 17.

• Geological Survey (hydrologic research, data collection and reporting for surface and groundwaters).

• Heritage Conservation & Recreation Service (effects on Wild and Scenic River System and other outdoor recreation areas, opportunities and users).

• National Park Service (effects on National Park System areas).

• Office of Surface Mining Reclamation and Enforcement (effects on surface mining and reclamation activities).

• Water and Power Resources Service (water storage and delivery projects and their effects):

*Construction and operation of works and structures for storage, diversion and development of waters, including flood control, navigation and river regulation and control in the 17 contiguous western States. 43 U.S.C. 391 *et seq.*

*Department of Transportation*

• Coast Guard (vessels, bridge, port, and waterway safety; navigation aids):

*Deepwater port regulation. 33 U.S.C. 1503–1524.

*Tank vessel regulation. 46 U.S.C. 391a.

*Ports and waterways safety. 33 U.S.C. 1224.

*Construction and alterations on bridges and causeways over navigable waters. (33 U.S.C. 401, 491, 525; 33 U.S.C. 494–95; 33 U.S.C. 513–14).

• Federal Highway Administration:

*Approval of federal-aid highway and bridge projects involving navigable waters and channel changes. 23 U.S.C. 144 (23 CFR Part 650).

*Approval of toll bridge and ferry projects. 23 U.S.C. 129.

*Environmental Protection Agency* (pollution control and environmental effects):

*Review of permits for discharge of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Federal Emergency Management Agency*

(Floodplain mapping, floodplain management, dam and levee safety, mitigation of natural hazards.)

*International Boundary and Water Commission, U.S. Section*

(Maintenance, restoration and protection of banks of Rio Grande and Colorado River where they form an international boundary.)

*Tennessee Valley Authority*

*Construction of dams, appurtenant work, or other obstruction affecting navigation, flood control, public lands or reservations on the Tennessee River System. 16 U.S.C. 831y–1.

*Water Resources Council*

*Water Resources Planning Act. 42 U.S.C. 1962 (18 CFR Parts 701–706; 33 CFR Part 252).

• River Basin Commissions (as geographically appropriate).

**C. Soil and Plant Conversation and Hydrology**

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (soil conservation; cost-share programs).

• Farmers Home Administration (soil erosion).

• Forest Service (soil and plant conservation and hydrology generally).

• Science and Education Administration (technical aspects of water and soil conservation).

• Soil Conservation Service (providing technical assistance and monitoring of soil and watershed conservation programs):

*Grazing Permits. 16 U.S.C. 580 (K) and (L) (36 CFR 227.1).

*Multiple-use sustained-yield units. 16 U.S.C. 528 (36 CFR 223).

*Bankhead-Jones Farm Tenant Act, Title III—Administration of National Grasslands. 7 U.S.C. 1010–1012 (36 CFR 213.3).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal and marine resources-management and protection).

*Department of Defense*

• Army Corps of Engineers (dredging, aquatic plants).

*Rules governing work or structures in or affecting the waters of the United States. 33 U.S.C. 403.

*Permits for discharge of dredged or fill materials into waters of the United States. 33 U.S.C. 1344.

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands).

• Bureau of Land Management (watersheds, soil erosion and vegetation management on public lands).

*Permits for livestock. 43 U.S.C. 315, 43 CFR Group 4100.

• Bureau of Mines (hydraulic effects of mining).

• Fish and Wildlife Service (effects on fish and wildlife resources)

*Endangered, threatened plants—permits. 16 U.S.C. 1541 (50 CFR 17.62).

• Geological Survey (geology and hydrology).

• National Park Service (effects on National Park System lands).

*Special use permits, grazing permits, permits to collect soil, rock, water, and plant specimens. 16 U.S.C. 1 *et seq;* 36 CFR Parts 1, 2 and 7.

• Office of Surface Mining Reclamation and Enforcement (effects of mining on erosion, aquifers and alluvial valley floors).

• Office of Water Research and Technology (water resources research).

• Water and Power Resources Service (soil and moisture conservation, hydrology, erosion control on public lands, water storage and delivery projects.

*Department of Transportation*

• Federal Highway Administration (erosion control in highway projects).

*Environmental Protection Agency* (pollution control and environmental effects).

*Federal Emergency Management Agency*

(Floodplain mapping, floodplain management, dam and levee safety, mitigation of natural hazards.)

*National Aeronautics and Space Administration* (advanced technology for remote sensing of land covers).

*Tennessee Valley Authority* (National Fertilizer Development Center, endangered plants in the Tennessee Valley region).

*Water Resources Council* (floodplain and wetland initiatives).

• River Basin Commissions (as geographically appropriate).

**D. Fish and Wildlife**

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (agricultural conservation program, water bank program).

• Animal and Plant Health Inspection Service:

*Prevention of importation or exportation of diseased livestock or poultry. 21 U.S.C. 102–105, 111, 132a–134f.

• Forest Service (habitat management).

*Claim of privately owned horses and burros. 16 U.S.C. 1333 (36 CFR Part 222).

*Permits for hunting and fishing in refuge lands. 16 U.S.C. 551; 16 U.S.C. 683.

• Soil Conservation Service (habitat, fish ponds, aquaculture).

*Department of Commerce*

• National Oceanic and Atmospheric Administration (coastal and marine resources management and protection):

*Scientific research and public display of marine mammals. 16 U.S.C. 1374 (50 CFR Part 618; 50 CFR 216.31, 220).

*Consultation regarding Federal or Federally permitted projects affecting fish and wildlife habitat in coastal and offshore areas under the Fish and Wildlife Coordination Act. 16 U.S.C. 661, *et seq.*

*Permits for activities in designated marine sanctuaries. 16 U.S.C. 1431, *et seq.* (15 CFR Part 922).

*Approval and funding of state coastal management programs. 16 U.S.C. 1451, *et seq.* (15 CFR Part 923; 930).

*Protection of threatened and endangered marine species and critical habitats. 16 U.S.C. 1531, *et seq.* (50 CFR Part 222).

*Protection of marine mammals. 16 U.S.C. 1361, *et seq.* (50 CFR Part 216).

*Establishment of estuarine sanctuaries. 16 U.S.C. 1461 (15 CFR Part 921).

*Trustee of natural resources. 43 U.S.C. 1813 (E.O. 12123).

*Scientific, propagation or survival of marine reptile—permits. 16 U.S.C. 1538 (50 CFR 223.23).

*Endangered or threatened marine fish, sea turtles—permits. 16 U.S.C. 1531 (50 CFR 222.21).

*Control of fishing by foreign and domestic vessels in the 3–200 mile Fishery Conservation Zone. 16 U.S.C. 1801, *et seq.* (50 CFR Ch. VI).

*Permit for importing marine mammals or products thereof. 16 U.S.C. 1371–74 (50 CFR Part 216).

*Whaling for scientific and subsistence purposes. 16 U.S.C. 916 (50 CFR Part 216).

*Department of Defense*

• Army Corps of Engineers (public works project mitigation measures).

*Rules governing work or structures in or affecting the waters of the United States, 33 U.S.C. 403.

*Permits for discharge of dredged or fill material into waters of United States. 33 U.S.C. 1344.

• Department of the Air Force (bird-aircraft strike hazard reduction).

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands and off-reservation treaty fishing).

• Bureau of Land Management (wild horses and burros; endangered species and raptors; effects of power lines and other major projects crossing public lands):

*Management and control of wild free-roaming horses and burros and cooperative agreements for adoption. 16 U.S.C. 1331–1340, 43 CFR Group 4700.

• Fish and Wildlife Service (endangered species; effects on fish and wildlife):

*Permits to take bald and golden eagles for scientific, religious and other purposes. 16 U.S.C. 668a, 50 CFR Part 22.

*Permits for the taking and importation of marine mammals. 16 U.S.C. 1361 *et seq.*, 50 CFR Part 18.

*Permits for export/import and to take for scientific and other purposes endangered or threatened wildlife and plants. 16 U.S.C. 1531 *et seq.*, 50 CFR Part 17.

*Permits for the importation of injurious mammals, birds, fish and other wildlife. 18 U.S.C. 42–44, 50 CFR 16.22.

*Permits for export/import and interstate transportation of wildlife. 18 U.S.C. 42 *et seq.*, 50 CFR Part 14.

*Permits for the banding and marking of migratory birds. 16 U.S.C. 703–711, 50 CFR 21.22.

*Permits to perform taxidermy services on migratory birds, nests and eggs for commercial uses. 16 U.S.C. 704, 50 CFR 21.24.

*Permits for special purpose uses of migratory birds, 16 U.S.C. 701, *et seq.*, 50 CFR 21.27.

*Certificates or permits of exception to Convention on International Trade in Endangered Species. 16 U.S.C. 1531–1543, 50 CFR Part 23.

*Protection of endangered species and critical habitats. 16 U.S.C. 1531–1543, 50 CFR Part 402.

*Determination of critical habitats for endangered and threatened species fish and wildlife and plants. 16 U.S.C. 1533; 50 CFR Parts 17, 402 and 424.

*Consultation regarding Federal or Federally permitted projects which affect streams and water bodies under the Fish and Wildlife Coordination Act. 16 U.S.C. 661, *et seq.*, 43 CFR Part 17.

*Restoration and enhancement of anadromous fishery resources through grants for fish ladders, new anadromous fish hatcheries, new fishways, etc. 16 U.S.C. 742a–742j, 50 CFR Part 401.

*Improvement of sport fishery resources through grants to States under the Dingell-Johnson (D–J) Program. 16 U.S.C. 777–777k, 50 CFR Part 80.

*Restoration and enhancement of wildlife populations and resources through grants to States under the Pittman-Robertson (P–R) Program. 16 U.S.C. 669 *et seq.*, 50 CFR Part 80.

*Habitat acquisition and improvement and other activities for designated marine mammals through grants to States under the Marine Mammal Grant Program. 16 U.S.C. 1361 *et seq.*

*Land acquisition, management, and other activities for endangered and threatened species through grants to States. 16 U.S.C. 1531–1543, 50 CFR Part 81.

• Geological Survey (water quality and quantity).

• Heritage Conservation & Recreation Service (fishing, hunting and other outdoor recreational pursuits).

• National Park Service:

*Permits for collecting animal specimens from National Park System areas. 16 U.S.C. 1 *et seq.*, 36 CFR Part 2.

*Licenses and permits for sport or commercial fishing in certain National Park System areas. 36 CFR Part 2.

*Disposition of surplus animals from National Park System areas. 36 CFR Part 10.

• Office of Surface Mining Reclamation and Enforcement (effects of surface mining and reclamation activities).

• Water and Power Resources Service (water storage and delivery projects, hunting and fishing on project lands, mitigation measures, limnology).

*Department of Health and Human Services*

• Public Health Service (health).

• Food and Drug Administration (contamination of fish and shellfish with toxics).

*Department of State*

(International issues concerning fish and wildlife, including migratory birds and marine mammals.)

*Department of Transportation*

(Effects of highway projects on fish and wildlife habitat.)

• Federal Highway Administration (highway construction).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Marine Mammal Commission*

(Marine mammal protection and conservation.)

*Tennessee Valley Authority*

(Fish and wildlife management and conservation in the Tennessee Valley.)

E. Renewable Resource Development, Production, Management, Harvest, Transport and Use

• ACTION (small-scale voluntary activities involving energy conservation, e.g., woodlot coops).

*Department of Agriculture*

• Economic Statistical Cooperation Service (data).

• Agricultural Stabilization and Conservation Service (conservation program, forestry incentives program.)

• Forest Service (timber sale, free use, timber management activities and grazing habitat management in National Forests and Grasslands).

*Timber use permits. 16 U.S.C. 472; 16 U.S.C. 528–531; 16 U.S.C. 1600–1614.

• Science and Education Administration (forest and range management).

• Soil Conservation Service (watershed protection; soil conservation).

*Department of Commerce*

• Maritime Administration (transportation of renewable resource commodities).

• National Oceanic and Atmospheric Administration (coastal and marine resources management and development, control of fishing by foreign and domestic vessels in the 3–200 mile Fishery Conservation Zone).

*Department of Defense*

• Army Corps of Engineers (hydro).

*Rules governing work or structures in or affecting waters of the United States. 33 U.S.C. 403.

*Permits for discharge of dredged or fill material into waters of United States. 33 U.S.C. 1344.

*Department of Energy*

• Federal Energy Regulatory Commission.

*Regulation of development of water resources. Federal Power Act. 16 U.S.C. 791–825r (18 CFR Parts 4–25, 36, 131, 141).

• Office of Environment (energy policy, programs and projects).

*Department of Housing and Urban Development*

(Building materials.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands):

*Permits for grazing on Indian lands and on Federal lands under BIA jurisdiction. 5 U.S.C. 301 *et seq.*, 25 CFR 151.

*Sale of timber from tribal and allotted lands. 25 U.S.C. 406, 407 *et seq.*; 25 CFR Part 141.

Permits, concessions and leases on lands withdrawn or acquired in connection with Indian irrigation projects. 25 U.S.C. 390, 25 CFR Part 203.

*Leases for farming and other uses on Federal lands under BIA jurisdiction. 5 U.S.C. 301, 25 U.S.C. 392 *et seq.*, 25 CFR Part 131.

• Bureau of Land Management (public lands, outer continental shelf):

*Permits for coral harvesting on the outer continental shelf. 43 U.S.C. 1334, 43 CFR Part 6224.

*Permits for grazing. 43 U.S.C. 315, 43 CFR Group 4100.

*Sale by contract of forest products. 30 U.S.C. 601 *et seq.*, 43 U.S.C. 315, 423, and 1181a; 43 CFR Group 5400.

*Permits for free use of timber. 16 U.S.C. 604 *et seq.*, 30 U.S.C. 189, 48 U.S.C. 423, 43 CFR Part 5500.

*Management and control of wild free-roaming horses and burros and cooperative agreements for adoption. 16 U.S.C. 1331–1340, 43 CFR Group 4700.

• Fish and Wildlife Service (effects on fish and wildlife resources).

• Heritage Conservation and Recreation Service (funding for State and local programs for acquisition, development and preservation of public park, recreation and cultural/historical resources; effects on historical and recreational values).

• National Park Service (effects on National Park System areas):

*Permits for sport fishing, hunting and grazing. 16 U.S.C. Ch. 1 *et seq.*, 36 CFR Parts 1, 2 and 7.

• Water and Power Resources Service (water storage and delivery projects, irrigation):

*Sale of farm units on Federal irrigation projects. (Statutory authority appears in individual project authorizations.)

*Department of Transportation*

• Federal Highway Administration (logging haul roads, access roads).

*Environmental Protection Agency*

(Pollution control and environmental effects.)

*Interstate Commerce Commission*

(Freight rates.)

*Tennessee Valley Authority*

(Hydro-electric power, biomass production and use.)

**F. Non-energy Mineral Resource Conservation, Development, Production, Management, Transport and Use**

*Department of the Interior*

• Bureau of Indian Affairs (effects on Indian lands):

*Approval of leases for Indian lands. 25 U.S.C. 392–403b, 415; 25 CFR Part 131.

*Leases for mining and other uses on Federal lands under BIA jurisdiction. 5 U.S.C. 301, 25 U.S.C. 392, *et seq.*, 25 CFR Part 131.

*Rights-of-way over Federal lands under BIA jurisdiction. 25 U.S.C. 323–328, 25 CFR Part 161.

• Bureau of Land Management (effects on public lands and the outer continental shelf):

*Exploration Licenses to explore for leasable minerals on unleased lands. 30 U.S.C. 181 and 201(b), 43 CFR Part 3400.

*Leases for phosphate, sodium, potassium, etc., exploration and mining. 30 U.S.C. 181 *et seq.*, 43 CFR Group 3500.

*Permits for sand, stone and gravel. 30 U.S.C. 601, 602.

*Leases, permits and licenses for mining in Wild and Scenic River System areas. 16 U.S.C. 1280; each area has special Federal Regulations.

*Concurrence for placer mining use of the surface of public lands withdrawn or reserved for power development or for a power site. 30 U.S.C. 621, 43 CFR Part 3730.

*Leases and permits for sulfur in Louisiana and New Mexico. 30 U.S.C. 271 *et seq.*, 43 CFR Group 3500.

*Easements/permits for rights-of-way. 43 U.S.C. 9, 43 U.S.C. 1701 *et seq.*, 43 CFR Parts 2800–2900.

*Exchange of Federal lands for other property. 43 U.S.C. 1716, 43 CFR 2200–2270.

• Bureau of Mines (mineral land assessment):

*Agreements to dispose of helium of the United States. 43 U.S.C. 1201, 30 U.S.C. 180 *et seq.*, 43 CFR Part 16.

• Fish and Wildlife Service (effects on fish and wildlife resources):

*Easements/permits for transmission line, pipelines and other rights-of-way across National Wildlife Refuge and National Fish Hatchery System land. 16 U.S.C. 668dd *et seq.* for refuges, 43 U.S.C. 931c and d for hatcheries; 50 CFR 25.41 and 29.21.

*Permits for rights-of-way across National Wildlife Monuments (Alaska only). 16 U.S.C. 432, 460k–3, and 742(f); 50 CFR Part 100.

• Geological survey: Approval and supervision of plan of operations for a prospecting permit or a mining lease issued on public domain lands, acquired lands, and tribal and allotted Indian lands for potash, sodium phosphate and other minerals (exclusive of oil, gas and coal). 30 U.S.C. 189 *et seq.*, 30 CFR Part 231.

• Heritage Conservation & Recreation Service (effects on public park, recreation and cultural/historical resources and values).

• National Park Service (effects on National Park System areas):

*Permits, leases and easements for rights-of-way, grazing and other uses on National Park System areas. 16 U.S.C. 1 *et seq.*, 36 CFR Part 9 *et seq.*

*Leases, permits and licenses for mining on National Park System lands involved in Wild and Scenic River Systems. 16 U.S.C. 1280.

*Access permits for mining activity within the National Park System. 16 U.S.C. 1902, 1908; 30 U.S.C. 21 *et seq.*, 36 CFR Part 9.

• Office of Minerals Policy and Research Analysis (research).

• Office of Surface Mining Reclamation and Enforcement (effects of surface mining and reclamation activities).

• Water and Power Resources Service (effects on water storage and delivery projects):

*Easements/permits for access, pipeline and other rights-of-way. 43 U.S.C. 3871.

**G. Natural Resources Conservation**

*Department of Agriculture*

• Agricultural Stabilization and Conservation Service (resource conservation programs).

• Forest Service (conservation of forest and rangeland resources).

• Science and Education Administration (research in technical aspects of soil and water conservation; forest and range management).

• Soil Conservation Service (soil and water conservation).

*Department of Energy*

• Federal Energy Regulatory Commission (hydroelectric power and natural gas facilities).

• Office of Environment (energy policies, programs and projects):

*Energy Conservation Standards for New Buildings Act. 42 U.S.C. 6834.

*Department of Commerce*

• National Bureau of Standards (energy efficiency).

• National Oceanic and Atmospheric Administration (coastal and marine resources—management and protection, heating fuel usage forecasting, coastal energy facility planning and siting in state coastal zone management programs).

*Environmental Protection Agency*

(Resource recovery from wastes, pollution control and environmental effects.)

*The Solid Waste Disposal Act, 42 U.S.C. 3251, *et seq.*, as amended by the Resource Conservation and Recovery Act. 42 U.S.C. 6901, *et seq.*

*Guidelines on solid waste collection and storage for federal assistance. 42 U.S.C. 6907 (40 CFR Part 243).

*Resource recovery facilities. 42 U.S.C. 6907 (40 CFR Part 245).

*Materials recovery, solid waste management guidelines for source separation. 42 U.S.C. 6907 (40 CFR Part 246).

*Solid waste management guidelines for beverage containers. 42 U.S.C. 6907 (40 CFR Part 244).

*Federal Emergency Management Agency*

(Dam and levee safety.)

*Department of the Interior*

• Bureau of Indian Affairs (Indian lands).

• Bureau of Land Management (public lands and outer continental shelf areas).
• Bureau of Mines (land reclamation, recycling, processing and use of recycled materials).
• Fish and Wildlife Service (fish and wildlife resources, National Wildlife Refuge and National Fish Hatchery Systems).
• Geological Survey (water resources; oil, gas, geothermal, coal and other mineral operations).
• Heritage Conservation & Recreation Service (urban parks, outdoor recreation, historical and cultural resources, National Trails System, Wild and Scenic Rivers System).
• National Park Service (National Park System).
• Office of Surface Mining Reclamation and Enforcement (surface mining and reclamation).
• Office of Water Research and Technology (water resources, desalinization).
• Water and Power Resources Service (water storage and delivery projects, Soil and Moisture Conservation Program).

*Department of Housing and Urban Development*

• Office of Housing (previously FHA) (housing standards).
• Office of Policy Development and Research (energy, building technology and standards research).

*Interstate Commerce Commission*

(Energy efficiencies of rail and alternative transport modes.)

*Tennessee Valley Authority*

(Energy conservation, soil conservation).

[FR Doc. 80-26300 Filed 8-27-80; 8:45 am]
BILLING CODE 3125-01-M

## COUNCIL ON WAGE AND PRICE STABILITY

### Pay Advisory Committee; Meeting

*Authority of Committee:* The Pay Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

*Time and Place of Meeting:* The Pay Advisory Committee will meet on September 16, 1980, at 2:00 p.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

*Purpose of Meeting:* The purpose of the meeting will be to continue unfinished business from the Committee's earlier meetings.

*Public Participation:* The meeting of the Pay Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

*Additional Information:* For additional information, please telephone the Office of Public Affairs at (202) 456-6756.

Dated: August 25, 1980.

David A. Henderson,
*Acting Advisory Committee Management Officer.*

[FR Doc. 80-26433 Filed 8-27-80; 8:45 am]
BILLING CODE 3175-01-M

### Price Advisory Committee; Meeting

*Authority of Committee:* The Price Advisory Committee was established by the Council on Wage and Price Stability pursuant to Executive Order 12161 (44 FR 56663).

*Time and Place of Meeting:* The Price Advisory Committee will meet on September 10, 1980, at 10:00 a.m. in Room 2008 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

*Purpose of Meeting:* The purpose of the meeting will be to contine unfinished business from the Committee's earlier meetings.

*Public Participation:* The meeting of the Price Advisory Committee will be open to the public. Public attendance will, however, be limited by available space; persons will be seated on a first-come, first-served basis. Persons attending the meeting will not be permitted to speak or participate in the Committee's deliberations. Interested persons will be permitted to file written statements with the Committee by mail or personal delivery to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street NW., Washington, D.C. 20506.

*Additional Information:* For additional information, please telephone the Office of Public Affairs at (202) 456-6756.

Dated: August 25, 1980.

David Henderson,
*Acting Advisory Committee Management Officer.*

[FR Doc. 80-26460 Filed 8-27-80; 8:45 am]
BILLING CODE 3175-01-M

## DEPARTMENT OF DEFENSE

### Corps of Engineers; Department of the Army

### Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Permit Action Concerning Commercial Sand and Gravel Dredging on the French Broad, Tennessee, and Cumberland Rivers

**AGENCY:** U.S. Army Corps of Engineers, Nashville District.

**ACTION:** Notice of intent to prepare a draft environmental impact statement (DEIS).

1. Proposed Action.

**SUMMARY:** Because several commercial firms have applied for Department of the Army Permits covering sand and gravel dredging, a DEIS evaluating the cumulative impacts of sand and gravel dredging in the Nashville District will be prepared. Ten companies are involved in the action. Diesel-powered hydraulic dredges are predominant although two bucket-ladder dredges are also in use. Processing methods range from processing at a land plant to total processing on-board.

2. Alternatives.

Alternatives which have been identified are (1) "no action" (denial of permits), (2) requiring alternative dredging equipment or procedures, (3) land-based extraction, and (4) alternative materials.

3. Scoping Process.

a. Public Input. The public is invited to submit written comments within 30 days of this notice to aid in determining the issues to be covered in the DEIS. Input from concerned Federal, State, and local agencies will be solicited by letter.

b. Issues. The applicants have contracted comprehensive environmental studies and a detailed Environmental Assessment which will serve as basic information for the DEIS. The following is a list of significant issues which were analyzed and which are identified for coverage in the DEIS:

(1) Effects on water quality (including turbidity, water supply impacts, toxic materials, and recreation impacts).
(2) Effects on navigation.
(3) Socioeconomic impacts.
(4) Effects on archeological sites.
(5) Effects on aquatic habitat (including changes in substrate composition and bottom geometry).
(6) Effects on benthic populations.
(7) Effects on fish.
(8) Effects on periphyton.
(9) Effects on endangered species.

The Environmental Assessment is vailable for inspection between the

hours of 8:30 a.m., and 3:30 p.m., (CDT) in the District Technical Library, Room A755, Estes Kefauver Federal Building, 801 Broadway, Nashville, Tennessee.

c. Other Environmental Review and Consultation. Public Notices soliciting public comments concerning the permit actions have been distributed. Comments have also been solicited from the U.S. Fish and Wildlife Service under the Fish and Wildlife Coordination Act. Records of endangered species distribution will be reviewed. If it is determined that any endangered species might be affected, consultation as required by the Endangered Species Act will be initiated.

4. Scoping Meeting. No scoping meeting will be conducted unless written comments indicate that one is needed to adequately obtain public and agency input.

5. Estimated Completion. It is estimated that the DEIS will be made available to the public in December 1980.

Questions: The district point-of-contact for questions concerning the proposed action and DEIS is: Planning Branch, Attn: Mr. Ray Hedrick, U.S. Army Engineer District, Nashville, P.O. Box 1070, Nashville, TN 37202.

Dated: August 12, 1980.

Lee W. Tucker,

*Colonel, Corps of Engineers, District Engineer.*

[FR Doc. 80-26376 Filed 8-27-80; 8:45 am]

BILLING CODE 3710-GF-M

## Department of the Navy

## Privacy Act of 1974; Addition of System of Records

**AGENCY:** Department of the Navy (DON).

**ACTION:** Notice of new system of records.

**SUMMARY:** The Department of the Navy proposes to add one new systems notice subject to the Privacy Act of 1974.

**DATES:** The proposed actions shall be effective without further notice on September 29, 1980, unless comments are received before September 29, 1980, which would result in a contrary determination.

**ADDRESS:** Any comments, including written data, views or arguments concerning the action proposed should be addressed to the systems manager identified in the particular systems notice.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone: 202-694-2004.

**SUPPLEMENTARY INFORMATION:** The Navy systems of records notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C., Section 552a (Pub. L. 93-579) have been published in the Federal Register as follows:

FR Doc 79-36400 (44 FR 67703) November 27, 1979
FR Doc 79-36798 (44 FR 68947) November 30, 1979
FR Doc 79-37052 (44 FR 74553) December 17, 1979
FR Doc 80-6599 (45 FR 13794) March 3, 1980
FR Doc 80-14965 (45 FR 32037) May 15, 1980
FR Doc 80-15427 (45 FR 33679) May 20, 1980
FR Doc 80-17286 (45 FR 38099) June 6, 1980
FR Doc 80-19603 (45 FR 43841) June 30, 1980
FR Doc 80-20317 (45 FR 43938) July 8, 1980

The Department of the Navy has submitted a new system report dated July 29, 1980 for this new system report under the provisions of 5 U.S.C. 552a(o) as implemented by Office of Management and Budget (OMB) Circular No. 1 and No. 3, dated September 30, 1975 and May 17, 1976, respectively. The OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

M. S. Healy,

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

August 25, 1980.

N00023

**SYSTEM NAME:**

Personal Property Program

**SYSTEM LOCATION:**

All Navy Personal Property Counseling and Shipping Offices and Federal Records Centers (mailing addresses are listed in the Navy directory in the appendix to the Component System Notice).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

DOD and other federal departmental military personnel and their dependents and civilian employees and their dependents having applied for and shipped and/or stored personal property, privately owned automobiles and mobile homes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

File contains individual's applications for shipment and/or storage related shipping documents and records of delivery, payment, and inspection of personal property. Forms maintained include: DD 619 Statement of Accessorial Services Performed; DD 1100 Household Good Storage Record; SF 1103 U.S. Government Bill of Lading; DD 1252 U.S. Customs Declaration for Personal Property Shipments (Part I); DD 1252-1 U.S. Customs Declaration for Personal Property Shipments (Part II); DD 1299 Application for Shipment and/or Storage of Personal Property; DD 1671 Reweight of Personal Property; DD 1780 Report of Carrier Services Personal Property Shipment; DD 1781 Customer Satisfaction Report; DD 1797 Personal Property Counseling Checklist; DD 1799 Member's Report on Carrier Performance—Mobile Homes; DD 1800 Mobile Home Shipment Inspection at Destination; DD 1841 Government Inspection Report; DD 1842 Claim for Personal Property Against the United States; DD 1845 Schedule of Property.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM;**

5 U.S.C. 5724; DOD Regulation 4500.43; DOD Regulation 4500.34-R; "Personal Property Traffic Management Regulation;" JAG Manual; NAVSUP Publication 490, "Transportation of Personal Property."

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Navy Personal Property Shipping Offices applicable finance centers, and the Navy Material Transportation Office for effecting, coordinating and payment of personal property shipment and storage.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Paper records in file folders.

**RETRIEVABILITY:**

Filed alphabetically by last name of member.

**SAFEGUARDS:**

Records are maintained in monitored or controlled areas accessible only to authorized personnel that are properly cleared and trained. Buildings-rooms locked outside regular working hours.

**RETENTION AND DISPOSAL:**

Records are retained in Personal Property Office files for a period of four years, then forwarded to Federal Record Centers and/or General Accounting Office for indefinite retention.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

**NOTIFICATION PROCEDURE:**

Written requests may be addressed to the apppropriate Navy personal

property shipping office concerned (mailing addresses are listed in the Navy directory in the component system notice). Individuals should provide proof of identify, full name, rank, dates of shipment-storage, etc.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the Commander, Naval Supply Systems Command (Code 05), Washington, D.C. 20376.

CONTESTING PROCEDURES:

The agency's rules for contesting contents of records and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Application and related forms submitted by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-26397 Filed 8-27-80; 8:45 am]

BILLING CODE 3810-71-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 Electronic Devices (AGED) will meet in closed session 1 and 2 October 1980 at United Technology Corporation, East Hartford, Connecticut.

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 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 classified program details throughout.

In accordance with 5 U.S.C. App 1, 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.

M. S. Healy,

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

August 25, 1980.

[FR Doc. 80-26396 Filed 8-27-80; 8:45 am]

BILLING CODE 3810-70-M

### Privacy Act of 1974; Amended Systems of Records

**AGENCY:** Office of the Secretary of Defense (OSD).

**ACTION:** Notice of amendments to systems of records.

**SUMMARY:** The Office of the Secretary of Defense proposes to alter two systems of records subject to the Privacy Act of 1974. The specific changes to the systems being amended are set forth below followed by the systems published in their entirety as amended.

**DATES:** These systems shall be amended as proposed without further notice on September 29, 1980, unless comments are received before September 29, 1980, which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Any public comments, including written data, views or arguments concerning the amendments should be addressed to the System Manager identified in the particular record system concerned.

**FOR FURTHER INFORMATION CONTACT:** Mr. James S. Nash, Chief, Records Management Division, WHS, Room 5C315, Pentagon, Washington, D.C. 20301, telephone: 202-695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense systems of records notices inventory subject to the Privacy Act of 1974 (5 U.S.C. 522a), Pub. L. 93-579 have been published to date in the Federal Register as follows:

FR Doc. 79-370542 (44 FR 74068) December 17, 1979
FR Doc. 80-7517 (45 FR 15604) March 11, 1980
FR Doc. 80-8135 (45 FR 17056) March 17, 1980
FR Doc. 80-13709 (45 FR 29390) May 2, 1980
FR Doc. 80-13707 (45 FR 29590) May 5, 1980
FR Doc. 80-15479 (45 FR 34034) May 21, 1980
FR Doc. 80-15775 (45 FR 34956) May 23, 1980
FR Doc. 80-19461 (45 FR 43409) June 27, 1980
FR Doc. 80-23575 (45 FR 51880) August 5, 1980

The proposed amendments are within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered systems report which was submitted on July 21, 1980.

M. S. Healy,

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

August 25, 1980.

DWHS SPM001

SYSTEM NAME:

Application for Pentagon Parking Permit (44 Fr 74141, December 17, 1979).

CHANGES:

SYSTEM LOCATION:

In line two, after "Washington Headquarters Services,", insert: "and the Air Force Data Services Center".

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

At the end of the entry, change the period to a comma, and insert: "and pay parking record/receipt forms from DoD and other Federal employees".

CATEGORIES OF RECORDS IN THE SYSTEM:

At the end of the entry, change the period to a comma and insert: "and DD Form 2213 Parking Record/Receipt."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete the above heading, and insert:

"ROUTINE USES (DISCLOSURE) OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:".

In line two of the first sentence, change the period to a comma, and insert: "and to record monthly payments of parking fees".

INTERNAL USERS, USES, AND PURPOSES:

In line one, delete the word "Pentagon". Delete the period at the end of the sentence, and insert: "at the Pentagon and Federal Building 2".

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete the above heading, and insert: *"Records management policies and practices:".*

STORAGE:

At the end of the entry, change the period to a comma, and insert: "computer magnetic tapes, disks and video screens".

RETRIEVABILITY:

At the end of the entry, delete "last name", and insert: "permit number".

SAFEGUARDS:

At the end of the entry, insert: "Computer media residents are stored in

controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed".

RECORD ACCESS PROCEDURES:

In the second line of the third paragraph, delete "Pentagon", and insert: "DoD"

At the end of the third paragraph, insert: "The computer system has the facility to acess all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Delete the above heading, and insert: *"Exemptions claimed for the system:".*

DWHS SPM002

SYSTEM NAME:

Pentagon Carpool Locator (44 FR 74141, December 17, 1979).

CHANGES:

In the above system name, insert the words "and Federal Building 2" between the words "Pentagon" and "Carpool".

SYSTEM LOCATION:

At the end of this heading, insert the following as a third paragraph:

"Office of the DoD Building Administrator, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Federal Building 2, Washington, D.C. 20301."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In line 1, insert: "and other" between the words "(DoD)" and "personnel." In line two, delete the word "Building," and insert: "and Federal Building 2" after the word "Pentagon."

CATEGORIES OF RECORDS IN THE SYSTEM:

In line two, insert: "or Federal Building 2" between the words "Pentagon:" and "office".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete the above heading and insert: *"Routine uses (disclosure) of records maintained in the system, including categories of users, uses, and the purpose of such uses:"*

Delete the first sentence and insert: "This system assigns and administers allocated carpool parking spaces at the Pentagon and Federal Building 2; and provides Pentagon and Federal Building 2 carpoolers with the names of potential prospects who live near him/her."

INTERNAL USERS, USES, AND PURPOSES:

In the first paragraph, line one, after the word "Office", insert: "and the Office of the Building Administrator, Federal Building 2", and at the end of the entry, change the period to a comma, and insert: "and Federal Building 2".

In the third paragraph, at the beginning of line two after the word "printout", insert: "or area card".

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete the above heading, and insert: *"Records management policies and practices:".*

STORAGE:

Remove the period at the end of the line and insert: "for the Pentagon building carpools". Add as the next sentence: "Manual storage within self-help carpool locator board for Federal Building 2 participants."

RETRIEVABILITY:

Delete the period at the end of this entry, and insert: "for Pentagon building participants." Add as a second sentence: "Information is manually accessed and retrieved from cards in map grids for Federal Building 2 participants."

SAFEGUARDS:

Insert: "Pentagon—" before the first paragraph.

Add as a second paragraph:

"Federal Building 2—All participants have access to the data. Building has security guards. System is maintained in an area secured during nonworking hours and within close view of security officers."

RETENTION AND DISPOSAL:

Insert the following at the end of this entry: "Records of personnel removed from the Federal Building 2 carpool locator shall be destroyed upon removal."

RECORD ACCESS PROCEDURES:

In the second line of paragraph three, delete the word "Pentagon", and insert: "DoD".

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Delete the above heading, and insert: *"Exemptions claimed for the system:".*

DWHS SPM001

SYSTEM NAME:

Application for Pentagon Parking Permit.

SYSTEM LOCATION:

DoD Parking Control Office, Directorate for Space Management and Services, Washington Headquarters Services, and the Air Force Data Services Center, Department of Defense, Pentagon, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Parking applications received from employees of the Department of Defense and pay parking record/receipt forms from DoD and other Federal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes DD Form 1199, Application for Pentagon Parking Permit, DD Form 1200, Pentagon Parking Permit Replacement/Re-Use of Space Request, and DD Form 2213, Parking Record/Receipt.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

ROUTINE USES (DISCLOSURE) OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:

The purpose of this system is to assign parking to eligible Department of Defense personnel, and to record monthly payments of parking fees.

INTERNAL USERS, USES, AND PURPOSES:

To be used by DoD Parking Control Office to assign parking to eligible DoD personnel at the Pentagon and Federal Building 2.

EXTERNAL USERS, USES, AND PURPOSES:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Conponent's published system notices.

RECORDS MANAGEMENT POLICIES AND PRACTICES.

STORAGE:

Card records in card file, computer magnetic tapes, disks and video screens.

RETRIEVABILITY:

Filed alphabetically by permit number.

SAFEGUARDS:

Under direct control of the DoD Parking Control Office. Office is locked and guarded. Computer media residents are stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

RETENTION AND DISPOSAL:

Records are kept on active applicants and destroyed when they depart Department of Defense.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentaton, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301, Telephone: 202-697-7241.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual and the name of the employing Component.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DoD building pass. The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Application for Pentagon Parking Permit, DD Form 1199, and related forms.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DWHS SPM002

SYSTEM NAME:

Pentagon and Federal Building 2 Carpool Locator.

SYSTEM LOCATION:

Primary System—Air Force Data Services Center.

Decentralized Segments—DoD Parking Control Office, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

Office of the DoD Building Administrator, Directorate for Space Management and Services, Washington Headquarters Services, Department of Defense, Federal Building 2, Washington, D.C. 20301.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Defense (DoD) and other personnel who participate in Pentagon and Federal Building 2 carpools.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individual, DoD Component Code, home address, working hours, Pentagon or Federal Building 2, office room number, office phone number, map coordinate of home address.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

ROUTINE USES (DISCLOSURE) OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:

This system assigns and administers allocated carpool parking spaces at the Pentagon and Federal Building 2; and provides Pentagon and Federal Building 2 carpoolers with the names of potential prospects who live near him/her.

INTERNAL USERS, USES, AND PURPOSES:

DoD Parking Control Office and the Office of the Building Administrator, Federal Building 2—To assign and administer allocated carpool parking spaces at the Pentagon and Federal Building 2.

Air Force Data Services Center—To provide a printout to each individual in the system which lists other participants who live near him/her who are potential carpool prospects, and to provide a complete printout of all participants to the DoD Parking Control Office and the General Services Administration (GSA).

Individuals—To contact other participants on either his/her individual printout or area card, or the DoD Parking Control Office's complete printout to determine their interest in carpooling.

EXTERNAL USERS, USES, AND PURPOSES:

General Services Administration—To carpool data in area-wide system when and if implemented.

RECORDS MANAGEMENT POLICIES AND PRACTICES:

STORAGE:

Computer magnetic tapes, disks and paper printouts for the Pentagon building carpools. Manual storage within self-help carpool locator board for Federal Building 2 participants.

RETRIEVABILITY:

Information is accessed and retrieved by name and home address map grid for Pentagon building participants. Information is manually accessed and retrieved from cards in map grids for Federal Building 2 participants.

SAFEGUARDS:

Pentagon—All participants have access to the data, which is under direct control of the DoD Parking Control Office. Office is locked and guarded. Computer media resident at the Air Force Data Services Center is stored in controlled areas. Dial-up computer terminal access is controlled by user passwords that are periodically changed.

Federal Building 2—All participants have access to the data. Building has security guards. System is maintained in an area secured during nonworking hours and within close view of security officers.

RETENTION AND DISPOSAL:

Data is retained only on active participants. Records of personnel removed from the Pentagon Carpool Locator shall be kept one to three months and then destroyed. Records of personnel removed from the Federal Building 2 carpool locator shall be destroyed upon removal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Pentagon, Washington, D.C. 20301.

NOTIFICATION PROCEDURE:

Information may be obtained from: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301, Telephone: 202-697-7241.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to: Director, Space Management and Services, Washington Headquarters Services, Department of Defense, Room 3C345, Pentagon, Washington, D.C. 20301.

Written requests for information should contain the full name of the individual, current address and telephone number.

For personal visits, the individual should be able to provide some acceptable identification, that is, driver's license or DoD building pass.

The computer system has the facility to access all data stored in the data base. Central Parking Control has exclusive access to the data base and controls updating the files.

**CONTESTING RECORD PROCEDURES:**

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

**RECORD SOURCE CATEGORIES:**

Carpool Locator Card (DD Form 2170).

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 80-26398 Filed 8-27-80; 8:45 am]

BILLING CODE 3810-70-M

## Privacy Act of 1974; Amended System of Records

**AGENCY:** Office of the Secretary of Defense (OSD).

**ACTION:** Notice of amendments to system of records.

**SUMMARY:** The Office of the Secretary of Defense proposes to alter a system of records subject to the Privacy Act of 1974. The specific changes to the system being amended are set forth below followed by the system published in its entirety as amended.

**DATES:** This system shall be amended as proposed without further notice on September 29, 1980, unless comments are received before September 29, 1980, which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Any public comments, including written data, views or arguments concerning the amendments should be addressed to the System Manager identified in the particular record system concerned.

**FOR FURTHER INFORMATION CONTACT:** Mr. James S. Nash, Chief, Records Management Division, WHS, Room 5C315, Pentagon, Washington, D.C. 20301, telephone: 202-695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense systems of records notices inventory subject to the Privacy Act of 1974 (5 USC 552a), Pub. L. 93-579 have been published to date in the Federal Register as follows:

FR Doc. 79-370542 (44 FR 74088) December 17, 1979
FR Doc. 80-7517 (45 FR 15604) March 11, 1980
FR Doc. 80-8135 (45 FR 17056) March 17, 1980
FR Doc. 80-13709 (45 FR 29390) May 2, 1980
FR Doc. 80-13707 (45 FR 29590) May 5, 1980
FR Doc. 80-15479 (45 FR 34034) May 21, 1980
FR Doc. 80-15775 (45 FR 34956) May 23, 1980
FR Doc. 80-19461 (45 FR 43409) June 27, 1980
FR Doc. 80-23575 (45 FR 51880) August 5, 1980

The proposed amendments are within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of an altered system report which was submitted on July 31, 1980.

M. S. Healy,

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

August 25, 1980.

**WUSU01**

**SYSTEM NAME:**

**UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USUHS) PERSONNEL FILES.**

**SYSTEM LOCATION:**

A central personnel record file will be maintained at USUHS Personnel/Manpower Directorate, 4301 Jones Bridge Road, Bethesda, MD. 20014. Copies of 171's and curriculum vitae's of applicants and employees will be maintained in the Personnel/Manpower Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base (AFB), Washington, D.C. 20332; for military personnel assigned to USUHS: at Walter Reed Army Medical Center (WRAMC) military personnel office, National Naval Medical Center (NNMC) military personnel office, Andrews Air Force Base (AFB) personnel office and at Public Health Service (PHS) personnel office, Parklawn Bldg., Rockville, Md. 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Commandant's office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records will be maintained on all personnel assigned to USUHS full-time and part-time.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The type of information which will be maintained on employees is as follows: Identity and demographic information (e.g., Social Security Number (SSN), name, sex, address, birth date, minority status, etc.); Academic and experience background data consisting of: (1) Schools attended; (2) Degrees earned; (3) Work experience, awards, etc.; (4) Letters of reference, performance evaluation, etc.; (5) Time and attendance cards; and (6) Biographical data file.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 10, United States Code, Section 136.

**ROUTINE USES (DISCLOSURE) OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES.**

**INTERNAL USERS, USES, AND PURPOSES:**

The System will be used for documenting the work experience of applicants and USUHS personnel and for notification of key personnel in case of emergency during nonworking hours. Biographical data file will be used for providing background information on USUHS students to lecturers.

**EXTERNAL USERS, USES, AND PURPOSES:**

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

**RECORDS MANAGEMENT POLICIES AND PRACTICES:**

**STORAGE:**

Material stored in file folders at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Personnel/Manpower Directorate, Bethesda, Md. 20014.

**RETRIEVABILITY:**

The system will be indexed by name and Social Security Number (SSN). Also, any combination of data in the file can be used to select individual data. Only Personnel/Manpower Directorate personnel will be provided with the password that allows access to the data, and those individuals are authorized access to all data in the file. Records will be available to: The individual concerned. Employees of USUHS on a need-to-know basis. Other agencies of the Government to satisfy requests for routine reports.

**SAFEGUARDS:**

The files will be maintained in securable file cabinets located in a limited access area at the University. The computer hardware, disks, tapes and other materials are secured in locked cabinets in a controlled and guarded area. Access is via controlled dial-in and is password controlled.

Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by USUHS Personnel/Manpower Directorate personnel and only those personnel will be given the password and user identification information

needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records.

RETENTION AND DISPOSAL:

Indefinite files that are retained while the individual is employed and then retired.

SYSTEM MANAGER(S) AND ADDRESS:

The personnel officer of the University will be the custodian of this file (business address: 4301 Jones Bridge Road, Bethesda, Md. 20014, telephone: 202-295-3080).

NOTIFICATION PROCEDURE:

Inquiries regarding the personnel files should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Information on the procedures for gaining access to and contesting records will be furnished each employee by the Personnel Office upon entry on duty with USUHS.

CONTESTING RECORD PROCEDURES:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Information contained in the file is furnished by the employees, supervisors and references supplied by the employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU01

SYSTEM NAME:

Uniformed Services University of the Health Sciences (USUHS) Personnel Files (44 FR 74778, December 17, 1979).

CHANGES:

SYSTEM LOCATION:

Delete the entry under the above heading, and insert:

"A central personnel record file will be maintained at USUHS Personnel/Manpower Directorate, 4301 Jones Bridge Road, Bethesda, Md. 20014. Copies of 171's and curriculum vitae's of applicants and employees will be maintained in the Personnel/Manpower Directorate by the Dean of the School of Medicine, and by the Department Chairperson, having a need for the information. A supplemental file consisting of summary data on each civilian employee will be stored in the computer at Bolling Air Force Base (AFB), Washington, D.C. 20332; for military personnel assigned to UHUHS: at Walter Reed Army Medical Center (WRAMC) military personnel office, National Naval Medical Center (NNMC) military personnel office, Andrews Air Force Base (AFB) personnel office and at Public Health Service (PHS) personnel office, Parklawn Bldg., Rockville, Md. 20850. Home phone numbers of key personnel will be provided to other key personnel, and those of students to other students on a need-to-know basis, and only with the express permission of the individual concerned, for an emergency call system. Biographical information on students to be maintained in the Commandant's office."

CATEGORIES OF RECORDS IN THE SYSTEM:

In line two, delete "SSAN", and insert: "Social Security Number (SSN)".

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete the above heading, and insert:

"ROUTINE USES (DISCLOSURE) OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, USES, AND THE PURPOSE OF SUCH USES:".

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Delete the above heading, and insert:

"RECORDS MANAGEMENT POLICIES AND PRACTICES:"

STORAGE:

Remove the period at the end of the sentence, and insert: "at USUHS, supported by automated copies of pertinent data of each employee's folder which are maintained on magnetic tape and disk at USUHS Personnel/Manpower Directorate, Bethesda, Md. 20014."

RETRIEVABILITY:

In line one, delete "SSAN", and insert: "Social Security Number (SSN)". Then insert: "Also, any combination of data in the file can be used to select individual data. Only Personnel/Manpower Directorate personnel will be provided with the password that allows access to the data, and those indviduals are authorized access to all data in the file."

SAFEGUARDS:

Delete the period at the end of the sentence, and insert: "located in a limited access area at the University. The computer hardware, disks, tapes and other materials, are secured in locked cabinets in a controlled and guarded area. Access is via controlled dial-in and is password controlled.

Passwords are changed semiannually, or upon the departure of any person knowing the password.

The automated system is operated by USUHS Personnel/Manpower Directorate personnel and only those personnel will be given the password and user identification information needed to access the computer system. Those persons are authorized access to all fields in the data base. While the file is primarily indexed on Social Security Number (SSN), and name, any combination of fields and data within fields can be used to select individual records."

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Delete the above heading, and insert:

"EXEMPTIONS CLAIMED FOR THE SYSTEM:".

[FR Doc. 80-26369 Filed 8-27-80; 8:45 am]
BILLING CODE 3810-70-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[ERA Case No. 50126-9062-08-82]

### Atlantic City Electric Co.; Extension of Second Public Comment Period on Proposed Prohibition Order Issued Pursuant to Sections 301 and 701 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, and 10 CFR 501.51(b)(5) that the second three-month public comment period relating to the proposed prohibition order published January 2, 1980 (45 FR 72), is extended to November 23, 1980.

*Basis for Extending the Second Public Comment Period*

The notice of the proposed prohibition order issued to the Deepwater Unit 8 powerplant, owned by Atlantic City Electric Company (ACEC) and located at Pennsgrove, New Jersey, provided a public comment period of at least three-months. This first comment period expired on April 2, 1980. Pursuant to 10 CFR 501.51(b)(4) a Notice of Intention to Proceed with Prohibition Order Proceedings, which commenced a second three-month comment period, was published on May 23, 1980. During

this second comment period ACEC may present evidence to demonstrate that Unit 8 would qualify for an exemption, which would constitute a defense to the issuance of a final prohibition order.

By letter dated June 20, 1980 (supplemented by a letter from Counsel for ACEC, dated August 14, 1980), ACEC has requested that the second comment period be extended from August 23, 1980, to November 23, 1980, and has given ERA the following information as justification for the granting of the request:

(1) The emission control equipment presently installed on Deepwater Unit 8 would not permit this unit to burn coal and comply with all applicable Federal and State air pollution requirements. ACEC has been advised by its consultant, Stone & Webster Engineering Corporation, that installation of new emission control equipment cannot be completed before mid-1983. ACEC, therefore, believes it can demonstrate that Deepwater Unit 8 is eligible for a temporary exemption pursuant to 10 CFR 504.23 because the unit is unable to comply with environmental requirements. (By letter dated March 20, 1980, ACEC advised ERA that Deepwater Unit 8 may also be eligible for other permanent or temporary exemptions from the proposed prohibition order.)

(2) In an effort to effect the early conversion of this unit to coal, ACEC has sought temporary relaxation of Federal and State air pollution requirements by asking the United States Environmental Protection Agency (EPA) to approve a delayed compliance order pursuant to section 113(d)(5) of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, for Deepwater Unit 8 and by asking the New Jersey Department of Environmental Protection (DEP) to provide similar relief from applicable State regulations.

(3) If appropriate relief from Federal and State air pollution requirements is obtained, ACEC intends to voluntarily convert Deepwater Unit 8 to coal prior to the installation of new pollution abatement equipment. Such relief would obviate the need for ACEC to substantiate its qualifications for an exemption which would constitute a defense to the issuance of a final prohibition order. (ERA has been apprised of the efforts and activities of ACEC in securing temporary relief from applicable air pollution requirements for Deepwater Unit 8 from EPA and the New Jersey DEP.)

(4) Under the circumstances, ACEC believes it would serve no useful purpose for it to gather and submit, or for ERA to review, information that would support a determination of qualification for an exemption for Deepwater Unit 8 until after EPA and the New Jersey DEP have had an opportunity to act on ACEC's requests.

*Extension of Comment Period*

Based upon the information submitted by ACEC, ERA believes that it is reasonable to expect that ACEC may receive a delayed compliance order from EPA and similar relief from the New Jersey DEP prior to November 23, 1980. Since ERA is interested in reducing the regulatory burden on proposed order recipients whenever it is feasible, ERA exercises its discretion pursuant to 10 CFR 501.51(b)(5) and hereby extends the second comment period with respect to the proposed prohibition order for Deepwater Unit 8 until November 23, 1980.

For further information contact:

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

Elmer Lee, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 3302D, Washington, D.C. 20461, (202) 653-4200.

James Renjilian, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G-087, Washington, D.C. 20585, (202) 252-2967.

Issued in Washington, D.C., August 22, 1980.

Robert L. Davies,

*Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.*

[FR Doc. 80-26423 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Belridge 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: July 10, 1980. Comments by: September 29, 1980.

**ADDRESS:** Send Comments to: Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market St., 6th Floor, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Lon W. Smith, District Manager of Enforcement, Western District Office, Department of Energy, 333 Market St., 6th Floor, San Francisco, CA 94105 ((415) 764-7038).

**SUPPLEMENTARY INFORMATION:** On July 10, 1980, the Office of Enforcement of the ERA executed a Consent Order with Belridge Oil Company (Belridge) of Los Angeles County, 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. Consent Order

Belridge, with its home office in Los Angeles County, California, is engaged in gas processing and sale of natural gas liquid products (NGLP) and is subject to the Manatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212.

To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of the audit of Belridge, the Office of Enforcement, ERA, and Belridge entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was August 1, 1975 through July 31, 1979.

2. DOE alleges that Belridge charged prices for NGLPs processed from natural gas in excess of the maximum allowable to its customers in violation of the ceiling prices prescribed by 10 CFR 212, Subpart K.

3. Belridge, without admitting to any violation of the DOE regulations, agrees to refund to its identifiable overcharged customers and the DOE $65,616.13 plus interest thereon. Interest through July 31, 1979 totals $30,532.63.

4. The refund shall be made by Belridge in two separate payments of $327.27 and $95,821.49 which are due on or before June 30, 1980. These payments represent overcharges plus interest due to identified and unidentified overcharges parties, respectively.

5. DOE agrees that it will not seek civil penalties against Belridge in connection with the sales for the audit period.

6. 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, Belridge 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 transactions specified in I.2, above, the sum of $65,616.13, plus interest, on or before June 30, 1980. $222.92, plus interest, will be refunded to a consumer of the NGLP's. Refunded overcharges of $65,393.21, plus interest, for NGLP's sold to purchasers other than consumers, 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 those refunded amounts paid to DOE in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to indentify 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 payments 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 to be paid to DOE should provide written notification of the claim to the ERA at this time. Proof of claim 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 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, Western District Office, Department of Energy, 333 Market Street, 6th Floor, San Francisco, CA 94105. You may obtain a free copy of this Consent Order by writing to the same address or be 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 Belridge Oil Company Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on September 29, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 5th Day of August, 1980.

Lon W. Smith,

*District Manager, Office of Enforcement, Western District Economic Regulatory Administration.*

[FR Doc. 80-26422 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Lake Erie Interconnection; Notice of Intent To Prepare an Environmental Impact Statement and Conduct a Public Scoping Meeting

**AGENCY:** Department of Energy, Economic Regulatory Administration.

**ACTION:** Notice is hereby given that the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) intends to prepare an Environmental Impact Statement (EIS) to assess the environmental implications of a proposed ERA action: to grant or deny a permit authorizing the Jersey Central Power & Light Company (JCP&L), a subsidiary of the General Public Utilities Corporation (GPU) to construct, operate and maintain facilities at the international border, between the United States and Canada, for the transmission of electric energy from Ontario Hydro (OH) to JCP&L.

**SUMMARY:** On June 25, 1980, Jersey Central Power & Light Company (JCP&L), a subsidiary of the General Public Utilities Corporation (GPU), filed an application with the Economic Regulatory Administration (ERA) to install and maintain electric power facilities at the border between the United States and Canada, for the transmission of electric energy from Ontario Hydro (OH) to JCP&L. Specifically, JCP&L seeks authority to construct, connect, operate and maintain the United States portion of high voltage direct current (DC) transmission circuits extending from the Nanticoke Generating Station in Ontario, Canada to the West Erie substation located near Erie, Pennsylvania. These circuits will employ submarine cable with a 1000 megawatt capability and will be located on the botton of Lake Erie. Overhead facilities will carry the lines from the lake shore to the Erie West substation where DC/AC conversion equipment will be located. The international border is the middle of Lake Erie and, as such, the U.S. portion will be from the Erie West Substation to the middle of Lake Erie. JCP&L is a member of the Pennsylvania, New Jersey, Maryland (PJM) Interconnection, and it is expected that arrangements will be made such that the transmission facilities operated by members of this power pool will be used for delivery of the power across Pennsylvania to the JCP&L service area in New Jersey. JCP&L further states in the application that the electric power imported will be partly utilized by the other subsidiary utilities of the GPU organization. These are the Pennsylvania Electric Company and the Metropolitan Edison Company.

Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend the public scoping meetings which will be held on September 23, 1980, in Erie, Pennsylvania, in order to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at one of the scoping meetings should provide advance notice to ERA as described below under Comments and Scoping Meeting. Upon completion of the draft EIS, its availability will be announced in the Federal Register, at which time comments will be solicited.

Written comments on this activity should be addressed to: Mr. James M. Brown, Jr., Chief, System Reliability & Emergency Response Branch, Economic Regulatory Administration, Room 4110-E, 2000 M Street NW., Washington, D.C. 20461.

For general information on the EIS process contact: NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant

Secretary for Environment, U.S. Department of Energy, ATTN: Ms. Linda Desell, Room 4G-059, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4610.

**DATE:** Scoping meetings 1:00 p.m. and 7:00 p.m., September 23, 1980, in Erie, Pennsylvania in Room 101 of the Zurn Building at Gannon College, Perry Square, Erie, Pennsylvania.

Written comments due: October 31, 1980.

**BACKGROUND INFORMATION:** The primary purpose of JCP&L in proposing to establish this 1000 MW high voltage DC interconnection between Ontario and Pennsylvania is to enable JCP&L to purchase, and Ontario Hydro to sell, substantial amounts of electrical energy and capacity during the period from 1984 through 1991.

JCP&L states that it needs to purchase power during this period so as to have adequate capacity to supply the projected requirements of its customers. The ability of Ontario Hydro to supply the electric power through 1991 is primarily the result of an internal load growth at a lower rate than had been expected when recently completed generating plants were planned.

According to JCP&L there appears to be little probability that it could purchase the required power from other U.S. utilities within the PJM interconnection. If this were available, the generation of the power would required additional operation of oil-fueled generating plants, increasing oil use by U.S. utilities. Since oil will be the fuel, JCP&L expects that the cost of power purchased from other PJM companies would be substantially greater than under the proposed arrangement with Ontario Hydro. Power deliveries from Ontario Hydro would be generated in either coal-fired or nuclear power plants.

The application also states that an additional long-term benefit could be expected from the proposed Lake Erie interconnection, since it would increase the ability of Ontario Hydro and the PJM utilities to transfer power either in response to emergency situations or to minimize generation costs. This facility may become an important asset to the regional power supply network in that no connection between PJM and a Canadian utility now exists and system performance is expected to be improved.

The proposed project will have associated cost and risk which will be weighed against potential benefits. JCP&L estimates the proposed facilities will cost about $285 million (1984 dollars). Environmental costs would also be incurred, and a major purpose of the EIS is to assess these for the proposed project and for alternatives to it. In addition, a number of electric power studies including load flows, stability analysis and production costs, will be made to assess this project's public interest value. The results of these studies will be included in the final Environmental Impact Statement.

The proposed project is subject to the jursidiction of ERA pursuant to Executive Order 10485 as amended because a Presidential Permit is specifically required for the construction, connection, operation and maintenance of electric transmission facilities at an international boundary of the United States. Authority to grant or deny such permits is vested in the Secretary of Energy and has been delegated by the Secretary to the Administrator of ERA. JCP&L applied for a permit in connection with the project on June 25, 1980, which was accepted by ERA subject to the supplemental filing of certain materials. Notice of the application was published in the Federal Register on July 21, 1980, (45 FR 48690). One of the actions required of JCP&L, prior to an ERA decision, is the preparation of an applicant's Environmental Report.

**Preliminary Definition of Environmental Issues:** The purpose of this notice is to solicit comments and suggestions for consideration in preparing the EIS. Any written comments or oral remarks made at the scoping meetings will be considered in the EIS process. The following list of environmental issues has been tentatively identified for analysis and assessment in the EIS. This list is not all-inclusive nor does it imply any predetermination of impacts. Additional issues for analysis may be identified as the result of public comment.

*A. Environmental Issues That May Be Associated With Installation of the Proposed Submarine Cables*

(1) temporary disruption and stress of aquatic and bottom dwelling flora and fauna during the laying of the cable;

(2) if the cable is laid in a trench, stress and mortality of aquatic populations during blasting or dredging operations, and if there is permanent change in bottom habitat in and near the trench;

(3) if dredging is required, habitat changes and other environmental effects at the site for disposal of dredged material;

(4) temporary disruption of littoral populations during construction and permanent changes in habitat due to rip-rap or other provisions for mechanical protection of the cables at the shoreline; and

(5) temporary socio-economic perturbations due to the influx of marine construction equipment and workers.

*B. Environmental Issues That May Be Associated With the Construction of On-Shore Facilities and Aerial Transmission Lines, including*

(1) temporary disruption of wildlife communities, agricultural production and other land uses along the line route during actual construction;

(2) permanent removal of tall growing vegetative species from the right-of-way, and of all vegetation from tower footings, access roads and substation sites;

(3) some socio-economic perturbations due to the influx of construction workers and equipment;

(4) temporary noise and air pollution resulting from operation of construction equipment and from burning of right-of-way slash;

(5) permanent visual impacts; and

(6) subterranean impacts related to installing structure footings.

*C. Environmental Issues That May Be Associated With Operation and Maintenance of the Proposed Interconnection*

(1) possible environmental effects associated with cable failure and the environmental effects of repair activities;

(2) periodic interference with plant and wildlife communities along the right-of-way, due to the required maintenance activities, particularly vegetation control;

(3) generation of acoustic noise and electromagnetic intereference to radio and television reception along the right-of-way;

(4) possible biological effects on human health or effects, such as reduced growth or viability for plant and animal species resident within or in proximity to the right-of-way.

(5) possibly long-term effects due to the use of herbicides for vegetation control; and

(6) indirect ecological and socio-economic effects resulting from easier unauthorized human access to some areas via access roads and right/of-way, such as increased hunting or use by motorcycles or snowmobiles.

(7) possible effect on water surrounding the energized cable.

*D. Other Environmental Issues That May Be Associated With the Project*

(1) the possibility of affecting threatened or endangered species or critical habitats for such species;

(2) identification and review of alternatives to construction within a 100-year floodplain or identified wetland and identification and review of mitigating measures to be taken if it is found that there are no practicable alternatives to construction in a floodplain or wetland;

(3) possible direct and adverse effects on the values for which a wild, scenic or recreational river was established;

(4) environmental factors relevant to any proposed construction in or over navigable rivers, or to any proposed actions resulting in the discharge of dredge or fill materials into any waters of the U.S.;

(5) actions having an impact on the continued use and viability of prime and unique farmlands;

(6) possible effects on sites or properties included on, nominated for, or eligible for inclusion in the National Register of Historic Places, or historical, architectural or archeological sites of national significance.

**Preliminary Definition of Alternatives:** Significant consideration will be given to alternatives to the proposed action, and the assessment of the environmental impacts to be expected from each alternative. The broad classes of alternatives which have been tentatively identified are described briefly below. Two alternative Federal actions are possible: (a) to grant a permit on the basis of JCP&L's complete application (including supporting materials such as the Environmental Report which will not be completed until late 1980), or (b) to deny the permit. However, substantive environmental consequences of each of the possible Federal decisions would result from the subsequent course of action followed by JCP&L (and other GPU subsidiaries) in response to the decision. Therefore, only those reasonable alternatives available to JCP&L will be considered in the EIS.

**Major Types of Project Alternatives:** Three alternatives tentatively have been identified:

(1) JCP&L and the other GPU subsidiaries could actively promote conservation and the use of alternative decentralized energy sources, such as solar heating and cogeneration, within their service areas and thereby reduce the need for power purchases;

(2) JCP&L and the other GPU subsidiaries could obtain purchased power equal to the Canadian import from a United States utility or utilities; and

(3) JCP&L and the other GPU subsidiaries could construct a generating station with a net capability of 1000 MW.

**Impact Mitigation Alternatives:** The environmental impacts which would result from construction and operation of the proposed project would depend on the choice among a number of alternative possibilities as to where and how the project was constructed, as well as the choice of alternative maintenance and repair procedures during operation. Tentatively, identified groups of alternatives for consideration in the EIS include (a) design, (b) route selection, (c) construction practices and (seasonal) timing, and for the on-shore portion, (d) right-of-way clearing procedures, and (e) right-of-way maintenance practices.

**Comments and Scoping Meeting.** The scoping meetings will be conducted informally with the presiding officer affording all interested individuals in attendance an opportunity to speak. A transcript of the meetings will be made. The Economic Regulatory Administration has designated Mr. James M. Brown, Jr., as presiding officer at these meetings. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meetings.

Speakers will be alloted approximately fifteen minutes for their oral statements. Should any speaker desire to have additional time or to provide further information for the record, such additional information should be submitted in writing by October 31, 1980. Written comments will be considered and given equal weight with oral comments.

A transcript of the scoping meetings will be retained by DOE and made available for inspection at the Freedom of Information Library, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Firday. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcripts.

**Draft EIS Schedule and Availability.** The draft EIS (DEIS) is expected to be completed by October 1, 1981, at which time its availability will be announced in the Federal Register and public comments will again be solicited.

Those individuals who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the DEIS for review and comments when it is issued should notify James M. Brown, Jr., at the address given in the Summary section above. Those seeking further information may inquire of either Mr. Brown or Ms. Linda Desell.

Copies of the applicants' Environmental Report and other documents to be used in preparation of the DEIS will be made available for public inspection at the applicant's general headquarters; at the local Erie Office of the Pennsylvania Electric Company; at the Erie County Library System, 3 South Perry Square, Erie, Pennsylvania, and at a number of DOE locations throughout the U.S. A notice of locations for such availability will be published in the Federal Register during January, 1981, when the permit application is expected to be completed.

Dated: August 25, 1980.

John C. Whitnah,

*Acting Assistant Secretary for Environment.*

[FR Doc. 80 26469 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Proposed Study of Impacts on Electric Power Systems Due to Volcanic Activity in Pacific Northwest

**AGENCY:** Department of Energy, Economic Regulatory Administration.

**ACTION:** Notice of study by the Economic Regulatory Administration (ERA) of the impacts on electric power systems in the Pacific Northwest due to the recent eruptions of Mount St. Helens.

**SUMMARY:** ERA plans to study the impacts of recent volcanic activity on electric power systems in the Pacific Northwest.

**FOR FURTHER INFORMATION CONTACT:**

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900.

**SUPPLEMENTARY INFORMATION:** In recent months, ash and other emissions from Mount St. Helens have affected the continuity of the power supply in the States of Oregon and Washington. ERA proposes to study the impacts of the recent volcanic activity on electric power systems in that area. The overall objective of the study will be to ascertain the degree of impact on electric service reliability, the mitigative measures employed, and possible changes which might be made in the methods used. The study also will determine the outages and other effects on system reliability resulting from the eruptions of Mount St. Helens and will evaluate the immediate short-term

effects with emphasis on insulator contamination and effects on equipment rating. Finally, it will consider the long-range effects of the eruptions, including corrosional water and sulfide insulation treeing. At the conclusion of the study a report concerning the findings made by ERA will be published and submitted to Congress, pursuant to Section 311 of the Federal Power Act.

Any person desiring to submit information concerning this activity should do so to the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4110, 2000 M Street, NW. Washington, D.C. 20461, in accordance with Part I of the Rules of Practice and Procedure (18 CFR 1.1. *et seq.*).

Any such information should be filed on or before September 5, 1980; such information will be considered by ERA in determining the appropriate action to be taken.

Dated: August 22, 1980.

Jerry L. Pfeffer,

*Assistant Administrator, Office of Utility Systems, Economic Regulatory Administration.*

[FR Doc. 80-26254 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Proposed Study Regarding Recent Storm-Related Power Outages in Washington Metropolitan Area

**AGENCY:** Department of Energy, Economic Regulatory Administration.

**ACTION:** Notice of a proposed study regarding recent storm-related power outages in the Washington metropolitan area.

**SUMMARY:** The Economic Regulatory Administration (ERA) proposes to conduct a study regarding recent storm-related power outages in the Washington metropolitan area in order to determine the similarities and the differences in the electric power distribution system design, maintenance and operating criteria of the utilities supplying the Washington area.

**FOR FURTHER INFORMATION CONTACT:**

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3825.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5E-064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900.

**SUPPLEMENTARY INFORMATION:** ERA proposes an analysis of recent storm-related power system outages in the Washington metropolitan area. Specifically, the analysis will focus on similarities and differences in the electric power distribution systems, maintenance, and operating criteria of the utilities supplying the area; these criteria will be correlated with the frequency and duration of storm-related outages. ERA also will examine whether the outage frequency has changed in recent years.

The major study areas are expected to be: (1) a review of available meteorological data for the last five years to determine whether the number and extent of outages can be correlated with this data; (2) an evaluation of the number and extent of customer outages by each utility serving the metropolitan area; and (3) a comparison of the distribution system design and maintenance practices, and their relationship to the recent power system outages; and (4) a comparison of the service restoration plans of the supplying utilities, with highlights of the better features of those plans. At the conclusion of the analyses a report concerning the findings made by ERA will be published and submitted to Congress, pursuant to Section 311 of the Federal Power Act.

Any person desiring to submit information concerning this activity should do so to the System Reliability and Emergency Response Branch, Economic Regulatory Administration, Room 4110, 2000 M Street, NW., Washington, D.C. 20461, in accordance with Part I of the Rules of Practice and Procedure (18 CFR 1.1 *et seq.*).

Any such information should be filed on or before September 15, 1980; such information will be considered by ERA in determining the appropriate action to be taken.

Dated: August 22, 1980.

Jerry L. Pfeffer,

*Assistant Administrator for Utility Systems, Economic Regulatory Administration.*

[FR Doc. 80-26253 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Vangas; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of action taken and opportunity for comment on consent order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

**DATES:**

Effective date: July 30, 1980.

Comments by: September 29, 1980.

**ADDRESS:** Send comments to: Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, CA 94105, telephone (415) 764-7038.

**SUPPLEMENTARY INFORMATION:** On July 30, 1980, the Office of Enforcement of the ERA executed a Consent Order with Vangas, Inc. of Fresno, California. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

### I. The Consent Order

Vangas, Inc., with its home office located in Fresno, California, is a firm engaged in the sale of liquid propane and the rental of propane tanks, and is subject to the Mandatory Petroleum Price and Allocation Regulations a 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 Vangas, the Office of Enforcement, ERA, and Vangas entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through October 31, 1977. the audit included all sales of propane and rentals of tanks for that period. These sales and rentals were made to wholesalers, retail end-users and tank rental customers of Vangas.

2. Vangas allegedly misapplied the provisions of 10 CFR 212 and 10 CFR 210 when determining the prices charged, for propane tank rentals, to propane retail customers in Vangas' California region.

3. In order to expedite resolution of the disputes involved, the DOE and Vangas have agreed to a settlement in the amount of $403,628, excluding interest. The settlement was determined to be in the public interest, as well as the best interests of DOE and Vangas, without Vangas admitting that it has violated any regulations or overcharged any customers.

4. $403,628, plus interest, shall be paid to retail propane customers in the California region, who rented tanks owned by Vangas. This will be accomplished by Vangas' sale of liquid

propane to these customers at a price $.02 per gallon below the maximum legal selling price or the market price charged, whichever is lower, until such time as the entire $403,628, plus interest, has been paid.

5. The provisions of 10 CFR 205.199J, including the publication of this notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Vangas agrees to refund, in full settlement of any civil liability with respect to action which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in part I, 1, above, the sum of $403,628, plus interest, on or before July 31, 1981. Refunds of overcharges will be made directly to tank rental customers in Vangas' California retail division, through use of the method described in Part I,4, above.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Lon W. Smith, District Manager of Enforcement, Department of Energy, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation "Comments on Vangas Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on September 29, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco, California on the 19th day of August, 1980.

Lon W. Smith,

*District Manager Office of Enforcement, Western District Economic Regulatory Administration.*

[FR Doc. 80-26438 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Project No. 3213]

## City of Reading, Pa.; Application for Preliminary Permit

August 22, 1980.

Take notice that the city of Reading, Pennsylvania (Applicant) filed on June 11, 1980, and application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C §§ 791(a)-825(r)] for proposed Project No. 3213 to be known as the Ontelaunee Project located on Maiden Creek in Berks County, Pennsylvania. Correspondence with the Applicant should be directed to: Mr. George C. Patton, Chief Engineer, Bureau of Water, City of Reading, 8th & Washington Streets, Reading, Pennsylvania 19601.

*Project Description*—The proposed project would include the following existing works: (1) a dam comprising a 3200-foot long earth embankment section and a 550-foot long and 55-foot high concrete spillway section; and (2) a 1,350-acre reservoir currently used by the city as a source of potable water. In addition, a powerhouse with appurtenant works would be constructed at the left abutment of the concrete spillway. The project would have an installed generating capacity of 1,200 kW and an average net annual generation of 6,500,000 kWh.

*Purpose of Project*—Project energy would be used to supplement the electrical needs of the City-owned treatment plant and pumping station located approximately two miles downstream of the dam.

*Proposed Scope and Cost of Studies Under Permit*—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would make preliminary designs, estimate economic feasibility, and determine potential environmental and social impacts. Depending upon the outcome of the preliminary permit studies, the Applicant would determine whether to proceed with the filling of an application for license. The Applicant estimates that the total cost of permit studies would be $55,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering economic, and environmental feasibility of the proposed project, the market for 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 decribed 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 October 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 Fed. Reg. 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended, 44 Fed. Reg.* 61328, October 25, 1979.)

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or other comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 6, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26439 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-488]

## Cleveland Electric Illuminating Co.; Order Accepting for Filing and Suspending Proposed Rates, Granting Interventions, and Establishing Hearing Procedures

Issued August 22, 1980.

On June 25, 1980, Cleveland Electric Illuminating Company (CEI) submitted

for filing a supplement to its interconnection agreement with the City of Cleveland, Ohio (Cleveland) providing for firm partial requirements service,[1] and a supplement to its tariff providing transmission service.[2] In the proposed supplement to the interconnection agreement, CEI seeks a rate increase of $1.3 million; and in the proposed supplement to the transmission tariff CEI requests an increase of $111,000.

Under the existing interchange agreement, the rate for firm partial requirements service consists of a demand charge of $6.10 kW/month and an energy charge of 19.8 mills/Kwh, subject to a fuel adjustment clause. In this filing, CEI proposes to increase the demand charge to $8.24 kW/month and to increase the base energy charge to 21.0 mills/kWh, subject to the same fuel adjustment clause.

CEI now provides transmission service to Cleveland at a demand charge of $1.27 kW/month of contract demand. Under CEI's proposed rate, this demand charge for transmission service would increase to $1.69 kW/month. Based upon CEI's test period ending December 31, 1980, CEI's proposed rates would increase total revenues from Cleveland by 10.1%, yielding an overall rate of return of 10.51%, with a 14.25% return on equity.

Notice of CEI's filing was issued on July 1, 1980,[3] with comments due by July 22, 1980. On July 22, 1980, Cleveland filed a protest and petition to intervene. Although Cleveland asserts that its analysis and contentions are of a preliminary nature, it does raise several objections to CEI's proposed rates. Cleveland objects to CEI's claims for rate of return and a cash working capital allowance, as well as to CEI's inclusion of advertising costs and amortization of abandonment losses on cancelled power plants[4] in the test period cost of service. Cleveland also objects to CEI's use of a demand ratchet in the firm power rate schedule since the demand related costs are allocated on the 12 monthly coincident peak method. Finally, Cleveland challenges CEI's method of functionalizing certain transmission facilities. On the basis of these objections, Cleveland requests that CEI's proposed rates be suspended for five months. CEI disputed these objections in a response filed August 6, 1980.

*Discussion*

We find that participation in this proceeding by Cleveland may be in the public interest and we shall therefore grant the petition to intervene.

Our initial analysis indicates that CEI's proposed rates would not yield excess revenues. However, considering Cleveland's allegations, we find that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

A recent decision of the Court of Appeals for the District of Columbia Circuit has led the Commission to reassess the standards that it uses to fix the appropriate duration of a suspension period as we may impose with respect to rate increase filings.[5] We have done this as a predicate to our acting on this matter.

Through the regulatory schemes that the Commission administers involve a subtle and a difficult balancing of producer and consumer interests, their primary purpose is to protect the consumer against excessive rates and charges. Hence, it is our view that the discretionary power to suspend should be exercised in a way that maximizes this protection.

The decision to suspend a proposed rate increase rests on the preliminary finding that the increase may be unjust and unreasonable or that it may run afoul of other statutory standards. The governing statutes say that "*any* [emphasis added] rate or charge that is not just and reasonable is hereby * * * declared unlawful."[6] This declaration places on the Commission a general obligation to minimize the incidence of such illegality.

Based on the foregoing, the Commission has determined that, in the exercise of its rate suspension authority, rate filings should normally be suspended and the *status quo ante* preserved for the maximum period permitted by statute in circumstances where preliminary study leads the Commission to believe that there is substantial question as to whether a filing complies with applicable statutory standards.

Particular circumstances may warrant shorter suspensions. Situations present themselves from time to time in which rigid adherence to the general policy of preserving the *status quo ante* for the maximum statutory period makes for harsh and inequitable results. Such circumstances are presented here. The Commission notes that a variety of contentions have been raised by Cleveland, but that our preliminary analysis indicates that the proposed rates would not yield excessive revenues. In fact, the rates are substantially below the rate level that staff's analysis would justify. We therefore believe that a five month suspension is unnecessary and may be inequitable to CEI. However, in order to ensure refund protection for Cleveland pending further review of the proposed rates in light of the City's allegations, we believe we should exercise our discretion to suspend the rates for one day, permitting the rates to take effect on August 26, 1980, subject to refund.

*The Commission orders:*

(A) CEI's proposed rates for firm partial requirements service and for transmission service are hereby accepted for filing and suspended for one day, to become effective on August 26, 1980, subject to refund.

(B) Cleveland's petition to intervene is hereby granted subject to the rules and regulations of the Commission; *Provided, however,* that the participation by the intervenor shall be limited to matters set forth in its petition to intervene; and *Provided, further,* that the admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, specifically Sections 205 and 206, and by the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act [18 CFR, Chapter I (1979)], a public hearing shall be held concerning the justness and reasonableness of CEI's proposed rates.

(D) Staff shall serve top sheets in this proceeding on or before November 6, 1980. (E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within ten days of the service

[1] Rate Schedule Designation: Supplement No. 5 to CEI Rate Schedule FPC No. 12 (Supersedes Supplement No. 4 to CEI Rate Schedule FPC No. 12).

[2] Rate Schedule Designation: Original Sheet No. 6-A to FERC Electric Tariff, Original Volume No. 1.

[3] 45 Fed. Reg. 46164 (1980).

[4] On January 23, 1980, CEI, Toledo Edison Company, Duquesne Light Company, and Ohio Edison Company announced the cancellation of plans to build four nuclear units. CEI proposes to amortize its 24.5% share ($56.5 million) of pre-construction costs incurred for these plants over a 10 year period.

[5] *Connecticut Light and Power Company* v. *F.E.R.C.*, —— F.2d —— (D.C. Cir. May 30, 1980).

[6] Section 205(a) of the Federal Power Act, Section 4(e) of the Natural Gas Act, and Section 15 of the Interstate Commerce Act.

of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26440 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3253]

## The Dole & Roberts Sales Corp.; Application for Preliminary Permit

August 21, 1980.

Take notice that the Dole & Roberts Sales Corporation (Applicant) filed on July 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed project No. 3253 to be known as the Campton Dam Project located on the Mad River in Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. Moody Dole, President, Dole & Roberts Sales Corporation, P.O. Box 8, Campton, New Hampshire 03223.

*Project Description*—The proposed project would utilize the U.S. Forest Service's existing Campton Dam and Reservoir, and would consist of: (1) a proposed powerhouse with an installed capacity of 250 kW; and (2) appurtenant facilities. It is estimated that the average annual net generation of the project would be 1,300 MWh.

*Purpose of Project*—Energy produced by the project would be sold to the Public Service Company of New Hampshire.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant seeks a preliminary permit for a period of two years to prepare engineering and economic studies and an environmental assessment. The Applicant would also prepare applications for necessary Federal, State, and local permits, including an application for FERC license for the project. The Applicant estimates that the cost of studies under the permit would be less than $25,000.

*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 October 23, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 22, 1980. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c), *as amended,* 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d), *as amended,* 44 FR 61328 (October 25, 1979).

*Comments, Protests or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before October 23, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26472 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 2232]

## Duke Power Company; Application for Change in Land Rights

August 22, 1980.

Take notice that an application was filed on March 13, 1980, under the Federal Power Act, 16 U.S.C. 791(a)—825(r), by Duke Power Company for a change in land rights, for the Cowans Ford Development of FERC Project No. 2232 (Catawba Wateree). The project lands affected are located on the Catawba river (Lake Norman) in Lincoln County, North Carolina. Correspondence with the Applicant on this matter should be addressed to: Mr. John E. Lansche, Assistant General Counsel, Duke Power Company, Box 33189, Charlotte, North Carolina 28242.

Applicant requests Commission approval to lease 6.31 acres of project land to Mr. and Mrs. Hal T. Baxter for the construction and operation of the private sailboat marina. The marina, part of which has been constructed would consist of: (1) a combination stationary and floating T-shaped pier extending 295 feet from the shoreline for approximately 140 boat slips located in a 475-foot long section of the pier; (2) a 110-foot long concrete boat ramp located approximately 30 feet from the T-shaped pier; and (3) a combination stationary and floating pier extending approximately 158 feet from the shoreline used for serving transient sailboaters, and located approximately 400 feet around the point from the boat ramp.

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 October 9, 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. 80-26441 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ES80-70]

## El Paso Electric Co.; Application

August 22, 1980.

Take notice that on August 15, 1980, El Paso Electric Company (Applicant) filed a request with the Commission, pursuant to Section 204 of the Federal Power Act, requesting authority to negotiate for the placement of up to 2,000,000 shares of Common Stock, no par value. The Applicant is a Texas Corporation, with its principal office at El Paso, Texas, and is engaged in the electric utility business in Texas and New Mexico.

The net proceeds from the sale of the Common Stock will be used to finance Applicant's construction program.

Any person desiring to be heard of to make any protest with reference to the application should on or before September 15, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26442 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 3249]

## Britt R. Gilbert; Application for Preliminary Permit

August 8, 1980.

Take notice that Britt R. Gilbert (Applicant) filed on July 10, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3249 to be known as the Edinburg Dam Project located on the Shenandoah River in Shenandoah County, Virginia. Correspondence with the Applicant should be directed to: Mr. Britt R. Gilbert, Route 2, Box 11, Woodstock, Virginia 22664; and Attorney Thomas F. Nolan IV, 401 C St., N.E., Washington, D.C. 20002.

*Project Description*—The proposed project would consist of: (1) an existing concrete dam with a maximum height of 14 feet and a length of 423 feet; (2) a reservoir with a surface area of 14.6 acres and a storage capacity of 117 acre-feet; (3) a new powerhouse to be constructed at the site of a former powerhouse; and (4) appurtenant works. The installed capacity would be approximately 500 kW. Applicant estimates that the average annual generation would be 1,752 megawatt-hours. The project is currently owned by the Virginia Electric Power Company.

*Purpose of Project*—Project energy would be sold to the Virginia Electric Power Company.

*Proposed Scope and Cost of Studies Under Permit*—Applicant seeks issuance of a preliminary permit for a period of nine months, during which time it would determine the economic and technical feasibility and environmental impacts of the project. If the project is found to be feasible, Applicant would then prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $20,000.

*Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the 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 October 11, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 10, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 Fed. Reg 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 Fed. Reg. 61328, October 25, 1979).

*Comments, Protests, or Petitions To Intervene*—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before October 11, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26443 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. RA80-96]

## Guam Oil & Refining Co., Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

August 22, 1980.

Take notice that Guam Oil & Refining Company, Inc. on August 20, 1980, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 5, 1980, with the

Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 5, 1980, accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26444 Filed 8-25-80; 8:45 am]

BILLING CODE 6450-85-M

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[Project No. 2930]

## Idaho Power Co.; Land Withdrawal; Idaho

August 8, 1980.

On May 11, 1979, the Idaho Power Company filed Exhibits H and I (FERC No. 2930-1) as part of an application for preliminary permit for the North Fork Payette River Project, designated as Project No. 2930, and located in the Counties of Boise and Valley, Idaho. Therefore, in accordance with the provisions of Section 24 of the Federal Power Act, 16 U.S.C. 818, notice is hereby given that the lands hereinafter described, insofar as title remains in the United States, are from the date of said filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

All portions of the following described subdivisions lying within the project boundary as delimited on Exhibits H and I (FERC No. 2930-1):

Boise Meridian, Idaho

T. 9 N., R. 3 E.,
Sec. 4, lot 1;
Sec. 5, lot 1, SE¼;
Sec. 8, NE¼, E½SE¼;
Sec. 16, lot 2, W½SW¼;
Sec. 17, E½NE¼, NE¼SE¼;
Sec. 21, NW¼NW¼, SE¼NW¼, E½SW¼;
Sec. 28, lots 2, 6, N½NW¼.

T. 10 N., R. 3 E.,
Sec. 9, lot 7;
Sec. 16, lot 2;
Sec. 32, lots 1, 2, 3, 4, 5, SE¼SE¼;
Sec. 33, lot 2.

Approximately 365 acres of U.S. lands are withdrawn by the subject application for permit. Copies of the aforementioned Exhibits have been transmitted to the U.S. Geological Survey and the Bureau of Land Management, Department of the Interior.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26445 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-674]

## Illinois Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that on August 14, 1980, Illinois Power Company (Illinois Power) tendered for filing proposed Amendment No. 3, dated August 11, 1980, to the Interconnection Agreement, dated January 14, 1975, between the City of Springfield and Illinois Power.

Illinois Power indicates that this filing is made in compliance with Federal Energy Regulatory Commission Order No. 84 in Docket No. RM79-29, "which requires that revenue limits be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power."

Illinois Power states that a copy of the filing was served upon the City of Springfield and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26473 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-675]

## Illinois Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that on August 14, 1980, Illinois Power Company (Illinois Power) tendered for filing proposed Amendment No. 6, dated August 11, 1980, to the Interconnection Agreement, dated July 25, 1975, between Western Illinois Power Cooperative, Inc. (WIPCO) and Illinois Power.

Illinois Power indicates that this filing is made in compliance with Federal Energy Regulatory Commission Order No. 84 in Docket No. RM79-29, "which requires that revenue limits be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power."

Illinois Power states that a copy of the filing was served upon WIPCO and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26474 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-672]

## Indiana & Michigan Electric Co. and Ohio Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation on behalf of its affiliate, Indiana & Michigan Electric Company (I&ME) and Ohio Power Company (OPCo.) tendered for filing on August 13, 1980, Modification No. 8 and Modification No. 9 to the Federal Energy Regulatory Commission OPCo. Rate Schedule No. 21 and I&ME Rate Schedule No. 16 which represents an Interconnection Agreement with the

Cincinnati Gas & Electric Company. These proposed Modifications are stated to be a filing in compliance with the Federal Energy Regulatory Commission's Order No. 84, issued May 7, 1980.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 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. 80-26475 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-659]

## Interstate Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that Interstate Power Company on August 13, 1980, tendered for filing Supplement A to FERC Rate Schedule No. 69 dated August 8, 1980, to the Interconnection Agreement between Commonwealth Edison Company and Interstate Power Company dated May 1, 1964, as amended.

The Company indicates that this filing is made in response to Commission Order No. 84, issued May 7, 1980 in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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. 80-26446 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-597]

## Mid-Continent Area Power Pool; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that on August 11, 1980 Mid-Continent Area Power Pool (MAPP) submitted for filing Amendment No. 11 to the MAPP Agreement.

MAPP indicates that this filing is in response to Commission Order No. 84, issued May 7, 1980, in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 to 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26476 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-108]

## Missouri Public Service Co.; Order Granting Motion for Authority To Collect Proposed Settlement Rates in Lieu of Filed Rates

Issued August 22, 1980.

On July 14, 1980, Missouri Public Service Company (MPSC) filed a motion for permission to collect proposed settlement rates in lieu of its filed rates in Docket No. ER80-108, pending the Commission's consideration of an offer of settlement submitted by MPSC on July 8, 1980.

On November 27, 1979, MPSC submitted for filing proposed rate increases for firm power service to eight municipal customers. By order issued January 22, 1980, as modified by an errata notice issued January 25, 1980, the Commission accepted MPSC's submittal for filing and suspended the rates as to six of the affected municipalities[1] for three months until April 27, 1980, at which time they became effective subject to refund. With respect to the two remaining municipalities,[2] we waived the 120 day notice requirement of § 35.3 (a) of the regulations, but stated that any rate change for service to these customers may become effective prospectively only upon expiration or renegotiation of their respective contracts and the filing of superseding service agreements.

On July 8, 1980, MPSC filed an offer of settlement pursuant to Section 1.18(e) of the Commission's regulations. The proposed settlement rates would result in increased annual revenues of approximately $385,000, or a reduction of approximately $100,000 from the originally proposed rates.

MPSC has moved to collect the proposed settlement rates in lieu of its filed rates from August 1, 1980, until such time as the Commission acts on the settlement offer. On July 22, 1980, the Commission staff filed comments in support of MPSC's motion and its offer of settlement. No other comments were received in response to the motion or the settlement offer.

Upon review, the Commission believes that MPSC's proposal is in the public interest. We shall therefore allow MPSC to collect the settlement rates in lieu of its originally filed rates pending the Commission's disposition of the offer of settlement in this docket.[3] This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement. If we should disapprove the settlement, MPSC may therafter collect the higher filed rate prospectively only.[4]

*The Commission orders:*

(A) MPSC's motion to collect its proposed settlement rates in lieu of its originally filed rates is hereby granted.

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[1] Eldorado Springs, Galt, Harrisonville, Liberal, Pleasant Hill and Rich Hill.

[2] Because the Cities of Odessa and Gilman City are served under fixed rate contracts with no provision for unilateral changes, MPSC did not propose to increase the rates applicable to these customers until expiration of their contracts.

[3] We note that, as to certain customers, the originally filed rates became effective subject to refund on April 27, 1980. In the event that the Commission approves the offer of settlement, refunds will be required for the period April 27, 1980 through July 31, 1980.

[4] *See Gulf States Utilities Company*, Docket No. ER80-57, order issued June 4, 1980; *Upper Peninsula Power Company*, Docket No. ER 80-112, order issued June 4, 1980; *Cincinnati Gas and Electric Company*, Docket Nos. ER79-528 and ER80-153, order issued May 2, 1980; and *Public Service Company of Oklahoma*, Docket No. ER78-511, order issued December 27, 1978.

(B) MPSC is hereby authorized to collect its proposed settlement rates beginning August 1, 1980, and continuing until such time as the Commission acts on the offer of settlement tendered by MPSC on July 8, 1980.

(C) If the Commission ultimately rejects the settlement, MPSC will be permitted to collect, only prospectively from the date the Commission order rejecting the settlement becomes final, either the higher filed rates or such other rates as the Commission may determine at that time to be just and reasonable.

(D) Within thirty days of the issuance of this order, all amounts collected in excess of the proposed settlement rates since August 1, 1980, shall be refunded to the respective wholesale customers with interest computed according to § 35.19a of the Commission's regulations.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26447 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-593]

## Monongahela Power Co. and West Penn Power Co., Changes in Rates and Charges

August 22, 1980.

The filing Company submits the following:

Take notice that Allegheny Power Service Corporation (APSC) on August 8, 1980 tendered for filing on behalf of Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn), two of the electric utilities which make up the integrated Allegheny Power System, Amendment No. 8, dated August 1, 1980, to the Interchange Agreement dated October 17, 1968 between Monongahela, West Penn and the Ohio Edison Company and Pennsylvania Power Company (Ohio Edison) designated Monongahela Rate Schedule FPC No. 29, West Penn Rate Schedule FPC No. 27, Ohio Edison Rate Schedule FPC No. 69, and Pennsylvania Power Rate Schedule FPC No. 20.

The Company indicates that this filing is made in response to Commission Order No. 84, issued May 7, 1980 in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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. 80-26448 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-670]

## Niagara Mohawk Power Corp.; Filing

August 22, 1980.

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk) on August 15, 1980 tendered for filing a Notice of Cancellation of FERC's Rate Schedule No. 104, dated February 8, 1979, between Niagara Mohawk and Central Hudson Gas & Electric Company.

Niagara Mohawk indicates that this cancellation is to be effective as of November 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26449 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-673]

## Ohio Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service corporation on behalf of its affiliate, Ohio Power Company (OPCo.) tendered for filing on or before August 13, 1980, Supplement No. 9 and Supplement No. 10 to the Federal Energy Regulatory Commission Rate Schedule No. 25 which represents an Interconnection Agreement with Ohio Edison Company (OE).

The proposed Supplement No. 9 is stated to be a filing in compliance with Federal Energy Regulatory Commission's Order No. 84, issued May 7, 1980. The proposed Supplement No. 10 adds a new Service Schedule, namely, Emergency Service which is similar to Schedules that OPCo. and OE have filed with other systems. The requested effected date of Supplement No. 10 is August 11, 1980.

Any peson 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 rule of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 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. 80-26477 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-669]

## Orange and Rockland Utilities, Inc., and Public Service Electric & Gas Co.; Notice of Filing

August 22, 1980.

The filing Company sumits the following:

Take notice that Orange and Rockland Utilities, Inc. (O&R) on August 14, 1980 tendered for filing an agreement between O&R and Public Service Electric and Gas Company of New Jersey (PSE&G) providing for the sale of generation capability to PSE&G and for associated energy transactions starting August 14, 1980 and continuing until terminated by either party O&R requests waiver of the Commission's notice requirements to permit the agreement to become effective as of August 14, 1980.

Any person desiring 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 section 1.8 and 1.10 of the Commission's rules of procedure, (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 10, 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. 80-26450 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Dockets Nos. ER80-484 and ER80-485]

## Pennsylvania-New Jersey-Maryland Interconnection and Virginia Electric Power Co.; Order Accepting for Filing and Suspending Revised Interconnection Agreement, Waiving Regulations, Initiating Hearing, and Terminating Prior Docket

Issued August 21, 1980.

On June 24, 1980, Pennsylvania-New Jersey-Maryland Interconnection (PJM)[1] and Virginia Electric Power Company (VEPCO) filed certain revisions to their Interconnection Agreement.[2] The proposed revisions in Docket No. ER80-484 include: (1) an increase in the demand charge for fuel conservation energy; (2) a decrease in the related third party transmission demand charge; and (3) the replacement of percentage adders with fixed adders. In Docket No. ER80-485, the proposed changes consist of: (1) an increase in demand charges for emergency power, short-term power, and related third party transmission service; and (2) replacement of percentage adders with fixed adders. These submittals have been tendered in lieu of additional materials requested of the parties by a February 12, 1980 deficiency letter issued with reference to a previous filing by the parties in Docket No. ER80-189. In light of the current submittals, the parties now request termination of Docket No. ER80-189.

Public notice of the filings in Docket Nos. ER80-484 and ER80-485 was issued on July 1, 1980, with comments required to be filed on or before July 21, 1980. No comments, protests, or petitions to intervene have been filed.

### Discussion

The proposed revisions to the fuel conservation service schedule would increase the demand charge for fuel conservation energy from 3.0 mills/kWh to 5.0 mills/kWh and would decrease the third party fuel conservation transmission demand charges from 1.75 mills/kWh to 1.3 mills/kWh and 1.1 mills/kWh for PJM and VEPCO, respectively. We recently approved identical rates for PJM in an order issued on July 31, 1980, in Docket Nos. ER80-427 *et al.* ("Accepting For Filing Revised Rates For Interchange Services And Terminating Dockets"). For the reasons stated in our prior order, as to PJM, we again find these rates to be adequately supported as to PJM.

Circumstances differ, however, with respect to VEPCO. VEPCO has submitted a non-levelized cost analysis which purports to support a fuel conservation demand charge of 5.17 mills/kWh and a third party transmission demand charge of 1.09 mills/kWh, based on an average system production net investment (including nuclear and pumped storage hydrogenerating facilities) of $191.38/kW, and average transmission net investment of $58.53/kW, and annual production and transmission fixed charge rates of 18.67% and 16.32%, respectively, applied to average net investment. This study includes a 9.6% rate of return with a return on equity of 14%.

As we stated in our July 31 order in Docket Nos. ER80-427, *et al.*, the use of average system production investment in support of a fuel conservation demand charge is improper since it does not accurately track the demand-related costs of the units assigned to interchange service. We also observed that this methodology is inconsistent with the Statement of Principles issued on March 28, 1980, in Docket Nos. ER78-229, *et al.*,[3] which require that fuel conservation demand charges reflect the annualized cost of the units expected to provide the service weighted by relative expected hours of use. Our analysis, based upon additional information provided by the Commission staff,[4] indicates that VEPCO's proposed fuel conservation demand charge may produce excess revenues. The third party fuel conservation transmission demand charge, on the other hand, does appear to be cost justified.

We note that the proposed fuel conservation schedules contain language describing dispatch priority and replacement pricing methodology which is generally consistent with the above-mentioned Statement of Principles in Docket Nos. ER78-229, *et al.* As in Docket Nos. ER80-427, *et al.*, this language is quite broad; however, we find that these descriptions are acceptable.

With respect to the proposed short-term demand charges, PJM and VEPCO propose to increase these charges from 0.50/kW/week to $0.85/kW/week. The parties further propose to increase related third party transmission demand charges from $0.125/kW/week to $0.24/kW/week. We again note that the same charges were previously approved for PJM in our order of July 31, 1980, in Docket Nos. ER80-427, *et al.*, and we continue to believe that these charges are acceptable as to PJM. Although the short-term third party transmission demand charge appears reasonable for VEPCO, as in the case of the fuel conservation demand charges, we cannot conclude that the proposed $0.85/kW/week demand charge for short-term power is reasonable as applied to VEPCO.

The instant filings also propose to revise the demand charges for extended emergency service[5] from $35/MW/day (1.5 mills/kWh) to 5 mills/kWh. Third party transmission demand charges for this service would be increased from $21/MW/day (.9 mill/kWh) to 1.1 mills/kWh and 1.3 mills/kWh for VEPCO and PJM, respectively. These proposed charges are the same as those requested for fuel conservation energy and related third party transmission. As discussed previously, the charges proposed for PJM are identical to those approved for PJM in Docket Nos. ER80-427, *et al.* Accordingly, with respect to PJM, we find that both the extended emergency demand charge and the related third party transmission charge are reasonable. However, in the case of VEPCO, we are able to conclude only that the third party transmission charge is justified.

The parties have also proposed to replace traditional percentage adders, applied to incremental energy costs or purchased energy price, with fixed adders. We find that the fixed adders

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[1] See Attachment for rate schedule designations.

[2] PJM member companies include: Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power and Light Company, Baltimore Gas and Electric Company, Potomac Electric Power Company, Jersey Central Power and Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company.

[3] "Order Establishing Principles for Settlement of Fuel Conservation Energy Rate Schedule Proceedings and Providing for Filings."

[4] In Docket No. ER80-247, *et al.* (order issued July 31, 1980, slip at 4), we noted some dissatisfaction with the cost support supplied by the interested utilities and questioned the degree of compliance with paragraph (2) of the March 28, 1980 Statement of Principles. Having once expressed that concern for future reference, there should be no need to reiterate our caution in its entirety.

[5] Extended emergency service is defined as emergency service in excess of 48 hours.

proposed by PJM and VEPCO are consistent with the Commission's proposed rule making in Docket No. EM79–29, issued on April 4, 1979, with Order No. 84, issued on May 7, 1980, in Docket No. RM79–29, and with the Statement of Principles, issued on March 28, 1980, in Docket Nos. ER78–229, *et al.* The proposed adders are below 2 mills/kWh for interchange service that is generated and sold directly to purchasing parties, and below 1 mill/kWh for third party transmission service.

As indicated above, PJM and VEPCO have submitted the instant filings in lieu of further submittals in Docket No. ER80–189. They have therefore requested termination of the prior docket. Under the circumstances, it is appropriate, and in the public interest, to allow withdrawal of the pleadings in Docket No. ER80–189 and to terminate that proceeding.

PJM and VEPCO have further requested waiver of the 60-day statutory notice requirement of the Federal Power Act, acceptance of these filings without suspension and hearing, and an effective date for both filings of August 1, 1980. For the reasons previously stated, we shall grant these requests insofar as they apply to PJM, thereby permitting the PJM rates to become effective August 1, 1980. However, VEPCO's proposed demand charges for extended emergency service, short-term power, and fuel conservation energy have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, with respect to the rate proposed for VEPCO, we shall waive the notice requirements and accept the submittal for filing, but we shall suspend each of the proposed rates, other than those applicable to third party transmission services, as ordered below.

A recent decision of the Court of Appeals for the District of Columbia Circuit has led the Commission to reassess the standards that it uses to fix the appropriate duration of a suspension period as we may impose with respect to rate increase filings.[6] We have done this as a predicate to our acting on this matter.

Though the regulatory schemes that the Commission administers involve a subtle and a difficult balancing of producer and consumer interests, their primary purpose is to protect the consumer against excessive rates and charges. Hence, it is our view that the discretionary power to suspend should be exercised in a way that maximizes this protection.

This decision to suspend a proposed rate increase rests on the preliminary finding that the increase may be unjust and unreasonable or that it may run afoul of other statutory standards. The governing statutes say that *"any* [emphasis added] rate or charge that is not just and reasonable is hereby declared unlawful." [7] This declaration places on the Commission a general obligation to minimize the incidence of such illegality.

Based on the foregoing, the Commission has determined that, in the exercise of its rate suspension authority, rate filings should normally be suspended and the *status quo ante* preserved for the maximum period permitted by statute in circumstances where preliminary study leads the Commission to believe that there is substantial question as to whether a filing complies with applicable statutory standards.

Particular circumstances may warrant shorter suspensions. Situations present themselves from time to time in which rigid adherence to the general policy of preserving the *status quo ante* for the maximum statutory period makes for harsh and inequitable results. Such circumstances are presented here. As we have noted, our analysis reveals that certain of VEPCO's proposed rates may produce excess revenues. However, the impact of these excess revenues should be mitigated, in part, by the replacement of percentage adders with fixed adders and the resulting reduction in energy charges for both self-generated and third party energy transactions. Moreover, the services at issue lend themselves to a limited period of suspension. Accordingly, we believe we should exercise our discretion to suspend VEPCO's proposed rates, other than those applicable to third party transmission services, for one day following the proposed effective date, permitting them to take effect on August 2, 1980, subject to refund.

We shall also order a hearing to be convened in this proceeding. However, the scope of the hearing shall be confined to the limited issue of the proper development of the production component of VEPCO's proposed demand charges for extended emergency power, short-term power, and fuel conservation energy.

*The Commission orders:*

(A) The request for waiver of the Commission's notice requirements is hereby granted.

(B) The revisions to the PJM/VEPCO Interconnection Agreement tendered in Docket Nos. ER80–484 and ER80–485—other than the proposed demand charges applicable to VEPCO for extended emergency power, short-term power, and fuel conservation energy—are hereby accepted for filing to become effective on August 1, 1980.

(C) The proposed demand charges applicable to VEPCO for extended emergency power, short-term power, and fuel conservation energy are hereby accepted for filing and suspended for one day to become effective, subject to refund, on August 2, 1980.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act, and by the Federal Power Act and pursuant to the Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 C.F.R. Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by VEPCO in this instant docket. The scope of this investigation shall be limited to the issue of the proper development of the production component of VEPCO's proposed demand charges for short term power, extended emergency power, and fuel conservation energy.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference within 15 days of the issuance of this order in a hearing room of the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. This conference shall be held for the purposes of expediting discovery and establishing a procedural schedule, including a date for the timely submission of a case-in-chief by VEPCO. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided in the Commission's rules of practice and procedure.

(F) The request to terminate Docket No. ER80–189 is hereby granted and that docket is hereby terminated.

(G) The Secretary shall promptly publish this order in the Federal Register.

[6] *Connecticut Light & Power Co.* v. *F.E.R.C.*, No. 78–2312, —— F.2d —— (D.C. Cir. May 30, 1980).

[7] Section 205(a) of the Federal Power Act, Section 4(e) of the Natural Gas Act, and Section 15 of the Interstate Commerce Act.

By the Commission. Commissioner Hall voted present.

Kenneth F. Plumb,
*Secretary.*

**Pennsylvania-New Jersey-Maryland Interconnection—Dockets Nos. ER80-484 and ER80-485**

Filed: July 24, 1980.
Dated: June 18, 1980.
Nature: Amendments to Interconnection Agreement.

*Rate Schedules Designations and Description*

(1) Supplement No. 9 (Supersedes Supplement No. 5)—Schedule 5.04.
(2) Supplement No. 10 (Supersedes Supplement No. 7)—Schedule 7.04.
(3) Supplement No. 11 (Supersedes Supplement No. 2)—Schedule 8.03.
(4) Supplement No. 12 (Supersedes Supplement No. 8)—Schedule 9.03.

The above Supplements apply to the following rate schedules:

Virginia Electric & Power Company—FPC No. 73.
Public Service Electric and Gas Company—FPC No. 37.
Philadelphia Electric Company—FPC No. 28.
Pennsylvania Power and Light Company—FPC No. 43.
Baltimore Gas and Electric Company—FPC No. 18.
Potomac Electric Power Company—FPC No. 23.
Jersey Central Power and Light Company—FPC No. 23.
Metropolitan Edison Company—FPC No. 28.
Pennsylvania Electric Company—FPC No. 48.

[FR Doc. 80-26478 Filed 8-27-80; 8:45 am]
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[Project No. 3178]

## Public Utility District No. 1 of Mason County; Application for Preliminary Permit

August 22, 1980.

Take notice that Public Utility District No. 1 of Mason County (Applicant) filed on June 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. 3178 to be known as the Hamma Hamma Hydroelectric Project located on the Hamma Hamma River in Mason County, Washington. Correspondence with the Applicant should be directed to: Mr. John P. Robertson, Public Utility District No. 1 of Mason County, Route 5, Box 555, Shelton, Washington 98584 and Heuston & Settle, Attorneys, P.O. Box 308, Angle Bldg., Shelton, Washington 87584.

*Project Description*—The proposed run-of-the-river project would consist of: 1) a concrete diversion structure 25 feet high and 50 feet long, creating a 100 acre-foot pond; 2) a 2000-foot long, 6-foot diameter concrete pipeline; 3) a 400-foot long, 5-foot diameter steel penstock serving; 4) a powerhouse to contain one Francis-type turbine-generator unit having a rated capacity of 9,300 kW; and 5) a new 0.5-mile long, 115-kV transmission line to be constructed between the powerhouse and the Bonneville Power Administration's existing 115-kV transmission line.

*Purpose of Project*—The power generated at the project would used to meet the Applicant's load growth or to offset power purchases now being made by the Applicant to supply its customers. Applicant estimates the project would be capable of producing an annual output of about 50 million kWh.

*Proposed Scope and Cost of Studies Under Permit*—The Applicant has conducted some reconnaissance studies of the site. The Applicant now seeks issuance of a preliminary permit for a period of 36 months during which it would prepare a definitive project report that would include engineering, economic, and environmental data. The costs of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated by the Applicant to be about $300,000.

*Work Plan for New Dam Construction*—A detailed work plan and schedule was submitted as part of the application. The work plan includes field surveys, geological investigations, geotechnical work, and establishing engineering design criteria. During field survey, some trimming or clearing of heavy underbrush will be required to assure accurate survey work. All trimming or clearing will be kept to a minimum and will only be done where essential. Test boring of the dam site or powerhouse will be done by a small drill rig. Where logging road access is not possible the rig may be carried to the site by three or four men. Borings to a depth of 20 to 50 feet will be taken; after core drilling, drill holes would be capped and sealed. At a typical drill site an area approximately 10 feet by 10 feet may be affected by drilling activities. No new road construction would be required to conduct feasibility studies under the proposed permit.

*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 aplication 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 October 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 5, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). a competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

*Comments, Protests or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or

before October 6, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. the Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26451 Filed 8-27-80; 8:45 am]

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[Docket No. GP80-99]

## Santa Fe Energy Co. (Section 108 NGPA Determination, Carlson B-25 No. 2 Well, USGS-New Mexico, JD No. 80-5419); Petition To Withdraw Well Category Determination

August 22, 1980.

Take notice that on May 7, 1980, Santa Fe Energy Company (Santa Fe), One Security Park, 7200 1-40 West, Amarillo, Texas 79106, filed with the Federal Energy Regulatory Commission (Commission), pursuant to section 275.202 of the Commission's regulations, a request to withdraw its section 108 stripper well category determination and its filing for interim collection of section 108 prices under the Natural Gas Policy Act of 1978 (NGPA) for the Carlson B-25 No. 2 well.

Santa Fe states that its well does not qualify under the Commission's rate of production rule for determining stripper well eligibility set out in section 271.804 of the Commission's regulations. Section 271.804 requires the calculation of the rate of production on the basis of total well volume, regardless of whether the well has more than one completion location.

Any person desiring to be heard or to protest this request should, on or before September 29, 1980 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 C.F.R. §§ 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestant parties to the proceeding. Any person wishing to become a party to proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26479 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

## South Sutter Water District; Application for Major License

[Project No. 2997]

August 8, 1980.

Take notice that on June 20, 1980, the South Sutter Water District (Applicant) filed an application for a major license [pursuant to the Federal Power Act, 16 U.S.C., §§ 791(a)-825(r)] for the proposed Camp Far West Dam and Reservoir Project, FERC No. 2997, to be located on the Bear River in the counties of Placer and Yuba, California. The project would affect the interests of interests commerce. Correspondence with the Applicant should be directed to: Mr. Robert L. Melton, Secretary-Manager, South Sutter Water District, P.O. Box 36, Trowbridge, California 95687; and Mr. W. Wesley Jopson, President, Board of Directors, South Sutter Water District, P.O. Box 36, Trowbridge, California 95687.

*Project Description*—The proposed Camp Far West Dam and Reservoir Water Power Project would consist of: (1) an existing reservoir with a gross storage capacity of 141,000 acre-feet; (2) an existing 170-foot high and 2,100-foot long, zoned earth-filled dam; (3) a proposed reinforced concrete intake structure; (4) a proposed 760-foot long, 84-inch diameter reinforced concrete tunnel through the left abutment; (5) a new powerhouse at the terminus of the tunnel containing one generating unit with a rated capacity of 6,800 kW; and (6) a proposed 60-kV transmission line. The proposed hydroelectric power project would add a non-conflicting use of water released for current irrigation use, and utilize uncontrolled spillway flows during wet periods. Much of the power plant's output would be used for peaking purposes. The estimated average annual energy generation is 26.9 million kWh. No lands of the United States are within the proposed project boundary.

*Purpose of Project*—The power and energy developed by the project would be used to offset fossil-fired generation capacity and would be sold to the Sacramento Municipal Utility District.

*Estimated Cost*—The cost of the project is estimated by the Applicant to be $7,976,000.

*Competing Applications*—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 1980, either the competing application itself or a notice of intent, to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 19, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), *as amended*, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), *as amended*, 44 FR 61328 (October 25, 1979).

*Comments, Protests, or Petitions to Intervene*—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any comments, protest, or petition to intervene must be filed on or before September 21, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26452 Filed 8-27-80; 8:45 am]

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[Project No. 67]

## Southern California Edison Co.; Application for Amendment of License

August 22, 1980.

Take notice that on Feburary 29, 1980, the Southern California Edison Company (Licensee) filed an application for amendment of its license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for the existing Big Creek No. 2A and No. 8 Project, FERC Project No. 67, located on the South Fork San Joaquin River and Big Creek in Fresno County, California. Correspondence with the Applicant should be directed to: Mr. John R. Bury, General Counsel, Southern California Edison Company, P.O. Box 80, Rosemead, California 91770.

The Licensee seeks authorization to construct: (1) a 6,000-foot long diversion tunnel, with a 16.5-foot wide, horseshoe-shaped cross-section from the existing Tunnel No. 7 of Project No. 67 to; (2) Balsam Meadow Forebay having a gross

storage capacity of 1,960 acre-feet and a surface area of 60 acres at maximum water surface elevation 6,670 feet; (3) Balsam Meadow Dam, a rock-filled embankment, 1,400 feet long and 120 feet feet high, having a concrete-faced upstream surface and a side channel spillway located on the west fork of Balsam Creek; (4) an invert-lined power tunnel, 4,320 feet long, with a 20-foot wide, horseshoe-shaped cross-section leading from the forebay to; (5) an underground powerhouse containing a single pump-turbine rated at 200,000 kW; (6) an invert-lined tailrace tunnel, 6,680 feet long, with a 20-foot wide, horseshoe-shaped cross-section leading from the powerhouse transformer located inside the powerhouse cavern; (8) a surface switchyard; and (9) a 230-kV transmission line, 4.5 miles long, leading to the Big Creek No. 1 switchyard.

The Licensee estimates the cost of the proposed construction to be $204 million assuming an in-service date of August 1986. Energy generated by the proposed Balsam Meadow Powerhouse would be used by Southern California Edison Company to meet its load requirements.

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 October 3, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26453 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI80-436]

## Texaco Inc.; Application

August 8, 1980.

Take notice that on July 23, 1980, Texaco Inc., P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CI80-436 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 1.2 miles of 12-inch line connecting existing Platforms "A" and "C" in the Mound Point Field located in State Lease 340, Offshore Iberia Parish, Lousiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Installation of the line will assist Texaco in maintaining its ability to deliver contracted gas production from the Mound Point Field into its Henry Plant gathering system for processing and ultimate sale to Texas Gas Transmission Corporation and Natural Gas Pipeline Company of America. This line will also deliver gas from the state lease for redelivery to and transmission by Sabine Pipe Line Company. It is also essential to maintain gas condensate production at the Mound point Field. It is stated that the total cost of the proposed facilities is $1,200,000.00 which cost Texaco would finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 18, 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 or practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26454 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-678]

## Union Electric Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that on August 15, 1980, Union Electric Company (UE) tendered for filing Amendments to Interconnection Agreements with Associated Electric Coop., Inc., City of Columbia, MO, Iowa Power & Light, Iowa Southern Utilities, Arkansas-Missouri EHV, Arkansas-Missouiri Power Co., Kansas City Power & Light, Kentucky Utilities, Missouiri-Kansas-Oklahoma EHV, and Missouri Public Service Company. Said Amendments have been filed to comply with Order 84 of the Federal Energy Regulatory Commission in Docket No. RM 79-29 which requires revenue limits be placed on the operation of percentage adders in rate schedules used for the transmission or third party resale of electric power.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petition or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26480 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER79-121]

## Utah Power & Light Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take notice that on July 30, 1980, Utah Power and Light Company submitted for filing a report of refunds made to all customers included in the settlement agreement with Sierra Pacific Power Company and the Tri State Intervention Group.

A copy of this filing has been sent to the appropriate regulatory commission of Utah, Idaho, Wyoming, Nevada, and California.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26481 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. RA80-77]

## Warrior Asphalt Co. of Alabama, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

August 22, 1980.

Take notice that Warrior Asphalt Company of Alabama on July 18, 1980, filed a Petition for Review under 42 U.S.C. 7194 (b) (1977 Supp.) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before September 5, 1980, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any person who has denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before September 5, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26455 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

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[Docket No. ER80-113]

## Western Power Division Central Telephone & Utilities Corp.; Order Granting Motion for Permission To Collect Proposed Settlement Rates in Lieu of Filed Rates

Issued August 22, 1980.

On August 4, 1980, Central Telephone & Utilities Corporation, Western Power Division (CTU) and the intervenors in this proceeding [1] filed a joint motion seeking Commission authorization to impose interim rates in lieu of the rates origianlly filed in this docket pending the Commission's action on a settlement agreement expected to be filed by August 12, 1980.

In their motion, the parties stated that a settlement in prinicpal had been reached and that the rates proposed as interim rates were agreed to by the parties. These interim rates were set forth in an attachment to the joint motion. The parties further agreed to make the interim rates effective as of August 12, 1980, the designated effective date of the filed rates, provided that the anticipated settlement agreement was filed by that date. The proposed settlement agreement was, in fact, filed on August 12, 1980.

We note that the interim rates would produce test year revenues of $24,578,774, as compared to $26,440,252 which would have been generated under the originally filed rates.

The joint motion provides that in the event the Commission issues an order disapproving the settlement agreement, in whole or in part, the filed rates would be deemed to be effective, subject to refund, on the date of issuance of such an order, with a surcharge (also subject to refund) to be added to the first bill rendered thereafter to each customer. According to the parties, the surcharge is designed to enable CTU to recover the difference between revenues collected under the interim rates and the revenues that would have been collected under the filed rates for the period of time when the interim rates are in effect. There is also a provision for interest on the surcharge amounts at an average prime rate.

The Commission has not ordinarily allowed such a surcharge provision, but instead has permitted the electric utility to collect the higher filed rates prospectively only, in the event that a proposed settlement is disapproved. *See Public Service Company of Oklahoma,* Docket No. ER78-511, order issued December 27, 1978. Here, however, the affected customers concur in the provision. Therefore, we shall permit the surcharge provision to operate in the event that the settlement is not approved.

Pursuant to § 35.1(e) of the regulations, we find that good cause exists to permit the collection of the interim rates as of August 12, 1980, until such time as we may act on the settlement agreement to be filed by CTU. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

*The Commission orders:*

(A) The joint motion to collect interim rates in lieu of the rates originally filed in this docket is hereby granted.

(B) CTU is hereby authorized to collect its interim rates in lieu of the rates originally filed in this proceeding, from August 12, 1980, until such time as we act on the settlement proposal tendered by CTU. CTU's proposed surcharge as described in this order will operate in the event that the proposed settlement is not approved by the Commission.

(C) The Secretary shall promptly publish this order in the Federal Register.

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[1] Joining in CTU's motion were a group of CTU's rural electric cooperative customers (REA Cooperative Customers), a group of CTU's municipal customers (Kansas Municipal Group), and Central Kansas Electric Coopertive, Inc. (CKEC).

By the Commission.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26458 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-676]

## Wisconsin Electric Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take Notice that Wisconsin Electric Power Company (Wisconsin Electric) on August 15, 1980, tendered for filing an Amendment, effective August 10, 1980, to the Interconnection Agreement between Wisconsin Electric and Cliffs Electric Service Company (Service Company).

This amendment, modifies Service Schedules A-Limited Term Power, B-Emergency Energy, D-Short Term Power, E-Maintenance Energy, and F-General Purpose Energy of the Interconnection Agreement, dated January 1, 1980, to provide for an energy transmission rate between Wisconsin Electric and Service Company pursuant to the requirements of Order No. 84 of the Federal Energy Regulatory Commission in docket RM 79-29. Said Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric Rate Schedule FERC No. 55 and Service Company Rate Schedule FERC No. 7. Wisconsin Electric and Service Company maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

Wisconsin Electric states that a duplicate original of the amendment had been provided to Service Company and also that a copy of the herein filing has been mailed to both the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80-26482 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-677]

## Wisconsin Electric Power Co.; Filing

August 22, 1980.

The filing Company submits the following:

Take Notice that Wisconsin Electric Power Company (Wisconsin Electric) on August 15, 1980, tendered for filing an Amendment, effective August 10, 1980, to the Interconnection Agreement between Wisconsin Electric and Upper Peninsula Power Company (Upper Peninsula).

This amendment, modifies Service Schedules A-Limited Term Power, B-Emergency Energy, D-Short Term Power, E-Maintenance Energy, and F-General Purpose Energy of the Interconnection Agreement, dated April 9, 1974, to provide for an energy transmission rate between Wisconsin Electric and Upper Peninsula pursuant to the requirements of Order No. 84 of the Federal Energy Regulatory Commission in Docket RM 79-29. Said Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric Rate Schedule FERC No. 45 and Upper Peninsula Rate Schedule FERC No. 19. Wisconsin Electric and Upper Peninsula maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

Wisconsin Electric states that a duplicate original of the amendment had been provided to Upper Peninsula and also that a copy of the herein filing has been mailed to both the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 80 26483 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-668]

## Wisconsin Power & Light Co.; Filing Revised Service Schedules

August 22, 1980.

The filing company submits the following:

Take notice that Wisconsin Power & Light Company (WPL) tendered for filing on August 14, 1980 revised service schedules to the Interconnection Agreement between WPL and Dairyland Power Cooperative (DPC).

The revised service schedules B-Emergency Energy, D-Short Term Power, E-Maintenance Energy, and F-General Purpose Energy applicable to the existing WPL-DPC Interconnection Agreement provide for an energy transmission rate between WPL and DPC in accordance with the requirements of Order No. 84 of the Federal Energy Regulatory Commission in Docket No. RM79-29. WPL and DPC maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

WPL states that signed duplicate originals or the revised service schedules have been provided to DPC and that a copy of this filing has been provided to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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. 80-26457 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-666]

## Wisconsin Power & Light Co.; Filing Revised Service Schedules

August 22, 1980.

The filing company submits the following:

Take notice that Wisconsin Power & Light Company (WPL) tendered for filing on August 14, 1980 revised service schedules to the Interconnection Agreement between WPL and Madison Gas and Electric Company (MGE).

The revised service schedules A—Participation Capacity, § 1.02 Capacity and Contract Energy, B—Emergency Energy, D—Short Term Power, E—Maintenance Energy, and F—General Purpose Energy, applicable to the existing WPL-MGE Interconnection Agreement provide for an energy transmission rate between WPL and MGE in accordance with the requirements of Order No. 84 of the Federal Energy Regulatory Commission in Docket No. RM79-29. WPL and MGE maintain that it is not practical to estimate with any degree of accuracy the quantities of energy which will be exchanged under the applicable energy transmission rate.

WPL states that signed duplicate originals or the revised service schedules have been provided to MGE and that a copy of this filing has been provided to the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 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. 80-26458 Filed 8-27-80; 8:45 am]

BILLING CODE 6450-85-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 1590-8; PP 5G1623/T263]

## Amitraz; Renewal of Temporary Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has issued a renewal of temporary tolerances for residues of the insecticide amitraz (*N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide and its metabolites *N'*- (2,4-dimethylphenyl-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl) formamide in or on the agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 part per million (ppm).

**FOR FURTHER INFORMATION CONTACT:** Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767), Office of Pesticide Programs, Rm: E-343, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. (202-426-9458).

**SUPPLEMENTARY INFORMATION:** On September 9, 1975, EPA issued a notice that published in the Federal Register (40 FR 41836) that Upjohn Co. Agricultural R & D, Kalamazoo, MI 49001 submitted a pesticide petition (PP 5G1623). The petition requested that temporary tolerances be established for residues of the insecticide *N'*-(2,4-dimethylphenyl)-*N*-[[(2,4-dimethylphenyl)imino]-methyl]-*N*-methylmethanimidamide and its metabolites *N'*- (2,4-dimethylphenyl-*N*-methylmethanimidamide and *N*-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities: grapefruits, lemons, oranges, and tangerines at 1.0 ppm. These tolerances expired September 2, 1976.

The Upjohn Co. has requested a one-year renewal of the temporary tolerances to permit the marketing of the above raw agricultural commodities when treated in accordance with the experimental use permit which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 92 Stat. 186; 7 U.S.C. 136.

The scientific data reported and all other relevant material were evaluated, and it was determined that renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the experimental use permit be used with the following provisions:

1. The amount of the insecticide used must not exceed the amount authorized in the experimental use permit.

2. Upjohn Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

The temporary tolerances expire July 17, 1981. Residues not in excess of 0.1 ppm in or on grapefruits, lemons, oranges, and tangerines after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if any scientific data or experience with the pesticide indicate such revocation is necessary to protect the public health.

(Sec. 408(j) 68 Stat. 561; (21 U.S.C. 136(j))

Dated: August 19, 1980.

Herbert Harrison,

*Acting Director, Registration Division Office of Pesticide Programs.*

[FR Doc. 80-26435 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1591-3; PP 9G2182/T265]

## Hercon Products Group; Renewal of Temporary Exemption From the Requirement of Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice

**SUMMARY:** A temporary exemption from the requirement of a tolerance has been renewed for the insecticide *n*-tetradecyl formate in or on cotton when used as a pheromone to control the adult moths of the tobacco budworm.

**FOR FURTHER INFORMATION CONTACT:** Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767), Office of Pesticide Programs, Rm. E-341, Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460 (202-426-9417).

**SUPPLEMENTARY INFORMATION:** On May 1, 1970, EPA issued a notice that published in the Federal Register (44 FR 25506) that Hercon Products Group, Herculite Products, Inc., 1107 Broadway, NY, NY 10010, had filed a pesticide

petition (PP 9G2182). The petition requested that an exemption from the requirement of a tolerance be established for residues of the insecticide *n*-tetradecyl formate in or on the raw agricultural commodity cotton when used as a pheromone to control the adult moths of the tobacco budworm.

This temporary exemption is to permit the marketing of the above raw agricultural commodity when treated in accordance with the experimental use permit which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material have been evaluated and it has been determined that renewal of the temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption has been renewed under the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the active insecticide to be used must not exceed tha amount authorized in the experimental use permit.

2. Hercon must immediately notify the EPA of any findings from the experimental use or the temporary exemption from a tolerance that have a bearing on safety. The firm will 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 exemption expires July 21, 1981. Residues in or on the above raw agricultural commodity after expiration of this temporary exemption 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 the temporary exemption. This temporary exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation if necessary to protect the public health.

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j))

Dated: August 22, 1980.

Reto Engler,

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 80-26436 Filed 8-27-80; 8:45 am]
BILLING CODE 6560-01-M

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-8]

### FM Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: August 27, 1980.

Cutoff date: October 7, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. Because the applications listed in the attached appendix are in conflict with applications which were accepted for filing and listed previously as subject to a cut-off date for conflicting applications, no application which would be in conflict with the applications listed in the attached appendix will be accepted for filing.

Petitions to deny the applications listed in the attached appendix and minor amendments thereto must be on file with the Commission not later than the close of business on October 7, 1980. Any application previously accepted for filing and in conflict with the applications listed in the attached appendix may also be amended as a matter of right not later than the close of business on October 7, 1980. Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules

Federal Communications Commission.

William J. Tricarico,

*Secretary.*

Appendix

-800725AB (new) Evergreen, Alabama, Vogel-Moody Corporation, Req: 93.5 MHz; channel No. 228A, ERP: 3kW; HAAT: 259 ft.

BPH-790831AH (new) Deadwood, South Dakota, Associated Investors, Inc., Req: 95.1 MHz; channel No. 236C, ERP: 100 kW; HAAT: 1707 ft.

BPH-790904AH (new) Westerville, Ohio, B & B Communications, Inc., Req: 103.9 MHz; channel No. 280A, ERP: 2 kW; HAAT: 356 ft. (Mutually exclusive with renewal of WBBY.)

BPH-790904AI (new) Cleveland, Ohio, International Broadcasting Company, Req: 106.5 MHz; channel No. 293B, ERP: 50 kW; HAAT: 480 ft. (Mutually exclusive with renewal of WZZP.)

BPH-790904AK (new) Westerville, Ohio, Metro Broadcasting, Inc., Req: 103.9 MHz; channel No. 280A, ERP: 2 kW; HAAT: 360 ft. (Mutually exclusive with renewal of WBBY.)

BPH-791218AC (new) Rosamond, California, Ms. Carole R. Prenter, Req: 105.5 MHz; channel No. 288A, ERP: 3 kW; HAAT: 300 ft.

BPH-800331AJ (new) Rosamond, California, Laurens C. Hall, Req: 105.5 MHz; channel No. 288A, ERP: 3kw; HAAT: -5.5 ft.

BPH-800401AG (new) Powell, Wyoming, Camdeck Corporation, Req: 92.9 MHz; channel No. 225C, ERP: 87.1 kW; HAAT: 1857 ft.

BPH-800403AB (new) Fayetteville, Arkansas, Boston Mountain Broadcasting Corp., Req: 107.9 MHz; channel No. 300C, ERP: 100 kW; HAAT: 1259 ft.

BPH-800408AC (new) Powell, Wyoming, Jack H. Jensen, Req: 92.9 MHz; channel No. 225C, ERP: 99.5 kW; HAAT: 1657 ft.

BPH-800620AH (new) Berlin, New Hampshire; Berlin Broadcasting Company, Inc., Req: 103.7 MHz; channel No. 279C, ERP: 17 kW; HAAT: 160 ft.

BPH-800723AI (KKEG) Fayetteville, Arkansas; Little Chief B/C Co. Fayetteville, Inc.; Has: 92.1 MHz; channel No. 221A, ERP: 3 kW; HAAT: 190 ft. (lic); ERP: 100 kW; HAAT: 1293 ft.

BPH-800724AD (new) Berlin, New Hampshire, Christina and Joel Martin, Req: 103.7 MHz; channel No. 279C, ERP: 17 kW; HAAT: 257 ft.

BPH-800725AA (new) Fayetteville, Arkansas, Fayetteville Communications Co., Req: 107.9 MHz; channel No. 300C, ERP: 100 kW; HAAT: 1252 ft.

BPH-800725AE (new) Cairo, Georgia, Grady Mitchell Broadcasting Company, Req: 102.3 MHz; channel no. 272A, ERP: 3 kW; HAAT: 300 ft.

BPH-800725AF (new) Berlin, New Hampshire, Sico Communications, Inc., Req: 103.7 MHz; channel No. 279C, ERP: 17 kW; HAAT: 160 ft.

BPED-791101AA (new) Chicago, Illinois, Open Media Corporation, Req: 90.1 MHz; channel No. 211B, ERP: 100 kW; HAAT: 440 ft. (Mutually exclusive with renewal of WMBI-FM.)

[FR Doc. 80-23646 Filed 8-27-80; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1245]

### Petitions for Reconsideration of Actions in Rule Making Proceedings Filed

August 19, 1980.

The following listing of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

| Docket or RM No. | Rule section | Subject | Date received |
|---|---|---|---|
| 20642 | | Clear Channel Broadcasting in the AM Broadcast Band | |
| | | (Filed by R. Russell Eagan & David E. Hilliard, Attorneys for Clear Channel Broadcasting Service). | 7-28-80 |
| Gen 78-167 | | Policies and Procedures Regarding Ex Parte Communications During Informal Rulemaking Proceedings. | |
| | | (Filed by Andrew Jay Schwartzman & Douglas L. Parker, Attorneys for Media Access Project). | 7-30-80 |
| | | (Filed by Henry Geller, Assistant Secretary for Communications and Information & Gregg P. Skall & Robert T. Perry Attorneys for National Telecommunications and Information Administration). | 8-4-80 |

Federal Communications Commission.
William J. Tricarico,
*Secretary.*

[FR Doc. 80-26348 Filed 8-27-80; 8:45 am]
BILLING CODE 6712-01-M

[Report No. A-15]

## TV Broadcast Applications Accepted for Filing and Notification of Cutoff Date

Released: August 21, 1980.

Cutoff Date: October 1, 1980.

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after October 1, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 1, 1980 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than October 1, 1980.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on October 1, 1980.

Applications for new stations may not be filed against the applications on the attached list which are marked with an asterisk (*).

Federal Communications Commission.
William J. Tricarico,
*Secretary.*

Report No. A-15

Applications for a new station may not be filed against any application appearing on this list which is designated by an asterisk (*).

BPCT-800724KF (new), Wilmington, Del., Sixty-One Corp. Channel 61, ERP: Vis. 1164 kW; HAAT: 974 feet.

BPCT-800612KF (new), Murfreesboro, Tenn., Family Television, Inc., Channel 39, ERP: Vis. 896 kW; HAAT: 1286 feet.

BPCT-800627KE (new), Murfreeboro, Tenn., Channel 39 of Murfreesboro, Inc., Channel 39, ERP: Vis. 1762 kW; HAAT: 808 feet.

BPCT-800715KE (new), Salem, Oreg., Greater Willamette Vision Ltd., Channel 22, ERP: Vis. 1702 kW; HAAT: 1187 feet.

BPCT-800630KE (new), Dension, Tex., (Sherman allocation), Broadcast Affiliates, Inc., Channel 20, ERP: Vis. 5000 kW; HAAT: 1089 feet.

*BPCT-800701KE (WAIM-TV), Anderson, S.C., New South Television Corp., Channel 40, Change site; increase ERP Vis. to 2588 kW; increase HAAT to 839 feet.

*BPCT-800625KF (WJFT-TV), Albany, Georgia, Southwest Broadcasting, Inc., Channel 19, Change site; increase ERP Vis. to 5000 kW; increase HAAT to 1518 feet.

*BPCT-800808KE (WGNN-TV), Winston-Salem, N.C., Good News TV, Inc., Channel 45, Change site; increase ERP Vis. to 5000 kW; increase HAAT to 2000 feet.

BMPCT-800701KF (WTSP-TV), St. Petersburg, Fla., WTSP-TV, Incorporated, Channel 10, Change city of license from Largo, Florida.

[FR Doc. 80-26345 Filed 8-27-80; 8:45 am]
BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-629-DR]

## Commonwealth of Pennsylvania; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA-629-DR), dated August 19, 1980, and related determinations.

**DATED:** August 19, 1980.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7848.

**NOTICE:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of August 19, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania resulting from severe storms and flooding beginning on or about August 14, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal Government will provide 75 percent of all eligible public assistance under PL 93-288 in designated areas.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. James F. Oesterling of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster.

The following counties for Individual Assistance and Public Assistance: Armstrong, Butler, Clarion.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster)

William H. Wilcox,
*Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.*

[FR Doc. 80-26270 Filed 8-27-80; 8:45 am]
BILLING CODE 4210-23-M

[FEMA-627-DR]

## Texas; 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 Texas (FEMA-627-DR), dated August 11, 1980, and related determinations.

**DATED:** August 14, 1980.

**FOR FURTHER INFORMATION CONTACT:** Sewall, H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 634-7848.

**NOTICE:** The notice of a major disaster for the State of Texas dated August 11, 1980, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 11, 1980.

The following Counties for individual assistance only: Aransas, Brooks, and Hidalgo.

(Catalog of Federal Domestic Assistance No. 14.701, disaster assistance)

William H. Wilcox,

*Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.*

[FR Doc. 80-26268 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-23-M

## West Virginia; Major Disaster and Related Determinations

[FEMA-628-DR]

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA-628-DR), dated August 15, 1980, and related determinations.

**DATED:** August 15, 1980.

**FOR FURTHER INFORMATION CONTACT:** Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7848.

**NOTICE:** Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of August 15, 1980, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms and flooding beginning on or about August 4, 1980, is of sufficient severity and magnitude to warrant a major-disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. Consistent with the requirement that Federal assistance be supplemental, the Federal Government will provide a maximum share of 75 percent for all eligible public assistance under Pl 93-288 in designated areas.

The time period prescribed for the implementation of Section 313(a), Priority to Certain Applications for Public Facility and Public Housing assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Guy Brackett of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of West Virginia to have been affected adversely by this declared major disaster.

Harrison County for individual assistance and public assistance.

(Catalog of Federal Domestic Assistance No. 83.300, Disaster Assistance. Billing Code 6718-02)

William H. Wilcox,

*Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.*

[FR Doc. 80-26269 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-23-M

# FEDERAL MEDIATION AND CONCILIATION SERVICE

## Privacy Act of 1974; Systems of Records: Annual Publication

The Privacy Act of 1974 [5 USC 552a(e)(4)] requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. The Federal Mediation and conciliation Service last published the full text of its systems of records at 43 FR 38512, August 28, 1978. These systems remain in effect as published.

The full text of the systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume 4, page 2765. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of the volume is $10.00.

One system of records is being maintained by the Federal Mediation and Conciliation Service which was previously covered under "OPM/GOVT-2, Grievance Records." The Office of Personnel Management advises that they intend to delete this government-wide system. To insure coverage for the records that Federal Mediation and Conciliation Service is maintaining on employee grievances, the following system is being published and is described below:

**SYSTEM NAME:**

Grievance Records

**SYSTEM LOCATION:**

These records are located in the Office of the General Counsel of the Federal Mediation and Conciliation Service.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former Federal employees who have submitted grievances with Federal Mediation and Conciliation Service in accordance with Directive 4609 of the Federal Mediation and Conciliation Service Directives Manual or under the negotiated grievance procedure for the Agency.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records relating to grievances filed by agency employees under the above cited directive or grievance procedure for the Agency. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems for employees covered by either the agency grievance procedure or the negotiated grievance procedure.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a), and 5 CFR Part 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

a. To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request and identify the type of information requested.

c. To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

f. By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908.

g. By the agency maintaining the records or the Office of Personnel Management in the production of summary descriptive statistics and analytical studies in studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

h. To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

i. To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

j. To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrieved by the names of the individuals on whom they are maintained.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, D.C. 20427

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the Office of the General Counsel regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

RECORDS ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the Office of the General Counsel.

Individuals must provide the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

Individuals requesting access must also follow the agency's Privacy Act regulations regarding access to records and verification of identity. (29 CFR subsection 1410.3 and subsection 1410.4)

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the Office of the General Counsel.

Individuals must furnish the following information for their records to be located and identified:

a. Name.

b. Approximate date of closing of the case and kind of action taken.

c. Organizational component involved.

Individuals requesting amendment must also follow the Agency's Privacy Act regulations regarding amendment to records and verification of identity. (29 CFR subsection 1410.4 and subsection 1410.6)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided:

a. By the individual on whom the record is maintained.

b. By testimony of witnesses.

c. By agency officials.

d. From related correspondence from organizations or persons.

Wayne L. Horvitz,

*Director.*

[FR Doc. 80-26481 Filed 8-27-80; 8:45 am]

BILLING CODE 6732-01-M

## FEDERAL RESERVE SYSTEM

### American Bank Capital Corp. of Florida; Formation of Bank Holding Company

American Bank Capital Corporation of Florida, Stuart, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of

American Bank of Martin County, Stuart, Florida. 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 Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1980.

Cathy L. Petryshyn,

*Assistant Secretary of the Board.*

[FR Doc. 80-26282 Filed 8-27-80; 8:45 am]

BILLING CODE 6210-01-M

## Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than September 19, 1980.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Chemical New York Corporation, New York, New York (investment advisory activities; Florida), to engage through its subsidiary, Chemical Investment Advisers, Inc. in activities that may be carried on by an investment adviser, including offering portfolio investment advice to individuals on both a discretionary and non-discretionary basis. These activities would be conducted from an office in Palm Beach, Florida, servicing all of Palm Beach County.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120.

1. Security Pacific Corporation, Los Angeles, California (mortgage banking activities; Texas): To engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others, and the servicing of such loans for others. These activities would be conducted from an office in Dallas, Texas, serving the State of Texas.

2. Wells Fargo & Company, San Francisco, California (finance activities; nationwide): To engage, through its subsidiary, Wells Fargo Ag Credit, in making loans and extensions of credit primarily to corporations, individuals, or partnerships engaged in agricultural production, distribution, processing, or other agricultural activities, and in servicing such loans or extensions of credit, including loan participations with other lenders. These activities would be conducted from offices of Applicant's subsidiary in Englewood, Colorado, serving the states of Alabama, Alaska, Arizona, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin, in addition to those states currently served by Applicant's subsidiary for which approval already has been granted.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 20, 1980.

Cathy L. Petryshyn,

*Assistant Secretary of the Board.*

[FR Doc. 80-26281 Filed 8-27-80; 8:45 am]

BILLING CODE 6210-01-M

## Brownfield Bancshares, Inc.; Formation of Bank Holding Company

Brownfield Bancshares, Inc., Brownfield, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more, less directors' qualifying shares, of the voting shares of Brownfield State Bank & Trust Co., Brownfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 18, 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, August 21, 1980.

Cathy L. Petryshyn,

*Assistant Secretary of the Board.*

[FR Doc. 80-26280 Filed 8-27-80; 8:45 am]

BILLING CODE 6210-01-M

## Hamilton Bancgroup & Co.; Formation of Bank Holding Company

Hamilton Bancgroup & Co., St. Louis, Missouri, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers State Bank of Dahlgren, Dahlgren, Illinois. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank, to be received not later than September 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 21, 1980.

Cathy L. Petryshyn,

*Assistant Secretary of the Board.*

[FR Doc. 80-28279 Filed 8-27-80; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

### Select Panel for the Promotion of Child Health; Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Select Panel for the Promotion of Child Health, established pursuant to section 211 of the Health Services and Centers Amendments of 1978 (Pub. L. 95-626), will meet on Monday, Tuesday, and Wednesday, September 8, 9, and 10, 1980, at 9:00 a.m. at the Holiday Inn in Georgetwon, 2101 Wisconsin Avenue, N.W., Washington, D.C. The Panel has responsibility for the formulation of national goals with respect to the promotion of the health status of children and expectant mothers, the development of a comprehensive national plan for the achievement of these goals and otherwise promoting the health of children in the United States, and, the transmittal of a report to the Secretary and the Congress detailing the comprehensive national plan and recommendations for administrative, legislative, and other actions necessary to implement this plan and to otherwise promote the health of children in the United States. This meeting of the Panel will be devoted to final report review. Meetings of the Panel are open for public observation.

Further information on the Panel may be obtained by contacting John A. Butler, Staff Director, Select Panel for the Promotion of Child Health, Room 711, Riviere Building, 1832 M Street, N.W., Washington, D.C. 20036, telephone (202) 634-4805.

Dated: August 18, 1980.

John A. Butler,

*Staff Director, Select Panel for the Promotion of Child Health.*

[FR Doc. 80-26402 Filed 8-25-80; 8:45 am]

BILLING CODE 4110-85-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Environmental Quality

[Docket No. NI-28]

### Colorado Springs, Colo. Metropolitan Area; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Areawide EIS on the Colorado Springs, Colorado Metropolitan area. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the projects to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Issued at Washington, D.C., August 18, 1980.

James Miller,

*Acting Director, Office of Environmental Quality.*

Appendix.—Areawide EIS on the Colorado Springs, Colo., Metropolitan Area

The U.S. Department of Housing and Urban Development (HUD) intends to prepare an areawide Environmental Impact Statement (EIS) for the Colorado Springs metropolitan area. The Department hereby solicits comments and information for consideration in this EIS.

*Description:* This EIS will analyze the impacts of growth for the year 2000 for the Colorado Springs, Colorado metropolitan area. The general boundaries of the study area are: North-Douglas and El Paso County line, East—a line running north and south four (4) miles East of Powers Blvd. extended, South—Fountain, and West-edge of the Federally owned lands.

*Need:* HUD anticipates a large volume of applications for housing assistance from this rapidly growing area. Many of these applications will likely exceed HUD's automatic threshold and require the preparation of a project level EIS. This areawide EIS will eliminate the need for many of the project level EISs, reduce processing time for individual proposals and permit a cumulative evaluation of impacts resulting from residential development.

*Alternatives Perceived:* The Department can continue conducting environmental analyses on a project-by-project basis. This procedure will likely delay some proposals as long as nine months. The Department can issue an areawide EIS for this growth area and subsequently reduce the time required to conduct an environmental clearance.

*Scoping:* A public scoping meeting will not be held. HUD will request information from appropriate government agencies and service organizations. Also, an Advisory Committee representing State and local entities will provide scoping information to HUD. This notice will also appear in a paper of local circulation in Colorado Springs, Colorado.

*Comments:* Comments should be forwarded on or before September 18, 1980, to: Walter O. Kelm, Regional Environmental Officer, U.S. Department of HUD, 1405 Curtis Street, Denver, Colorado 80202, phone (303) 327-3102.

[FR Doc. 80-26278 Filed 8-27-80; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### San Carlos Reservation, Arizona; Operation and Maintenance Rates

**AGENCY:** Bureau of Indian Affairs, Department of the Interior.

**ACTION:** Public notice.

**SUMMARY:** The purpose of this public notice is to change the annual per acre assessment rates for the operation and maintenance of the irrigation facilities on the San Carlos Reservation to properly reflect the actual costs for

labor, materials, equipment and services. The change is from $35.23 to $70.81 per assessable acre per annum for subjugated lands in non-Indian ownership, and Indian-owned land leased to non-Indians.

This public notice will replace that part of § 221.105, Chapter 1, Subchapter T of Title 25 of the Code of Federal Regulations that pertains to the San Carlos Reservation which is being amended by a Final Rule to be published in the **Federal Register** simultaneously with this public notice.

**EFFECTIVE DATE:** This publication notice shall be effective October 1, 1980.

**FOR FURTHER INFORMATION CONTACT:** Norman Tippeconic, Superintendent, San Carlos Agency, San Carlos, Arizona 85550, telephone 602-475-2321.

**SUPPLEMENTARY INFORMATION:** All irrigated land on the San Carlos Reservation is tribally owned. The proposed changes in the assessment rates were presented to the Chairman of the San Carlos Apache Tribe of the San Carlos Reservation and were approved. The principle author of this document is Thomas W. Neumann, Bureau of Indian Affairs, Phoenix, Arizona 85011, telephone 602-241-2285.

Pursuant to § 191.1(e) of Part 191, Chapter 1, Subchapter R, of Title 25 of the Code of Federal Regulations, this public notice is issued under authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary for Indian Affairs to the Area Directors in 10 BIAM 3.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 385.

The Public Notice shall read as follows:

**San Carlos Reservation Irrigation Project, Arizona**

*Annual Operation and Maintenance Charges*

1. Basic Water Charges: Pursuant to the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the annual basic charges against the lands to which water can be delivered, whether water is used or not, are hereby fixed in the following amounts for non-Indian owned land, Indian owned land leased to non-Indians, and Indian-owned and operated lands for calendar year 1981 and for each succeeding calendar year thereafter until further notice:

**Annual Per Acre Assessment**

| | Non-Indian owned land | Indian-owned land leased to non-Indians | Indian-owned and operated land |
|---|---|---|---|
| Subjugated lands | $70.81 | $70.81 | $5.00 |

2. Payment of Charges: The annaul charges fixed herein shall become due on April 1 of each year, are payable on or before that date, and any charges that remain unpaid after the due date, shall stand as a first lien against the land until paid.

3. Water Delivery: The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except under the following conditions:

(a) When any Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the Superintendent may make the necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year provided written statements to that effect are furnished by the Indian owner on or before the due date.

(b) In any instance where the Superintendent is convinced that an Indian landowner whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from the proceeds of crops grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay the charges. In such cases, the unpaid charges will stand as a first lien against the land until paid but without penalty for delinquency.

4. Water User Responsibility: The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of the irrigation water. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.

George W. Knoll,

*Acting Assistant Area Director.*

[FR Doc. 80-26277 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-02-M

## Plan for the Use and Distribution of Pribilof Islands Judgment Funds in Dockets 352 and 369-A Before the United States Court of Claims

August 20, 1980.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 4, 1979, in satisfaction of the award granted to the Pribilof Islands in Indian Claims Commission Dockets 352 and 369-A. The plan for the use and distribution of the funds was submitted to the Congress, after a 90-day extension had been granted, with a letter dated April 16, 1980, and was received (as recorded in the Congressional Record) by the House of Representatives on April 17, 1980 and by the Senate on April 18, 1980. Congress not having adopted a resolution disapproving it, the plan became effective on June 22, 1980, as provided by Section 5 of the 1973 Act, *supra.*

The plan reads as follows: "The funds appropriated on July 24, 1979, in satisfaction of an award granted to the Aleut Community of St. Paul Island and the Aleut Community of St. George Island in Dockets 352 and 369-A before the U.S. Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

**Per Capita Payment Aspect**

Eight (80) percent of the funds shall be distributed by the Secretary of the Interior (hereinafter 'Secretary') in the form of per capita payments, in a sum as equal as possible, to all persons duly enrolled as members of the Pribilof Islands Aleut Communities of St. Paul and St. George Islands and born on or prior to and living on the effective date of this plan.

The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and

distributed in accordance with 43 CFR, Part 4, Subpart D. Shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. Shares of minors shall be handled pursuant to 25 CFR 60.109(a) and (b)(1) and 104.4.

Programming Aspect

Twenty (20) percent of the funds, and any shares remaining after the per capita payment provided above, shall be apportioned between the Aleut Community of St. Paul Island and the Aleut Community of St. George Island on the bais of the relative numbers of enrollees of each community to the total enrollment of the Pribilof Islands Aleut Communities as of the effective date of this plan. Such shares shall be maintained in separate accounts and be invested by the Secretary and shall not be available for per capita payments.

When either the Aleut Community of St. Paul Island or the Aleut Community of St. George Island Develops a specific social and economic development program it shall withdraw funds from its respective share on an annual budgetary basis subject to the approval of the Secretary. Such programs may include, but are not limited to, the following: a joint investment and use program for the Pribilof Islands Aleut Communities designed to yield periodic dividend payments; land purchase and development; business development and investment; education assistance; community development; and assistance to the elderly and the handicapped.

None of the funds distributed per capita or made available under the programming aspect of this plan shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for assistance under Federal, State or local programs.

Philip S. Deloria,

*Acting Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 80-26306 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-02-M

## Geological Survey

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed supplemental development and production plan.

**SUMMARY:** Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 0935, Block 89, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 19, 1980.

E. A. Marsh,

*Staff Assistant for Operations, Gulf of Mexico OCS Region.*

[FR Doc. 80-26301 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Conoco has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4264, Block 312, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

August 20, 1980.

E. A. Marsh,

*Staff Assistant for Operations, Gulf of Mexico OCS Region.*

[FR Doc. 80-26302 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Ocean Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2893, Block 24, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, public records, room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 20, 1980.

E. A. Marsh,

*Staff Assistant for Operations, Gulf of Mexico OCS Region.*

[FR Doc. 26303 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

## Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** This Notice announces that Exxon Company, U.S.A. Unit Operator of the South Timbalier Block 172 Federal Unit Agreement No. 14-08-0001-8946, submitted on August 12, 1980, a proposed Supplemental Plan of Development/Production describing the activities it proposes to conduct on the South Timbalier Block 172 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 21, 1980.

J. Courtney Reed,

*Staff Assistant for Resource Evaluation, Gulf of Mexico OCS Region.*

[FR Doc. 80-26304 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

## Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed supplemental development and production plan.

**SUMMARY:** Notice is hereby given that Kerr-McGee Corporation has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1025, Block 239, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 21, 1980.

E. A. Marsh,

*Staff Assistant for Operations.*

[FR Doc. 80-26259 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

## Oil and Gas Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3245, Block A-508, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 7, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 Title 30 of the Code of Federal Regulations.

Dated: August 21, 1980.

E. A. Marsh,

*Staff Assistant for Operations.*

[FR Doc. 80-26260 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

## Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** U.S. Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Sun Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2027 and OCS-G 4268, Blocks 639 and 648, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd.,

Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 22, 1980.

E. A. Marsh,

*Staff Assistant for Operations.*

[FR Doc. 80-26261 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-31-M

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## Bureau of Land Management

### California Wilderness Inventory Program; Decisions on Protests to the Final Intensive Wilderness Inventory Public Lands Administered by BLM California Outside the California Desert Conservation Area

**SUMMARY:** This notice is to advise the public of my decisions on the protests received on the "Final Intensive Wilderness Inventory, Public Lands Administered by BLM California outside the California Desert Conservation Area," December 1979.

**FOR FURTHER INFORMATION CONTACT:** Phil Lord, Wilderness Coordinator, Bureau of Land Management, 2800 Cottage Way, Sacramento, CA 95825. Telephone (916) 484-4636.

**SUPPLEMENTARY INFORMATION:**

#### Background

On January 7, 1980, I announced my final intensive wilderness inventory decisions for the public lands administered by the California State Office, BLM, outside the Californina Desert Conservation Area (Federal Register, Volume 45, number 4 page 1457). The above notice and the Final Intensive Wilderness Inventory Report, December 1979, advised the Pubilic of their right to file a protest to my decisions. A total of 35 protests on 93 inventory units were received during the protest period provided. Announcement of the areas under protest was made in the Federal Register on April, 3, 1980 (Volume 45, number 66, page 22198).

As a result of the evaluation of information contained in these protests, I am announcing amendments to nine inventory unit decisions and am making one map clarification. A report with revised narratives and maps for these changes is being sent to all persons on BLM's California Statewide Wilderness mailing list. This report is titled "Amendments and Clarification to the Final Intensive Wilderness Inventory, Public Lands Administered by BLM California outside the California Desert Conservation Area," August 1980. Additional copies are available from the Bureau of Land Management (Wilderness) Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

#### Amended Decisions

The Inventory decision amendments and the map clarification are summarized as follows:

*CA-010-064 Symmes Creek*

Part of the Wilderness Study Area (WSA) has been eliminated due to roads and other marks of man.

*CA-010-075 White Mountain*

The portions of this unit which are natural and are contiguous with the U.S. Forest Service White Mountain RARE II area (futher planning) have been designate as a WSA.

*CA-020-211 Tule Mountain*

Additional field investigation found that the unit would provide outstanding opportunities for solitude and primitive types of recreation. This unit has been designated as a WSA.

*CA-020-609 Five Springs*

A road on the west side has been found to not meet the road definition and has been removed from the map. Additional field investigation found that the unit would provide outstanding opportunities for solitude and primitive types of recreation. This unit has been designated as a WSA.

*CA-020-1013 Massacre Rim*

Additional, field investigation found that the unit would provide outstanding opportunities for solitude. This unit has been designated as a WSA.

*CA-030-402 Tunnel Ridge*

The WSA in this unit has been expanded west and southwestward to include all of the contiguous natural area.

*CA-030-501 Yolla Bolly*

This unit is contiguous with the Yolla Bolly wilderness and has been designated as a WSA.

*CA-030-504 Oroville Lake*

This unit is contiguous with the U.S. Forest Service Bald Rock RARE II area (further planning) and has been designated as a WSA.

*CA-060-026 Table Mountain*

The WSA portion of this unit has been expanded southwestward to the bottom of the ridge to include all of the contiguous natural area.

#### Map Clarification Only

*CA-010-088 Excelsior*

The published map failed to show the existing utility line and service road through a corner of one of the subunits of CA-010-088. The revised map shows the small corner which is not part of the WSA.

#### Right to Appeal

The publication of this Federal Register notice starts a 30-day appeal period. This appeal period is for each of the nine separate amendments to my December 1979 wilderness inventory decisions only—no other part of California's Final Intensive Wilderness Inventory is open to appeal.

An appeal from these decisions may be taken to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR Part 4, Subpart E. If an appeal is taken, the notice of appeal must be filed in this office (not with the Board) so that the case file can be sent to the Board. A copy of the notice of appeal and of any statement of reasons, written arguments, or briefs must be served on the Associate Solicitor, Division of Energy and Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, within 15 days of the filing of any specific document. If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal. Form 1842-1 is available for additional information.

Appeals should address specific inventory units and be sent to the State Director, Bureau of Land Management, Room E-2841, 2800 Cottage Way, Sacramento, California 95825. Appeals will be accepted until September 26, 1980, on any of these amended wilderness inventory decisions. Appeals postmarked on or before this date will be accepted.

#### Intensive Inventory Decisions Under Appeal

Each of the original protestors was notified of their right to file an appeal of my response to their protest with the Interior Board of Land Appeals. Appeals have been filed on 9 intensive inventory unit decisions. Accordingly, the wilderness inventory decision for each unit is stayed while it is under appeal. The interim management requirements of Section 603(c) of FLPMA (Federal Land Policy and Management Act of

1976) remains in effect on each of these units while they are under appeal. The following final intensive wilderness inventory decisions are under appeal:

Bakersfield District: CA-010-040 (Freeborn/Hubbard), -063 (Paiute), -065 (Coyote Southeast), -060 (Black Canyon), and -068 (Wheeler Ridge).

Ukiah District: CA-050-131 (Cahto Peak), -134 (Elkhorn Ridge), -135 (Brush Mountain), and -211 (Big Butte).

### Final Decisions

The remaining protested intensive inventory decisions were not amended or appealed. My original decisions, as published in the December 1979 report, are now final. The inventory units or parts thereof listed below with an asterisk (*), were identified as having wilderness values and have been designated as Wilderness Study Areas. These WSA's will continue to be managed under the requirements of Section 603-C of FLPMA. The following protested intensive inventory decisions are not final:

Bakersfield District: CA-010-022* (Sheep Ridge), -023* (Milk Ranch/Case Mountain), -027* (Sacatar Meadows), -028 (Bear Mountain), -029* (Rockhouse), -045* (Kelso Creek Valley), -055* (Cerro Gordo), -056* (Southern Inyo), -057* (Independence Creek), -058* (Wonoga Peak), -059* (Tinemaha), -062* (Crater Mountain), -080* (Fish Slough), -081* (Volcanic Tableland), -082* (Casa Diablo), -083 (Owens River Gorge), -084 (Petroglyphs), -088* (Excelsior, -091B (Paoha Island), -104 (Long), -106 (Coleville), and 110 (Mt. Olsen).

Susanville District: CA-020-003 (Fitzhugh), -004 (Likely Tableland), -005 (East Field), -006 (Infernal Caverns), -102 (Beaver Creek), -209 (South Ash Valley), -210 (Nelson Corral), -212 (Moon Lake), -303 (Fredonyer), -307 (Pacific West), -308 (Snowstorm), -309 (Karlo Tableland), -310 (Shaffer Mountain), -313 (Hagata), -313A (Barron), -402 (Doyle-Plumas), -604 (Buckhorn), -605 (Observation), -605B (Spanish Springs), -606 (Big Springs), -611 (Little Mud Flat), -613 (Flanigan), -614 (Dry Valley), -619B (Parsnip Creek), -619C (Salt Works), -703 (S.O.B. Lake), -705 (Tuledad), -706 (Silver Creek), -904 (Surprise Valley), -905 (Sand Creek), -910 (Hanging Rock Canyon), -911A (Stevens Camp), -913A (Yellow Rock Canyon), -913B (High Rock Canyon), -915 (Wall), -916 (Wildcat Gorge), -1006 (Crooks Lake), -1007 (Lieberman Canyon), -1008 (Little Coleman Canyon), and -1009 (Calcutta).

Folsom District: CA-040-202 (Ferguson Ridge RARE II Contiguous), -203* (Merced River), and -207 (Stanislaus River).

Ukiah District: CA-050-213 (Brushy Mountain), -214* (Eden Valley Middle Fork Eel River), -312 (Lodoga Peak), -316 (Hough Ridge), -318 (Blue Ridge), -319 (Knoxville), and -332 (Rocky Ridge).

Riverside District: CA-060-020D (Beauty Mountain D), and -020E (Beauty Mountain E).

Roland A. Rush,

*Acting State Director.*

[FR Doc. 80-24522 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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## Cedar City District Multiple Use Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Multiple Use Advisory Council will be held on October 9, 1980.

The meeting will begin at 9:30 a.m. at the Cedar City District Office, 1579 North Main, Cedar City, Utah 84720. The purpose of the meeting will be to elect officers, discuss administrative procedures, and provide an orientation to current programs within the district.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 4:00 p.m. or file written statements for the council's consideration. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by October 8, 1980. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Dennis Curtis,

*Acting District Manager.*

August 19, 1980.

[FR Doc. 80-26273 Filed 8-27-80; 8:45am]

BILLING CODE 4310-84-M

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[ORE 016183]

## Oregon; Proposed Continuation of Withdrawal

The Bureau of Land Management has filed a statement of justification for continuation of 12 existing recreation site withdrawals made by Public Land Order 3869 on November 12, 1965. The Bureau desires to continue the withdrawals in their entirety for a 20-year period, pursuant to the authority contained in section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751, 43 U.S.C. 1714. The following described lands are included in the proposed continuation:

Willamette Meridian

Revested Oregon and California Railroad Grant Land

*Scaponia Recreation Site*

T. 4 N., R. 3 W.,
Sec. 7, SW¼SE¼NE¼, S½SE¼SE¼NE¼, NE¼NE¼SE¼, and N½NW¼NE¼ SE¼.
Containing 30 acres in Columbia County.

*Little Bend Recreation Site*

T. 3 N., R. 3 W.,
Sec. 21, W½NE¼NW¼.
Containing 20 acres in Washington County.

*North Fork Eagle Creek Recreation Site*

T. 3 S., R. 4 E.,
Sec. 11, W½NE¼ and E½NW¼.
Containing 160 acres in Clackamas County.

*Mill Creek Recreation Site*

T. 7 S., R. 6 W., a metes and bounds description in sections 4 and 9.
Containing 165 acres in Polk County.

*Fishermen's Bend Recreation Site*

T. 9 S., R. 2 E.,
Sec. 25, SW¼NW¼, N½SW¼, and SE¼SW¼.
Containing 160 acres in Marion and Linn Counties.

*Canyon Creek Recreation Site*

T. 9 S., R. 3 E.,
Sec. 7, E½SE¼.
Containing 80 acres in Marion County.

*Elkhorn Valley Recreation Site*

T. 9 S., R. 3 E.,
Sec. 9, N½SW¼ and NW¼SE¼.
Containing 120 acres in Marion County.

*Yellowbottom Recreation Site*

T. 11 S., R. 4 E.,
Sec. 19, SE¼SW¼ and SW¼SE¼.
Containing 80 acres in Linn County.

*Dogwood Recreation Site*

T. 12 S., R. 3 E.,
Sec. 3, N½SE¼.
Containing 80 acres in Linn County.

*Alsea Falls Recreation Site*

T. 14 S., R. 7 W.,
Sec. 25, W½SW¼NW¼;
Sec. 26, E½SE¼NE¼.
The areas described aggregate 40 acres in Benton County.

*Missouri Bend Recreation Site*

T. 14 S., R. 9 W.,
Sec. 13, SW¼SE¼.
Containing 40 acres in Benton County.

*Alder Glenn Recreation Site*

T. 3., R. 7 W.,
Sec. 32, SE¼SE¼SW¼NW¼ and S½S½SE¼NW¼;
Public Domain Land.
T. 3 S., R. 7 W.,
Sec. 32, N½NE¼SW¼ and NE¼NE¼NW¼ SW¼.
Containing 35 acres, of which 22.5 acres are O&C and 12.5 acres are public domain land, in Tillamook County.

The areas described aggregate 997.5 acres of O&C and 12.5 acres of public domain lands.

The purpose of the withdrawals is to protect the public recreational values within the described sites. The lands are currently segregated from location and entry under the public land laws generally, including the mining laws, but

not the mineral leasing laws (except that within the Yellowbottom Recreation Site the United States does not own the mineral estate). No change is proposed in the purpose or segregative effect of the withdrawals.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before October 8, 1980. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before October 8, 1980.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to insure that continuation would be consistent with the statutory objectives of the programs for which the lands are dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the lands is provided for; and an agreement is reached on the concurrent management of the lands and their resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: August 22, 1980.

Harold A. Berends,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 80-26272 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## Albuquerque District, N. Mex.; District Advisory Council Meeting

The second meeting of the Albuquerque District Advisory Council will be held September 24 and 25, 1980 at the Inn in Farmington, New Mexico. The meeting will consist of a briefing on the variety of resources in the Bisti Coal Region, Wednesday starting at 7:00 p.m., followed by a tour of the area all day Thursday, and concluding with a business meeting and an election of officers at 8:00 p.m. Thurday.

This council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1976.

The public is welcome to attend all portions of this meeting, although transportation for the tour is arranged only for District Advisory Council members. Statements by the Public may be made to the Council at 8:00 p.m. Wednesday, September 24. A time limit may be imposed for each statement depending on the number of people wishing to speak to the Council.

The tour itinerary Thursday, September 25, leaving the Inn at 7:00 a.m. will include: a coal strip mine reclamation project; the Navajo Irrigation Project; grazing on public land; the Bisti Wilderness Study Area; the Fossil Forest; proposed site for a company town to run the proposed New Mexico Generating Station; unauthorized occupancies on public land; and archeological site; a Navajo Chapter House; and oil and gas development sites.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate.

*District Manager.*

August 15, 1980.

[FR Doc. 80-26285 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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[LA 0135993 WR]

## California; Proposed Continuation of Withdrawal and Opportunity for Public Hearing

August 22, 1980.

As a result of the review made pursuant to Section 204(l) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), the Bureau of Land Management, U.S. Department of the Interior, proposes to continue the McCain Valley National Cooperative Land and Wildlife Management Area withdrawal for a period of 20 years.

This withdrawal was created by Public Land Order 2460 of August 11, 1961, to ensure that the lands so reserved were managed for the development, conservation, utilization, and maintenance of thier natural resources, including their recreational and wildlife resources. The lands are segregated from application under the nonmineral public land laws and from disposition under the desert land laws.

No change to the segregative effect of the withdrawal or the use of the lands is proposed.

The area affected aggregates approximately 38,342 acres in southeastern San Diego County, California. Additional information pertaining to this withdrawal, including legal description, is available for public inspection in Room E-2807 at the address below.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposed continuation must submit a written request for a hearing to the undersigned officer. If the State Director, in his discretion, determines that a public hearing is justified, a notice will be published in the Federal Register giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The Bureau of Land Management's procedures provide that the authorized officer will review the justification and recommended termination date for each existing BLM withdrawal to ensure that continuation provides for maximum public and private use of the withdrawn lands consistent with the purpose of the withdrawal and that all withdrawals lacking justification are recommended for either total or partial revocation.

The authorized officer will prepare a report for consideration by the Secretary of the Interior, who will determine whether, and for how long, the continuation of the existing withdrawal is justified. The determination of the Secretary will be published in the Federal Register.

All communications in connection with the withdrawal continuation should be addressed to the undersigned,

Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Walter F. Holmes,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 80-26378 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## Carson City District Multiple Use Advisory Council; Meeting

The Carson City District Multiple Use Advisory Council will meet on Wednesday, October 8, 1980. The meeting will take place in the Carson City District Office of the Bureau of Land Management, 1050 East William, Suite 335, Carson City, Nevada 89701. It will begin at 9:00 a.m. and continue into the afternoon after a break for lunch.

The agenda of the meeting will include introductions of new members, election of officers, orientation to the functions of the Council, and introductory briefings about the management programs of the Bureau.

The meeting is open to the public. Any person may attend, file a written statement by mail, or appear before the Council at 3:00 p.m.

Date signed: August 20, 1980.

Thomas J. Owen,

*District Manager.*

[FR Doc. 80-26264 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## Idaho Off-Road Vehicle Designations

August 1980.

**AGENCY:** Bureau of Land Management.

**ACTION:** Notice of Interim Off-Road Vehicle Designations—8340.

**DECISION:** Notice is hereby given on the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of Bureau of Land Management are designated as closed, limited or open to off-road vehicle use.

The area affected by these designations is known as the Big Desert Planning Unit, which includes all public lands bounded on the south and east by the Snake River, on the west by the Great Rift and the Shoshone District, and on the north by U.S. Highway 20. These designations are a result of land use decisions developed with public involvement in the 1980 Big Desert Management Frameworks Plan. This area contains 709,815 acres.

The areas of the Big Desert Planning unit with an interim designation as *closed* are:

1. China Cup Research Natural Area lies about 8 miles south of Big Southern Butte. Closure is necessary to protect this unique butte's fragile cinder slopes. China Cup area contains 160 acres.

2. Cedar Butte is located about 5 miles east of Big Southern Butte. Closure is necessary to protect the relatively undisturbed scenic values of the butte. Cedar Butte is 640 acres in size.

3. Saddle Butte, about 80 acres in size, lies 8 miles south of the Solenburg Ranch and 15 miles west of Big Southern Butte. Closure is necessary to protect significant cultural values and the butte's fragile cinder slopes.

The areas in the Big Desert Planning Unit with an interim designation as *limited* are:

1. Quaking Aspen Butte, located 8 miles west of Big Southern Butte, is about 160 acres. Vehicle use in this areas will be restricted to designated roads and trails to protect significant cultural values, prevent undue erosion and minimize conflicts with other resource uses. All vehicular use is restricted to existing roads and trails. Specific roads and trails will be posted as open or closed at a later date.

With the exception of Big Southern Butte, on which ORV use has been limited to existing roads and trails since 1975, the remainder of all public lands in the Big Desert Planning Unit are designated as open to off-road vehicle use. Open designation was determined to be appropriate for these public lands since off-road vehicle use is important to recreational activity and supports other authorized resource uses. Also, considerable adverse effects of off-road vehicle use upon other resource values and uses have not been identified on these areas of public lands. The area affected by this interim open designation contains about 702,975 acres of public land.

These interim designations become effective August 28, 1980, and will remain in effect until rescinded or modified by the State Director.

**ADDRESS:** For further information about these interim designations, contact the Bureau of Land Management, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, O'dell Frandsen, District Manager. Call (208) 529-1020.

Dated: August 21, 1980.

O'dell A. Frandsen,

*District Manager.*

[FR Doc. 80-26266 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial Nos. I-15376, I-15593B]

## Idaho; Proposed Withdrawal Continuations

August 22, 1980.

The Bureau of Land Management has filed statements of justification for continuation of two existing Public Water Reserve Withdrawals. The Bureau desires to continue the withdrawals in their entirety for a period of 20 years. The continuations would be made pursuant to the authority contained in section 204(L) of the Federal Land Policy and Management Act of October 21, 1976, (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuations:

Boise Meridian, Idaho

(I-15376)

Public Water Reserve 107
Secretarial Order of Interpretation #209
T. 14 S., R. 25 E.,
Sec. 26, SW¼NW¼.
The area described aggregates 40 acres in Cassia County, Idaho.

(I-15593B)

Public Water Reserve #66
Executive Order
T. 15 S., R. 22 E.,
Sec. 34, W½NE¼, E½NW¼, NW¼NW¼.
The area described aggregates 200 acres in Cassia County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metaliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawals or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposals must submit written request for a hearing to the undersigned officer on or before September 29, 1980. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuations may be filed with the undersigned officer on or before September 29, 1980.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal

justifications to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on continuation of the withdrawals will be published in the Federal Register. The existing withdrawals will continue until such final determination is made.

All communication in connection with these proposed withdrawal continuations should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

*Chief, Branch of L&M Operations.*

[FR Doc. 80-26371 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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[N-30383]

## Nevada; Airport Lease Application

August 20, 1980.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Gene H. Ritchie has applied for an airport lease for the following land:

Mount Diablo Meridian

T. 17 S., R. 49 E.,
Sec. 11, E½

The area described comprises 320 acres in Clark County, Nevada. The application was filed on July 11, 1980, and on that date the land was segregated from all other forms of appropriation under the public land laws.

Interested persons may submit comments to the District Manager, Bureau of Land Management, P.O. Box 5400, Las Vegas, Nevada 89102.

Wm. J. Malencik,

*Chief, Division of Technical Services.*

[FR Doc. 80-26257 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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[Coal Exploration License Application M 48730(ND)]

## North Dakota; Invitation

August 18, 1980.

Members of the public are hereby invited to participate with Tenneco Coal Company, in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Golden Valley County, North Dakota:

T. 141 N., R. 105 W., 5th P.M.,
Sec. 20: NE¼
T. 139 N., R. 106 W., 5th P.M.,
Sec. 2: Lots 1, 2, 3, 4, S½N½, S½
Sec. 10: Lots 1 and 2
T. 140 N., R. 106 W., 5th P.M.,
Sec. 10: Lots 3, 4, SE¼
Sec. 34: Lots 2, 3, 4

Any party electing to participate in this exploration program shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107; and Tenneco Coal Company, P.O. Box 2511, Houston, Texas 77001. Such written notice must refer to serial number M 48730(ND) and be received no later than 30 calendar days after publication of this Notice in the Federal Register or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

The proposed exploration plan is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management. Copies of the exploration plan as submitted by Tenneco Coal Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Edgar D. Stark,

*Acting Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 80-26379 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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[Oil and Gas Lease Sale No. A62, September 30, 1980]

## Outer Continental Shelf Oil and Gas Lease Sale, Gulf of Mexico; Correction

In FR Doc. 80-25387 appearing at page 55931 in the issue of Thursday, August 21, 1980, make the following changes:

1. On page 55937 the bidding system indicated for Tract A62-128 which appeared with the code SS-PS should read with code PS to indicate that the tract is to be offered under the fixed net profit share system.

2. On page 55940 the bidding system for Tract A62-233 was omitted; the bidding system code should appear as PS to indicate that the Tract is to be offered under the fixed net profit share bidding system.

Dated: August 26, 1980.

Ed Hastey,

*Director, Bureau of Land Management.*

[FR Doc. 80-26491 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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## Proposed Grazing Mangement Program for the Benton/Owens Valley Planning Unit, Bishop Resource Area, Bakersfield District, Calif.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court order, the Bureau of Land Management will prepare a draft environmental impact statement for the Benton/Owens Valley Grazing Management Program on 542,000 acres of public land near Bishop California.

Four grazing management alternatives will be analyzed. The alternatives consider different levels of forage allocation to livestock, wild horses, deer and Tule elk, as well as various combinations of grazing management systems, non-intensive management and range improvements.

The proposed action allocates 18,462 AUMs to livestock, 187 AUMs to wild horses and 2,967 AUMs to deer and Tule elk. The alternatives consider no domestic livestock grazing, no action (continue with 21,010 AUMs to livestock), and stocking by condition class (11,894 AUMs to livestock).

Various individuals and organizations have already had input into the development and analysis of the alternatives. Others wishing to make suggestions or wanting further information should contact: Jerry Boggs, EIS Team Leader, Bureau of Land Management, 800 Truxtun Avenue, Room 302, Bakersfield, CA, Telephone: (805) 861-4191.

Date: August 4, 1980.

James B. Ruch,

*State Director, California.*

[FR Doc. 80-26386 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

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## Vale District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the

Vale District Advisory Board will be held on October 16, 1980.

The meeting will begin at 9:00 a.m. in the Conference Room of the Bureau of Land Management at 365 "A" Street West, Vale, Oregon 97918.

The agenda for the meeting will include: (1) Proposed expenditure of range betterment funds in fiscal year 1981 and (2) Discussions on the development of Allotment Management Plans, subject to the completion of the Ironside Environmental Impact Statement.

The meeting is open to the public. Interested persons may make oral statements to the board, or may file written statements for the board's consideration. Anyone wishing to make oral statements must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, by October 15, 1980. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available during regular business hours for public inspection and reproduction within 30 days following the meeting.

Thomas A. Moore,

*Acting District Manager.*

[FR Doc. 80-23674 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## Vale District Multiple Use Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-579 that a meeting of the Vale District Multiple Use Advisory Council will be held October 17, 1980, beginning at 9:00 A.M. in the conference room of the Bureau of Land Management office at 365 "A" Street West, Vale, Oregon 97918.

The agenda for this meeting will include: (1) Introduction of Council members and participating BLM officials, (2) Review of the Multiple Use Advisory Council Charter, (3) Election of Council Officers, (4) FY 1981 Budget Report, (5) Four-year forecast of funds and manpower, (6) Review special on-going projects, (7) Appointment of Council members to sub-committee study groups, (8) Public comment period, and (9) Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council, or may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 365 "A" Street West, Vale, Oregon 97918, telephone 503-473-3144, by close of business October 16, 1980. Depending upon the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and be available during regular business hours for public inspection, for cost of duplication, within 30 days following the meeting.

Dated: August 15, 1980.

Thomas A. Moore,

*Acting District Manager.*

[FR Doc. 80-26375 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

[W-71783]

## Wyoming; Application

August 19, 1980.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Company of Oklahoma City, Oklahoma, filed an application for a right-of-way to construct a 4½ inch, 6⅝ inch, 8⅝ inch, and 12¾ inch O.D. natural gas pipeline for the purpose of transporting gas from the Creston 21-1, 1-28, 1-27, and 1-26 wells across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 91 W.,
Sec. 8, SE¼SW¼;
Sec. 18, SE¼SE¼.
T. 18 N., R. 92 W.,
Sec. 24, SE¼SE¼;
Sec. 26, N½S½;
Sec. 28, E½NE¼, and N½SE¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,

*Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 80-26373 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-84-M

## Wyoming; Notice Requesting Filing of All Existing Surface Owner Consent Agreements of Surface Mining of Federal Coal

August 20, 1980.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to 43 CFR Part 3427, the Bureau of Land Management (BLM) is advising the public that valid written consent or evidence thereof, which would permit surface mining of the underlying Federal coal, given by qualified surface owners, should be filed with the Wyoming State Office, BLM. In addition, at this time, written statements from qualified surface owners of refusal to consent to surface coal leasing may be filed with the Wyoming State Office.

This notice applies only to areas identified as acceptable for further consideration for coal leasing in the Gillette Review Area land use plan in the Wyoming portion of the Powder River Federal Coal Production Region.

**DATES:** Copies of all consent agreements, or evidence thereof, that have already been given by qualified surface owners should be received by September 15, 1980. Valid written consents given for lands in which the ownership of the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the Federal Government (split estate lands) will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, in accordance with the announced schedule of regional lease sales set forth by Secretarial decision. However, submission at this time of consent documents that presently exist will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the qualified surface owner consents apply. The lack of a valid written consent at this time will not preclude consideration of Federal coal tracts during the coal activity planning process, but it is the responsibility of parties intending to file consents to be aware of pending lease sale notice dates, as set forth in an announced regional lease sale schedule.

To preclude consideration of lands that cannot be leased, we encourage written statements from qualified surface owners who firmly refuse to consent to surface coal leasing to be filed with the Wyoming State Office.

**ADDRESSES:** Copies of the surface owner consent agreements, or evidence thereof, should be sent to State Director,

Wyoming State Office, BLM, P.O. Box 1828, Cheyenne, Wyoming 82001. Information concerning the requirements for surface owner consent agreements or statements of refusal to consent may also be obtained from this address.

Maps showing the areas acceptable for further consideration for coal leasing in the Gillette Review Area land use plan in the Wyoming portion of the Powder River Federal Coal Production Region may be obtained at the BLM Wyoming State Office at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. J. Stan McKee, Bureau of Land Management, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001, 307-778-2220, extension 2413, or FTS 328-2413.

**SUPPLEMENTARY INFORMATION:** The BLM is requesting that valid written consent agreements, or evidence thereof, for lands in which the surface is held by qualified surface owners and the ownership of the undrlying coal is reserved to the Federal Government (split estate lands) should be filed with the Wyoming State Office, at the address given above, by September 15, 1980.

The information being sought by the BLM will be used in the Federal coal activity planning process by the Powder River Regional Coal Team and will provide information regarding whether the public interest would be served by offering for lease the Federal coal lands to which the consents apply. Valid written consents will be accepted until at least 30 working days prior to the publication of each lease sale notice for the specific lands involved, as set forth in the Secretarial decision and announcement of regional lease sales to be scheduled, in accordance with 43 CFR 3427.2(a) and 3420.6-2(b). However, early submission of surface owner consent documents that currently exist will aid the Regional Coal Team in considering the split estate coal tracts during the tract delineation, ranking, and scheduling. As indicated in 43 CFR 3420.6-1(b) and 3427.2(d), split estate tracts that would be mined by other than underground mining techniques, covered by written consents that have been filed with the appropriate BLM State Office before a decision on a pending regional coal lease sale schedule, will be given priority over those split estate tracts where there is no written consent from the qualified surface owner, all othe factors being nearly equal. Surface owner consents may still be entered into during the activity planning stage, but parties intending to file written consents are responsible for being aware of pending lease sale notice dates. Information concerning lease sale notice dates may be obtained from the Wyoming State Office at the address given above.

Section 714(c) of the Surface Mining Control and Reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0-5(pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

(1) Hold legal or equitable title to the surface of split estate lands;

(2) Have their principal place of residence on that land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations, and;

(3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and (2) of this section. In computing the three year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this subsection."

Valid written consent is defined in the regulations (43 CFR 3400.0-5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) describe any financial or other consideration given or promised in return for permission, including in-kind considerations; (3) describe any consideration given in terms of type or methods of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for all split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, the consent must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tracts to which consent applies (i) payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the terms of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I (We) hereby declare that the evidence submitted, to the best of my (our) knowledge, represents a true, accurate, and complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notarized.

A qualified surface owner(s) that has not been contacted by or requested to enter into an agreement with a private party, who may wish to give consent to allow permission to enter and commence surface coal mining, may prepare, sign, and submit a consent document to the Wyoming State Office. The consent document should include the information and requirements specified earlier in this notice in order to constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0-5 (zz)), and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilaterial consent document must be signed by a private party at least 30 working days prior to the publication of

the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

In accordance with 43 CFR 3427.2(a)(2), written statements from qualified surface owners who refuse to consent to coal leasing may be filed with the Wyoming State Office at the address given above. Early submittal of a refusal to consent by a qualified surface owner who is firmly against giving consent, thereby disqualifying the specified lands from further leasing consideration, will deter pressure from persons or parties seeking to enter into a consent agreement and will prevent continued inquiries by the BLM of the status of surface owner consent for the specified lands.

The written statement of refusal to consent by a qualified surface owner must confirm that the owner(s) has not previously given consent to mine and that the owner(s) does not intend to give consent for the expected future life of the Gillette Review Area land use plan in the Wyoming portion of the Powder River Federal Coal Production Region. The refusal will be binding during the life of this land use plan, in this case 10 years maximum, or until the ownership of the surface estate changes.

Upon receipt and verification of the refusal to consent, the BLM will remove the Federal coal underlying the qualified surface owner's land from further consideration in the tract delineation, ranking, and scheduling process until such time as the Gillette Review Area land use plan is revised or until the ownership of the surface estate changes. Upon revision of the Gillette Review Area land use plan, the qualified surface owner will be notified that the prior written refusal to consent is about to expire, and the owner will be given the opportunity to submit another statement of refusal.

Written statements of refusal to consent shall be signed and dated by the owner(s) as well as witnessed and/or notarized, and shall specify: (1) the location (State and county) and legal description of the lands (2) the present legal address of the qualified surface owner involved in the refusal to consent; (3) that the owners have held legal or equitable title to the specified land surface for a period of at least three years prior to the refusal to consent; (4) whether the lands involved are the principal place of residence of the owner(s); (5) whether the lands involved are used to conduct farming or ranching; and (6) to what degree or percentage income from farming or ranching of the specified land surface contributes to the total income of the qualified surface owner(s). The submission of personal income records or other personal information is not to be made by the owner(s).

The written statements of refusal to consent by qualified surface owners will become part of the public record since the refusal will be the principal reason for not considering a particular tract in the tract delineation, ranking, and scheduling process. The written statements will be made available for public inspection in the Wyoming State Office.

Maxwell T. Lieurance,
*State Director.*

[FR Doc. 80-26670 Filed 8-27-80; 8:45 am]
BILLING CODE 4310-84-M

## Office of the Secretary

### National Environmental Policy Act Implementing Procedures; Proposed Instructions for Lowell Historic Preservation Commission

**AGENCY:** Department of the Interior.

**ACTION:** Notice of proposed instructions for the Lowell Historic Preservation Commission.

**SUMMARY:** This notice proposes NEPA implementing procedures for the Lowell Historic Preservation Commission, a component of the Department of the Interior. The Departmental procedures were published in the Federal Register on April 23, 1980 (45 FR 27541).

**DATE:** Comments due by September 30, 1980.

**ADDRESS:** Comments to: Larry E. Meierotto, Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:**
Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343-3891. FTS: 343-3891.
For Lowell Historic Perservation Commission, Contact: Nancy Bellows, Telephone (617) 458-7653, FTS 223-0766.

**SUPPLEMENTARY INFORMATION:** These proposed implementing procedures provide more specific NEPA compliance guidance to the Lowell Historic Preservation Commission. They were prepared in consultation with the Office of Environmental Project Review in accordance with 516 DM 6.5(C). They should be read in conjunction with the Departmental procedures (516 DM 1-6) which are published in the Federal Register on April 23, 1980, and with the regulations of the Council on Environmental Quality (40 CFR Parts 1500-1508). Copies of these procedures are also available for inspection at the Commission's offices at 204 Middle Street, Lowell, MA 01825.

Comments on the proposed procedures are invited. To be considered in the preparation of final procedures, comments must be received by September 30, 1980.

Dated: August 22, 1980.

James H. Rathlesberger,
*Special Assistant to Assistant Secretary of the Interior.*

### Lowell Historic Preservation Commission

*1. NEPA Responsibility*

A. *Chairman*—Is responsible for NEPA compliance for Lowell Historic Preservation Commission (the Commission) activities.

B. *Executive Director*—Is responsible for insuring that the Commission staff activities and recommendations are conducted in accordance with the requirements and the spirit of NEPA.

C. *Planning Director*—(1) Is responsible for coordination and oversight of the NEPA process. Information about Commission NEPA documents or the NEPA process can be obtained by contacting the Planning Director at the Commission office.

(2) Is responsible for integrating the NEPA process into the Commission's activities and will insure that environmental concerns, as covered in environmental documents, are addressed when the Commission carries out its preservation and cultural activities.

*2. Guidance to Applicants*

A. Actions that are initiated by private or non-Federal entities through applications include: grants for private residential and commercial facade rehabilitation; grants for cultural programs; loans to private firms for facade improvement programs; emergency grants or loans for facade stabilization.

B. Applicants are required to complete an application form which includes a checklist of environmental impacts that may result from the work; they will be informed by the Commission staff as to what environmental information is needed when they initiate their application. The Commission staff, using this information will advise applicants whether further environmental documentation is required.

C. A Grant Application Package is available on request at the Commission office, 204 Middle Street, Lowell, MA 01852.

*3. Major Actions Normally Requiring an EIS*

There are no categories of actions where an EIS will normally be prepared.

*4. Categorical Exclusions*

In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix I of 516 DM 2, many of which the Commission also performs, the following Commission actions are designated categorical exclusions unless the actions qualify as an exception under 516 DM 2.3 A(3):

A. *Operating Activities*— (1) Professional services, including such things as architectural plans, studies, maps, renderings, and photographs; engineering studies; appraisals; graphic design; and building inventories and surveys.

(2) Identifying the eligibility for and nominating, properties for the National Register of Historic Places and the National Historic Landmark and National Natural Landmark programs.

B. *Development Activities*— (1) Minor revisions in the boundaries of the Preservation District recommended pursuant to Section 101(2)(b) of Pub. L. 95-290.

(2) Grants to private property owners on a matching basis for the rehabilitation of building facades provided that this rehabilitation does not adversely alter the intergrity of the setting or increase public use of the area to the extent of compromising the nature and character of the property or cause a nuisance to adjacent property owners or occupants. This includes the case where the owner intends to change the use of the building.

(3) Matching grants to private property owners for construction or rehabilitation work on existing non-Federal properties which are required to meet health, safety, and handicapped regulations.

(4) Grants for construction, demolition, addition, expansion of new non-residential facilities if the new facilities will not increase public use of the area to the extent of compromising the nature and character of the property or causing physical damage to it; institute non-compatible uses which might compromise the nature and characteristics of the property or cause physical damage to it; or cause a nuisance to adjacent property owners or occupants.

(5) Leasing or disposition or any interagency transfer or use of rail right-of-way for continued rail-related uses.

(6) Operation of a trolley system for resident and visitor use utilizing existing rights-of-way and tracks.

(7) Long and short term leasing of office, display, or other space from public or private owners.

(8) Acquisition or disposition of interests in real property, including but not limited to leaseholds, easements, rights-of-way or fee interests.

(9) Cultural programs, including such things as outdoor summer theater programs; art exhibits, demonstrations, and feasibility studies.

[FR Doc. 80-26283 Filed 8-27-80; 8:45 am]
BILLING CODE 4310-10-M

## Water and Power Resources Service

### Negotiations With Santa Clara Valley Water District To Establish Terms and Conditions for the Transfer of Operation and Maintenance of Certain Works of the San Felipe Division, Central Valley Project, California; Intent To Initiate Negotiations

The Department of the Interior, through the Water and Power Resources Service, intends to negotiate an agreement with the Santa Clara Valley Water District, San Jose, California. The agreement will establish the terms, conditions, operational criteria, financial responsibility, and cost sharing arrangements for the transfer of operation and maintenance (O&M) of the Pacheco Pumping Plant and Tunnel, and approximately 40,000 feet of conveyance facilities downstream to the bifurcation of the Hollister and Santa Clara conduits, facilities of the San Felipe Division, Central Valley Project, California.

The facilities will provide Central Valley Project Water to water user entities in the counties of Santa Clara, San Benito, Santa Cruz, and Monterey. Each entity contracting for water from the division facilities will be required to share in the cost of O&M as provided in its water service contract. Water service contracts have been executed with the San Benito County Water Conservation and Flood Control District and with the Santa Clara Valley Water District.

Items to be negotiated may include the location of the operating office, communications among the facilities, communication redundancy, communication to provide input to Central Valley Project and State Water Project operations offices, transfer of O&M equipment, supplies, and records, record keeping, access to office procedures and records, and provisions regarding the temporary reassumption of O&M responsibilities by the United States in the event the district does not operate and maintain the facilities properly.

All meetings scheduled by the Service with the Santa Clara Valley Water District for the purpose of discussing terms and conditions of a proposed contract shall be open to the general public as observers. Advance notice of all meetings shall be furnished only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. All written correspondence concerning the proposed contract shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

The public is invited to submit written comments on the form of the proposed contract no later than 30 days after the contract draft is declared to be available to the public. Unless significant public interest in the proposed contract is demonstrated in response to this notice, the availability of the negotiated draft contract will not be publicized. The Commissioner of Water and Power Resources will review the comments submitted and based on the number, source, and nature of the comments, will decide whether to hold public hearings.

For further information, please contract Mr. John B. Budd, Division of Water and Power Resources Management, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4380.

Dated: August 22, 1980.

Clifford I. Barrett,

*Assistant Commissioner of Water and Power Resources.*

[FR Doc. 80-26434 Filed 8-27-80; 8:45 am]
BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be

obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

**Volume No. OPI-016**

Decided: Aug. 14, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 38400 (Sub-7F), filed August 13, 1980. Applicant: HITCHCOCK BROS., INCORPORATED, P.O. Box 212, Canaan, CT 06013. Representative: C. F. Hitchcock (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Millerton and Amenia, NY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 123391 (Sub-16F), August 12, 1980. Applicant: MACHISE INTERSTATE TRANSPORTATION CO., a corporation, 500 N. Egg Harbor Road, Hammonton, NJ 08037. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 124821 (Sub-99F), filed August 13, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 124821 (Sub-100F), filed August 13, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 138480 (Sub-5F), filed August 11, 1980. Applicant: CENTRAL DELIVERY SERVICE OF WASHINGTON, INC., 8547 Piney Branch Road, Silver Spring, MD 20901. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St., N.W., Washington, DC 20005. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142330 (Sub-14F), filed August 11, 1980. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146110 (Sub-3F), filed August 11, 1980. Applicant: SMALL SHIPMENT EXPRESS OF ILLINOIS, INC., 9623 North Karlov Ave., Skokie, IL 60076. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 147400 (Sub-3F), filed August 12, 1980. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53403. Representative: William D. Brejcha, Ten South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151510F, filed August 8, 1980. Applicant: P & L TRUCKING SERVICE, INC., 3592 Ivy Street, Denver, CO 80207. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

**Volume No. OPI-017**

Decided: August 15, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 104430 (Sub-60F), filed August 11, 1980. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 130980F, filed August 12, 1980. Applicant: NETWORK TRANSPORTATION SERVICES, INC., 1004 S.E. 102nd Ave., Vancouver, WA 98664. Representative: David L. Jacques (same address as applicant). *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 151501F, filed August 8, 1980. Applicant: GARRISON EXPRESS, INC., P.O. Box 686, Princeton Jct., NJ 08550. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPI-019

Decided: August 19, 1980.

By the Commission. Review Board Number 3. Members Parker, Fortier and Hill.

MC 133841 (Sub-20F), filed August 18, 1980. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 138741 (Sub-109F), filed August 11, 1980. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Patricia F. Scott, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities,* between Santa Rosa, Tucumcari, Logan, Maravisa, and Endee, NM; Stratford, Glenrio, Adrian, Vega, Wildorado, Amarillo, Alanreed, McLean, Shamrock, St. Francis, Fritch, Sunray, Etter, Brum, Wilco, Stinnett, Pringle, Morse, Gruver, Dalhart, Irving, Dallas, Waxahachie, Corsicana, Teague, Newby, Normangee, Tomball, Houston, Texas City, Galveston, Fort Worth, Graham, Jacksboro, Bowie, Ringgold, and Mexia, TX; Texalo, Sayre, Elk City, Clinton, Weatherford, Bridgeport, Texhoma, Hitchland, Hardesty, Guymon, Mangum, Grantie, Hobart, Carnegie, Anadarko, Apache, Chickasha, Marlow, Duncan, Comanche, Homestead, Alva, Ingersoll, Enid, Billings, Ponca City, Augusta, Kingfisher, El Reno, Oklahoma City, Shawnee, Seminole, Wewoka, Holdenville, McAlester, Haileyville, Hartshorne, Wilburton, Wister, Howe, Medford, Warren, Geary, Okeene, Fort Bill, Verden, Lawton, Walter, Temple, Waurika, and Terral, OK; Eunice, Lecompte, Alexandria, Winnfield, Jonesboro, Hodge, Ruston, Dubach, Bernice, and Junction City, LA; Eldorado, Camden, Crossett, Hermitage, Mace, Banks, Kingman, Fordyce, Carthage, Sparkman, Malvern, Hot Springs, Haskell, Benton, Little Rock, Bauxite, North Little Rock, Carlisle, Hazen, Des Arc, Mesa, DeValls Bluff, Brinkley, Wheatley, Forest City, West Memphis, Edmondson, Stuttgart, Roland, Bigelow, Perry, Cla, Booneville, Mansfield, and Hartford, AR; Kansas City, Southlea, Pleasant Hill, Windsor, Hay, Versaille, Eldon, Meta, Gasconde, Belle, Owensville, Union, Labadie, St. Louis, Liberty, Excelsior Springs, Polo, St. Joseph, Clarksdale, Maysville, Wetherby, Altamont, Coburn, Trenton, and Princeton, MO; Caldwell, Wellington, Wichita, Peabody, Marion, Harrington, Liberal, Plains, Meade, Fowler, Mineola, Bucklin, Dodge City, Greensburg, Pratt, Hutchinson, Medora, McPherson, Salina, White City, Alta Vista, Goodland, Colby, Norton, Phillipsburg, Smith Center, Mankato, Belleville, Cuba, Clyde, Clifton, Clay Center, Riley, Manhattan, McFarland, Topeka, Holton, Horton, Troy, Atchison, and Kansas City, KS; Burlington, Stratton, Flaglea, Arriba, Limon, Simla, Roman, Calhan, Colorado Springs, and Denver, CO; Thompson, Ruskin, Deshler, Hebron, Fairbury, Jansen, Witt, Lincoln, South Bend, Omaha, and Beatrice, NE; Council Bluffs, Shelby, Oakland, Avoca, Audubon, Walnut, Menlo, Stuart, Winterest, Indianola, Chariton, Corydon, Allerton, Seymore, Centerville, Eldon, Ottumwa, Evans, Pella, Monroe, Des Moines, Colfax, Newton, Grimmell, Brooklyn, Marengo, Iowa City, West Liberty, Stockton, Davenport, Clinton, Fairfield, Keosauqua, South Burlington, Buffalo Center, Burlington, Mount Zion, Keokuk, Washington, Ainsworth, Columbus Jct., Nichols, Muscatine, Wilton, Elmira, Cedar Rapids, West Union, Oelwein, Vinton, Waterloo, Cedar Falls, Nevada, McCallsburg, Renwick, Iowa Falls, Hampton, Mason City, Maysfield, Manly, Dows, Belmond, Titonka, Armstrong, Northwood, Emmetsburg, Estherville, Spirit Lake, Lake Park, Gowrie, Hanson, Pocohontas, Hartley, and Sibley, IA; Elsworth, Worthington, Lismore, Albert Lea, Hollandale, Clarks Grove, Owatona, Faribault, Northfield, Farmington, West St. Paul, and St. Paul, MN; and Rock Island, Milan, Moline, East Moline, Silvis, Colona, Geneseo, Sheffield, Bureau, Tonlon, Henry, Chillicothe, Peoria, Pekin, Lasalle, Ottawa, Joliet, Elwood, and Chicago, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 142040 (Sub-6F), filed August 14, 1980. Applicant: AMBER DELIVERY SERVICE, INC., P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142330 (Sub-15F), filed August 15, 1980. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP2-024

Decided: August 19, 1980.

By the Commission, Review Board Number 3. Members Parker, Fortier and Hill.

MC 116073 (Sub-380F), filed August 6, 1980. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., Moorhead, MN 56560. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., Elkhart, IN 46516.Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 123343 (Sub-2F), filed August 5, 1980. Applicant: AIRBORNE FREIGHT CORPORATION, a DE corporation, 190 Queen Anne Ave. North, P.O. Box 662, Seattle, WA 98111. Representative: Harry K. Sprague (address same as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 129742 (Sub-13F), filed August 6, 1980. Applicant: PUROLATOR COURIER LTD., 304 The East Mall, Islington, Ontario, Canada M9B 6E2. Representative: Peter A. Greene, 900 17th St. NW, Washington, DC 20006. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 141153 (Sub-1F), filed August 13, 1980. Applicant: CAPITAL MESSENGERS, INC., 11309 Frederick Ave., Beltsville, MD 20705. Representative: Nancy Pyeatt, 815 15th St., NW, Washington, DC 20005. Transporting *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 148793 (Sub-3F), filed August 4, 1980. Applicant: M & L MESSENGER SERVICE, INC., Jewel Lane, New Fairfield, CT 06810. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *shipments,* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in CT, MA, NJ, NY, and PA.

MC 149502F, filed August 6, 1980. Applicant: KENNETH SCHUCK TRUCKING, INC., R.D. #8, Box 392,

Allentown, PA 18104. Representative: Robert J. Brooks, 1828 L St., NW, Suite 1115, Washington, DC 20036. Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, and (2) *shipments* weighing 100 pounds or less if transported in a motor vehicle in which no one package exceed 100 pounds, between points in the U.S.

MC 151462F, filed August 4, 1980. Applicant: NORMAN D. MASON, R.R. 5, Box 286, Huron, SD 57350. Representative: Norman D. Mason (same address as applicant). Transporting *food and other edible products* and *by-products* (except alcholic beverages and drugs) *intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 151492F, filed August 6, 1980. Applicant: J. D. SIMPSON, d.b.a. SIMPSON TRUCKING COMPANY, 801 Hilltop Drive, Warrior, AL 35180. Representative: J. D. Simpson (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151493F, filed August 6, 1980. Applicant: VICTORY LEASING, INC., P.O. Box 346, Millersburg, PA 17061. Representative: Dale G. Wolfgang, 675 North Market St., Millersburg, PA 17061. Transporting *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons munitions), between points in the U.S. for the United States Government. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 151502F, filed August 7, 1980. Applicant: JOHN AMENDOLARA, 130 West 16th St., New York, NY 10011. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151542F, filed August 13, 1980. Applicant: P & K TRUCKING, a corporation, 3049 Sacramento St., San Francisco, CA 94115. Representative: Kenneth Kinnard (same as applicant). Transporting *general commodities* (except household goods, hazardous or secret materials and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

**Volume No. OP2–026**

Decided: August 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 37303 (Sub-3F), filed August 19, 1980. Applicant: A.E.F.—SELOVER TRANSPORTATION, INC., 650 Eddystone Ave., Eddystone, PA 19013. Representative: Alan Kahn, 1430 Land Title, Philadelphia, PA 19110. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 115162 (Sub-538F), filed August 19, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same as applicant). Transporting (1) *refractories, refractory products, insulation, insulating materials, alumina, calcined or hydrated,* and (2) *materials, equipment and supplies* used in the manufacture, sale, distribution and installation of commodities in (1) above, between points in Audrain, Callaway, and Montgomery Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 139973 (Sub-85F), filed August 15, 1980. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government between points in the U.S.

MC 144622 (Sub-182F), filed August 19, 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. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 145642 (Sub-2F), filed August 19, 1980. Applicant: GENE INMAN TRUCKING, INC., RFD 1, Box 148–A, Whiteville, NC 28472. Representative: F. Kent Burns, P.O. Box 1406, Raleigh, NC 27602. Transporting (1) *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) *food and other edible products (including edible by-products but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners and agricultural fertilizers, by the owner of the motor vehicle in such vehicle,* between points in the U.S.

**Volume No. OP3–008**

Decided: August 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 145682 (Sub-3F), filed August 15, 1980. Applicant: AAA COURIER SERVICE, INC., P.O. Box 1471, 305 East Tenth St., Chattanooga, TN 37401. Representative: Blaine Buchanan, 1024 James Building, Chattanooga, TN 37402. Transporting *shipments* weighing 100 pounds or less, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 106674 (Sub-496F), filed August 11, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 135524 (Sub-154F), filed August 5, 1980. Applicant: G. F. TRUCKING COMPANY, a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting *shipments weighing 100 pounds or less* if transported in a vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151494F, filed August 6, 1980. Applicant: WINSTON CRUTCHLEY, Route 3, Box 83, Black River Falls, WI 54615. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* between points in the U.S., when such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations.

MC 130985F, filed August 11, 1980. Applicant: TRANSPORTATION

SERVICES, INC., P.O. Box 18022, Minneapolis, MN 55418. Representative: Andrew F. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. As a *broker*, to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

**Volume No. OP3-010**

Decided: August 20, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 123194 (Sub-12F), filed August 12, 1980. Applicant: ENTERPRISE TRUCK LINE, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 151545F, filed August 12, 1980. Applicant: C. R. JOHNSON, d.b.a. C.R. JOHNSON TRUCKING, P.O. Box 3327, Santa Fe Springs, CA 90670. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

**Volume No. OP4-017**

Decided: Aug. 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 35807 (Sub-114F), filed August 11, 1980. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 112107 (Sub-14F), filed August 8, 1980. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: A. Dayton Schell (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 130986F, filed August 11, 1980. Applicant: THOMAS CRUM & ASSOC., INC., 15224 Dixie Hwy., Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. To arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 130987F, Filed Augsut 11, 1980. Applicant: BALANCED TRANSPORT SYSTEMS, P.O. Box 878, Pembroke, MA 02359. Representative: Robert L. Snowdale, 7 Station St., Pembroke, MA 02359. To arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 139017 (Sub-7F), filed August 11, 1980. Applicant: HEAD ENTERPRISES, INC., Rt. 2, Box 88, Adairsville, GA 30103. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *food and other edible products* (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers, if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 151087 (Sub-1F), filed August 11, 1980. Applicant: AREA INTERSTATE TRUCKING, INC., 15224 Dixie Hwy., Harvey, IL 60426. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26232 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

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## Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that is be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. 304

Decided: August 15, 1980.

By the Commission, Revew Board Number 2, Members Chandler, Eaton and Liberman. Member Liberman not participating.

MC 1334 (Sub-31F), filed July 1, 1980. Applicant: RITEWAY TRANSPORT, INC., P.O. Box 6849, Phoenix, AZ 85005. Representative: Robert R. Digby (same address as applicant). Transporting (1) *furniture, furniture parts, supplies, baskets, containers, lamps, decorative ornaments, fiberglass, plastic and paper articles,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Pinal County, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 1824 (Sub-126F), filed June 30, 1980. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006. Over *regular routes* transporting *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), serving points in Cumberland, Gloucester, and Salem Counties, NJ, as off-route points in connection with applicant's presently authorized regular route between Baltimore, MD and New York, NY.

Note.—Applicant intends to tack this authority with its existing authority. Applicant intends to interline with present connecting carriers at authorized points including Baltimore, MD, Pittsburgh, PA and Cleveland, OH.

MC 2505 (Sub-6F), filed June 17, 1980. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, West Cayuga St., Moravia, NY 13118. Representative: John F. Sloat (same address as applicant). *Contract carrier,* transporting (1) *paper, paper products, woodpulp, plastic and plastic products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of (1) above (except liquid commodities in bulk), between points in the U.S. (except AK and HI), under a continuing contract(s) with Georgia-Pacific Corporation, of Darien, CT.

MC 2835 (Sub-45F), filed June 6, 1980. Applicant: ADIRONDACK TRANSIT LINES, INC., d.b.a. Adirondack Trailways, 18 Pine Grove Ave., P.O. Box 1758, Kingston, NY 12401. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. Over regular routes, transporting *passengers and their baggage and express and newspaper* in the same vehicle with passengers, (1) between Albany and Syracuse, NY, from Albany over Interstate Hwy 90 to junction Interstate Hwy 690 and then over Interstate Hwy 690 to Syracuse, and return over the same route, (2) between Albany, NY and junction Interstate Hwy 87 and Interstate Hwy 90, over Interstate Hwy 87, (3) between junction Interstate Hwy 90 and NY Hwy 30 and Amsterdam, NY, over NY Hwy 30, (4) between junction Interstate Hwy 90 and NY Hwy 30A, and Fonda, NY, over NY Hwy 30A, (5) between junction Interstate Hwy 90 and Interstate Hwy 790 and Utica, NY, over Interstate Hwy 790, (6) between junction Interstate Hwy 90 and Interstate Hwy 481 and Syracuse, NY, from junction Interstate Hwy 90 and Interstate Hwy 481 over Interstate Hwy 481 to junction Interstate Hwy 690, then over Interstate Hwy 690 to Syracuse, and return over the same route, (7) between junction Interstate Hwy 90 and Interstate Hwy 81 and Syracuse, NY, over Interstate Hwy 81, and (8) serving all intermediate points in (1) through (7) above.

MC 30204 (Sub-42F), filed July 1, 1980. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth St., New Bedford, MA 02740. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, MD, and Boston, MA, on the one hand, and, on the other, points in NY.

Note.—By this application, applicant seeks to eliminate the gateway of Allentown, PA, and relies on evidence pertaining to past operating economies and efficiencies.

MC 58035 (Sub-32F), filed June 30, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 5231 Monroe St., Denver, CO 80216. Representative: Edward T. Lyons, Jr., 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), (1) between Denver, CO, and Green River, WY, from Denver over Interstate Hwy 25 to Cheyenne, WY, then over Interstate Hwy 80 to Green River, and return over the same route, serving all intermediate points, and serving off-route points in Sweetwater, Carbon, Albany and Laramie Counties, WY; and (2) between junction then over Interstate Hwy 25 and CO Hwy 14, and Laramie, WY, from junction then over Interstate Hwy 25 and CO Hwy 14 over CO Hwy 14 to Ft. Collins, CO, then over U.S. Hwy 287 to Laramie, WY, and return over the same route, serving all intermediate points in WY between the CO–WY State line and Laramie.

MC 62824 (Sub-3F), filed June 25, 1980. Applicant: SPARTAN EXPRESS, INC., P.O. Box 1089, Greer, SC 29651. Representative: Roy F. Chason (same address as applicant). Transporting *such commodities* as are dealt in or used by chain stores and grocery houses, (except commodities in bulk and those requiring special equipment), between points in Chatham County, GA, on the one hand, and, on the other points in AL, GA, MS, NC, SC, TN, and VA.

MC 85934 (Sub-122F), filed June 16, 1980. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. Transporting *silica sand,* in bulk, from Vassar, MI, to Forest Park, IL.

MC 89684 (Sub-112F), filed June 16, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, 3626 West 2100 South, Salt Lake City, UT 84120. Representative: John J. Morrell (same as applicant). Transporting *food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles and printed matter,* between the facilities of Shaklee Corporation, at or near Hayward, CA, on the one hand, and, on the other, points in NV, UT, ID, WY, CO, and NE.

MC 97394 (Sub-33F), filed June 26, 1980. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 13303, Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Nashville, TN, on the one hand, and, on the other, points in IL, IN, and OH, restricted to traffic originating at or destined to the facilities of Ferro Corporation. (Hearing site: Nashville, TN.)

MC 99565 (Sub-20F), filed July 1, 1980. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis St., Wausau, WI 54401. Representative: Nancy J. Johnson, 103 East Washington St., P.O. Box 218, Crandon, WI 54520. 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)(1) between Wausau, WI and Minneapolis, MN, from Wausau over WI Hwy 29 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Minneapolis, and return over the same route, serving all intermediate points and the off-route point of Eau Claire, WI; (2) between Wausau, WI and Madison, WI, from Wausau over WI Hwy 29 to junction WI Hwy 97, then over WI Hwy 97 to junction WI Hwy 13, then over WI Hwy 13 to junction U.S. Hwy 16, then over U.S. Hwy 16 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Madison, and return over the same route, serving all intermediate points; (3) between Madison, WI and Minneapolis, MN, over Interstate Hwy 94, serving all intermediate points and the off-route point of Chippewa Falls, WI. (B) Alternate routes for operating convenience only: (1) between Milwaukee, WI and Menomonie, WI, over Interstate Hwy 94, serving no intermediate points; (2) between Chippewa Falls, WI and Eau Claire, WI, over U.S. Hwy 53, serving no intermediate points; and (3) between Stevens Points, WI and Marshfield, WI, over U.S. Hwy 10, serving no intermediate points.

Note.—Applicant intends to tack all of the authority in (A) and (B) above with its regular-route authority and to interline at Minneapolis, MN and its Wisconsin terminal points.

MC 107515 (Sub-1385F), filed June 27, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *carpets, rugs and tufted textile products,* from Ringgold, GA to points in IL.

MC 107515 (Sub-1386F), filed June 27, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *such commodities* as are dealt in or used by distributors, suppliers and dealers of health and beauty aids, between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities used by LaMaur, Inc.

MC 107515 (Sub-1389F), filed July 1, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. Transporting *such commodities as are dealt in or used by drug, grocery and food business houses* (except commodities in bulk), between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities of Warner-Lambert Company and its affiliates and subsidiaries.

MC 107665 (Sub-1F), filed June 26, 1980. Applicant: CRIST TRUCKING, INC., 44 Elm Avenue, Larchmont, NY 10538. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *paper, paper products, printed matter, plastic articles and papermill supplies* (except commodities in bulk), and (2) *materials* used in the manufacture of paper, paper products, and plastic articles (except commodities in bulk), between points in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, and DC.

MC 108835 (Sub-53F), filed June 16, 1980. Applicant: HYMAN FREIGHTWAYS, INC., 1745 University Ave., St. Paul, MN 55104. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *general commodities* (except those of unusual value, household goods, classes A and B explosives, commodities in bulk, and those requiring special equipment), (A) over regular routes, (1) between Minneapolis, MN, and Milwaukee, WI, over Interstate Hwy 94, serving the intermediate point of Waukesha, WI; (2) between Rock Island, IL and Milwaukee, WI, from Rock Island over IL Hwy 5 to junction IL Hwy 88, then over IL Hwy 88 to junction IL Hwy 2, then over IL Hwy 2 to the IL–WI State line, then over WI Hwy 15 to Milwaukee, WI, and return over the same route, serving no intermediate points but serving the off-route point of Waukesha, WI; (3) between Chicago, IL and Milwaukee, WI, over Interstate Hwy 94, serving no intermediate points but serving the off-route points of Kenosha, Racine and Waukesha, WI; (4) between Chicago, IL and Dayton, OH, from Chicago, IL over Interstate Hwy 94 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction U.S. Hwy 31, then over U.S.

Hwy 31 to junction IN Hwy 38, then over IN Hwy 38 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Dayton, OH, and return over the same route, serving all intermediate points and the off-route points of Peru, Marion, and Richmond, IN; (5) between Chicago, IL, and Cincinnati, OH, from Chicago, IL over Interstate Hwy 94 to junction Interstate Hwy 80/90, then over Interstate 80/90 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Cincinnati, OH, and return over the same route, serving all intermediate points and the off-route points of Lafayette, West Lafayette, Columbus, Rushville, Connersville, Brookville and Lawrenceburg, IN; (6) between Rock Island, IL and Indianapolis, IN, from Rock Island over Interstate Hwy 74 to Danville, IL, then over U.S. Hwy 136 to Indianapolis, IN, and return over the same route, serving all intermediate points; (7) between Rock Island, IL and Kokomo, IN, from Rock Island, IL over Interstate Hwy 74 to junction U.S. Hwy 24 then over U.S. Hwy 24 to junction U.S. Hwy 35, then over U.S. Hwy 35 to Kokomo, IN, and return over the same route, serving all intermediate points; (8) between Cincinnati, OH and Dayton, OH, from Cincinnati, OH over U.S. Hwy 127 to junction OH Hwy 4, then over OH Hwy 4 to junction OH Hwy 725, then over OH Hwy 725 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Dayton, OH, and return over the same route, serving all intermediate points and the off-route points of Oxford and Xenia, OH; (9) between Indianapolis, IN and New Castle, IN, from Indianapolis, IN over Interstate Hwy 70 to junction IN Hwy 3, then over IN Hwy 3 to New Castle, IN, and return over the same route, serving all intermediate points; (10) between Indianapolis, IN and Fort Wayne, IN, from Indianapolis over Interstate Hwy 69 to junction IN Hwy 67, then over IN Hwy 67 to junction IN Hwy 3, then over IN Hwy 3 to junction IN Hwy 218, then over IN Hwy 218 to junction Interstate Hwy 69 to Ft. Wayne, IN, and return over the same route, serving all intermediate points; and (11) between junction U.S. Hwy 30 and U.S. Hwy 35, and Fort Wayne, IN for operating convenience, over U.S. Hwy 30, serving no intermediate points; and (B) over irregular routes, (1) between Minneapolis, MN, Davenport and Bettendorf, IA, and Moline, Rock Island, and Chicago, IL, on the one hand, and, on the other, points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Taylor, Pierce, Pepin, Eau Claire, Clark, Buffalo, Trempealeau, Jackson, LaCrosse and Monroe Counties, WI, and (2) between points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Taylor, Pierce, Pepin, Eau Claire, Clark, Buffalo, Trempealeau, Jackson, LaCrosse, and Monroe Counties, WI.

Note.—Applicant intends to tack this authority with its existing authority.

MC 111274 (Sub-60F), filed July 1, 1980. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract carrier,* transporting *iron and steel articles,* from the facilities of United States Steel Corporation, at or near (a) Gary, IN, and (b) South Chicago, and Joliet, IL, to points in IL, IA, KS, and MO, under continuing contract(s) with the United States Steel Corporation.

MC 111274 (Sub-61F), filed June 25, 1980. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract carrier,* transporting *lumber* and *lumber mill products,* from points in GA, AL, MS, AR, CA, OR, WA, ID, MT, WY, SD, LA, OK, MO, NM, AZ, CO, NE, and TX and ports of entry on the U.S.-Canada international boundary line in MN, to points in WI, MN, IL, IA, IN, and MT, under continuing contract(s) with Midwest Lumber Associates of Sun Prairie, WI.

MC 115554 (Sub-35F), filed July 1, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *telephones, telephone sets, and telephone equipment,* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, installation, and operation of the commodities in (1) above (except commodities in bulk), from Houston, TX, to Shreveport, LA, restricted to traffic originating at or destined to the facilities of Western Electric Company, Inc.

MC 115554 (Sub-36F), filed July 1, 1980. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting *insulation materials* (except in bulk), from Rogers, TX, to points in the U.S. (except AK and HI).

MC 116374 (Sub-2F), filed July 2, 1980. Applicant: JAMES L. SPOONER, d.b.a. WHITE LINE TRUCKING CO., 207 North Second, Kelso, WA 98626. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. *Contract carrier,* transporting *lumber,* between points in Columbia County, OR, on the one hand, and, on the other, points in Clallam, Clark, Cowlitz, Grays Harbor, King, Kitsap, Jefferson, Lewis, Mason, Pacific, Pierce, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom Counties, WA, and points in Multnomah County, OR, under continuing contract(s) with Crown Zellerbach Corporation of Portland, OR.

MC 117815 (Sub-339F), filed June 26, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *such commodities as are dealt in or used by food business houses, hardware stores and automotive service centers* except commodities in bulk), (1) between the facilities of S. C. Johnson & Sons Inc., at Racine, WI, on the one hand, and, on the other, Dallas, TX; and (2) from the facilities of S.C. Johnson & Sons, Inc., at Racine, WI, to Houston, TX, and Memphis, TN.

MC 119875 (Sub-14F), filed July 1, 1980. Applicant: WAR-HUNT TRUCKING CO., INC., R.D. 3, Allentown, PA 18104. Representative: John C. Fudesco, 1333 New Hampshire Ave., NW., Suite 960, Washington, DC 20036. Transporting *confectioneries,* and *materials and supplies* used in the manufacture and distribution of confectioneries (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in Dauphin, Lancaster, and Cumberland Counties, PA, on the one hand, and, on the other, points in CT, MA, NH, NJ, NY, and RI, restricted to traffic originating at or destined to the facilities of Hershey Food Corporation.

MC 120364 (Sub-26F), filed January 28, 1980. Applicant: A & B FREIGHT LINES, INC., 2800 Falund St., Rockford, IL 61109. Representative: Robert M. Kaske (same address as applicant). Transporting *general commodities* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Freeport and Rockford, IL, and Beloit, WI, on the one hand, and, on the other, points in IA, IN, and WI.

MC 124174 (Sub-173F), filed June 30, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *sinks, lavatories, and tubs*

from Nashua, NH, to Morristown, TN and Elizabeth City, NC, and points in Dade and Broward Counties, FL.

MC 126514 (Sub-72), filed July 1, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, 85301. Representative: Lewis P. Ames, 111 West Monroe, 10th Floor, Phoenix, AZ 85003. Transporting (1) *sorter machines and* (2) *parts* for sorter machines from Santa Ana, CA, to the facilities of Nashua Corporation at Nashua and Merrimack, NH.

MC 126514 (Sub-73F), filed May 15, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Transporting *such commodities* as are dealt in or used by drug, variety, and grocery stores (except commodities in bulk), (1) between Andover and Boston, MA, on the one hand, and, on the other, points in TX, IL, CA, and WA, and (2) between Los Angeles, CA, and points in IL.

MC 126514 (Sub-74F), filed May 15, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Transporting (1) *film, plastics, and chemicals,* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of microfilm and microfiche (except commodities in bulk), between points in Santa Clara County, CA, on the one hand, and, on the other, points in MA, NY, IL, PA, LA, SC, VA, DE, MD, OH, TN, and NC.

MC 126514 (Sub-75F), filed May 15, 1980. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home products (except commodities in bulk), from the facilities of Stanley Home Products, at or near Easthampton, MA, to points in CA.

MC 126555 (Sub-87F), filed July 1, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *copper mill slag,* from points in AZ and TX, to points in CO.

MC 129455 (Sub-43F), filed June 26, 1980. Applicant: CARRETTA TRUCKING, INC., S. 160 Route 17, North, Paramus, NJ 07652. Representative: Joseph Carretta (same address as applicant). *Contract carrier,* transporting *materials and supplies* used in the manufacture of drugs, medicines, shampoo and toilet preparations, in bulk, between NJ and NY, on the one hand, and, on the other, points in MO and IL, under continuing contract(s) with Bristol-Myers Products Co., Inc.

MC 129974 (Sub-25F), filed June 19, 1980. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Ave., Trenton, NJ 08610. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *insulation board,* from the facilities of Celotex Corp., at or near Pennsauken, NJ, to points in OH.

MC 133614 (Sub-9F), filed July 2, 1980. Applicant: PAPPAS TRUCKING, INC., P.O. Box 8, Gering, NE 69341. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier,* transporting *general commodities,* between the facilities of Lockwood Corporation, at or near Gering, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Lockwood Corporation of Gering, NE.

Note.—To the extent any certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 135524 (Sub-153F), filed July 1, 1980. Applicant: G. F. TRUCKING COMPANY, a corporation, P.O. Box 229, 1028 West Rayen Ave., Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. Transporting (1) *iron and steel articles, aluminum articles, plastic articles* and *hardware,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Mercer County, PA, and those points in OH on and east of OH Hwy 14, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI).

MC 135895 (Sub-109F), filed June 30, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *paper products, plastic articles, and building materials,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of International Paper Company, and its subsidiaries.

MC 135895 (Sub-110F), filed July 1, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. Transporting *(1) paper and paper articles, and (2) materials, equipment, and supplies* use, in the manufacture and distribution sale of paper and paper articles (except commodities in bulk) between the facilities of the Alton Box Board Company, in AL, AR, FL, GA, IL, IN, KY, LA, MO, NC, OH, TN, TX, and WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 136285 (Sub-37F), filed June 26, 1980. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 1375, Thomasville, GA 31792. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), having an immediately prior or subsequent movement by water, and empty containers and trailers, between points in VA, on the one hand, and, on the other, points in NC, SC, VA, WV, TN, AL, FL, GA, and KY.

MC 136635 (Sub-36F), filed June 30, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, IN, on the one hand, and, on the other, points in IN, restricted to traffic destined to the facilities of K-Mart Corporation.

MC 141804 (Sub-459F), filed July 1, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting (1) *file folders* and (2) *materials and supplies* used in the manufacture and distribution of file folders, from Mayville, WI, to points in the U.S. (except CA, CO, OR, WA, AK, and HI).

MC 141865 (Sub-7F), filed June 27, 1980. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall

Drive, Grand Prairie, TX 75051. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *agricultural chemicals,* in containers, from the facilities of Sellers Chemical Co. at Harahan, LA, to points in CA, CO, GA, IA, MI, NJ, TX and WA.

MC 141914 (Sub-83F), filed June 26, 1980. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *Carpet strip and carpet adhesives,* from Asheville, NC, to those points in the U.S. in and east of MT, WY, CO and NM, and (2) *nails,* from Savannah, GA, to Asheville, NC.

MC 141914 (Sub-84F), filed June 26, 1980. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *adhesives, cleaning, preserving, and sealing products, solvents, stains, plastic carpeting, carpet strip, and moldings; and* (2) *equipment and supplies* used in the installation of the commodities in (1), from Kalamazoo, MI and Dayton, OH, to those points in the U.S. in and east of MT, WY, CO and NM.

MC 142364 (Sub-40F), filed July 2, 1980. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *animal feed supplements and animal health care products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between the facilities of Diamond Shamrock, Inc., at or near Van Buren, AR, on the one hand, and, on the other, points in CA, CO, IA, KS, MN, MO, NE, NM, OK, and TX.

MC 143775 (Sub-159F), filed June 27, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *general commodities* (except classes A & 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, to points in AL, CT, IL, LA, MA, MS, NJ, NC, RI and TN.

MC 144244 (Sub-5F), filed June 18, 1980. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Highway 34, Creston, IA 50801. Representative: David L. Charles, 2600 Ruan Center, Des Moines, IA 50309. Transporting *fertilizer and anhydrous ammonia,* between points in IA, on the one hand, and, on the other, points in NE and MO.

MC 145934 (Sub-4F), filed June 30, 1980. Applicant: B & G SUPPLY COMPANY, a corporation, 589 Great Western Rd., P.O. Box 777, Brighton, CO 80601. Representative: C. Vincent Phelps, 25 South 4th Ave., P.O. Box 439, Brighton, CO 80601. *Contract carrier,* transporting (1) *oil field treating chemicals,* and (2) *tools* for applying oil field treating chemicals (except in bulk), between points in CO, KS, NV, and CA, under continuing contract(s) with Dowell, Div. of Dow Chem. Co., of Denver, CO.

MC 146515 (Sub-1F), filed June 27, 1980. Applicant: PLYMOUTH TRANSPORT, INC., 2280 Butler Pike, Plymouth Meeting, PA 19462. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Contract carrier,* transporting *such commodities* as are used in the production and distribution of electrical energy, between the facilities of Philadelphia Electric Company in PA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR and LA, under continuing contract(s) with Philadelphia Electric Company of Philadelphia, PA.

MC 147074 (Sub-20F), filed June 27, 1980. Applicant: E Z FREIGHT LINES, a corporation, 70 Gould Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting (1) *Air conditioners* and *dehumidifers* from Woodbridge and Linden, NJ, and the facilities of Emerson Quiet Kool Co., in NJ, to Atlanta, GA, Memphis, TN, and Bensonville, Des Plaines, and Elk Grove, IL, and (2) *materials and supplies* used in the manufacture and sale of the commodities described in (1) (except in bulk), from Cleveland and Marion, OH, Chicago and Elk Grove, IL, Somerset, KY and Milwaukee, WI, to Woodbridge, NJ.

MC 147974 (Sub-2F), filed June 11, 1980. Applicant: NOEL TERRY BORDEN, d.b.a. BORDEN AND SONS CRANE AND RIGGING, 1112 East Service Rd., Ceres, CA 95305. Representative: San Juan Manufacturing, Northern California Inc., P.O. Box 347, San Jose, CA 95103. Transporting *molded fiberglass pools,* from points in CA, to points in AZ, CO, NM, and NV.

MC 148335 (Sub-2F), filed May 1, 1980. Applicant: RAIL FLITE TRANSPORTATION, INC., 7718 Stevens St., Darien, IL 60559. Representative: Romalda M. Schwed (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in IA, points in Franklin, Miami, Douglas, Johnson, Wyandotte, Leavenworth, Jefferson, Atchison, Doniphan, and Brown Counties, KS, points in Platte, Ray, Carrol, Chariton, Randolph, Monroe, Ralls, Buchanan, Clinton, Caldwell, Livingston, Linn, Makon, Shelby, Marrion, Lewis, Knox, Adar, Sullivan, Grundy, Daviess, De Kalb, Andrews, Holt, Atchison, Nodaway, Gentry, Worth, Harrison, Mereer, Putnam, Schuyler, Scottland, and Clark Counties, MO, and points in Pawnee, Richardson, Johnson, Nemaha, Otoe, Cass, Sarpy, Douglas, Washington, Burt, Thurston, and Dakota Counties, NE, restricted to traffic having a prior or subsequent movement by rail.

MC 148655 (Sub-7F), filed June 24, 1980. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44114. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Transporting (1) *adhesives; cleaning, preserving and sealing compounds and products; solvents; stains; plastic carpeting; carpet strip and moldings; and* (2) *equipment and supplies* used in the installation of the commodities in (1), from Kalamazoo, MI and Dayton, OH, to points in the U.S. in and east of MT, WY, CO, and NM.

MC 148965F, filed November 26, 1979, previously published in the FR issue of March 27, 1980. Applicant: CLARK BROS. TRANSPORTATION, INC., 1808 30th St., Birmingham, AL 35207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *pipe, valves, hydrants,* and *fittings,* (2) *metal and metal articles,* (3) *paper, plastic and paper and plastic products,* (4) *lumber, lumber products, and particleboard,* (5) *containers,* and *container ends* and *closures,* (6) *construction materials,* and (7) *materials, equipment,* and *supplies* used in the manufacture and sale of the commodities in (1) through (6) above (except commodities in bulk, in tank vehicles), between points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

Note.—This republication corrects the commodity description.

MC 149075 (Sub-5F), filed July 1, 1980. Applicant: OVER LAND, INC., 4121 Augusta Road, Garden City, GA 31408.

Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Transporting *building tiles and building slabs,* from Brunswick, GA, to points in FL, AL, NC and SC.

MC 149434F, filed June 10, 1980. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW. *Contract carrier,* transporting (1) *textiles,* (a) from the facilities used by Monsanto Company, at Decatur and Sand Mountain (Near Guntersville), AL; Greenwood and Blacksburg, SC, and Gonzalez, FL, (b) from the facilities used by Monsanto, Inc., at Fayetteville, NC, (c) from the facilities used by Fovil Manufacturing Company, Inc., at Foley, AL and Abbeville, SC, and (d) from the facilities used by Monsanto Company, at Huntsville and Birmingham, AL, to points in CA, NM, OK, OR, TX, and WA, (2) *resin plasticizers* (except in bulk), from the facilities used by Monsanto Company, at Inman, SC, to Los Angeles, CA, (3) *insecticides* and *resin plasticizers* (except in bulk), from the facilities used by Monsanto Company, at Anniston, AL, to Los Angeles, CA, and points in KS, TX, and CO; (4) *bleach assistant compounds* (except in bulk), from the facilities used by Monsanto Company, at Luling, LA, to Los Angeles, Santa Clara, San Francisco, and Oakland, CA, (5) *food preserving compounds* (except in bulk), from the facilities used by Monsanto Company, at Texas City and Chocolate Bayou, TX, to Los Angeles, Santa Clara, San Francisco, and Oakland, CA; (6) *chemical feed supplements* (not frozen), *rubber preservatives,* and *rubber accelerators* (except commodities in bulk), from the facilities of Monsanto Company, at Nitro and Dunbar, WV, to points in CA, (7) *heat transfer agents and media,* from Anniston, AL, to points in CA; and (8) *chemicals, fabricated products, plastic film,* and *plastic sheeting* (except in bulk), from the facilities of Monsanto Company, at or near (a) Cincinnati, OH, (b) Detroit and Trenton, MI, and (c) Gonzalez and Olive, FL, to points in AZ, CA, KS, OR, TX, and WA, under a continuing contract with Monsanto Company, of St. Louis, MO.

MC 150035 (Sub-1F), filed July 2, 1980. Applicant: KALL-WALKER ENTERPRISES, INC., d.b.a. TERMINAL DISTRIBUTION SERVICE, P.O. Box 156 Mid-City Station, 20-60 Eaker Street, Dayton, OH 45402. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by food distribution centers and grocery and food business houses, between the facilities of Terminal Cold Storage, at Dayton, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, PA, and WV.

MC 150255 (Sub-1F), filed May 16, 1980. Applicant: LEPRINO TRANSPORTATION, INC., 3740 Shoshone Street, P.O. Box 8400, Denver, CO 80201. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. Transporting (1) *Malt beverages* (except in bulk), from points in Jefferson County, CO, to points in CA, AZ and NV; and (2) *used containers and materials, supplies and equipment dealt in or used by breweries* (except in bulk), in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of the Adolph Coors Company.

MC 150644 (Sub-1F), filed June 27, 1980. Applicant: GARY L. SODERBERG and LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703. Transporting *fertilizer and fertilizer ingredients,* in bulk, in tank vehicles, from Lemont, Amboy, and Fulton, IL, and Clinton, and Dubuque, IA, to Clinton, WI.

MC 150594 (Sub-1F), filed March 17, 1980. Applicant: DORAY, INC., 61 New Jersey Ave., Bergenfield, NJ 07621. Representative: Allan P. Browne, 235 Closter Dock Road, Closter, NJ 07624. *Contract carrier,* transporting *refined coconut oil,* from the facilities of Bayonne Industries, at or near Bayonne, NJ, to Philadelphia, PA, under continuing contract(s) with Granex, Inc., of San Francisco, CA.

MC 159744 (Sub-1F), filed June 25, 1980. Applicant: DONALD P. AVERILL, d.b.a. DON AVERILL TRUCKING, 405 Main, (P.O. Box 191), Tillamook, OR 97141. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. Transporting *wood residuals,* from points in Tillamook County, OR to Longview and Camas, WA.

MC 151035F, filed July 1, 1980. Applicant: BERNARD D. REIMER, P.O. Box 566, Meade, KS 67864. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *gasoline, gasohol, and diesel fuel,* from the facilities of Phillips Refinery Co., at or near Borger, TX, and the pipeline terminals used by Phillips Refinery Co., at or near Laverne and Turpin, OK, to points in Meade County, KS.

MC 151084F, filed June 23, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Contract carrier, transporting (1) *lift trucks, and hydraulic platforms,* and (2) *parts* for the commodities in (1) above, between the facilities of Calavar Corporation, at Santa Fe Springs, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Calavar Corporation, of Santa Fe Springs, CA.

MC 151114F, filed June 30, 1980. Applicant: BROWN & WATSON, INC., P.O. Box 21, Howard, GA 31039. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. Transporting *sand,* in bulk, between the facilities of Jessie S. Morie & Son, Inc., at or near Junction City, GA, on the one hand, and, on the other, the facilities of Brockway Glass Company, Inc., at or near Montgomery, AL.

MC 151144 (Sub-1F), filed June 24, 1980. Applicant: JERRY HINES, d.b.a. JERRY HINES HAULING, 644 Overhill Dr., Spartanburg, SC 29303. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *flyash, concrete products, fertilizer, fertilizer materials, fertilizer ingredients, sand, rock, lime, dirt and quarry products,* between points in SC, on the one hand, and, on the other, points in NC, SC, GA and TN.

MC 151155 (Sub-1F), filed June 27, 1980. Applicant: PHILLIPS TRUCKING COMPANY, a corporation, 100 Edison Avenue, Alamosa, CO 81101. Representative: Nancy P. Bigbee, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. Transporting *such commodities as are dealt in or used by food and agriculture feed business houses;* between points in AZ, CO, NM, and TX, restricted (1) against transportation of liquid commodities in bulk in tank vehicles (2) against transportation of traffic between Fort Lupton, CO and points in TX, and (3) to traffic originating at or destined to facilities used by the Ralston Purina Company.

MC 151195F, filed June 26, 1980. Applicant: DUWAINE HELLICKSON, P.O. Box 146, Ostrander, MN 55961. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *iron and steel articles,* from the facilities of Armco Inc., at (a) Ashland, KY, and (b) Middletown, OH, to points in IA, MN, ND, SD, and WI, restricted to traffic originating at the named facilities.

MC 151325F, filed June 16, 1980. Applicant: H & R TRANSPORT LTD., 3601—2 Ave., North, P.O. Box 585, Lethbridge, Alberta, Canada T1J 3Z4. Representative: Alvin A. Foder (same address as applicant). *Contract carrier,* in foreign commerce only, transporting *fruit juice concentrate,* and *vegetable juices,* from points in CA and WA, to the ports of entry on the international boundary line between the U.S. and Canada, in WA, ID, MT, ND, MN, MI, NY, VT, NH, and ME, under continuing contract(s) with Scott National Company Limited, of Calgary, Alberta, Canada.

FF 95 (Sub-9F), filed June 24, 1980. Applicant: LIFSCHULTZ FAST FREIGHT, INC., 386 Park Ave., South, New York, NY 10016. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. *Freight forwarder* of *general commodities,* between points in IL, IN, IA, and WI, on the one hand, and, on the other, points in WA, OR, AZ, CA, NV, ME, NH, VT, MA, RI, CT, NY, PA, MD, DE, NJ, VA, KY, TN, SC, GA, AL, MS, NC, FL, and DC.

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Decided: August 12, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 106054 (Sub-7F), filed May 30, 1980. Applicant: GRILEY FREIGHTLINES, 11060 Artesia Blvd., Suite D, Cerritos, CA 90801. Representative: John C. Russell, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *general commodiites* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (A) over regular routes, (1) between Santa Rosa, CA, and the international boundary line between the U.S. and Mexico at San Ysidro, CA, from Santa Rosa over U.S. Hwy 101 to junction Interstate Hwy 5 at Los Angeles, CA, then over Interstate Hwy 5 to the international boundary line between the U.S. and Mexico at San Ysidro, and return over the same route, serving all intermediate points and points in Sonoma, Marin, San Mateo, Santa Clara, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, and San Diego Counties, CA, as off-route points; (2) between San Franciso, CA, and junction CA Hwy 1 and Interstate Hwy 5 (near Capistrano Beach, CA), over CA Hwy 1, serving all intermediate points and points in San Mateo, Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura, and Orange Counties, CA as off-route points; (3) between Sacramento, CA, and the international boundary line between the U.S. and Mexico at Calexico, CA, from Sacramento over Interstate Hwy 5 to junction Interstate Hwy 10 at Los Angeles, CA, then over Interstate Hwy 10 to Indio, CA, then over CA Hwy 111 to the international boundary line between the U.S. and Mexico at Calexico and return over the same route, serving all intermediate points and points in Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern, Los Angeles, Riverside Imperial, and San Bernardino County, CA as off-route points; (4) between Sacramento, CA, and junction CA Hwy 99 and Interstate Hwy 5 near Wheeler Ridge, CA, over CA Hwy 99, serving all intermediate points and serving points in Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare and Kern Counties, CA as off-route points, (5) between San Francisco, CA, and Roseville, CA, over Interstate Hwy 80, serving all intermediate points and those points in Alameda, Contra Costa, Napa, Solano, Yolo, and Sacramento Counties, CA as off-route points, (6) between junction Interstate Hwy 680 and Interstate Hwy 80 near Cordelia, CA, and San Jose, CA, over Interstate Hwy 680, serving all intermediate points and those in Contra Costa, Alameda, and Santa Clara Counties, CA as off-route points (7) between junction CA Hwy 4 and Interstate Hwy 80 near Pinole, CA, and Stockton, CA, over CA Hwy 4, serving all intermediate points, (8) between junction Interstate Hwy 580 and Interstate Hwy 80 at Emeryville, CA, and junction Interstate Hwy 580 and Interstate Hwy 5 near Vernalis, CA, over Interstate Hwy 580, serving all intermediate points, and points in Alameda and San Joaquin Counites, CA as off-route points; (9) between junction Interstate Hwy 205 and Interstate Hwy 580, and junction Interstate Hwy 205 and Interstate Hwy 5, over Interstate Hwy 205, serving all intermediate points; (10) between San Francisco, CA and San Jose, CA, over (a) Interstate Hwy 280 and (b) CA Hwy 82, serving all intermediate points on (a) and (b); (11) between Oakland, CA, and Santa Cruz, CA, over CA Hwy 17, serving all intermediate points; (12) between junction CA Hwy 156 and CA Hwy 1, and junction CA Hwy 156 and CA Hwy 101 over CA Hwy 156, serving all intermediate points; (13) between Gilroy, CA and Fairmead, CA, over CA Hwy 152, serving all intermediate points; (14) between Paso Robles, CA, and Famoso, CA, over CA Hwy 46, serving all intermediate points; (15) between Fresno, CA, and junction CA Hwy 41 and Interstate Hwy 5 near Kettleman City, CA, over CA Hwy 41, serving all intermediate points; (16) between Fresno, CA, and junction CA Hwy 65 and 99, from Fresno over CA Hwy 180 to junction CA Hwy 63, then over CA Hwy 63 to junction CA Hwy 198, then over CA Hwy 198 to junction CA Hwy 65, then over CA Hwy 65 to junction CA Hwy 99, and return over the same route, serving all intermediate points; (17) between junction CA Hwy 58 and Interstate Hwy 5, and Boron, CA, over CA Hwy 58, serving all intermediate points; (18) between Mojave, CA, and junction CA Hwy 14 and Interstate Hwy 5, over CA Hwy 14, serving all intermediate points; and those in Los Angeles County, CA as off-route points; (19) between junction Interstate Hwy 405 and Interstate Hwy 5, near San Fernando, CA, and junction Interstate Hwy 405 and Interstate Hwy 5 near El Toro, CA, over Interstate Hwy 405, serving all intermediate points; (20) between junction Interstate Hwy 210 and Interstate Hwy 5, and junction Interstate Hwy 10 and Interstate Hwy 210, over Interstate Hwy 210, serving all intermediate points; (21) between junction Interstate Hwy 605 and Interstate Hwy 210, and junction Interstate Hwy 605 and Interstate Hwy 405, over Interstate Hwy 605, serving all intermediate points; (22) between junction CA Hwy 57 and Interstate Hwy 210, junction CA Hwy 57 and Interstate Hwy 5, over CA Hwy 57, serving all intermediate points; (23) between Los Angeles, CA, and Beaumont, CA, over CA Hwy 60, serving all intermediate points; (24) between junction Interstate Hwy 15 and Interstate Hwy 15E at Devore, CA, and San Diego, CA, from junction Interstate Hwy 15 and Interstate Hwy 15E at Devore, CA over Interstate Hwy 15E to junction Interstate Hwy 15, then over Interstate Hwy 15 to San Diego, CA, and return over the same route, serving all intermediate points and those in San Bernardino, Riverside and San Diego Counties, CA as off-route points; (25) between Oceanside, CA, and Escondido, CA, over CA Hwy 78, serving all intermediate points; (26) between junction CA Hwy 111 and Interstate Hwy 10 near White Water, CA, and Indio, CA, over CA Hwy 111, serving all intermediate points; (27) between junction CA Hwy 86 and CA Hwy 111 and El Centro, CA, over CA Hwy 86, serving all intermediate points; (28) between San Diego, CA, and Nogales, AZ, from San Diego over Interstate Hwy 8 to junction Interstate Hwy 10 near Eloy, AZ, then over

Interstate Hwy 10 to junction Interstate Hwy 19 at Tuscon, AZ, then over Interstate Hwy 19 to Nogales and return over the same route, serving all intermediate points and points in San Diego and Imperial Counties, CA and points in Yuma, Maricopa, Pinal, Pima and Santa Cruz Counties, AZ as off-route points; (29) between Indio, CA, and junction Interstate Hwy 10 and Interstate Hwy 8 near Eloy, AZ, over Interstate Hwy 10, serving all intermediate points and serving Riverside County, CA, and Yuma, Maricopa and Pinal Counites, AZ as off-route points; (30) between junction AZ Hwy 85 and Interstate Hwy 8 near Gila Bend, AZ and Phoenix, over AZ Hwy 85, serving all intermediate points; (31) between Phoenix, AZ, and Flagstaff, AZ, (a) over Interstate Hwy 17, and (b) from Phoenix over U.S. Hwy 89 to junction Alternate U.S. Hwy 89, then over Alternate U.S. Hwy 89 to Flagstaff, AZ, serving all intermediate points on (a) and (b), and points in Maricopa, Yavapai and Coconino Counties, AZ as off-route points in (a) and (b); (32) between junction AZ Hwy 69 and U.S. Hwy 89 and junction AZ Hwy 69 and Interstate Hwy 17, over AZ Hwy 69, serving all intermediate points; (33) between junction AZ Hwy 71 and U.S. Hwy 60 and junction AZ Hwy 71 and U.S. Hwy 89, over AZ Hwy 71, serving all intermediate points; and (34) between junction U.S. Hwy 60 and Interstate Hwy 10 near Quartzsite, AZ, and Globe, AZ, over U.S. Hwy 60, serving all intermediate points, and serving points in Yuma, Maricopa and Pinal Counties, AZ as off-route points. (B) over irregular route, between points in Los Angeles and Orange Counties, CA. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate No. MC-106054, Sub-6 at applicant's written request.

Note.— (a) Applicant intends to tack this authority with the presently existing authority; and (b) Applicant states the purpose of this application is to convert the existing certificate of registration in MC-106054 Sub 6 in connection with certain extensions between specified points in CA and AZ.

MC 121834 (Sub-1F), filed June 27, 1980. Applicant: EZZELL TRUCKING, INC., P.O. Box 67, U.S. 421 N., Harrells, NC 28444. Representative: James A. Ezzell, U.S. 421 N., P.O. Box 67, Harrells, NC 28444. Transporting *feed ingredients*, between Hartsville, SC, and Harrells, NC.

MC 125285 (Sub-10F), filed June 23, 1980. Applicant: SKYLINE EXPRESS, INC., 1703 Highway Two, Duluth, MN 55810. Representative: E. L. Newville (same address as applicant). Transporting *forest products*, from points in MN on and north of U.S. Hwy 2 to points in MI, MN, IA, ND, SD, and WI.

MC 135185 (Sub-49F), filed June 30, 1980. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 15246, 1720 East Garry Ave., Santa Ana, CA 92705. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Contract carrier*, transporting: (1) *cleaning, scouring, and washing compounds; polishing and buffing compounds; disinfectants, household cleaning supplies; deodorants; drugs; toilet preparations; insecticides; vernin exterminator insect repellent; chemicals; hydraulic cement; sand; coal tar; adhesive tape; plastic synthetics; paint solvents; rubber cement; caulking and brazing compounds; varnish; paints; cloths; towels and towelling*, and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk)*, between points in the U.S. under a continuing contract(s) with Lehn & Fink Products Co., a Division of Sterling Drug, Inc.

MC 145914 (Sub-6F), filed June 30, 1980. Applicant: COASTAL TRUCK LINES, INC., P.O. Box 2015, New Brunswick, NJ 08903. Representative: Lawrence S. Burstein, One World Trade Center, Suite 2373, New York, NY 10048. *Contract carrier*, transporting (1) *containers and container closures*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) (except aluminum sheet and commodities in bulk) between points in the U.S., under continuing contract(s) with Reynolds Metal Company.

MC 146765 (Sub-5F), filed June 2, 1980. Applicant: DAYTON ENTERPRISES, INC., 110 First Ave., Clarence, Iowa 52216. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016. Transporting *iron and steel articles*, from the facilities of Jones and Laughlin Steel Corp., at or near Hennepin, IL, to points in CO, MN, NE, and in that part of KS on and west of U.S. Hwy 77.

MC 147815 (Sub-3F), filed July 1, 1980. Applicant: CARGO TRANSPORT, INC., 918 West Fifth St., Dayton, OH 45407. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting (1) *chemicals, plastics, plastic products, plastic lined pipe* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Dow Chemical U.S.A., at Bay City, Ludington, and Midland, MI, on the one hand, and, on the other, points in IL, IN, WI, KY, and OH.

MC 148425 (Sub-1F), filed June 30, 1980. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Rd., San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West "C" St., Suite 1803, San Diego, CA 92101. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in the Commercial Zone of San Diego, CA, and points in the Commercial Zone of Las Vegas, NV.

MC 149504F, filed April 1, 1980. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkins, VA 24311. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting (1) *moulding and cabinet parts*, from points in Smyth County, VA, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of moulding and cabinet parts, in the reverse direction.

MC 151424F, filed June 6, 1980. Applicant: ST. ANTHONY FEED MILL, INC., 5458 State Route 49, Fort Recovery, OH 45846. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. *Contract carrier*, transporting (1) *animal feed* and *feed ingredients, molasses*, and *animal health and sanitation products;* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except liquid commodities in bulk), between points in the U.S., under continuing contract(s) with Ralston Purina Co., Bloomington, IL.

MC 130834F, filed April 2, 1980, previously noticed in the FR issue of May 22, 1980 erroneously as MC 130843F. Applicant: VIGNERI ENTERPRISES, INC., 11436 Queens Dr., Omaha, NE 68164. Representative: Vincent S. Vigneri (same address as applicant).

Note.—This republication indicates the correct docket number which is MC 130834.

Volume No. 316

Decided: August 19, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 31389 (Sub-307F), filed July 2, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman,

Esquire, P.O. Box 213, Winston-Salem, NC 27102. Regular route transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ticonderoga, NY and New York, NY: from Ticonderoga over NY Hwy. 9N to the junction of U.S. Hwy. 9 to New York (also from Ticonderoga over NY Hwy. 22 to Whitehall, thence over U.S. Hwy. 4 to the junction of U.S. Hwy. 9), and return over the same route; (2) between Albany, NY and Cleveland, OH: from Albany over U.S. Hwy. 20 (also from Albany over NY Hwy. 5 to Auburn, NY) via Buffalo, NY to Cleveland, and return over the same route; (3) between Fishkill, NY and Cleveland, OH: from Fishkill over NY Hwy. 52 to the junction of Interstate Hwy. 84, thence over Interstate Hwy. 84 to the junction of Interstate Hwy. 81, thence over Interstate Hwy. 81 to junction of Interstate Hwy. 80, thence over Interstate Hwy. 80 to the junction of U.S. Hwy. 422, thence over U.S. Hwy. 422 to Cleveland, and return over the same route; (4) between Westfield, NY and New York, NY: from Westfield over NY Hwy. 17 to the junction of NJ Hwy. 17, thence over NJ Hwy. 17 to the junction of NJ Hwy. 4, thence over NJ Hwy. 4 to the junction of U.S. Hwy. 1, thence over U.S. Hwy. 1 to New York, and return over the same route; (5) between Syracuse, NY and Scranton, PA over Interstate Hwy. 81; (6) between Utica, NY and Binghamton, NY over NY Hwy. 12; (7) between Waverly, NY and the junction of U.S. Hwy. 220 and Interstate Hwy. 80: over U.S. Hwy: 220; (8) between Troy, NY and Binghamton, NY over NY Hwy. 7; (9) between Hague, NY and the junction of NY Hwys. 5 and 365: from Hague over NY Hwy. 8 to the junction of NY Hwy. 365 north of Ohio, NY, then over NY Hwy. 365 to the junction of NY Hwy. 5, and return over the same route; (10) between Geneva, NY and the New York-Pennsylvania State Line over NY Hwy. 14; (11) between the junction of U.S. Hwy. 9 and NY Hwy. 9N and the junction of NY Hwys. 17 and 30: from the junction of U.S. Hwy. 9 and NY Hwy. 9N over NY Hwy. 9N to Hadley, NY, then over unnumbered highway to Northville, NY, then over NY Hwy. 30 (also over NY Hwy. 30A via Johnstown, NY to the junction of NY Hwy. 30) to the junction of NY Hwy. 17, and return over the same route; (12) between Cortland, NY and Hudson, NY: from Cortland over NY Hwy. 41 to the junction of NY Hwy. 26, then over NY Hwy. 26 to the junction of NY Hwy. 23, then over NY Hwy. 23 to the junction of NY Hwy. 9G, then over NY Hwy. 9G to Hudson, and return over the same routes; (13) between Oneonta, NY and Poughkeepsie, NY: from Oneonta over NY Hwy. 28 to Kingston, NY, then over U.S. Hwy. 9W to highland, NY, then over U.S. Hwy. 44 to Poughkeepsie, and return over the same route; (14) between Cazenovia, NY and Horseheads, NY over NY Hwy. 13 serving (A) those points in NY on, south, and east of a line beginning at Fort Ticonderoga, NY, and extending along NY Hwy. 8 to its junction with NY Hwy. 365 and thence along NY Hwy. 5 to Geneva, NY, thence along NY Hwy. 14 to the NY–PA State line as intermediate or off-route points in connection with the routes described above, and (B) serving Buffalo and Westfield, NY, Scranton, PA, the junction of U.S. Hwy. 220 and Interstate Hwy. 80 and the junction of NY Hwys. 15 and 17 for purposes of joinder only.

MC 63838 (Sub-10F), filed February 11, 1980, previously noticed in FR issue of April 8, 1980. Applicant: BOLUS MOTOR LINES, INC., 700 North Keyser Ave., Scranton, PA 18508. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. Transporting (1) *bicarbonate of soda, washing componds, cleaning compounds and scouring compounds,* from the facilities of Church & Dwight Co., Inc., at Old Fort and Green Springs, Seneca County, OH, to points in IN, WI, IA, IL, MO, AR, LA, MS, AL, TN, KY, GA, FL, NC, SC, VA, WV, PA, MD, NY, CT, MA, VT, NH, ME, RI, MI, and DC, and (2) *materials, equipment, and supplies* used in the manufacture of the above commodities, in the reverse direction.

Note.—This republication adds Green Springs, OH, to the original publication.

MC 76449 (Sub-30F), filed June 26, 1980. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, PA 17061. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by manufacturers and distributors of electronics, automotive, aerospace and aircraft components, (except commodities in bulk, and those requiring special equipment) between points in Amherst, Augusta, Bedford, Botetourt, Nelson, Roanoke, Rockbridge, and Rockingham Counties, VA, and those in PA in and east of the western boundaries of Tioga, Lycoming, Clinton, Centre, Mifflin, Juniata and Franklin Counties, restricted to traffic originating at or destined to the facilities of AMP, Inc.

MC 108589 (Sub-35F), filed July 1, 1980. Applicant: EAGLE EXPRESS COMPANY, a corporation, 11425 Williamson Road, Cincinnati, OH 45241. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Cookeville and Carthage, TN, from Cookeville over Interstate Hwy 40 to junction TN Hwy 53, then over TN Hwy 53 to Carthage, and return over the same route, and (2) from Cookeville over Interstate Hwy 40 to junction TN Hwy 56, then over TN Hwy 56 to junction TN Hwy 85 to Carthage, and return over the same route, serving in (1) above all intermediate points and serving points in Smith County, TN, as off-route points, and serving in (2) above no intermediate points as an alternate route for operating convenience only and serving the termini for purpose of joinder only.

Note.—Applicant intends to tack with its existing authority.

MC 121298 (Sub-3F), filed June 25, 1980. Applicant: SEAWAY TRANSPORT CO., a corporation, 1149 E. 5th St., Ashtabula, OH 44004. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *general commodities* (except those of unusual value, classes A and B exploseives, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment), between the facilities of The Pinney Dock & Transport Company at Ashtabula, OH, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI).

MC 135678 (Sub-21F), filed May 21, 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. Transporting (1) *canned goods and candies,* (2) *wine,* in container, and (3) *paint* (except in bulk), from points in CA and NV to points in OK.

MC 140409 (Sub-5F), filed June 23, 1980. Applicant: CIRCLE B TRANSPORTATION COPORATION OF NORTH DAKOTA, P.O. Box 207, Wheatridge, CO 80033. Representative: Al Lagerheim (same address as applicant). Transporting *cooked, cured, preserved, and frozen foodstuffs,* between the facilities of Packer Cold Storage, Inc., at (a) Fullerton, La Habra,

and Anaheim, CA, and (b) Laramie, WY, on the one hand, and, on the other points in AL, AZ, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, ND, NE, NJ, NM, NC, OR, OH, OK, PA, SC, SD, TN, TX, UT, WA, WI, WY, and DC.

MC 140768 (Sub-44F), filed August 20, 1979, previously noticed in the Federal Register issue of February 26, 1980 and May 29, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting (1) *malt beverages,* from the facilities of G. Heileman Brewing Company, Inc., at or near Evansville, IN, to points in AL, LA, MS, KY, and TN, (2) (a) *charcoal briquets, vermiculite, active carbon, hickory chips, charcoal lighter fuel, charcoal grills and accessories* for charcoal grills, from the facilities of Husky Industries, Inc., at or near Scotia and Stamford, NY to points in CT, DE, KY, MA, ME, MD, NH, NJ, OH, PA, RI, VA, VT, WV, and DC, and (b) *materials, equipment and supplies* used in the manufacture and distribution of the commodites specified in (2) (a) (except commodities in bulk and those which, because of size or weight, require the use of special equipment), in the reverse direction, (3) *such commodities* as are dealt in or used by grocery, department, and food business houses, (except commodities in bulk and those which, because of size or weight, require the use of special equipment) from the facilities of Lever Brothers Company at or near (a) Baltimore, MD, to points in ME, VT, NH, MA, CT, RI, and OH, and (b) Morrows, GA, to points in AL, restricted in (1), (2)(a) and (3)(a) to traffic originating at the named facilities and destined to the indicated destinations and further restricted in (2)(b) to traffic originating at the indicated origins and destined to the named facilities. (Hearing site: New York, NY.)

Note.—This republication broadens the territorial description of Part 3.

MC 141269 (Sub-2F), filed August 10, 1979, previously noticed in the Federal Register issue of February 26, 1980. Applicant: CHAS. R. MORGAN, INC., 18574 South Highway 99E, Oregon City, OR 97045. Representative: Earle V. White, 2400 SW Fourth Ave., Portland, OR 97201. *Contract carrier,* by transporting *malt beverages,* from Portland, OR, to Carson City and points in Washoe, Douglas, Storey, Lyon, and Churchill Counties, NV, and those points in CA north of Monterey, San Benito, Fresno, and Inyo Counties, under continuing contract(s) with Blitz Weinhard Company, of Portland, OR. (Hearing site: Portland, OR.)

Note.—This republication adds the NV portion to the territory description.

MC 144598 (Sub-3F), filed May 28, 1980. Applicant: C & J TRANSPORT, INC., P.O. Box 42, North Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005. Transporting *such merchandise* as is dealt in by grocery stores and discount houses (except commodities in bulk), from points in MD, DE, PA, NJ, NY, and MA, to points in ME on and south of ME Hwy 6.

MC 145878 (Sub-2F), filed June 26, 1980. Applicant: JOHNNY KNOL TRUCKING COMPANY, INC., Route #1, Box 105-X, Oklahoma City, OK 73111. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *pumps, plastic pipe, and materials, equipment and supplies* used in the manufacture of agricultural water well pump systems, in shipper-owned trailers, from Oklahoma City, OK, to Amarillo, Dallas, and San Antonio, TX, Wichita, KS, and Ft. Smith, AR, under continuing contract(s) with Modern Pipe Inc., of Oklahoma City, OK.

MC 147549 (Sub-2F), filed June 7, 1979. (Republication). Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: James D. Ferguson, 6520 Rollymeade Ave., Cincinnati, OH 45243. *Contract carrier,* transporting *such commodities* as are dealt in or used by retail drug stores, between Louisville KY and Cleveland, TN on the one hand, and, on the other, points in AR, IL, IN, KS, KY, LA, MI, MO, OH, OK, TN, and TX, under continuing contract(s) with SupeRx, Inc., of Cincinnati, OH. NOTE: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary. Dual operations may be involved. (Hearing site: Cincinnati or Columbus, OH.)

Note.—This republication corrects the territorial description as published May 29, 1980.

MC 148709 (Sub-2F), filed May 19, 1980. Applicant: D & H TRUCKING CO., a corporation, Route 2, Box 2161, Nampa, ID 83651. Representative: Stephen L. Beer, 1220 Hays, Boise, ID 83702. Transporting *oil drilling mud compounds,* between Rock Springs, WY, Soda Springs, ID, and Battle Mountain, NV.

MC 149508F, filed June 2, 1980. Applicant: 5 BROTHERS, INC., 767 St. George Ave., Woodbridge, NJ 07095. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743. Transporting *heat resisting materials and refractory products,* (a) from points in DE, CT, MD, MA, NJ, NY, OH, PA, RI, and DC to points in DE, CT, MD, NJ, NY, and PA, (b) from points in NJ to points in OH, (c) from Baltimore, MD, to points in OH, and (d) between points in NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, and DC.

Note.—Applicant seeks to convert its existing permit to a certificate.

MC 150219 (Sub-1F), filed March 7, 1980. Applicant: SILVER EAGLE SERVICES, INC., 577 Meadowlark Lane, Grand Junction, CO 81503. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *such commodities* as are dealt in by drug and pharmaceutical supply houses, between Grand Junction, CO, on the one hand, and on the other, points in San Juan, Grand, Emery, Carbon, Duchesne, Uintah, and Daggett Counties, UT, San Juan County, NM, and Uinta, Sweetwater and Carbon Counties, WY, under continuing contract(s) with C. D. Smith Company, of Grand Junction, CO.

MC 151118 (Sub-2F), filed June 23, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *Footwear, and equipment, materials, and supplies* used in the manufacture and distribution of footwear (except commodities in bulk and those requiring special equipment), between the facilities of Consolidator's Warehouse Co., at or near Brockton, MA, on the one hand, and, on the other, Memphis, TN, and points in AR.

MC 151138 (Sub-2F), filed May 7, 1980. Applicant: CONTRACT DISTRIBUTION SYSTEM, INC., 3181 Bankhead Hwy., Atlanta, GA 30318. Representative: Elliot Alderman, P.O. Box 1181, Roswell, GA 30075. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of resins and foundry core compounds, between the facilities of Delta Oil Products Corporation at or near (a) St. Louis, MO, and (b) Milwaukee, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

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Decided: August 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 28806 (Sub-57F), filed June 26, 1980. Applicant: NORTH & SOUTH

LINES, INC., 2710 So. Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting (1) *such articles* as are dealt in by grocery houses, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) between points in NY, NJ, PA, MD, DE, DC, and that part of WV on and east of U.S. Hwy. 220, on the one hand, and, on the other, points in the U.S.

MC 28808 (Sub-58F), filed June 26, 1980. Applicant: NORTH & SOUTH LINES, INC., 2710 South Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004. Transporting *stoves and fireplace inserts,* and *materials, equipment, and supplies* used in the manufacture of stoves and fireplace inserts, between points in Rockingham County, VA, on the one hand, and, on the other, points in the U.S.

MC 35628 (Sub-434F), filed June 26, 1980. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, P.O. Box 175, 110 Ionia Ave., NW, Grand Rapids, MI 49501. Representative: Michael P. Zell (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Monterey Mills of Tennessee, Inc., at or near Cowen, TN as an off-route point in connection with applicant's presently authorized regular route operations.

MC 106398 (Sub-891F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting (1) *construction materials,* from the facilities of Barclay Industries at (a) Lodi, NJ, to points in AL, AR, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, VT, VA, WV, WI, WY, and DC, (b) Deer Park, NY to points in the U.S.; (c) Los Angeles, CA to points in the U.S.; and (2) *materials and supplies* used in the manufacture of the commodities named in (1) from points in the U.S. to the named facilities in (a), (b), and (c), restricted to traffic originating at or destined to the named facilities.

MC 111839 (Sub-11F), filed June 23, 1980. Applicant: BEE LINE EXPRESS, INC., P.O. Box 388, Birmingham, AL 35203. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Benham Corporation and Skyline Corporation at or near Skyline, AL as off-route point in connection with carrier's existing regular-route authority.

MC 115669 (Sub-199F), filed June 26, 1980. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933 Representative: Wilbur G. Hoyt (same address as applicant). Transporting *salt and salt products,* between the facilities of Morton Salt, Division of Morton-Norwich Products, Inc., at or near Saltair, UT, on the one hand, and, on the other, points in AZ, CO, IA, KS, MN, NE, ND, and SD.

MC 120728 (Sub-8F), filed May 12, 1980. Applicant: MOJAVE TRANSPORTATION CO., 14410 South Avalon Blvd., Gardena, CA 90247. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Transporting (1) *commodities* necessary or incidental to the establishment, maintenance, or dismantling of oil, gas, or water wells, pipe lines, refineries, and cracking or casinghead plants; (2) *construction equipment and materials, and farm equipment;* (3) *commodities,* the transportation of which because of size or weight requires the use of special equipment; (4) *self-propelled articles* (except automobiles, trucks and trailers other than used construction equipment, and parts and related equipment), transported on trailers; (5) *pipe;* and (6) *iron and steel articles,* between points in CA.

Note.—Applicant states that by this application it seeks to convert its Certificate of Registration No. MC 120728 Sub 5 to a certificate of public convenience and necessity. Issuance of a certificate is conditioned upon applicant's written request for the coincidental cancellation of its Certificate of Registration in Sub-No. 5.

MC 130908F, filed May 14, 1980. Applicant: FUGAZY INTERNATIONAL TRAVEL, One Boston Place, Boston, MA 02108. Representative: Lawrence A. Smith (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker* at Boston, MA, in arranging for the transportation by motor vehicle, of *passengers and their baggage,* in charter operations, beginning and ending at points in MA, and extending to points in the U.S. and Canada. (Hearing: Boston, MA.)

MC 136168 (Sub-46F), filed June 19, 1980. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier, transporting meats, meat products, meat byproducts and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK.

MC 139009 (Sub-5F), filed June 10, 1980. Applicant: R & W EXPRESS, INC., P.O. Box 9, 6871 Main St., Lithonia, GA 30058. Representative: James L. Sane (same address as applicant.) Transporting *general commodities,* between points in Hall and Fulton Counties, GA, restricted to traffic having a prior or subsequent movement by rail.

Note.—Applicant intends to tack the sought rights with existing authority at points in Hall County.

MC 140349 (Sub-4F), filed June 6, 1980. Applicant: COPE/BESTWAY EXPRESS, INC., 2024 Harvey Rd., Grand Island, NY 14072. Representative: D. Thomas Cope (same address as applicant). Transporting (1) *abrasives and materials* used in the manufacture of abrasives, (2) *insulating materials and high temperature insulating paper, and materials, used in the manufacture of high temperature insulating materials,* and (3) *refractory products,* between points in MA on the one hand, and, on the other, North Tonawanda, NY, and points in Erie County, NY, under continuing contract(s) with Ferro Corp. Electro Div., of Lackawana, NY, Flex-O-Vit Corp., of Angola, NY, and National Grinding Wheel, Div. Federal Mogul, of North Tonawanda, NY.

MC 144548 (Sub-1F), filed June 27, 1980. Applicant: INDIAN TRUCKING CO., INC., P.O. Box 540, Portage, IN 46368. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier,* transporting *slag,* between points in the U.S., under continuing contract(s) with The Levy Company, Inc., of Portage, IN.

MC 144888 (Sub-14F), filed June 30, 1980. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset St., Somerville, NJ 08876. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *clay,* ground or crude (except in bulk), from Ochlocknee, GA and Ripley, MS to points in DE, NJ, PA, NY, MA, CT, OH, and MI, under

continuing contract(s) with Oil-Dri Corporation of America, of Chicago, IL.

MC 149078 (Sub-1F), filed December 27, 1979. (Republication.) Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *label stock, and equipment, parts and supplies used in the manufacture of label stock* (except commodities in bulk and those requiring special equipment), between Peach Tree City, GA, Fitchburg and Holyoke, MA, International Falls, MN, Akron, Dayton, Hamilton and Painesville, OH, Quakertown, PA, and Rheinlander, WI, on the one hand, and, on the other, the facilities of Fasson, an Avery International Company at Cucamonga, CA.

Note.—This repbulication broadens the territorial description as published April 3, 1980.

MC 149078 (Sub-2F), filed December 27, 1979. (Republication.) Applicant: ROAD WEST, INC., 1315 E. Holt Blvd. (P.O. Box 3637), Ontario, CA 91761. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Transporting *auto parts, and equipment, materials and supplies used in the manufacture, display, sale or merchandising* of auto parts (1) from Lynchburg, VA, to Burlington, IA, and (2) between Lynchburg, VA, and Burlington, IA, on the one hand, and, on the other, points in CA, GA, OR, OH, TX and WA. (Hearing site: Los Angeles, CA.)

Note.—This republication broadens the territorial description as published April 3, 1980.

MC 150318 (Sub-1F), filed May 27, 1980. Applicant: TAYLOR WAREHOUSE & TRUCKING COMPANY, INC., 14615 Anson Avenue, Santa Fe Springs, CA 90670. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* transporting: *plastic materials* (except in bulk), (1) Between De Ridder, LA, Terre Haute, IN, and Mt. Vernon, NY, (2) from De Ridder, LA, Terre Haute, IN, and Mt. Vernon, NY, to points in AZ, CA, CO, NV, OR, TX, UT, and WA, and (3) from Santa Fe Springs, CA, to points in AZ, OR, and WA, under a continuing contract(s) with Ampacet Corporation of Santa Fe Springs, CA. (Hearing site: Los Angeles, CA.)

MC 150359 (Sub-1F), filed June 19, 1980. Applicant: E-TRONIC TRANSPORT & LEASING, INC., 435 Highland St., East Bridgewater, MA 02333. Representative: A. Joseph Mega, 175 Forbes St., East Providence, RI 02915. *Contract carrier* transporting (1) *instrument control panels,* and (2) *raw materials* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Emanon Company, Inc., of Canton, MA.

MC 150599 (Sub-1F), filed July 1, 1980. Applicant: HOWARD AND KEN DeYOUNG, d.b.a. De YOUNG TRUCKING, R. R. 1, Laurens, IA 50554. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *dry animal feed* and *dry animal feed ingredients,* from Laurens, IA, to points in IL, MO, NE, MN, WI, ND, SD, GA, TN, OH, NY, and PA, and (2) *materials and supplies* used in the manufacture of the commodities in (1) (except liquid commodities in bulk), in the reverse direction.

MC 151118F, filed June 30, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting (1) *athletic equipment and supplies,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk and those requiring special equipment), between the facilities of Penn/Athletic Products, a Division of General Tire Corp. at or near Jonesboro, AR, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS, restricted to traffic originating at or destined to the named facilities.

MC 151118 (Sub-1F), filed June 30, 1980. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *footwear* and *materials, equipment and supplies* used in the manufacture and distribution of footwear (except commodities in bulk, and those requiring special equipment), between the facilities of Frolic Footwear, Division of Wolverine Worldwide, Inc. at or near Jonesboro, AR, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, TN, MS, and LA.

MC 151139F, filed June 20, 1980. Applicant: CELESTIAL TRANSPORT, INC., 1780 55th St., Boulder, CO 80301. Representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO. *Contract carrier* transporting (1) *beverages, foodstuffs, and vitamins,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Celestial Seasonings, Inc., of Boulder, CO.

MC 151258F, filed June 18, 1980. Applicant: DAWES TRANSPORT, INC., 8704 West Bonnewell Road, Mequon, WI 53092. Representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring refrigeration, and commodities requiring special equipment) between points in WI, on the one hand, and, on the other, points in CA.

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Decided: August 18, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 32882 (Sub-125F), filed October 1, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Boulevard, P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same as applicant). Transporting *such commodities* as are dealt in or used by machinery, logging and contracting equipment distributors, (except commodities in bulk), between points in the U.S. in and west of MN, WI, IL, MO, AR and LA, (excluding AK and HI), restricted to traffic originating at or destined to the facilities utilized by the Rasmussen Co., Inc.

MC 32882 (Sub-126F), filed October 4, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister (same as applicant). Transporting (1)(a) *commodities* which because of size or weight require the use of special equipment, and (b) *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), when moving in mixed shipments with the commodities named in (1)(a) above, (2)(a) *self-propelled articles* (except automobiles, trucks and buses, other than construction equipment), in truckaway service and (b) *machinery, parts, and supplies* for self-propelled articles, moving in connection with commodities in (2)(a) above, (3) *metal and metal articles,* (4) *pipe* (except iron and steel), and (5) *construction materials,* between points in CA, on the one hand, and, on the other, points in AZ, NM, TX, OK, and LA.

MC 47203 (Sub-3F), filed June 6, 1980. Applicant: PETROLEUM CARRIERS, INC., 86 Westboro Rd., North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Suite 304,

Springfield, MA 01103. Transporting (1) *alcohol*, in bulk, between points in MA, CT, RI, VT, NH, ME, NY, NJ, and PA; and (2) *petroleum and petroleum products*, in bulk, between points in MA, CT, RI, VT, NH, and ME.

MC 110683 (Sub-171F), filed February 28, 1980. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St. NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Meriden, CT and Albany, NY: From Meriden over CT Hwy 66 to junction Interstate Hwy 84, then over Interstate Hwy 84 to junction CT Hwy 8, then over CT Hwy 8 to junction MA Hwy 8, then over MA Hwy 8 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Albany, and return over the same route, serving no intermediate points and (2) serving points in Albany, Columbia, Rensselaer, Saratoga and Schenectady Counties, NY, as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states (a) it intends to tack and interline, and (b) the purpose of this application is to convert irregular-route authority to regular-route.

MC 110683 (Sub-172F), filed March 6, 1980. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St. NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving points in Floyd, Clark, Scott, Jackson, Jennings, Jefferson, Switzerland, Ripley, Ohio, Dearborn, Bartholomew, Decatur, Johnson, Shelby, Rush, Franklin, Fayette, Union, Marion, Hancock, Henry, and Wayne Counties, IN, as intermediate and off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant states the purpose of this application is to (1) convert a portion of irregular-route authority held in MC-110683 Sub 84 to regular-route authority, (2) eliminate a WV gateway, and (3) secure authority in the remainder of the territory described above, but not included in the conversion.

MC 144212 (Sub-4F), filed June 3, 1980. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, Canada NOA 1AO. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. In foreign commerce only, transporting (1) *marble chips, decorative stone, kitty-litter, processed manure, and soil*, and (2) *horticultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526 (a)(6) in mixed loads with the commodities in (1) above, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with (a) J. B. Ogilvie, Inc., (b) Glenn D. Ogilvie Limited, and (c) Life Horticultural Products, Inc., all of Caledonia, Ontario, Canada.

**Volume No. 321**

Decided: August 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2202 (Sub-636F), filed May 2, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Green Bay and Menominee, WI, over U.S. Hwy 41, (2) between Green Bay and Sturgeon Bay, WI, over WI Hwy 57, (3) between Jct. WI Hwy 29 and U.S. Hwy 141, and Jct. WI Hwy 42 and WI Hwy 57: from Jct. WI Hwy 29 and U.S. Hwy 141 over WI Hwy 29 to Jct. WI Hwy 42, then over WI Hwy 42 to Jct. WI Hwy 57, and return over the same route, (4) between Wausau and Wittenberg, WI: from Wausau over U.S. Hwy 51 to Jct. WI Hwy 64, then over WI Hwy 64 to Jct. U.S Hwy 45, then over U.S. Hwy 45 to Wittenberg, and return over the same route, (5) between Eau Claire, WI and Duluth, MN, over U.S. Hwy 53, serving no intermediate points, (6) between St. Paul and Duluth, MN, over U.S. Hwy 61, serving no intermediate points, (7) between St. Paul and Little Falls, MN, over U.S. Hwy 10, serving points in Sherburne, Benton, and Monticellow Counties, Mn and those in Sterns County, MN on and east of MN Hwy 22 as off-route points, (8) between Jct. U.S. Hwys 169 and 10, and Paynesville, MN: from Jct. U.S. Hwys 169 and 10 over U.S. Hwy 169 to Jct. Mn Hwy 23, then over MN Hwy 23 to Paynesville, and return over the same route, serving points in Benton and Sherburne Counties, MN as off-route points, (9) between Sain and Coud and Albany, MN over U.S. Hwy 52, (10) between Minneapolis and Litchfield, MN over U.S. Hwy 12, (11) between Minneapolis, Mn, and, Jct. U.S. Hwy 212 and MN Hwy 15, over U.S. Hwy 212, (12) between Jct. Mn Hwy 5 and U.S. Hwy 212, and Fairfax, MN: from Jct. MN Hwy 5 and U.S. Hwy 212 over MN Hwy 5 to Jct. MN Hwy 19, then over Mn Hwy 19 to Fairfax, and return over the same route, serving Arlington, MN as an off-route point, (13) between Jct. MN Hwy 111 and U.S. Hwy 212, and Jct. Mn Hwys 111 and 19 over MN Hwy 111, (14) between Jct. Mn Hwy 22, and U.S. Hwy 212, and Jct. Mn Hwys 22 and 15 over Mn Hwy 22, (15) between Jct. MN Hwy 15 and U.S. Hwy 12, and Jct. Mn Hwys 15 and 19, over MN Hwy 15, (16) between Jct. Mn Hwy 261 and U.S. Hwy 212, and Jct. MN Hwy 261 and U.S. Hwy 12 over Mn Hwy 261 serving no intermediate points, (17) between Jct. U.S. Hwys 169 and 212, and Winnebago, MN, over U.S. Hwy 169, serving points in Nicollet, Blue Earth, Waseca, and Le Sueur Counties, MN as off-route points, (18) between Jct. Mn Hwy 99 and U.S. Hwy 169, and, Montgomery, MN: from Jct MN Hwy 99 and U.S. Hwy 169 over MN Hwy 99 to Jct. MN Hwy 13, then over MN Hwy 13 to Montgomery, and return over the same route, (19) between New Ulm and Owatonna, MN over U.S. Hwy 14, serving points in Nicollet, Blue Earth, Waseca, and Le Sueur Counties, MN and those in Steele and Rice Counties, MN, on and west of U.S. Hwy 65 as off-route points, (20) between Jct. MN Hwy 60 and Jackson, MN: from Jct. MN Hwy 60 and U.S. Hwy 169 over MN Hwy 60 to Jct. U.S. Hwy 71, then over U.S. Hwy 71 to Jackson, and return over the same route, serving Madelia, St. James, and Windom, MN as intermediate points, (21) between Saint James and Sherburne, MN, over MN Hwy 4, serving no intermediate points, and serving Sherburne for purposes of joinder only, (22) between Jct. Interstate Hwy 90 and U.S. Hwy 65, and, Jackson, MN, over U.S. Hwy 90, serving Blue Earth and Fairmont, MN as intermediate points, (23) between Jct. MN Hwys 15 and 60, and, Jct. MN Hwy 15 and Interstate Hwy 90, over MN Hwy 15, serving no intermediate points, and serving Jct. MN Hwys 15 and 60 for purposes of joinder only, (24) between Albert Lea, MN and Des Moines, IA, over U.S. Hwy 69, serving all intermediate points (except those south of Jct. U.S. Hwys 69 and 18), and serving Blairsburg and Ames, IA for purposes of joinder only, (25) between Albert Lea, MN and Garner, IA: from Albert Lea over U.S. Hwy 65 to Jct. U.S. Hwy 18,

then over U.S. Hwy 18 to Garner, and return over the same route, (26) between Jct. IA Hwy 105 and U.S. Hwy 69, and, Jct. IA Hwy 105 and U.S. Hwy 65, over IA Hwy 105, (27) between Jct. U.S. Hwy 20 and Interstate Hwy 35, and, Fort Dodge, IA, over U.S. Hwy 20, serving points in Webster and Humboldt, Counties, IA on and south of IA Hwy 3, those in Hamilton County, IA on and west of IA Hwy 17, and those in Wright County, IA on and west and south of IA Hwy 17, as off-route points, (28) between Ames and Boone, IA: from Ames over U.S. Hwy 30 to Jct. IA Hwy 164, then over IA Hwy 164 to Boone, and return over the same route, (29) between Sioux Falls, SD and Jct. Interstate Hwy 29 and IA Hwy 2: from Sioux Falls over U.S. Hwy 77 to Jct. Interstate Hwy 29, then over Interstate Hwy 29 to Jct. IA Hwy 2, and return over the same route, serving all intermediate points between Sioux Falls, SD, and Sioux City, IA, and serving Council Bluffs, IA, Jct. Interstate Hwy 29 and U.S. Hwy 34, and Jct. Interstate Hwy 29 and IA Hwy 2, for purposes of joinder only, and serving points in Minnehaha County, SD, those in Lincoln County, SD on and north of U.S. Hwy 18, those in Plymouth County, IA on and west of U.S. Hwy 75 and on and south of IA Hwy 3, and those in Dixon and Dakota Counties, NE on and east of NE Hwy 9, as off-route points, (30) between Yankton, SD, and, Jct. SD Hwy 50 and U.S. Hwy 77, over SD Hwy 50, (31) between Alton and Sioux City, IA: from Alton over IA Hwy 60 to Jct. U.S. Hwy 75, then over U.S. Hwy 75 to Sioux City, and return over the same, serving Lamans, IA as an intermediate point, and serving Orange City and Sioux City, IA for purposes of joinder only, (32) between Lincoln, NE, and, Jct. IA Hwy 2 and U.S. Hwy 71: from Lincoln over NE Hwy 2 to the NE–IA State line, then over IA Hwy 2 to Jct. U.S. Hwy 71, and return over the same route, serving Syracuse and Nebraska City, NE and points in IA as intermediate points, (33) between Jct. U.S. Hwy 34 and Interstate Hwy 29 and Shenendoah, IA: from Jct. U.S. Hwy 34 and Interstate Hwy 29 over U.S. Hwy 34 to Jct. IA Hwy 48, then over IA Hwy 48 to Shenendoah, and return over the same route, serving all intermediate points between Red Oak and Shenendoah, IA, (34) between Seward and Beatrice, NE: from Seward over U.S. Hwy 34 to Jct. U.S. Hwy 77, then over U.S. Hwy 77 to Beatrice, and return over the same route, (35) between Omaha and Cozad, NE: from Omaha over U.S. Hwy 275 to Jct. U.S. Hwy 30, then over U.S. Hwy 30 to Cozad, and return over the same route, serving Valley, Freemont, Columbus, and points between Grand Island and Lexington, NE as intermediate points, (36) between Grand Island and Elm Creek, NE: from Grand Island over U.S. Hwy 34 to Jct. U.S. Hwy 183, then over U.S. Hwy 183 to Elm Creek, and return over the same route, serving Hastings, Minden, and Holdredge, and points between Holdredge and Elm Creek, NE, as intermediate points, (37) between Kearney and Minden, NE: from Kearney over NE Hwy 44 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Minden, and return over the same route serving no intermediate points, (38) between Wentzville and LaGrange, MO, over U.S. Hwy 61, (39) between Vandalia and Louisiana, MO, over U.S. Hwy 54, (40) between Taylor, MO and Quincy, IL, over U.S. Hwy 24, (41) between Hannibal and Cameron, MO, over U.S. Hwy 36, (42) between Macon and Kirksville, MO, over U.S. Hwy 63, (43) between Chilliclothe and Trenton, MO over U.S. Hwy 65, (44) between Salisbury and Paris, MO over U.S. Hwy 24, (45) between Jct MO Hwy 22 and U.S. Hwy 63 and Tipton, MO: from Jct MO Hwy 22 and U.S. Hwy 63 over MO Hwy 22 to Jct U.S. Hwy 54 then over U.S. Hwy 54 to Jct MO Hwy 52 then over MO Hwy 52 to Jct MO Hwy 5 then over MO Hwy 5 to Tipton and return over the same route, (46) between Columbia and Jefferson City, MO over U.S. Hwy 63, (47) between Jct MO Hwy 5 and U.S. Hwy 40 and MO Hwy 13 and U.S. Hwy 15: from Jct. MO Hwy 5 and U.S. Hwy 40 over MO Hwy 5 to Jct MO Hwy 240 then over MO Hwy 240 to Jct. U.S. Hwy 65, then over U.S. Hwy 65 to Jct MO Hwy 7 then over MO Hwy 7 to MO Hwy 13, then over MO Hwy 13 to Jct with U.S. Hwy 50 and return over the same route, (48) between Jefferson City and St. Joseph, MO: from Jefferson City over U.S. Hwy 50 to Kansas City, MO then over U.S. Hwy 71 to St. Joseph, MO, and return over the same route, serving Whitman Air Force Base as an off route point, (49) between Pittsville, MO and Holden, MO over MO Hwy 131, (50) between Aullville and Kansas City, MO: from Aullville over MO Hwy 13 to Jct U.S. Hwy 24 then over U.S. Hwy 24 to Kansas City and return over the same route, (51) between Jct MO Hwy 100 and U.S. Hwy 50 and Hermann, MO over MO Hwy 100, (52) between Jct Interstate Hwy 44 and U.S. Hwy 50 and Owensville, MO over U.S. Hwy 50, (53) between Saint Claire and Marthasville, MO over MO Hwy 47, (54) between Salem and Bland, MO: from Salem over MO Hwy 72 to Jct U.S. Hwy 63 then over U.S. Hwy 63 to Jct MO Hwy 28, then over MO Hwy 28 to Bland, and return over the same route, (55) between Jct MO Hwy 28 and Interstate Hwy 44 and Dixon, MO, over MO Hwy 28, (56) between Saint Robert and Iberia, MO over MO Hwy 17, serving Fort Leonard Wood as an off-route point, (57) between Laque and Richland, MO over MO Hwy 7, (58) between De Sota and Fredericktown, MO: from De Sota over MO Hwy 110 to Jct U.S. Hwy 67, then over U.S. Hwy 67 to Fredericktown, and return over the same route, (59) between Potosi, MO and Jct MO Hwy 51 and Interstate Hwy 55 from Potosi over MO Hwy 8 to Jct MO Hwy 32, then over MO Hwy 32 to Jct U.S. Hwy 61, then over U.S. Hwy 61 to Jct MO Hwy 51, then MO Hwy 51 to Jct Interstate Hwy 55, and, return over the same route, (60) between Lutesville and Advance, MO: from Lutesville over MO Hwy 34 to Jct MO Hwy 72, then over MO Hwy 72 to Jct MO Hwy 74, then over MO Hwy 74 to Jct MO Hwy 25, then over MO Hwy 25 to Advance, and return over the same route, (61) between Cape Girardeau, MO and Cairo, IL: from Cape Girardeau over IL Hwy 146 to Jct IL Hwy 3, then over IL Hwy 3 to Cairo, and return over the same route, serving the termini for purposes of joinder only, (62) between Jct MO Hwys 77 and 25 and Jct U.S. Hwy 61 and Interstate Hwy 55: from Jct of MO Hwy 77 and MO Hwy 25 over MO Hwy 77 to Jct U.S. Hwy 61, then over U.S. Hwy 61 to Jct Interstate Hwy 55, and return over the same route, (63) between Popular Bluff and Charleston, MO, over U.S. Hwy 60, serving Bloomfield, MO as an off-route point, (64) between Dexter and Lilbourn, MO: from Dexter over MO Hwy 25 to Jct U.S. Hwy 62 then over U.S. Hwy 62 to Lilbourn, and return over the same route, serving Parma, MO as an off-route point, (65) between Mountain Grove, MO and Jct U.S. Hwys 60 and 63: from Mountain Grove over U.S. Hwy 60 to Jct MO Hwy 17, then over MO Hwy 17 to Houston, MO, then over U.S. Hwy 63 to Jct U.S. Hwy 60, and return over the same route, (66) between Jct U.S. Hwys 60 and 63 and West Plaines, MO: over U.S. Hwy 63, (67) between Bolivar and Ava, MO: from Bolivar over MO Hwy 13 to Springfield, MO, then over U.S. Hwy 60 to Mansville, MO, then over MO Hwy 5 to Ava, and return over the same route, (68) between Neosho and Springfield, MO over U.S. Hwy 60, (69) between Jct MO Hwy 37 and Interstate Hwy 44, and, Cassville, MO, over MO Hwy 37, (70) between Lamar, MO and Ft. Scott, KS: from Lamar over U.S. Hwy 71 to Jct U.S. Hwy 54, then over U.S. Hwy 54 to Ft. Scott, and return over the same route, (71) between Nevada and Eldorado Springs, MO, over U.S. Hwy 54, (72) between Portageville and Steele,

MO, over U.S. Hwy 61, (73) between Kennett and Caruthersville, MO, over MO Hwy 84, (74) between Seneca and Williamstown, KS: from Seneca over U.S. Hwy 36 to Jct U.S. Hwy 59, then over U.S. Hwy 59 to Williamstown, and return over the same route, (75) between Junction City and Clay Center, KS: from Junction City over U.S. Hwy 40 to Abilene, then over KS Hwy 15 to Clay Center, and return over the same route, serving no intermediate points, and serving Enterprise, KS as an off-route point, (76) between Olathe, KS and Jct U.S. Hwy 169 and KS Hwy 7, over U.S. Hwy 169, serving Paola and Osawtomie, KS as off-route points, (77) between Iola and Chanute, KS: from Iola over U.S. Hwy 54 to Yates Center, then over U.S. Hwy 75 to Jct KS Hwy 39, then over KS Hwy 39 to Chanute, and return over the same route, (78) between Urbana and Fredonia, KS, over KS Hwy 47, (79) between Altoona and Chetopa, KS: from Altoona over U.S. Hwy 75 to Jct U.S. Hwy 160, then over U.S. Hwy 160 to Jct U.S. Hwy 59, then over U.S. Hwy 59 to Chetopa, and return over the same route, (80) between McPherson, KS and Ponca City, OK: from McPherson over U.S. Hwy 81 to Jct U.S. Hwy 160, then over U.S. Hwy 160 to Jct U.S. Hwy 77, then over U.S. Hwy 77 to Ponca City, and return over the same route, serving all intermediate points between McPherson and Wellington, KS and those between Winfield, KS and Ponca City, OK, and Moundridge, KS as an off-route point, (81) between Partridge and Newton, KS, over U.S. Hwy 50, serving Halstead, KS as an off-route point, (82) between Kingman and Eldorado, KS, over U.S. Hwy 54, and (83) serving all intermediate points in routes (1) through (82) above [except as noted in routes (5), (6), (16), (20) through (24), (29), (31) through (33), (35) through (37), (75), and (80) above]. NOTE: Applicant states (a) it intends to tack with its existing authority, and (b) it proposes to interline at gateway points throughout its existing system.

MC 11722 (Sub-73F), filed May 20, 1980. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 272, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 NE Weidler St., Portland, OR 97232. Transporting *liquid sweetner*, in bulk, in tank vehicles, from Harrah, WA, to Missoula, Butte, and Great Falls, MT, and Lewiston, ID.

MC 43593 (Sub-10F), filed June 16, 1980. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Ave., Philadelphia, PA 19114. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of John Wanamaker Company, at Pennsauken, NJ, to Wilmington, DE, New York, NY, and those points in PA in and east of the western boundaries of Tioga, Lycoming, Union, Snyder, Juniata, and Franklin Counties, PA.

MC 110683 (Sub-175F), filed March 25, 1980. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St. NW., Washington, DC 20036. Over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) between Pine Knot, KY and Chattanooga, TN, over U.S. Hwy 27, (2) between Static, KY and Chattanooga, TN, over U.S. Hwy 127, (3) between Cookeville and Chattanooga, TN: from Cookeville over TN Hwy 42 to junction TN Hwy 111, then over TN Hwy 111 to junction TN Hwy 8, then over TN Hwy 8 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Chattanooga, and return over the same route, (4) between junction U.S. Hwy 41-A and Int. Hwy 24 and Nashville TN, over Int. Hwy 24, and (5) between junction U.S. Hwy 31-W and Int. Hwy 65 (near the KY-TN State line) and Nashville, TN, over Int. Hwy 65; over routes (1) through (5) above as alternate routes for operating convenience only, serving no intermediate points. NOTE: Applicant states it intends to tack and interline.

MC 125433 (Sub-353F), filed November 13, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South Redwood Road, Salt Lake City, UT 84104. Transporting (1) *construction equipment and material handling equipment*, from the facilities of The General, Inc., at or near Wichita, KS to points in the US (except AK and HI), and (2) *parts, attachments and accessories* for the commodities listed in (1) above, in the reverse direction.

MC 140952 (Sub-3F), filed March 21, 1980. Applicant: REFRIGERATED EXPRESS, INC., 720 12th St., Huntington, WV 25701. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Transporting *such commodities* as are dealt in or used by food and drug business houses, between Jackson and Pearl, MS, on the one hand, and, on the other, points in MS, those in AR on, south, and east of a line beginning at the Mississippi River and extending along AR Hwy 4 to McGehee, then along U.S. Hwy 65 to junction U.S. Hwy 165, then along U.S. Hwy 165 to the AR-LA State line and extending south along U.S. Hwy 167 to the Gulf of Mexico, and those in AL on, west, and south of a line beginning at the AL-MS State line and extending along U.S. Hwy 80 to junction U.S. Hwy 43, then south along U.S. Hwy 43 to Mobile, then along U.S. Hwy 90 to junction U.S. Hwy 80, then along U.S. 90 to the AL-MS State line.

MC 144572 (Sub-26F), filed October 3, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, a corporation, P.O. Box G, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in NJ and PA to points in CA, CO, and IL, restricted to traffic originating at or destined to the facilities of Delaware Valley Shippers Association, Inc., or its members affiliates.

MC 148622 (Sub-1F), filed April 1, 1980. Applicant: EXPRESS SERVICE, INC., P.O. Box 263, Antioch, TN 37013. Representative: Bryan E. Hubbard (same address as applicant). Transporting (1) *parts, supplies, and accessories*, used in the manufacture of automobile, trucks, farm equipment, earth moving equipment and industrial machinery, (2) *printed matter* (3) such *commodities* which have a prior or subsequent movement by air between Nashville, TN, on the one hand, and, on the other, points in Simpson, Warren, Barren, Allen, Metcalfe, and Monroe Counties, KY, and Montgomery, Robertson, Sumner, Macon, Trousdale, Cheatham, Wilson, Smith, Putnam, Dekalb, White, Williamson, Rutherford, Cannon, Maury, Marshall, Bedford, Lawrence, Giles, Lincoln, Clay, Jackson, Overton, Warren, Coffee, Franklin, and Moore Counties, TN.

MC 149213 (Sub-2F), filed May 6, 1980. Applicant: WARNER ROSS TRUCKING, INC., Route 1, Box 282, Toone, TN 38381. Representative: R. Connor Wiggins, Jr., Suite 909, 100 N. Main Bldg., Memphis, TN 38103. Transporting (1) *crossties, lumber, and lumber mill products*, between those points in TN on and west of the TN River on the one hand, and, on the other, points in IN, KY, GA, MO, MS, AL, IL, and AR; and (2) *log homes*, complete or knocked down, from

Mooreville, MS, to points in AL, AR, GA, IL, IN, KY, and MO.

MC 150622F, filed November 23, 1979. Applicant: INTERSTATE CARTAGE CO., INC., 550 Donaldson Center, Greenville, SC 29605. Representative: John H. Lumpkin, Jr., 1250 SCN Center, Columbia, SC 29201. *Contract carrier,* transporting (1) *plastic bottles, plastic base cups, plastic granules, and plastic preforms, and (2) equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S. under continuing contract(s) with Seawell Plastic Company, Inc., of Mauldin, SC. (Hearing site: Columbia, SC, or Charlotte, NC.)

Volume No. OP4–019

Decided: August 15, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Jones not participating.

MC 111687 (Sub-39F), filed June 5, 1980. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., R #1, Kawkawlin, Michigan 48631. Representative: Benjamin H. Ruegsegger (address same as applicant). Transporting *malt beverages* from the facilities of Pabst Brewing Company at Peoria, IL to points in the Lower Peninsula of MI and Points in IN.

MC 119777 (Sub-483F), filed June 19, 1980, previously noticed in the Federal Register issue of July 24, 1980. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85—East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *commodities which because of size or weight require the use of special equipment,* between (a) the facilities of C–G Mixer Company and U.S. Smelting Furnace Co., at or near Belleville, IL, and (b) E. St. Louis, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct the territorial description.

MC 125996 (Sub-93F), filed May 27, 1980. Applicant: GOLDEN TRANSPORTATION, INC., 2200 South 400 West, Salt Lake City, UT 84125. Representative: William J. Lawson, P.O. Box 26908, Salt Lake City, UT 84125. Transporting *frozen potato products,* from Connell and Moses Lake, WA, Nampa, ID, and Hermiston, OR, to Independence, MO.

MC 147536 (Sub-16F), filed August 6, 1979. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting (1) *insulation, insulating materials, lead, silicate, litharge, sublimed lead, zinc oxide, fertilizer and feed compounds,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in AL, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, SC, SD, TN, TX, WI, and WY, restricted to traffic originating at or destined to the facilities of Eagle Picher Industries, Inc.

MC 147657 (Sub-4F), filed January 31, 1980. Applicant: FLEETCO INC., 801 N. Interstate Hwy 85, Charlotte, NC 28216. Representative: W. G. Reese III, P.O. Box 3004, Charlotte, NC 28203. Transporting *lumber and forest products,* between the facilities of Vanply Inc., at or near Charlotte, NC, on the one hand, and, on the other, points in NC and SC.

MC 149167 (Sub-3F), filed April 24, 1980. Applicant: MAVERICK RENTING & LEASING, INC., 105 Howell St., Jersey City, NJ 07306. Representative: Arthur J. Piken, 95–25 Queens Blvd., Rego Park, NY 11374. Transporting *such commodities* as are used in the manufacture and distribution of bakery products (except commodities in bulk), between the facilities of Entenmann's, Inc., at North Lake, IL, and points in PA, GA, and NY.

MC 149406F, filed January 24, 1980. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *vegetable oils, vegetable meals* and *by-products* thereof, between the facilities of Cargill, Inc., at or near Riverside, ND, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

Volume No. OP4–020

Decided: August 15, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 114457 (Sub-578F), filed June 30, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, Minnesota 55114. Representative: James H. Wills (same address as applicant). Transporting *railway lubricating pads,* from Baltimore, MD, to Atlanta, GA, Indianapolis, IN, and Houston, TX.

MC 114457 (Sub-579F), filed June 30, 1980. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). Transporting (1) *pet food,* from Hopkins and Mankato, MN, and Louisville, KY to those points in the U.S. in and east of MT, WY, CO, and NM; and (2) *flour* (except in bulk), from Mankato, MN, and Rapid City, SD, to those points in the U.S. in and east of MT, WY, CO, and NM, restricted in (1) and (2) above to traffic originating at the facilities of Hubbaed Milling Company.

Volume No. OP4–021

Decided: August 21, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 11207 (Sub-557F), filed May 21, 1980, and previously noticed in the FR issue of July 17, 1980. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of or used by CIBA–GEIGY Corporation at or near Birmingham, Mobile, and McIntosh, AL, Baton Rouge, Port Allen, and St. Gabriel, LA, and Memphis, TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Note.—This republication is to correctly reflect the territorial description.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26233 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

**Volume No. OP1-018**

Decided: August 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 6031 (Sub-59F), filed August 15, 1980. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Ave., Milwaukee, WI 53204. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S., under continuing contract(s) with Associated Grocers, Inc., of New Berlin, WI.

MC 61440 (Sub-196F), filed August 12, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), (1) between Amarillo, TX, and Los Angeles, CA; from Amarillo, TX over Interstate Hwy 40 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Los Angeles, CA, and return over the same route; (2) between Kingman, AZ, and Las Vegas, NV, over U.S. Hwy 93; (3) between Flagstaff and Phoenix, AZ, over Interstate Hwy 17, serving Prescott, AZ as an off-route point; (4) between Denver, CO, and El Paso, TX, from Denver, CO over Interstate Hwy 25 to Las Cruces, NM, then over Interstate Hwy 10 to El Paso, TX, and return over the same route; (5) between Denver, CO, and junction Interstate Hwys 15 and 10, from Denver, CO over Interstate Hwy 70 to junction Interstate Hwy 15, then over Interstate Hwy 15 to junction Interstate Hwy 10, and return over the same route; (6) between junction Interstate Hwys 70 and 15 and Salt Lake City, UT, over Interstate Hwy 15; (7) between Denver, CO, and Sacramento, CA, from Denver, CO over Interstate Hwy 25 to Cheyenne, WY, then over Interstate Hwy 80 to Sacramento, CA, and return over the same route, serving Wendover, UT as an off-route point, and serving all intermediate points in connection with routes (1) to (7) above, and (8) serving Salt Lake City and points in Utah, Salt Lake, Weber, Cache, Morgan and Rich Counties, UT as off-route points in connection with routes (6) and (7) above.

Note.—Applicant intends to tack the sought rights to its existing authority. Applicant presently serves the termini on routes (1), (3), (4), (5) and (7). The purpose of this application is to obtain short routes for fuel economy on the numbered routes and obtain intermediate point authority.

MC 19311 (Sub-70F), filed August 15, 1980. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 58077. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL. 60603. (A) Over *regular routes,* transporting *general commodities,* (except household goods as defined by the Commission, classes A and B explosives, and liquid commodities in bulk), (1) between Buffalo, NY, and junction US Hwy 11 and NY Hwy 31, from Buffalo over NY Hwy 33 to junction NY Hwy 31, then over NY Hwy 31 to junction US Hwy 11, and return over the same route; (2) between Buffalo and Dunkirk, NY, over US Hwy 20; (3) between the junction of the NY-PA State Line and US Hwy 11 and the junction of US Hwy 11 and the NY-VT State Line; (4) between the junction of the IL-WI State Line and US Hwy 51 and junction US Hwy 51 and the WI-MI State Line; (5) between the junction of the MI-WI State Line and US Hwy 2 and junction US Hwy 28 and Interstate Hwy 75; (6) between Milwaukee, WI, and junction US Hwy 2 and Interstate Hwy 75, from Milwaukee over US Hwy 41 to junction US Hwy 2, then over US Hwy 2 to junction Interstate Hwy 75, and return over the same route; (7) between junction IL Hwy 1 and Interstate Hwy 64 and Buffalo, NY, from junction IL Hwy 1 and Interstate Hwy 64 over Interstate Hwy 64 to junction US Hwy 219, then over US Hwy 219 to Buffalo, and return over the same route; (8) between South Bend, IN and Louisville, KY; (9) between Cincinnati, OH and Metropolis, IL, from Cincinnati over Interstate Hwy 75 to junction US Hwy 62, then over US Hwy 62 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Metropolis, and return over the same route; (10) between Cincinnati, OH, and junction Interstate Hwy 65 and US Hwy 62, from Cincinnati over Interstate Hwy 71 to junction Interstate Hwy 65, then over Interstate Hwy 65 to junction US Hwy 62, and return over the same route; and (11) between Indianapolis, IN, and junction Interstate Hwy 70 and US Hwy 40, serving in routes (1) through (11) points in OH, IN, IL, KY, MI, and WI, those in NY on, west, and north of US Hwy 11, and those in PA and WV on and west of US Hwy 219 as intermediate and off-route points in connection with carrier's otherwise authorized regular route operations; and (B) Over *irregular routes,* transporting *general commodities,* (except household goods as defined by the Commission, classes A and B explosives, and liquid commodities in bulk), between points in OH, IN, IL, KY, MI, and WI, those points in NY on, west, and north of US Hwy 11, and those points in PA and WV on and west of US Hwy 219 on the hand, and, on the other, points in the US.

MC 61231 (Sub-178F), filed August 14, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *paint, paint products, solvents, cleaners, varnishes, lacquers;* (2) *plastic articles;* and (3) *materials, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in AR, AZ, CO, ID, IL,

IN, IA, KS, KY, LA, MI, MO, MT, MS, NE, NM, ND, OH, OK, OR, SD, TN, TX, WI, WA and WY, restricted to traffic originating at or destined to the facilities of Valspar Corporation and its subsidiaries.

MC 61231 (Sub-179F), filed August 14, 1980. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *such commodities* as are dealt in or used by printing plants, between the facilities of Meredith Printing, Division of Meredith Corporation, at Des Moines, IA, on the one hand, and, on the other, points in CO, KS, MO, ND, NE, OK, SD, and TX.

MC 75320 (Sub-231F), filed August 18, 1980. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AL, AR, LA, and MS.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 78400 (Sub-90F), filed August 15, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting (1) *charcoal;* and (2) *materials and supplies* used in the manufacture and distribution of charcoal, between Steelville, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 103051 (Sub-486F), filed August 18, 1980. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Transporting *chemicals,* in bulk, between Brunswick, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 109101 (Sub-11F), filed August 11, 1980. Applicant: J. H. MARKS TRUCKING CO., INC., P.O. Box 2192, Odessa, TX 79760. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *oil field equipment and supplies,* between points in TX.

MC 113861 (Sub-82F), filed August 14, 1980. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Ave., Memphis, TN 38106. Representative: James N. Clay III, 2700 Sterick Bldg., Memphis, TN 38103. Transporting *liquefied petroleum gas,* in shipper-owned trailer, from West Memphis, AR, to Jeffersonville, IN, and points in AL, FL, GA, KY, LA, MO, MS, NC, SC, TN, and VA. Condition: The certificate to be issued in this proceeding shall be limited, in point of time, to a period expiring 5 years from date of issuance.

MC 115651 (Sub-90F), filed August 18, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *alcohol,* in bulk, in tank vehicles, (1) from Decatur, IL, to points in MN, NE, SD, and WI, and (2) from Peoria, IL, to points in IA, MN, NE, SD, and WI.

MC 123900 (Sub-7F), filed August 15, 1980. Applicant: DORIC TRANSPORTATION CORP., 370 E. 76th Street, New York, NY 10021. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, between points in the U.S., under continuing contract(s) with American Book-Stratford Press, Inc., and its wholly owned subsidiaries, Graphic Arts Warehouses, Inc., H. Wolff Book Manufacturing Co., Inc., Saddle Brook Warehouses, Inc., Stratford Book Creators, Inc., American-Stratford Graphic Services, Inc., and Nivram Corp., all of New York, NY.

MC 124511 (Sub-67F), filed August 14, 1980. Applicant: OLIVER MOTOR SERVICE, INC., P.O. BOX 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603. Transporting *coal,* between points in IA, IL, MO, and OK.

MC 128290 (Sub-11F), filed August 18, 1980. Applicant: EARL HAINES, INC., P.O. Box 2557, Winchester, VA 22601. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Transporting (1) *containers,* from points in WV, to points in MD, NJ, NY, PA, and VA, and (2) *materials and supplies* used in the manufacture and distribution of containers, in the reverse direction.

MC 133490 (Sub-14F), filed August 14, 1980. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *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., under a continuing contract(s) with Minnetonka, Inc., of Minnetonka, MN.

MC 135861 (Sub-84F), filed August 15, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting (1) *alcoholic and non-alcoholic beverages,* and (2) *materials, equipment, and supplies* used in the distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with (a) Faith Distributing Co., of Ennis, TX, (b) Longhorn Liquors, Ltd., of Arlington, TX, (c) Central Beverage, Inc., of Dallas, TX, (d) Metro Beer Distributing Company, of Fort Worth, TX, (e) Penland Distributors, Inc., of Dallas, TX, and (f) Julius Schepps Wholesale Liquors, of Dallas, TX.

MC 139460 (Sub-32F), filed August 11, 1980. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Representative: J. Fred Relyea (same address as applicant). Transporting (1) *commodities in bulk* (except edibles), (2) *building materials,* and (3) *propane storage tanks,* (a) between points in CT, ME, MA, NH, NY, RI, and VT, (b) from points in CT, ME, MA, NH, NY, RI, and UT, to points in DE, IL, IN, KY, MD, MI, NJ, NC, OH, PA, SC, TN, VA, WV, and WI, and (c) from the destination points named in (b) above, to points in CT, ME, MA, NH, NY, RI, and VT. Condition: Issuance of a certificate in this proceeding is subject to (1) the coincidental cancellation at applicant's written request of its Permit in MC-139460 and Subs 13, 15, 17, 21, 23, 26, 28, 29, and 31, and (2) the withdrawal at applicant's written request of any of the proceedings still pending in MC-134730 Subs 29 and 31.

MC 140511 (Sub-12F), filed August 14, 1980. Applicant: AUTOLOG CORPORATION, 319 West 101 Street, New York, NY 10025. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. Transporting *motor vehicles,* in truckaway service, between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation of certificates Nos. MC-140511 Subs 2, 5 and 9.

MC 144631 (Sub-2F), filed August 15, 1980. Applicant: HVH TRANSPORTATION, INC., d.b.a. THACKER TRANSPORTATION, 4201 East 52nd Ave., Commerce City, CO 80022. Representative: Richard P. Kissinger, 50 South Steele St., Denver, CO 80209. Over regular routes,

transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between Denver and Lamar, CO, from Denver over Interstate Hwy 25 to Pueblo, CO, then over U.S. Hwy 50 to Lamar, CO, and return over the same route, serving all intermediate points and the off-route point of Pueblo West, CO, (2) between Denver, CO, and junction CO Hwy 83 and Interstate Hwy 25, over CO Hwy 83, serving all intermediate points.

MC 145841 (Sub-21F), filed August 14, 1980. Applicant: CAYOTE TRUCK LINE, INC. 501 Sam Ralston Rd., Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Chicago, IL, to Houston, TX, (2) between Dallas, TX, on the one hand, and, on the other, Los Angeles, CA, and (3) from points in GA, NC, TN, SC, and VA to Lenoir, NC, and points in AZ, CA, NV, and UT, restricted to traffic originating at or destined to the facilities of Terminal Freight Cooperative Association or its member affiliates.

MC 146251 (Sub-5F), filed August 12, 1980. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightville, GA 31096. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye St., NW., Washington, DC 20006. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores, between points in AL, AR, CT, DE, FL, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC, on the one hand, and, on the other, points in GA.

MC 146251 (Sub-6F), filed August 12, 1980. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightville, GA 31096. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye St., NW., Washington, DC 20006. Transporting (1) *moulded plastic articles,* and (2) *materials, equipment and supplies* used in the manufacture of moulded plastic articles, between points in Emanuel County, GA, and Darke County, OH.

MC 147810 (Sub-2F), filed August 15, 1980. Applicant: POWELL TRUCKING CO., INC., 117 Wilson Avenue, Grove Hill, AL 36451. Representative: Robert E. Tate, PO Box 517, Evergreen, AL 36401. Transporting *lumber and particleboard,* between points in AL, FL, GA, MS, NC, SC, LA, TN, and TX.

MC 149510F, filed August 14, 1980. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV, 26003. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Joy Manufacturing Company of Pittsburgh, PA.

MC 150331 (Sub-1F), filed August 14, 1980. Applicant: RPH, INC., 801 W. Pioneer St., Champaign, IL 61820. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Transporting *malt beverages,* in containers, between points in the U.S., under continuing contract(s) with (a) C & H Distributing Co., Inc., (b) R & H Distributing Co., Inc., (c) Champaign Distributing Company, Inc., all of Champaign, IL, (d) Twin Rivers Distributing Co., Inc., of Alton, IL, and (e) H & I Distributing Company of Redmon and Champaign, IL.

MC 150451 (Sub-1F), filed August 14, 1980. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: George Cole (same address as applicant). Transporting *manufactured wood products,* between points in the U.S., under continuing contract(s) with Solon Manufacturing Co., Inc., of Solon, ME.

MC 151191 (Sub-1F), filed August 14, 1980. Applicant: ESPENSCHIED TRANSPORTATION CORPORATION, 322 South 600 East, Centerville, UT 84014. Representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, CO 80203. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contract(s) with J. C. Penney Co., Inc., of New York, NY.

MC 151530F, filed August 11, 1980. Applicant: AMERICAN BACKHAULERS COMPANY, 407 South Dearborn, Room 985, Chicago, IL 60605. Representative: Paul Loeb (same address as applicant). Transporting *coal, nonmetallic minerals, except fuels, clay, concrete, glass or stone products, primary metal products, including galvanized, except coating or allied processing, rubber and plastics,* between points in the U.S., under continuing contract(s) with Warren Sand Company Inc. and American Filter Sand Co., Inc., of Chicago, IL.

**Volume No. OP2-023**

Decided: August 19, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 8973 (Sub-69F), filed August 5, 1980. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10084. Transporting *petroleum products,* and *plastic materials,* in containers, between points in IL and IN, on the one hand, and, on the other, points in CA, and those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 52473 (Sub-12F), filed August 4, 1980. Applicant: BEHNKE, INC., 77 South Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *paper and paper products,* between points in the U.S. under continuing contract(s) with Crown Zellerbach Corporation, of South Glen Falls, NY.

MC 52932 (Sub-35F), filed August 6, 1980. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, PA 19446. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Phillipsburg, NJ and Baltimore, MD, on the one hand, and, on the other, points in PA, on and east of U.S. Hwy 15.

MC 69052 (Sub-44F), filed August 13, 1980. Applicant: REED TRUCKING CO., a corporation, P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW. Washington, DC 20004. Transporting *foods* as described in Item 20 of the Standard Transportation Commodity Code Tariff between those points in Philadelphia and York Counties, PA, on the one hand, and, on the other, those points in Somerset, Wicomico, and Dorchester Counties, MD.

MC 106863 (Sub-1F), filed August 11, 1980. Applicant: BACON MOTOR EXPRESS, INC., P.O. Box 11207, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *crumbs and cracker meal,* in packages, *bakery goods,* (except frozen) *cereal preparations, boxes, potato chips, and ice cream cones,* between point in the U.S., under continuing contract(s) with Sunshine Biscuits, Inc., of Sayreville, NJ.

MC 115162 (Sub-537F), filed August 6, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant).

Transporting *metal can ends*, from points in PA, to points in LA and MS.

MC 117883 (Sub-270F), filed August 4, 1980. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Robert Von Aschen, P.O. Box 62, Versailles, OH 45380. Transporting *plastic and plastic articles* (except commodities in bulk, in tank vehicles), from points in Midland County, MI, to points in Summit County, OH.

MC 117883 (Sub-271F), filed August 11, 1980. Applicant: SUBLER TRANSFER, INC., One Vista Drive, Versailles, OH 45380. Representative: Robert Von Aschen, P.O. Box 62, Versailles, OH 45380. Transporting *meat and meat products*, from Finney County, KS, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, NE, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC.

MC 118202 (Sub-159F), filed August 7, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Edina, MN 55435. Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS; to points in CT, DE, ME, MD, MA, NJ, NH, NY, PA, RI, VT, VA, WV, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, SD, WI, and DC.

MC 128633 (Sub-28F), filed August 7, 1980. Applicant: LAUREL HILL TRUCKING CO., a corporation, 614 New County Rd., Secaucus, NJ 07094. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Transporting *paper and chemicals* and *materials, supplies* and *equipment* used in the manufacture of paper and chemicals, between points in the U.S., under a continuing contract(s) with Sterling Drug, Inc., of New York, NY, and its Divisions and Subsidiaries.

MC 130983F, filed August 7, 1980. Applicant: J & L ENTERPRISES, 242 Sable Dr., P.O. Box 1147, Ft. Myers, FL 33902. Representative: Linda W. Jubin (same address as applicant). To operate as a *broker* at Ft. Myers, FL, in interstate or foreign commerce, to arrange for the transportation by motor vehicle, of passengers and their baggage, between points in FL, on the one hand, and, on the other, points in the U.S.

MC 133233 (Sub-77A), filed August 6, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy. 50, P.O. Box 37306, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). Transporting (1) *Lumber products and wood products*, and (2) *pulp, paper, and allied products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Champion International Corporation, of Hamilton, OH.

MC 139193 (Sub-117F), filed August 5, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K St. NW, Washington, DC 20006. Transporting *bananas, fresh, frozen, and hermetically sealed in cans or drums*, between points in the U.S., under continuing contract(s) with Chiquita Brands, Inc., of Montvale, NJ.

MC 141532 (Sub-91F), filed August 6, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting *primary metal products*, as described in Item 33 of the Standard Transportation Commodity Code Tariff, and *fabricated metal products*, (except ordnance) as described in Item 34 of the Standard Transportation Commodity Code Tariff, between points in Salt Lake County, UT, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 142513 (Sub-9F), filed August 11, 1980. Applicant: BIRK TRANSFER, INC., 360 Wheatland Ave., Conemaugh, PA 15909. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting: (1) *railroad car and locomotive wheels*, and (2) *materials and supplies* used in the manufacture of railroad car and locomotive wheels, between points in Somerset County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143993 (Sub-7F), filed August 11, 1980. Applicant: BLACK HILLS TRUCKING, INC., 106 River Cross Rd., Casper, WY 82601. Representative: Manuel A. Lojo, 106 River Cross Rd., Casper, WY 82601. Transporting *petroleum*, in bulk, in tank vehicles, from points in Hutchison County, TX, to points in Harper and Ellis Counties, OK.

MC 144363 (Sub-11F), filed August 5, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st St., South Sioux City, NE 68776. Representative: George L. Hirschbach (address same as applicant). Transporting *such commodities* as are dealt in by retail stores and mail order houses, and *materials and supplies* used in conducting such business, between points in the U.S., under continuing contract(s) with (1) The Fingerhut Corporation, of St. Cloud, MN, (2) Ardan Wholesale, Inc., of Des Moines, IA, (3) Modern Merchandising, Inc., of Minneapolis, MN, and (4) Dayton's, of Minneapolis, MN.

MC 145773 (Sub-4F), filed August 4, 1980. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *fabricated metal products*, between points in the U.S., under continuing contracts(s) with D.A.B. Industries, Inc., of Troy, MI.

MC 147003 (Sub-10F), filed August 4, 1980. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68801. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting (1) *steel building*, knocked down or in sections, and *components, parts, materials, supplies and fixtures* for steel buildings, from the facilities used by Conrad American, Inc., at Houghton, IA, to points in the U.S. (except AK and HI), and (2) *materials, parts and supplies* used in the manufacture of steel buildings (except commodities in bulk, in tank vehicles), in the reverse direction.

MC 149503F, filed July 28, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Transporting *meat, meat products, meat byproducts and articles* distributed by meat packinghouses as decribed in section 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 hides), between points in the U.S., under continuing contract(s) with Iowa Beef Processors, Inc., at or near Emporia, Holcomb and Wichita, KS.

MC 150293 (Sub-2F), filed August 13, 1980. Applicant: CLARE L. BENDER, 809 Flora, Prescott, AZ 86301. Representative: Donald E. Fernaays, 4040 East McDowell Rd., Suite 320, Phoenix, AZ 85008. Transporting: *alcoholic beverages* (except in bulk), from those points in CA in and south of the Counties of Marin, Sonoma, Napa, Solano, Sacramento, and El Dorado, to Phoenix, AZ.

MC 150432 (Sub-2F), filed August 12, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 & 70, London, OH 43140. Representative:

Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036. Transporting *steel strapping*, from Columbus, OH, to points in the U.S., under continuing contract(s) with Samuel Strapping Systems, Inc., of Columbus, OH.

MC 151033 (Sub-1F), filed August 13, 1980. Applicant: GLENN MITCHELL d.b.a. MITCHELL TRUCKING CO., 1409 S. Eleventh Street, Ozark, MO 65721. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. Transporting *sand and lime*, in bulk (1) from points in Christain and Greene Counties, MO, to points in AR and OK, and (2) from points in Muskogee County, OK, to points in MO.

MC 151053 (Sub-1F), filed August 12, 1980. Applicant: SOUTHWEST FREIGHT, INC., 9005 Spikewood Drive, Houston, TX 77078. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. 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), moving on bills of lading of the Charter Oak Shippers Cooperative Association, Inc., between Dallas and Houston, TX, on the one hand, and, on the other points in TX, OK, LA, and AR.

MC 151323 (Sub-1F), filed August 11, 1980. Applicant: WESTLAND INDUSTRIES, INC., P.O. Box 296, Liberty, MO 64068. Representative: Author J. Cerra, 2100 TenMain Center, P.O. Box 11951, Kansas City, MO 64141. Transporting *crude petroleum, natural gas, or gasoline*, as described in Item 13 of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with Midland Energy Corp., of Liberty, MO.

MC 151463F, filed August 5, 1980. Applicant: BIGBEE TRANSPORTATION, INC., 2025 Hwy 45 North, Columbus, MS 39701. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) *paper, paper products, and wood pulp*, from points in Lowndes County, MS, to points in the U.S., and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, (except commodities in bulk, in tank vehicles).

MC 151483F, filed August 7, 1980. Applicant: LOVE'S TRUCKING, INC., 1841 East State Route 55, Troy, OH 45373. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Transporting *fabricated metal products* (except ordinance, machinery or transportation equipment), between points in Butler, Clark, Franklin, Montgomery, and Warren Counties, OH, and Mercer County, PA, on the one hand, and, on the other, points in GA, IN, IL, KY, TN and OH.

MC 151523, filed August 11, 1980. Applicant: NORTH EAST TRANSFER, INC., P.O. Box 384, Totowa, NJ 07512. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 West Duval St., Jacksonville, FL 32202. Transporting (1) *footwear and footwear accessories* and (2) *materials and supplies* used in the distribution and display of footwear, between points in the U.S. under continuing contract(s) with Meldisco Division of Melville Corporation, of Hackensack, NJ. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 151532F, filed August 11, 1980. Applicant: DONAL TRANSPORTATION CO., INC., 1016 East 18th St., North Kansas City, MO 64116. Representative: Donald J. Quinn, Suite 900 1012 Baltimore, Kansas City, MO 64105. Transporting (1) *foods*, as described in Item 20 of the Standard Transportion Commodity Code Tariff, (2) *paper and paper products*, as described in Item 26 of the Standard Transportation Commodity Code, (3) *printed matter*, as described in Item 27 of the Standard Transportation Commodity Code Tariff, (4) *Chemicals*, as described in Item 28 of the Standard Transportation Commodity Code Tariff, (5) *petroleum and petroleum products*, as described in Item 29 of the Standard Transportation Commodity Code Tariff, (6) *clay, concrete, glass or stone products*, as described in Item 32 of the Standard Transportation Commodity Code Tariff, (7) *containers*, as described in Item 42 of the Standard Transportation Commodity Code Tariff, and (8) *hazardous materials* as described in Item 49 of the Standard Transportation Commodity Code Tariff, between points in IA, KS, MO, NE, and OK.

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Decided: August 20, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 106074 (Sub-154F), filed August 11, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Hwy 221 South, P.O. Box 727, Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting *petroleum products and chemicals*, in containers, from points in Wyandotte County, KS, to points in FL, GA, NC, and SC, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, in the reverse direction.

MC 106674 (Sub-497F), filed August 14, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, and household goods as defined by the Commission), between those points in the U.S. In and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of United States Gypsum Company.

MC 114725 (Sub-113F), filed August 11, 1980. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th St., Omaha, NE 68110. Representative: Greg A. Dickinson, 7171 Mercy Rd., Suite 610, Omaha, NE 68106. Transporting *chemicals*, in bulk, in tank vehicles, between points in the U.S. (except AK and HI).

MC 117644 (Sub-57F), filed August 14, 1980. Applicant: D & T TRUCKING CO., INC., 498 First St., N.W., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Minnetonka, Inc.

MC 117644 (Sub-58F), filed August 8, 1980. Applicant: D & T TRUCKING CO., INC., 498 First St., N.W., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Land O'Lakes, Inc., of Minneapolis, MN.

MC 119815 (Sub-23F), filed August 8, 1980. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., P.O. Box 579, Bedford, IN 47421. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., under continuing contract(s) with

Kaiser Aluminum & Chemical Corp., of Oakland, CA.

MC 129645 (Sub-84F), filed August 14, 1980. Applicant: SMEESTER BROS., INC., 1330 South Jackson St., Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting (1) *machinery and mining supplies,* and (2) *clay, concrete, glass, and stone products,* between points in MI, MN, and WI, on the one hand, and, on the other, points in AL, AZ, CA, FL, IL, IN, MD, MI, MN, MS, NH, OH, PA, TX, WI, and WV.

MC 136315 (Sub-134F), filed August 11, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) *forest products, lumber, cross-ties, particleboard, insulation board, insulation sheets, gypsom wallboard,* and *laminated wood products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of Weyerhaeuser Company.

MC 140645 (Sub-18F), filed August 14, 1980. Applicant: UNITED TRUCKING, INC., P.O. Box 398, Tallapoosa, GA 30716. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *bakery goods,* between points in the U.S., under continuing contract(s) with Keebler Company, Inc., of Elmhurst, IL.

MC 145715 (Sub-16F), filed August 11, 1980. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Rd., Van Buren, AR 72965. Representative: Elaine M. Conway, 10 S. LaSalle St., Chicago, IL 60603. Transporting *plastic film,* between points in AR, IL, IN, and OH.

MC 147805 (Sub-1F) filed August 12, 1980. Applicant: CLIFFORD PIERCE, WILLIAM PARKS & GORDON KEATS, d.b.a. VALLEY FREIGHT, P.O. Box 6303, Modesto, CA 95355. Representative: James H. Gulseth, 100 Bush St., 21st Fl., San Francisco, CA 94104. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in CA, restricted to traffic having a prior to subsequent movement by air via a foreign air carrier.

MC 15064 (Sub-1F), filed August 14, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Highway 280 East, Americus, GA 31709. Representative: Carl E. Melton (same address as applicant). Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between Macon, Cordele, and Columbus, GA, on the one hand, and, on the other, points in Harris, Talbot, Meriwether, Upson, Monroe, Crawford, Bibb, Twiggs, Bleckley, Dodge, Houston, Peach, Macon, Marion, Chattahoochee, Schley, Pulaski, Talfair, Wilcox, Dooly, Crisp, Sumter, Webster, Stewart, Quitman, Terrell, Lee, Turner, Ben Hill, Irwin, Tift, Colquitt, Worth, Mitchel, Baker, Dougherty, Early, Calhoun, Clay, Randolph Counties, GA, restricted to traffic having a prior or subsequent movement by rail.

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Decided: Aug. 15, 1980.

By the Commission. Review Board Number 1, Members Carleton, Joyce and Jones.

MC 21866 (Sub-176F), filed August 11, 1980. Applicant: MOST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *automotive parts, assessories* and *supplies,* between points in DE, MD, MI, NJ, NY, OH, PA, VA, and WV, restricted to traffic originating at or destined to the facilities of Chrysler Corporation, Service and Parts Division, or its dealers.

MC 59806 (Sub-19F), filed August 11, 1980. Applicant: GROSS & HECHT TRUCKING, INC., 35 Brunswick Ave., Edison, NJ 08817. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with Rotelle, Inc., of Spring House, PA.

MC 92306 (Sub-29F), filed August 8, 1980. Applicant: JOHNSON BROTHERS TRUCKERS, INC., 1858 9th Ave., N.E., Hickory, NC 28601. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. Transporting (1) *electrical equipment and parts,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between points in RI, MA, CT, NY, and NC, on the one hand, and, on the other, points in NC and GA.

MC 113106 (Sub-98F), filed August 11, 1980. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Transporting (1) *apple products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the apple products, between points in Shenandoah County, VA, on the one hand, and, on the other, and those points in the U.S. in and east of TX, OK, MO, IA, and MN.

MC 117686 (Sub-288F), filed August 11, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 920 West 21st St., South Sioux City, NE 68776. Representative: Robert A. Wichser (same address as applicant). Transporting *automobile accessories,* between points in Shelby County, TN, on the one hand, and, on the other, points in Lancaster County, NE, and Minnehaha County, SD.

MC 126346 (Sub-45F), filed August 11, 1980. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Elaine M. Conway, 10 So. LaSalle, St., Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of lawn and garden products, between points in the U.S., under continuing contract(s) with AMF Lawn & Garden Division, of Des Moines, IA.

MC 129897 (Sub-7F), filed August 11, 1980. Applicant: M.S.B.P., Inc., P.O. Box 8, Papillion, NE 68406. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except household goods, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Peter Cooper Corporations, of Oak Creek, WI, and its subsidiaries.

MC 143127 (Sub-74F), filed August 11, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of W. R. Grace & CO.

MC 147536 (Sub-24F), filed August 7, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AR, MO, OK, and TX, on the one hand, and, on the other, points in AL, AR, FL,

GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NC, OH, OK, SC, TN, TX, and WI.

MC 147536 (Sub-25F), filed August 11, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant). Transporting *paper and paper products,* and *materials, equipment and supplies* used in the manufacture and distribution of paper and paper products, between points in AL, AZ, AR, CA, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, PA, SD, TN, TX, and WI.

MC 148307 (Sub-2F), filed August 11, 1980. Applicant: ED H. BURGENER, P.O. Box 386, La Porte, CO 80535. Representative: Richard S. Mandelson, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *nonmetallic minerals, except fuels,* and *clay, concrete, glass or stone products* as described in Items 14 and 32 of the Standard Transportation Commodity Code Tariff, between points in CO and WY.

MC 148517 (Sub-2F), filed August 11, 1980. Applicant: CENTRAL MICHIGAN TRUCKING, INC., 3801 36th St., Grand Rapids, MI 49508. Representative: Michael P. Zell, P.O. Box 175, Grand Rapids, MI 59503. Transporting (1) *furniture, appliances, fixtures, new furnishings* (except household appliances), *floor padding and covering,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between those points in the U.S. in and east of MN, IA, and MO, and those in and north of KY and VA.

MC 149506 (Sub-1F), filed August 5, 1980. Applicant: SOUTHERN PARK LIMO SERVICE, INC., 133 Boardman-Poland Rd., Boardman, OH 44512. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 150496 (Sub-3F), filed August 11, 1980. Applicant: P.A.M. TRANSPORT, INC., P.O. Box 188, Tontitown, AR 72770. Representative: Paul A. Maestri (same address as applicant). Transporting *such commdities* as are dealt in or used by home improvement centers, and *materials, equipment, and supplies* used in their manufacture and distribution, from points in the U.S. (except AK and HI), to points in AR, MS, MO, and OK.

MC 150626 (Sub-1F), filed August 11, 1980. Applicant: HAROLD IVES TRUCKING CO., a corporation, P.O. Box 885, Hwy 79 East, Stuttgart, AR 72160. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting *foodstuffs,* between points in Hudson County, NJ, on the one hand, and, on the other, points in TX, LA, and FL.

Agatha C. Mergenovich,
*Secretary.*

[FR Doc. 80-26231 Filed 8-27-80; 8:45 am]
BILLING CODE 7035-01-M

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[Volume No. OP1-021]

## Motor Carrier, Permanent Authority Decisions; Decision-Notice

Decided: August 22, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

*Findings*

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha L. Mergenovich,
*Secretary.*

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 113981 (Sub-15F), filed August 14, 1980. Applicant: VEGAS TRUCKING CO., a corporation, 2853 Cedar Street, Las Vegas, NV. Representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 320, Phoenix, AZ 85008. Transporting *general commodities* (except used household goods, hazardous or secret materials, and munitions), for the United States Government, between points in the U.S.

MC 130990F, filed August 18, 1980. Applicant: LLOYD MULLINS, d.b.a. MULLCO, Rt. 2, Box 110, Terrell, TX 75160. Representative: Stephen G. Davis, 4607 Bridlewood Dr., Dallas, TX 75211. *Broker* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 130991F, filed August 18, 1980. Applicant: DOMESTIC & INTERNATIONAL TRANSPORTATION SERVICES, 1944 Scranton Rd., Cleveland, OH 44113. Representative: Arthur E. Gogol, 7723 Greenwich Rd., Lodi, OH 44254. *Broker,* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 140460 (Sub-8F), filed August 18, 1980. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006. Transporting *general commodities* (except used household

goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

MC 143701 (Sub-27F), filed August 20, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting *foodstuffs,* between points in LA, on the one hand, and, on the other, those points in the U.S. in and east of NM, CO, WY, and MT.

MC 149520F, filed August 18, 1980. Applicant: ERNST TRUCKING, 2002 South Hiway 281, Aberdeen, SD 57401. Representative: Patti A. Ernst (same address as applicant). Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

[FR Doc. 80-26297 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carriers; Permanent Authority Decisions; Decision-Notice

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Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before October 14, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

### Volume No. OP1-020

Decided: August 22, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 2900 (Sub-429F), filed August 18, 1980. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Over regular routes, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission) described in item 51 of the Standard Transportation Commodity Code Tariff (1) between Dallas, TX, and San Diego, CA, over U.S. Hwy 80, (2) between Oklahoma City, OK, and Los Angeles, CA, over U.S. Hwy 66, (3) between Ft. Worth, TX, and Portland, OR, from Ft. Worth over U.S. Hwy 287 to jct. U.S. Hwy 30, then over U.S. Hwy 30 to jct. U.S. Hwys 30N and 30S, then over U.S. Hwy 30N (also U.S. Hwy 30S) to jct. U.S. Hwy 30, then over U.S. Hwy 30 to Portland, and return over the same route, (4) between Denver, CO, and San Francisco, CA, over U.S. Hwy 40, (5) between Denver, CO, and Barstow, CA, from Denver over U.S. Hwy 6 to jct. U.S. Hwy 91, then over U.S. Hwy 91 to Barstow, and return over the same route, (6) between Denver, CO, and Amarillo, TX, from Denver over U.S. Hwy 85 to Las Cruces, NM, then over U.S. Hwy 70 to Clovis, NM, then over U.S. Hwy 60 to Amarillo, and return over the same route, (7) between the jct. U.S. Hwy 30 and U.S. Hwy 89 and Nogales, AZ, over U.S. Hwy 89, (8) between Los Angeles, CA, and Spokane, WA, from Los Angeles over U.S. Hwy 99 (Also Interstate Hwy 5) to Seattle, then over U.S. Hwy 10 to Spokane, and return over the same route, (9) between San Bernardino, CA, and Ellensburg, WA, from San Bernardino over U.S. Hwy 395 to jct. CA Hwy 36, then over CA Hwy 36 to U.S. Hwy 99, then over U.S. Hwy 99 to jct. U.S. Hwy 97, then over U.S. Hwy 97 to Ellensburg, and return over the same route, and (10)) between Los Angeles, CA, and Wickenburg, AZ, over U.S. Hwy 60, serving all intermediate points and those in CA, OR, and WA as off-route points in connection with routes (1) to (10) above.

Note.—Applicant intends to take the sought rights to its existing authority.

MC 61231 (Sub-180F), filed August 18, 1980. Applicant: EASTERN ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. Box 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309, Transporting (1) *tires, tire tubes, tire valves, wheels and wheel weights,* (a) between Des Moines, IA, on the one hand, and, on the other, points in AR, LA, KY, MS, NM, OH and WY, and (b) from points in AZ, CO, IL, IN, KS, MI, MN, MO, MT, ND, NE, OK, SD, TN, TX, and WI, to Des Moines, IA, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Des Moines, IA, on the one hand, and, on the other, points in AR, AZ, CO, IL, IN, KS, KY, LA, MI, MN, MO, MS, MT, ND, NE, NM, OH, OK, SD, TN, TX, WI and WY.

MC 119991 (Sub-37F), filed August 19, 1980. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *hides,* from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S. (except AK and HI), restricted to traffic originating at the named facilities.

MC 120380 (Sub-3F), filed August 20, 1980. Applicant: GARVEY TRANSPORT, INC., 2 Water St., Holbrook, MA 02343. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting (1) *such commodities* as are dealt in or used by retail drug outlets and retailers of building materials, between points in CT, ME, MA, NH, RI, and VT, restricted to traffic originating

at or destined to the facilities of (a) Osco Drug Inc., and (b) Grossman's Division of Evans Products, and (2) *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 MA. Condition: Issuance of a certificate in this proceeding shall be subject to coincidental cancellation at applicant's written request, of its Certificate of Registration No. MC-120380 Sub. No. 2.

MC 125951 (Sub-64F), filed August 20, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *meats, meat products, meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S.

MC 126140 (Sub-9F), filed August 20, 1980. Applicant: TRANS-PETRO, INC., Box 124, Wood River, IL 62905. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *road oil and asphalt,* between points in the U.S., under continuing contract(s) with Louis Marsch, Inc., of Morrisonville, IL. Condition: Issuance of a permit in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its permit in MC-126140 Sub-8.

MC 127840 (Sub-168F), filed August 18, 1980. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. Transporting *non-exempt food and kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Will County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139900 (Sub-3F), filed August 20, 1980. Applicant: L. CAPONE TRUCKING, INC., New Freedom-New Brooklyn Road, Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Rd. and Cottman St., Jenkintown, PA 19046. Transporting *building materials,* between points in the U.S., under continuing contract(s) with Atlas Building Systems, Division of Atlas Corporation, of Marlton, NJ.

MC 142830 (Sub-10F), filed August 20, 1980. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, West Chicago, IL 60185. Representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, DC 20001. Transporting *such commodities* as are dealt in or used by horticultural suppliers, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Jiffy Products of America, of West Chicago, IL.

MC 145441 (Sub-119F), filed August 11, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same address as applicant). Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and those requiring special equipment), from the facilities of the Ohio Valley Shippers Association at points in IN, KY, and OH to points in the U.S. (except AK and HI).

MC 146360 (Sub-25F), filed August 19, 1980. Applicant: FLOYD SMITH JR. TRUCKING, INC., 4415 Highline St., Suite 107, Oklahoma City, OK 73148. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *paper and paper products,* between points in CA, MN, NH, and WI, on the one hand, and, on the other, points in ID, MT, OR, WA, and UT.

MC 147811 (Sub-6F), filed August 19, 1980. Applicant: FLO-JO CONTRACTING, INC., P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant). Transporting *lumber,* between points in the U.S., under continuing contract(s) with Can-Am Lumber Co., of Skowhegan, ME.

MC 148200 (Sub-5F), filed August 19, 1980. Applicant: FREIGHT MASTERS, INC., 2828 Lafayette Road, Indianapolis, IN 46222. Representative: John R. Bagileo, 918 16th St. NW., Washington, DC 20006. Transporting (1) *electrical appliances and equipment,* and (2) *parts* for electrical appliances and equipment, between points in the U.S., under continuing contract(s) with RCA Corporation, of Cherry Hill, NJ.

MC 148891 (Sub-2F), filed August 19, 1980. Applicant: WESTERN HOT SHOT, INC., 1084 East Northern Hills Drive, Bountiful, UT 84010. Representative: David S. Cook, 85 West 400 North, Bountiful, UT 84010. Transporting (1) *equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and (2) *materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in WY, UT, ID, MT, WA, OR, CA, NV, AZ, CO, NM, TX, LA, MI, OK, KS, NE, SD, and ND.

MC 149521F, filed August 15, 1980. Applicant: HAPPY HAULERS, LTD., P.O. Box 127, Johnston, IA 50131. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *petroleum products and alcohol,* between points in the U.S., under continuing contract(s) with Ma & Pa Stores, Inc., and Pothoven Oil, Inc., both of Oskaloosa, IA.

MC 150500 (Sub-1F), filed August 19, 1980. Applicant: VINCE PROCOPIO, d.b.a. PROCOPIO & SONS, P.O. Box 251, Newcastle, CA 95658. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting *motor vehicles,* in secondary movements, in truckaway and driveaway service, between points in the U.S., under continuing contract(s) with Jim Taylors Auto-Body, of Santa Fe Springs, CA.

MC 151310 (Sub-1F), filed August 19, 1980. Applicant: HAROLD R. SNYDER, Rural route 1, Converse, IN 46919. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *animal and poultry feeds,* between points in Kosciusko County, IN, on the one hand, and, on the other, points in MI.

**Volume No. OP2-027**

Decided: August 21, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 16903 (Sub-84F), filed August 19, 1980. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47402. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *machinery,* and (2) *materials and supplies* used in the manufacture and distribution of machinery, between points in Madison County, IN, on the one hand, and, on the other, points in the U.S.

MC 20492 (Sub-10F), filed August 18, 1980. Applicant: FRANCIS P. RYAN CORPORATION, 30 Bernhard Road, North Haven CT 06473. Representative: Sidney L. Goldstein, 109 Church St., New Haven CT 06510. Transporting *contractors' equipment, machinery, supplies, and materials,* (except commodities in bulk and cement), between points in CT on the one hand, and, on the other, points in DE, MD, NJ,

PA, WV, VA, KY, NC, SC, GA, FL, and DC.

MC 47583 (Sub-130F), filed August 19, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting (1) *paper and paper products, containers, container closures and components, and scrap materials,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Woodburry County, IA, Rock Island County, IL, St. Louis County, MO, Hamilton County, OH, Shelby County, TN, Muskogee County, OK, Dallas, Tarrant, and Harris Counties, TX, and Jefferson County, LA, on the one hand, and, on the other, points in the U.S.

MC 104523 (Sub-80F), filed August 19, 1980. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *bentonite, bentonite clay,* and *drilling mud compounds;* and (2) *materials, supplies,* and *equipment* used in the manufacture of the commodities in (1) above, between Greybull and Lovell, WY, on the one hand, and, on the other, points in AR, IL, KS, MO, NE, OK, and TX, restricted to traffic originating at or destined to the facilities of Wyo-Ben, Inc.,

MC 107323 (Sub-65F), filed August 19, 1980. Applicant: GILLILAND TRANSFER CO. a corporation, 7180 W. 48th St., Fremont, MI 49412. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting (1) *water soluble lubricants* and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk) between Fremont, MI, on the one hand, and, on the other, points in the U.S.

MC 108223 (Sub-36F), filed August 18, 1980. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Drive, St. Paul, MN 55112. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55492. Transporting (1) *charcoal, charcoal briquettes, and barbecue accessories,* and (2) *equipment, materials and supplies* used in the manufacture or distribution of the commodities listed in (1) above, between points in Stark County, ND, on the one hand, and, on the other, points in the U.S.

MC 112713 (Sub-309F), filed August 19, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records, (same as applicant). Transporting *general commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities of unusual value and those requiring special equipment), between points in Bates County, MO, on the one hand, and, on the other, points in the U.S.

MC 112963 (Sub-88F), filed August 14, 1980. Applicant: ROY BROS., INC., 764 Boston Rd., Pinehurst, MA 01866. Representative: Leonard E. Murphy, (same address as applicant). Transporting *commodities,* in bulk, between points in the U.S.

MC 118803 (Sub-20F), filed August 19, 1980. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Rd., Kings Park, NY 11754. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of perfunes and cosmetics, (except commodities in bulk), between points in the U.S. under continuing contract(s) with Chanel, Inc, of Piscataway, NJ.

MC 121272 (Sub-9F), filed August 18, 1980. Applicant: HESS TRUCKING CO., a corporation, 1000 West Chocolate Ave., Hershey, PA 17033. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk, those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), from the facilities of Dauphin Distribution Services Co., in Cumberland County, PA to points in PA.

MC 124062 (Sub-20F), filed August 19, 1980. Applicant: FRICK TRANSPORT, INC., General Delivery, Wawaka, IN 46794. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *liquid aluminum sulphate,* between points in Marion County, IN, on the one hand, and, on the other, points in IL, KY, MI, and OH.

MC 127042 (Sub-302F), filed August 15, 1980. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis, (same address as applicant). Transporting *non-exempt food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Woodbury County, IA, Finney and Lyon Counties, KS, Blue Earth and Martin Counties, MN, and Douglas County, NE, on the one hand, and, on the other, points in the U.S.

MC 127042 (Sub-303F), filed August 18, 1980. Applicant: HAGEN, INC., P.O. Box 3208, Sioux City, IA 51102. Representative: Joseph B. Davis (same as applicant). Transporting *non-exempt food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code, between points in Plymouth, Sioux, and Woodbury Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 128652 (Sub-19F), filed August 19, 1980. Applicant: LARSON TRANSFER AND STORAGE CO., INC., 10700 Lyndale Ave. South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, 920 E West 21st St., South Sioux City, NE 68776. Transporting *chain saws, snow-throwers, and garden, lawn, turf and golf course care equipment,* between points in the U.S., under continuing contract(s) with The Toro Company, of Minneapolis, MN.

MC 129282 (Sub-56F), filed August 19, 1980. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75606. Representative: Fred S. Berry (same address as applicant). Transporting *mill products and mill supplies and materials and supplies* used in the manufacture, repair and distribution of mill products and mill supplies, between points in the U.S. on the one hand, and, on the other, points in AR, LA, MS, OK, and TX.

MC 135052 (Sub-30F), filed August 18, 1980. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster St., Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting *water closets and faucets,* (1) from Decatur, MI, to point in AZ, FL, IN, NC, NV, OK, and TX, and (2) from Greensburg, IN, to points in AZ, FL, MI, NC, NV, OK, and TX.

MC 135283 (Sub-65F), filed August 15, 1980. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., 432 South Stuhr Rd., P.O. Box 2122, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. Transporting (1) *agricultural equipment,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between point in Platte County, NE, on the one hand, and, on the other, points in the U.S.

MC 138882 Sub 373F, filed August 15, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081 Representative: John J.

Dykema (same address as applicant). Transporting (1) *malt beverages and metal cans*, and (2) *materials, equipment, and supplies* use in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of the Jos. Schilitz Brewing Company, at or near (a) Winston-Salem, NC, (b) Tampa, FL, (c) Longview, TX, and (d) Memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141532 (Sub-93F), filed August 15, 1980. Applicant: PACIFIC STATES TRANSPORT, INC. 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting (1) *lumber or wood products;* except furniture, (2) *rubber or miscellaneous plastic products,* (3) *clay, concrete, glass or stone products,* (4) *primary metal products;* including galvanized; except coating or other allied processing, (5) *fabricated metal products;* except ordnance, and (6) *machinery and supplies,* as described in Items 24, 30, 32, 33, 34, and 35 of the Standard Transportation Commodity Code Tariff, respectively, between points in the U.S.

MC 143002 (Sub-21F), filed August 19, 1980. Applicant: C.D.B., INCORPORTATED, 155 Spaulding, S.E. Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting, *general commodities* (classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with American Seating Company, of Grand Rapids, MI.

MC 143233 (Sub-7F), filed August 19, 1980. Applicant: DENNY TRANSPORT, INC., 3405 Industrial, Parkway, Jeffersonville, IN 47130. Representative: David G. Abraham, Suite 304, 6400 Goldsboro Rd., Washington, DC 20034. Transporting, *inedible animal grease, tallow, oil,* and *stearine,* and *tall oil,* in bulk, in shipper-owned tank vehicles, between points in the U.S., under continuing contract(s) with Geo. Pfau's Sons Company Inc., of Jeffersonville, IN.

MC 144203 (Sub-6F), filed August 15, 1980. Applicant: HERMAN BROS., INC., 2565 St. Marys Ave., Omaha, NE 68101. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives) between points in the U.S. under continuing contract(s) with MG Burdett Gas Products Company, of Norristown, PA.

MC 144622 (Sub-183F), filed August 19, 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. Transporting *such commodities* as are dealt in by variety and good business houses between points in Pulaski County, AR, on the one hand, and, on the other, points in the U.S.

MC 144672 (Sub-24F), filed August 18, 1980. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper, paper products, and pulp, between points in McMinn County, TN, on the one hand, and, on the other, points in AR, KS, LA, MS, OK, and TX.

MC 144672 (Sub-25F), filed August 19, 1980. Applicant: VICTORY EXPRESS, INC., Trotwood, OH 45426. Representative: Richard Schaefer (same address as applicant). Transporting (1) *business forms, office equipment, office supplies,* and *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the U .S. (except AK and HI), restricted to traffic originating at or destined to the facilities of The Standard Register Company.

MC 144693 (Sub-6F), filed August 15, 1980. Applicant: GLENN'S TRUCK SERVICE, INC. No. 1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *foodstuffs* (except commodities in bulk), from the facilities of Sunmark, Inc., at or near (a) St. Louis, MO, and (b) Itasca, IL, to points in the U.S.

MC 146213 (Sub-8F), filed August 15, 1980. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 East Wisconsin Ave., Milwaukee, WI 53202. Transporting *such commodities* as are dealt in or used by manufacturers, converters, and printers of paper and paper products, between points in Portage and Wood Counties, WI, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 148433 (Sub-3F), filed August 19, 1980. Applicant: GENERAL PARTS EXPRESS, INC., P.O. Box 243, Hanover, MD 21076. Representative: Frank B. Hand, Jr., P.O. Box 2018, Winchester, VA 22601. Transporting automotive accessories and *such commodities* as are dealt in or used by distributors of automotive parts (except commodities in bulk) between points in the U.S. under continuing contract(s) with General Motors Corporation (General Motors Parts Division), of Flint, MI.

MC 148763 (Sub-3F), filed August 18, 1980. Applicant: GRIBBLE BROS. RENTAL SERVICE, INC., 4958 Atlanta Rd. SE., Smyrna, GA 30080. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *forest products, lumber, and particleboard,* between points in AL, FL, GA, SC, and TN.

MC 150822 (Sub-1F), filed August 18, 1980. Applicant: FLEXIBLE TRANSPORTATION, INC., 18 Hackensack Ave., S. Kearny, NJ 07032. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410. Transporting (1) *cable television installation and transmission equipment,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of cable television installation and transmission equipment, between points in the U.S., under continuing contract(s) with Anixter-Pruzan, of Wharton, NJ.

MC 151552 (Sub-1F), filed August 18, 1980. Applicant: B & B TRANSPORT, INC., 1301 West 6th St., Mishawaka, IN 46544. Representative: Sanford M. Brook, Suite 710 JMS Bldg., South Bend, IN 46601. Transporting *petroleum, petroleum products, and coal products,* between points in the U.S., under contract(s) with (a) Berreth Oil, Inc., of Mishawaka, IN, (b) Bellman Oil, Inc., of Bremen, IN, and (c) Devine Oil, Inc., of New Paris, IN. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall be limited to a period expires 5 years from its date of issue.

**Volume No. OP3-007**

Decided: August 13, 1980.

By the Commission Review Board Number 3, Members Parker, Fortier, and Hill.

MC 1824 (Sub-127F), filed August 4, 1980. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, between points in Onondago County, NY, on the one hand, and, on the other, points in CT, DE, ME, MD,

MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, and DC.

MC 15975 (Sub-31F), filed August 1, 1980. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). Transporting (1) *automobile parts* and (2) *materials, supplies, and equipment* used in the manufacture of motor vehicles, between the facilities of Ford Motor Company, at or near Detroit, MI, on the one hand, and, on the other, St. Louis, MO.

MC 42605 (Sub-6F), filed August 1, 1980. Applicant: CARL H. BETZ, R.D. No. 1, Orefield, PA 18069. Representative: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104. Transporting *gypsum rock*, in bulk, in dump vehicles, from Canden, NJ to points in Berks, Lehigh and Northampton Counties, PA.

MC 52704 (Sub-278F), filed July 31, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *pulp, paper, and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and conversion of commodities in (1) above, between Atlanta, GA, and New Orleans, LA, and points in Crawford and Sebastian Counties, AR, Maricopa County, AZ, Los Angeles and Orange Counties, CA, Dougherty County, GA, Kankakee County, IL, Ouachita County, LA, Kent and Shiawassee Counties, MI, Clay, Jackson, and Platte Counties, MO, Washoe County, NV, Guilford County, NC, Hamilton County, OH, and Dallas County, TX, on the one hand, and, on the other, points in the U.S.

MC 52704 (Sub-279F), filed August 1, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting (1) *wearing apparel*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of wearing apparel, between points in Randolph County, AL, on the one hand, and, on the other, points in the U.S.

MC 73165 (Sub-520F), filed August 4, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd St., Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *metal products*, and (2) *machinery, equipment, and supplies* used in the manufacture and distribution of metal products, between VA and PA, on the one hand, and, on the other, points in the U.S.

MC 94265 (Sub-360F), filed August 4, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *foodstuffs*, from points in Baltimore County, MD, and Fulton, Clayton, DeKalb, Cobb and Douglas Counties, GA, to points in AR, KS, LA, TX, and OK and those in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi river to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada; and (2) *materials, equipment, and supplies* used in the manufacture of foodstuffs, in the reverse direction.

MC 94265 (Sub-361F), filed August 4, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting (1) *clothing*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodity named in (1) above, (1) between Paris, TX; Memphis, TN; Burlington, NJ, and Hamilton, AL; (2) between Hominy, OK, and Minneapolis, MN; and (3) from points in NC, SC, GA, and TN, to Minneapolis, MN.

MC 107515 (Sub-1391F), filed August 1, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., Atlanta, GA 30326. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in the U.S.

MC 111045 (Sub-185F), filed August 1, 1980. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). Transporting *chemicals and plastics*, between points in Santa Rosa County, FL, and points in the U.S., in and west of TX, OK, KS, NE, SD, and ND.

MC 113874 (Sub-4F), filed July 31, 1980. Applicant: GIBLERT TRANSFER COMPANY, P.O. Box 12687, Winston-Salem, NC 27107. Representative: A. W. Flynn, Jr., 314 S. Eugene St., P.O. Box 180, Greensboro, NC 27402. Transporting *corrugated boxes and paper displays*, between points in the U.S., under continuing contract(s) with Southern Corrugated Box Corporation of Winston-Salem, NC.

MC 114725 (Sub-112F), filed July 30, 1980. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th St., Omaha, NE 68110. Representative: Donald L. Stern, 7171 Mercy Road, Suite 610, Omaha, NE 68106. Transporting *dinitro phenol solution* (in bulk, in tank vehicles), from points in Tunica County, MS, to points in CA and AZ.

MC 116004 (Sub-60F), filed August 4, 1980. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant). Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), serving Stillwater, OK as an off-route point in connection with carrier's otherwise-authorized regular-route operations.

MC 116045 (Sub-53F), filed August 5, 1980. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, WY 82301. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1600 Lincoln St., Denver, CO 80264. Transporting *petroleum and coal products* as described in Item 29, and *chemicals and allied products* as described in Item 28 of Standard Transportation Commodity Tariff, between points in WY on the one hand, and, on the other, points in AZ, CO, ID, MT, NE, NM, SD, and UT.

MC 121664 (Sub-129F), filed August 1, 1980. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: William E. Grant, 1702 First Ave. South, Birmingham, AL 35233. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 139294 (Sub-7F), filed August 1, 1980. Applicant: H. T. L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Pete M. Hanna, P.O. Box 122, Fairfield, AL 35064. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in KS, OK, TX, IL, MO, AR, LA, MI, IN, KY, TN, MS, AL, PA, WV, MD, VA, NC, SC, GA, FL, and DC.

MC 140174 (Sub-6F), filed August 1, 1980. Applicant: BROOKS TRUCKING, INC., P.O. Box 187, East North St., Vanlue, OH 45890. Representative: Richard H. Brandon, P.O. Box 97, 220 W.

Bridge St., Dublin, OH 43017. Transporting (1) *steel tubing*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of steel tubing, between points in the U.S., under continuing contract(s) with Copperweld Corporation of Pittsburgh, PA.

MC 141914 (Sub-85F), filed August 6, 1980. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. N.W., Washington, DC 20001. Transporting (1) *printed matter*, and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of printed matter, between points in Cook and DuPage Counties, IL, Muscatine County, IA, Lake and Marion Counties, IN, Fayette and Woodford Counties, KY, Bristol County, MA, Westchester County, NY, and Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 142954 (Sub-10F), filed August 4, 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. Transporting *meats, meat products and meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between points in the U.S., under continuing contract(s) with Glenn Brothers Meat Company, Inc., of Richardson, TX.

MC 145914 (Sub-7F), filed August 6, 1980. Applicant: COASTAL TRUCK LINES, INC., How Lane, New Brunswick, NJ 08903. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting (1) *containers and container closures* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between points, in the U.S. under continuing contract(s) with National Can Corporation, Piscataway, NJ.

MC 145955 (Sub-8F), filed August 4, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 7101 Mercy Rd., Suite 106, Omaha, NE 68106. Transporting *meats, meat products, meat byproducts, and articles* distributed by meat packing houses, as described in Section A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in Clay and Pottawattamie Counties, IA, on the one hand, and, on the other, points in IL, IN, MI, and WI.

MC 145955 (Sub-9F), filed July 30, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 7101 Mercy Rd., Suite 106, Omaha, NE 68106. Transporting *meats, meat products, meat byproducts, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, NE, ND, and SD.

MC 145955 (Sub-9F), filed August 5, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 7101 Mercy Rd., Suite 106, Omaha, NE 68106. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Peoria and Tazwell Counties, IL, on the one hand, and, on the other, points in IA, KS, MN, MO, NE, and SD.

MC 146774 (Sub-2F), filed August 4, 1980. Applicant: ARTHUR F. COOPER, d.b.a. COOPER BOAT MOVING CO., 1664 W. 9th St., Long Beach, CA 90813. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. Transporting (1) *yachts and boats*, and (2) *parts, materials, equipment, and supplies* used for the commodities in (1) above, between points in Los Angeles County, CA; on the one hand, and, on the other, points in WA and OR.

MC 150345 (Sub-1F), filed July 30, 1980. Applicant: LUMBER SALES, INC., 3500 W. Flamingo Rd., Las Vegas, NV 89103. Representative: John Paul Fisher, 256 Montgomery St., 5th Floor, San Francisco, CA 94104. Transporting *gypsum and gypsum products, and supplies* used in the installation of the foregoing commodities, from points in Clark County, NV, to points in OR, WA, CA, and ID.

MC 151395 (Sub-1F), filed August 1, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *traffic marking paints*, from Atlanta, GA, Marble Falls, TX, and Montgomery and Pennsdale, PA, to points in the U.S., and (2) *materials and supplies* used in the manufacture and distribution of traffic marking paints, in the reverse direction.

MC 151395 (Sub-2), filed August 4, 1980. Applicant: SNEAKER FREIGHT LINE, INC., 4215 Thurman Rd., P.O. Box 768, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Transporting (1) *bread-making compounds and cooking oils*, from Atlanta, GA, to points in the U.S., and (2) *materials, equipment and supplies* used in the manufacture or distribution of commodities named in (1) above, in the reverse direction.

MC 151425F, filed July 30, 1980. Applicant: DEAN WEDGEWOOD, d.b.a. IRON LINE, P.O. Box 141, Jackson, NE 68743. Representative: Robert A. Wischer, 920 West 21st St., South Sioux City, NE 68776. Transporting *waste or scrap materials not identified by industry producing*, between points in IL, IA, MN, MO, NE, and SD.

MC 151465F, filed filed august 4, 1980. Applicant: RAY BENDIT TRUCKING & MOVING, INC., 57 Middle St., Woonsocket, RI 02895. Representative: Leo Benoit, 55 Fabien St., Woonsocket, RI 02895. Transporting (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and points in RI, MA, NH, and CT, and (2) *household goods*, between points in NH, RI, MA, NY, PA, NJ, CT, DE MD, VA, NC, SC, GA, FL, and DC.

Agatha L. Mergenovich,
*Secretary.*

[FR Doc. 80-26298 Filed 8-27-80; 8:45 am]
BILLING CODE 7035-01-M

## Motor Carrier Finance Application; 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 pubished in the Federal Register.

Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record.

*Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

*We find* with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or 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 the proposed transaction should be authorized as stated below. Except where specificially 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 ensure 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 as 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: August 21, 1980.

By the Commission, Review Board Number 5, Members Krock Taylor and Williams. (In MC-60580 (Sub-No. 42F), Member Taylor voted to publish with an impediment to reflect that it cannot be considered directly related to the proceeding in MC-F-14407F. In MC-99569 (Sub-No. 6F), Member Taylor dissented stating that applicant has failed to explain why it seeks regular route authority in this proceeding which duplicates the authority sought in MC-F-14406F, or why the granting of such authority would be consistent with the public interest. Board Member Taylor dissents in MC-113855 (Sub-No. 514F) and votes to publish it with an impediment to the effect that applicant has failed to meet its burden of proof and that the application be held open for further handling).

MC-F-14286F, Filed January 7, 1980. GEORGIA HIGHWAY EXPRESS, INC. (Georgia) (2090 Jonesboro Road, S.E., Atlanta, GA 30315)—PURCHASE—TEXTILE WAREHOUSE COMPANY, INC. (Textile) (P.O. Box 1653, Spartanburg, SC 29304). Representative: Fritz R. Kahn, 1660 L Street, N.W., Suite 1000, Washington, DC 20036. Georgia seeks to purchase the operating rights of Textile. Transus, Inc., a holding company which controls Georgia through sole stock ownership, and in turn H. D. Winship, Jr., Wadleigh Winship, and Emory Winship who controls Transus through stock ownership, seek to acquire control of the rights of Textile through the transaction. Georgia seeks to purchase the interstate operating rights of Textile contained in MC-11402, which authorizes the transportation as a motor common carrier, over irregular routes, of *general commodities,* with usual exceptions, between Greenville, SC, on the one hand, and, on the other, those points in NC, SC, and GA within 100 miles of Greenville, SC. Georgia is authorized pursuant to MC-58923 and subnumbers thereunder to operate as a motor common carrier in AL, CA, FL, GA, IL, MO, OH, and SC. Georgia controls Fuller Transportation Inc., through ownership of all of its capitol stock. Fuller operates under Certificate No. MC-33426 and sub-numbers thereunder. A wholly owned subsidiary of Georgia is Surf-Air, Inc. Surf-Air was issued a permit as Surface Freight Forwarder under FF-500. (Hearing site: Atlanta, GA, or Washington, DC.)

Notes.—(1) An application has been filed for temporary authority under 49 U.S.C. 11349.

(2) An application has been filed in MC-58923 (Sub-No. 56F) and published in this same Federal Register issue. Although it was filed in conjunction with this finance application, it is not considered directly related thereto.

MC-F-14407F, filed June 2, 1980. MAISLIN TRANSPORT OF DELAWARE, INC. (Delaware) (7401 Newman Blvd., LaSalle, Quebec H8N 1X4, Canada)—Purchase (Portion)—GATEWAY TRANSPORTATION CO., INC. (Gateway) (445 Park Plaza Drive, P.O. Box 851, La Crosse, WI 54601). Representatives: A. David Milner and Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Delaware seeks authority to purchase a portion of the interstate operating rights of Gateway. Maislin Transport, Ltd., of LaSalle, Quebec, Canada, the sole stockholder of Delaware, and in turn Miaslin Industries, Ltd., a non-carrier holding company of LaSalle, Quebec, Canada, and sole stockholder of Maislin Transport, Ltd., seek to acquire control of such rights through the transaction. The operating rights to be acquired by Delaware are contained in a certificate purchased by Gateway in MC-F-13071, MC-2202 (Sub-No. 268), which authorizes the transportation of *general commodities,* usual exceptions, as a common carrier over regular routes, (1) Between junction U.S. Highways 62 and 20 at or near Big Tree, N.Y., and Crittenden, N.Y., serving all intermediate points: From junction U.S. Highways 62 and 20 over U.S. Highway 20 via Depew, N.Y., to Alden, N.Y., thence over New York Highway 239 to Crittenden, and return over the same

route. (2) Between Buffalo, N.Y., and Syracuse, N.Y., serving all intermediate points: From Buffalo over New York Highway 5 to junction U.S. Highway 20 near Avon, N.Y., thence over U.S. Highway 20 to Skaneateles, N.Y., thence over New York Highway 175 to Syracuse, and return over the same route. (3) Between New York points, serving all intermediate points, as follows: (a) From junction U.S. Highway 20 and New York Highway 78 at or near Depew, N.Y., over New York Highway 78 to Lockport, and return over the same route. (b) From Buffalo over New York Highway 263 to Millersport, and return over the same route. (c) From Buffalo over New York Highway 384 to Niagara Falls, and return over the same route. (d) From Buffalo over U.S. Highway 62 to Niagara Falls, and return over the same route. (e) From Le Roy over New York Highway 19 to Bergen, and return over the same route. (f) From Rochester over U.S. Highway 15 to East Avon, and return over the same route. (g) From Rochester over New York Highway 31 (formerly portion New York Highway 2) to junction New York Highway 96 (formerly portion New York Highway 2), thence over New York Highway 96 to Waterloo, and return over the same route. (h) From Rochester over New York Highway 31F (formerly portions New York Highways 33 and 33B) to Fairport, N.Y., thence over New York Highway 250 to junction New York Highway 96 (formerly New York Highway 2), and return over the same route. (i) From Manchester over New York Highway 21 to Canandaigua, N.Y., thence over New York Highway 332 to junction N.Y. Highway 96 (formerly New York Highway 2), and return over the same route. (j) From Lyons over New York Highway 14 to Geneva, N.Y., thence over New York Highway 96A (formerly New York Highway 2A) to Ovid, N.Y., thence over New York Highway 96 (formerly New York Highway 2) to Interlaken, and return over the same route. (k) From Port Byron over New York Highway 38 to Auburn, N.Y., thence over New York Highway 5 to junction New York Highway 313, and return over the same route. From Syracuse over New York Highway 57 to Oswego (also from Syracuse over New York Highway 48 to Oswego) and return over the same routes. From Syracuse over New York Highway 5 junction New York Highway 365, thence over New York Highway 365 to Rome (also from Syracuse over New York Highway 298 to junction New York Highway 31, thence over New York Highway 31 to junction New York Highway 365, thence over New York Highway 365 to Rome), and return over the same routes. Between Niagara Falls, N.Y., and Rochester, N.Y., serving the intermediate point of Lockport, N.Y.: From Niagara Falls over New York Highway 31 to Rochester, and return over the same route. Between Albany and Syracuse, N.Y., serving all intermediate points including off-route points within ten miles of the described routes, and those within 10 miles of Syracuse, except points on New York Highway 5 west of Syracuse: From Albany over U.S. Highway 20 via Cazenovia, N.Y., to junction New York Highway 92, thence over New York Highway 92 to Syracuse, and return over the same route. From Albany over New York Highway 5 via Vernon, N.Y., to Syracuse, and return over the same route. From Vernon over New York Highway 234 to junction New York Highway 234 to junction New York Highway 31, thence over New York Highway 31 to Cicero, N.Y., thence over U.S. Highway 11 to Syracuse, and return over the same route. Delaware is a motor common carrier pursuant to authority issued in certificates in MC-60580 and sub-numbers thereunder, which authorizes the transportation of general and specified commodities, over regular and irregular routes, in CT, DE, MA, MD, NE, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. Maislin Transport, Ltd., is a motor common carrier pursuant to authority issued in certificates in MC-108006, and sub-numbers thereunder, which authorize the transportation of general and specified commodities over regular and irregular routes, in CT, ME, MA, NH, NJ, PA, RI, and VT. (Hearing site: New York, N.Y., or Washington, D.C.)

Note.—(1) Authority to transport *general commodities,* usual exceptions, serving the intermediate point of Albany, NY, in connection with carrier's regular route operations presently authorized between Buffalo, NY, and New York, NY, and serving all intermediate points between Peekskill and New York, NY, will not be transferred through this application. This authority is carved out of a grant of authority to conduct operations between Cleveland, OH, and New York, NY, serving all intermediate points, which possibly could have included Buffalo. This off-route authority had been purchased by Gateway is a prior proceeding. It is unclear, however, whether Gateway had a route between Cleveland, OH, and New York, NY, or between Buffalo and New York, NY. Accordingly, we cannot grant this part of the application. However, this authority will be granted to Maislin in the directly related application filed. (2) A directly related application was filed in MC-60580 (Sub-No. 42F) and published in the same Federal Register issue.

MC-F-14408F, filed June 2, 1980. STOTT & DAVIS MOTOR EXPRESS, INC., (Stott) (18 Garfield St., Auburn, NY 13021)—Purhase (Portion)—GATEWAY TRANSPORTATION CO., INC. (Gateway) (455 Park Plaza Dr., P.O. Box 851, La Grosse, WI 54601). Representatives: Martin Werner, 888 Seventh Avenue, New York, N.Y. 10019, and A. David Millner, 1730 M. Street, N.W., Washington, DC 20036. Stott seeks authority to purchase a portion of Gateway's operating rights. Jack N. Davis and Lillian D. Ellis (both at 18 Garfield St., Auburn, NY 13021), who control Stott through stock ownership, seek to acquire control of the rights described below through this transaction. The operating rights which Stott seeks to purchase are now held by Gateway. That authority was transferred to Gateway from Roadway Express under No. MC-F-13071, served September 22, 1977. No certificate in the Gateway MC-80430 series has been issued against this authority.[1]

Those operating rights authorize the transportation as a motor common carrier, of *general commodities,* except those of unusual value, class A and B explosives, livestock, liquids in bulk, in tank trucks, commodities requiring special equipment, and household goods as defined by the Commission over a regular route between Buffalo, NY and Syracuse, NY, serving the intermediate point of Rochester, NY: from Buffalo, NY via New York Highway 33 to Rochester, NY, then via New York Highway 31 to Baldwinsville, NY, then over New York Highway 370 to Liverpool NY, and then over New York Highway 57 to Syracuse, NY, and return over the same route. Stott is a motor common carrier of commodities between points in NY, pursuant to authority under MC-99569. In No. MC-F-14252F Maislin Transport of Delaware, Inc., (Maislin) seeks to control Gateway through acquisition of the latter's stock. Gateway proposes to transfer the Buffalo-Syracuse authority described above to Stott in order to eliminate duplicating operating rights. The Commission's Notice of Effectiveness will require the parties to consummate the transaction in MC-F-14408F before consummation of MC-F-14252F. (Hearing site: Syracuse, NY.)

Note.—This application is filed in conjunction with MC-95569 (Sub-No. 6F), published in this same Federal Register issue.

MC-F-14412F, filed June 10, 1980. INTERNATIONAL TRANSPORT, INC. (International) (2450 Marion Road, SE, Rochester, MN 55901)—Merger—DEALERS TRANSIT, INC. (Dealers) (P.O. Box 236, Tulsa, OK 74101). Representative: Alan Foss, 502 First

[1] Roadway held the authority in certificate No. MC-2202 (Sub-No. 127).

National Bank Bldg., Fargo, ND 58126. International seeks authority for the merger of the interstate operating rights and property of Dealers into International for ownership, management, and operation. International Transport Industries, Inc., a non-carrier holding company and sole stockholder of International, and in turn, Butler International, Inc., a publicly held corporation and sole stockholder of International Transport Industries, Inc., seek authority to acquire control of said rights and property through the transaction. Dealers holds motor common carrier authority pursuant to certificates and E-letters issued in MC-4405 and sub-numbers thereunder, which authorize the transportation, over irregular routes of *pipeline and oilfield machinery and equipment, size or weight commodities, self-propelled articles, heavy machinery, trucks, truck bodies, buses, and trailers, iron and steel articles,* and *numerous other specified commodities,* from, to, and between specified points in the United States, including AK, but excluding HI. This notice does no purport to be a complete description of all the operating rights of the carrier involved. International is authorized to operate as a common carrier in all the States in the United States, including AK, but excluding HI, pursuant to authority issued in MC-113855 and sub-numbers thereunder. Applicants are presently under common control in Docket No. MC-F-12608. condition: Butler International, Inc., the non-carrier parent, will continue to be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV and subjected to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating the reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities, as previously subjected in Docket No. MC-F-11308.

Note.—A directly related gateway elimination application has been filed in MC 113855 (Sub-No. 514F), published in this same Federal Register notice issue.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of 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 58923 (Sub-No. 56F), filed January 7, 1980. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S.E., Atlanta, GA 30315. Representative: Fritz R. Kahn, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. To operate as a *common carrier,* in interstate or foreign commerce, over regular routes, transporting *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), between Atlanta, GA, and Greenville, SC, over Interstate Hwy 85, serving no intermediate points. Condition: Coincidental cancellation of applicant's authority in MC-58923 (Sub-53F) and payment of filing fee of $350.

Notes.—(1) The purpose of this application is to allow joinder at Greenville, SC. MC-58923 (Sub-No. 53F), is restricted to transportation of traffic received from or delivered to connecting carriers at Greenville, SC. (2) This application is filed in conjunction with but not directly related to MC-F-14286, published in this same Federal Register issue. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 60580 (Sub-No. 42F), filed June 2, 1980. Applicant: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Boulevard, LaSalle, Quebec, Canada H8N 1X4. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, over regular routes, transporting *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the intermediate point of Albany, NY, in connection with carrier's regular route operations presently authorized between Buffalo, NY, and New York, NY, serving all intermediate points between Peekskill and New York, NY.

Notes.—(1) This application is directly related to MC-F-14407F published in the same Federal Register issue. (2) The purpose of this application is to add the intermediate points and off-route point as stated above. (Hearing site: New York, NY, or Washington, DC.)

MC 99569 (Sub-No. 6F), filed June 2, 1980. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC.—Extension—18 Garfield Street, Auburn, NY 13021. Representative: Martin Werner, 888 Seventh Avenue, New York, NY 10019. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over a regular route between Buffalo, NY and Syracuse, NY, serving all intermediate and off-route points in Erie, Niagara, Orleans, Genese, Monroe, and Wayne Counties, NY: from Buffalo over New York Highway 33 to Rochester, NY, then over New York Highway 31 to Baldwinsville, NY, then over New York Highway 37C to Liverpool, NY, and then over New York Highway 57 to Syracuse, and return over the same route. (Hearing site: Syracuse, NY.)

Note.—This application is filed in conjunction with the application filed in MC-F-14408F, published in this same Federal Register issue. The purpose of this application is to add all intermediate points and the off-route points stated above.

MC 113855 (Sub-514F), filed June 10, 1980. Applicant: INTERNATIONAL TRANSPORT, INC.—gateway eliminating, 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes transporting: A(1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and (2) *self-propelled articles* each weighing 15,000 lbs. or more, restricted in (2) above to commodities which are transported on trailers: I. between points in ND, on the one hand, and, on the other, points in WA(1), OR(1), AZ(2), NM(2), OK(3), TX(4), AR(5), LA(5), MS(5), AL(5), FL(5), GA(5), SC(5), NC(5), TN(5), VA(5), and NY(6). II. between points in SD, on the one hand, and, on the other, points in WA(1), AZ(7), NM(7), TX(8), OK(9), AR(10), LA(10), MS(10), AL(10), FL(10), GA(10), SC(10), NC(10), TN(10), VA(10), NY(11). III. between points in MN, on the one hand, and, on the other, points in KS(12), OK(12), AZ(13), NM(14), MO(16), AR(17), LA(17), MI(18), IL(19), TN(20), MS(20), TX(15), AL(20), GA(20), FL(20), SC(20), NC(20), and VA(20). IV. between points in Mt, on the one hand, and, on the other, points in AZ(21), NM(22), NV(23), KS(24), OK(24), TX(25), AR(26), LA(26), MS(26), TN(26), AL(26), GA(26), FL(26), SC(26), NC(26), VA(26), and NY(27). V. between points in WY, on the one hand, and, on the other, points in NY(28), VA(29), NC(29), SC(29), GA(29), FL(29), AL(29), TN(29), MS(29), LA(29), AR(29), MO(29), KS(30), OK(30), TX(31), NM(32), AZ(33), and NV(34). VI. between points in NE, on the one hand, and, on the other, points in MD(35), IL(36), IN(37), and NY(38). VII. between points in UT, on the one hand, and, on the other, points in TN(39), SC(39), GA(39), FL(39), AL(39), MS(39), LA(39), AR(39), TX(40), OK(41), KS(41), NM(42), AZ(43), and NV(44). VIII. between points in CO, on the one hand, and, on the other, points in MI(45), IN(46), NY(47), IL(48), TX(49), NM(50), AZ(51), NV(52), OR(53), and WA(53). IX. between points in CA, on the one hand, and, on the other, points in AZ(54), NM(55), and CO(53). X. between points in WA, on the one hand, and, on the other, points in KS(57), and OR(58). XI. between points in ID, on the one hand, and, on the other, points in SC(59), GA(59), FL(59), AL(59), MS(59), TN(59), LA(59), AR(59), TX(60), OK(61), KS(61), NM(62), NV(63), OR(64), and WA(64). XII. between points in AZ, on the one hand, and, on the other, points in MA(65), CT(65), RI(65), NY(65), PA(66), NJ(65), DE(65), MD(65), MI(67), IL(67), and DC(65). XIII. between points in NM, on the one hand, and, on the other, points in PA(68), NY(65), NJ(65), MA(65), CT(65), RI(65), IL(69), DE(65), NE(73), MD(65), and DC(65). XIV. between points in KS, on the one hand, and, on the other, points in MA(70), CT(70), RI(70), NY(70), NJ(70), PA(88), DE(70), MD(70), OH(70), IN(70), IL(48), LA(71), NV(56), and DC(70). XV. between points in IA, on the one hand, and, on the other, points in AZ(72), NM(73), TX(74), OK(75), KS(75), MO(75), AR(76), LA(76), MS(76), AL(77), GA(77), FL(77), SC(77), NC(77), TN(77), KY(77), VA(77), WV(77), OH(78), IN(78), IL(78), MI(78), WI(78), MD(79), DE(79), NJ(79), PA(79), NY(79), MA(79), CT(79), RI(79), and DC(79). XVI. between points in WI, on the one hand, and, on the other, points in AZ(80), NM(81), TX(82), OK(83), KS(83), MO(83), AR(84), LA(84), MI(85), TN(86), MS(86), AL(86), GA(86), FL(86), SC(86), NC(86), and VA(86). XVII. between points in OK, on the one hand, and, on the other, points in MA(87), CT(87), RI(87), NY(87), PA(88), NJ(87), DE(87), MD(87), OH(87), IN(87), IL(89), and DC(87).

XVIII. between points in TX, on the one hand, and, on the other, points in MA(90), CT(90), RI(90), NY(90), NJ(90), PA(91), DE(90), MD(90), IL(92), and DC(90). XIX. between those points in IL on, north, and west of a line beginning at Quincy, IL and extending along IL Hwy. 104 to junction U.S. Hwy. 66, thence northward along U.S. Hwy. 66 to junction IL Hwy. 53, located at or near Gardner, IL, thence along IL Hwy. 53, to junction U.S. Hwy. 66 located at a point approximately 10 miles northeast of Plainfield, IL, and thence along U.S. Hwy. 66 to Chicago, IL, on the one hand, and, on the other, points in MO(93), AR(94), LA(94), MS(95), AL(95), GA(95), FL(95), SC(95), NC(95), TN(95), KY(95), VA(95), and WV(96). XX. between points in MO, on the one hand, and, on the other, points in IN(96), OH(96), MI(97), NY(96), NJ(96), MA(96), CT(96), RI(96), DE(96), MD(96), and DC(96). XXI. between points in AR, on the one hand, and, on the other, points in MA(98), CT(98), RI(98), NY(98), NJ(98), DE(98), MD(98), and DC(98). XXII. between points in LA, on the one hand, and, on the other, points in MA(98), CT(98), RI(98), NY(98), NJ(98), DE(98), MD(98), and DC(98). XXIII. between points in IN and MI, on the one hand, and, on the other, points in MA(99), CT(99), RI(99), NY(99), NJ(99), DE(99), and MD(99), and DC(99). XXIV. between Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, PA, and mines in that part of PA south and west of a line beginning at the PA-OH State line and extending along US.

Hwy. 19 near Rose Point, PA, thence along U.S. Hwy. 19 to junction unnumbered highway near Portersville, PA, thence along unnumbered highway via Prospect, PA, to junction U.S. Hwy. 422, thence along U.S. Hwy. 422 to Ebensburg, PA, thence along U.S. Hwy. 22 to junction U.S. Hwy. 522, thence along U.S. Hwy. 522 to junction PA Hwy. 641 (formerly PA Hwy. 433), thence along PA Hwy. 641 to junction PA Hwy. 997, and thence along PA Hwy. 997 to the PA–MD State line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in MO[96], AR[101], LA[101], IN[99], and MI[100]. XXV. between points in PA, on and east of a line beginning at the MD–PA State line and extending along unnumbered highway (formerly portion U.S. Hwy. 15) to junction Business U.S. Hwy. 15, near Fairplay, PA, thence along Business U.S. Hwy. 15 through Gettysburg, PA, to junction U.S. Hwy. 15, thence along U.S. Hwy. 15 to junction unnumbered highway (formerly portion U.S. Hwy. 15), thence along unnumbered highway through Clear Spring, PA, to junction U.S. Hwy. 15 thence along U.S. Hwy. 15 to the PA–NY State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, PA, and points in PA on and east of the above-described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, PA, and points in PA, on and east of U.S. Hwy. 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northcumberland, Montour, and Columbia Counties PA), on the one hand, and, on the other, points in MO[96], AR[102], LA[103], MS[102], AL[102], GA[102], FL[102], SC[102], TN[102], IN[102], MI and KY[102]. XXVI between points in MA, CT, RI, NY, NJ, MD, DE, and DC, on the one hand, and, on the other, points in FL[95], GA[95], SC[95], NC[95], AL[95], MS[95], TN[95], KY[95], WV[95], and VA[95]. B. *Lumber and lumber mill products* which are also construction materials between points in MO, NE, KS, OK and CO, on the one hand, and, on the other, points in the U.S. (including AK, but excluding HI)[105]. C. *Material handling equipment and parts for material handling equipment* from the Los Angeles Harbor Commercial Zone as defined by the Commission to points in the U.S. (including AK, but excluding HI)[106]. D. (a) *Agricultural implements and adapter kits,* (b) *canopies and cabs,* (c) *Agricultural implement and contractors' equipment safety guards,* (d) *logging, forestry,* and *construction equipment,* (e) *air conditioners,* (f) *attachments* for the commodities in (a) through (e) above, and (g) *parts* for the commodities in (a) through (f) above, restricted in (a) through (g) above to such commodities which because of their size or weight require the use of special equipment, or which are self-propelled each weighing 15,000 lbs. or more, from points in NC[107], SC[107], GA[107], FL[107], AL[107], TN[107], VA[108], WV[108], KY[108], MS[109], LA[109], AR[109], TX[110], OK[110], NM[111], AZ[111], CA[112], NV[112], UT[112], WY[112], MT[112], MO[113], CO[114], NE[114], IA[114], MN[114], ND[114], SD[114], KS[115], WI[116], IL[116], MI[116], IN[117], OH[117], PA[117], MA[118], CT[118], RI[118], NJ[118], DE[118], NY[119], MD[119], and DC[119] to points in AK. E. (1) *Iron and steel articles* and (2) *aluminum and aluminum products,* restricted in (1) and (2) to such commodities which beause of their size or weight require the use of special equipment, from points in SC[120], GA[120], FL[120], AL[120], MS[120], TN[120], LA[120], MO[120], AR[121], MO[121], OK[121], KS[121], CO[121], UT[122], NM[123], AZ[124], MN[125], ND[125], SD[125], MT[126], WI[126], and MI[126], to points in AK. (Hearing site: Denver, CO, Chicago, IL and Washington, DC.).

Note.—The purpose of this application is to eliminate the gateways for the above paragraphs as follows: (1) MT, (2) NE or KS, (3) NE or KS, (4) NE or KS (5) MO, KY or IN, (6) IN, (7) NE or KS, (8) NE or KS, (9) NE or KS, (10) MO, KY or IN, (11) IN, (12) NE or KS, (13) NE or KS, (14) NE or KS, (15) NE or KS, (16) NE or KS, (17) MO or NE, (18), MO or NE, (19) IN, (20) IN or KY, (21), CA, CO, NE or ID, (22), NE, KS or CO, (23) OR or CA, (24) NE or CO, (25) NE or CO, (26) MO, KY or IN, (27) IN, (28) IN, (29) MO, KY or IN, (30) NE, (31) NE or CO, (32) NE or CO, (33) ID, NE, CO or CA, (34) CA or OR, (35) IN, (36) NE, (37) NE and IN, (38) NE and IN, (39) CO, (40) CO, NE or KS, (41) CO, (42) CO or KS, (43) CA or ID, (44) CA or OR, (45) NE, (46) MO, (47) MO and IN, (48) NE, (49) CO, (50) CO or NE, (51) CO, NE or CA, (52) UT and OR or CA, (53) UT, (54) NV, (55) NV, (56) CA or NE, (57) KS or NE (58) NV, CA or MT, (59) MO, IN or KY, (60) CO, NE or KS, (61) CO or NE, (62) CO or NE, (63) CA, (64) MT, WY, UT or CA, (65) IN, (66) NE or KS, (67) NE, (68) NE or KS, (69) NE, (70) MO, (71) NE, (72) NE, (73) NE, (74) NE, (75) NE, (76) NE, (77) NE or IN, (78) NE, (79) NE, (80) NE or KS, (81) NE or KS, (82) NE or KS, (83) NE or KS, (84) NE or IN, (85) IL, (86) IN or KY, (87) MO, (88) NE or KS, (89) NE, (90) MO, (91) NE or KS, (92) NE (93) MO and IA, (94) MO and IA, (95) IN, (96) MO, (97) MO and IN, (98) MO, (99) IN, (100) IN, (101) MO, (102) OH or VA, (103) OH, (104) OH, (105) St. Joseph, MO, (106) LaMirada, CA, (107) Portland, OR, (108) Portland, OR, (109) Portland, OR, (110) Portland, OR, (111) Portland, OR, (112) Portland, OR, (113) Portland, OR, (114) MT, UT or WY and Portland, OR, (115) NE and WY and Portland, OR, (116) WY and Portland, OR, (117) WY and Portland, OR, (118) WY and Portland, OR, (119) UT and Portland, OR, (120) NE or MO, (121) NE, (122) NE, (123) NE, (124) Pierce County, WA, (125) MT and Pierce County, WA, (126) MT and Pierce County, WA. This is a matter directly related to a finance proceeding in MC-F 14421F, International Transport, Inc.—Merger—Dealers Transit, Inc.

By the Commission.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26296 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carrier Finance Applications Decision-Notice

The following applications filed on or after July 3, 1980, seek apporval 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). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, Federal Register at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349.* Those rules provides among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 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. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*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 the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves 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: August 15, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams (Member Taylor dissents in MC-F 14451, stating that Basye did not join in the application and that Express has not shown itself to be financially fit. The proposed restriction and resulting split of rights may not be approved. Member dissents in MC-F 14452F, stating that it appears that Matthew and Berry Molitch do not own by 26.7 percent of Clark's outstanding common stock while Berry also owns 11.7 percent of the preferred stock. Therefore it would appear that additional stockholders should join in the application.

MC-F-14452F, filed July 29, 1980. CLARK TRANSFER, INC. (Clark) (P.O. Box 190, Burlington, NJ 08016)—PURCHASE—UNTCO, INC. (UNTCO) (850 N. Luzerne Street, Philadelphia, PA 19124). Representatives: David A. Sutherland, 1150 Connecticut Avenue, N.W., Suite 400, Washington, DC 20036 and Francis W. McInerny, 1000 Sixteenth Street, N.W., Washington, DC 20036. Clark seeks authority to purchase the interstate operating rights and operating properties of UNTCO. Matthew Molitch and Barry Molitch, who control Clark through stock ownership and management positions, seek authority to acquire control of said rights through the transaction. Clark is purchasing the operating authority contained in UNTCO's certificates in MC-107615 and sub-numbers thereunder and permit MC-148605 (Sub-No. 1), which authorize the transportation over irregular routes of (1) *newspapers, magazines, books, catalogs, pamphlets, periodicals, publications and parts, display stands, news vending machines, advertising materials, premiums, and printing plates,* between Harrisburg, PA, Baltimore, MD, and points in the Philadelphia, PA, commercial zone, Washington, DC, commercial zone, and New York, NY, commercial zone, on the one hand, and, on the other, points in MD, DE, NJ, PA, DC commercial zone, Rockland, Nassau, Westchester, and Suffolk Counties, NY, except that no transportation for compensation shall be performed from North Bergen, Newark, Paterson, Hackensack, Passaic, New Brunswick, Elizabeth, Dunellen, NJ, to points in New York, nor from New York City to points in the four New York Counties named above, (2) *printed matter,* (a) from the facilities of Judd, Inc., at or near Strasburg, VA, to points in DE, MD, NJ, PA, DC, New York, NY, and those points in Rockland, Suffolk, and Westchester Counties, NY, which are not within the limits of the New York, NY, commercial zone, (b) between the facilities of UNTCO, Inc., at Harrisburg, PA, on the one hand, and, on the other, points in WV, (c) between points in NJ and points in Rockland, Westchester, Nassau and Suffolk Counties, NY, and New York, NY, on the one hand, and, on the other, points in WV, (d) between points in VA, on the one hand, and, on the other, New York, NY, points in Rockland, Suffolk and Westchester Counties, NY, and points in DE, MD, NY, PA, and DC, (e) from North Bergen, NJ, and Harrisburg and Lancaster, PA, to points in VA, (f) from Luray, VA, to Wilmington, DE, Baltimore, MD, Newark, NJ, New York, NY, and points in PA, and (g) from East Greenville, PA, to points in DE, MD (except Baltimore), NJ, VA, WV, and those points in Rockland, Suffolk, and Westchester Counties, NY, which are not within the limits of the New York, NY, commercial zone, (3) *printed matter and products, materials and supplies used in the manufacture and production thereof* (except in bulk), between East Greenville, PA, on the one hand, and, on the other, points in MD, DE, NJ, WV, VA, DC, New York, NY, and points in Rockland, Suffolk, and Westchester Counties, NY (except points within the New York, NY commercial zone), (4) *printed matter, materials and supplies* used in the manufacture and distribution of printed matter (except commodities in bulk), (1) between Lancaster, PA, on the one hand, and, on the other, points in NY, NJ, PA, WV, MD, DE, VA, NC, SC, GA, FL, and DC, and (2) between points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC (restricted to no transportation of paper and paper products from Glen Falls, NY, Fitchburg, MA, Berlin, NH, and Westbrook, MA; to points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT), and (5) *general commodities,* except in bulk, between points in PA, MD, DE, VA, WV, NJ, CT, DC, and New York, NY, and points in Westchester, Nassau and Suffolk Counties, NY, restricted to the transportation of shipments having a prior or subsequent movement by water or air, under a continuing contract or contracts with Caribbean Worldwide, Inc. Clark is a motor common carrier pursuant to authority issued in MC 116859 and sub-numbers thereunder. Condition: Applicants have advised that certain UNTCO authority purported being acquired by Clark is involved in pending proceeding where certificates or permits have not yet been issued. Such unissued authority is not subject to transfer. Therefore, if those certificates or permits have not been issued to UNTCO prior to consummation of this proceeding, Clark must request substitution into these proceedings in lieu of UNTCO. (Hearing site: Washington, DC, or Philadelphia, PA.)

Note.—An application for temporary authority has been filed.

MC-F-14451F, filed July 29, 1980. DIXIE EXPRESS, INC., (Dixie) (P.O. Box 7098, 1270 Hilbish Avenue, Akron, OH 44306)—PURCHASE (PORTION)—DIXIE EXPRESS, INC., (Dixie Express) (66 South Miller Road, Akron, OH 44313). Representative: John P. McMahon, 100 E Broad Street, Columbus, OH 43215. Dixie seeks authority to purchase a portion of the interstate operating rights of Dixie Express. Basye and Associates, Inc., a non-carrier, who controls Dixie through 100% stock ownership, seek authority to acquire control of said rights through the transaction. Dixie is purchasing that portion of the operating authority contained in MC 123956 and (Sub-Nos. 1, 2, 4, 5G, and 7), which authorizes the transportation as a common carrier, 1. over regular routes, in transporting (a) carperting, between Cincinnati, OH, and

Cordele, GA, serving the intermediate points of Atlanta, Griffin, and Macon, GA, and the off-route points of Columbus, Albany, and Rome, GA; from Cincinnati over U.S. Hwy 25 to Lexington, KY, then over U.S. Hwy 27 to Chattanooga, TN, then over U.S. Hwy 41 via Atlanta, GA, to Cordele, and return over the same route, (b) *white, red, and sublime lead, litharge, zinc oxide, lithapone, pig ingot and bar lead, lead pipe and fittings, lead roof flanges, solder, babbitt, base metal alloy, and pig tin,* from Cincinnati, OH, to points in that part of GA specified immediately below, serving no intermediate points on the following regular routes: from Cincinnati over U.S. Hwy 25 to Lexington, KY, then over U.S. Hwy 27 to Chattanooga, TN, then over U.S. Hwy 41 to the TN–GA state line, and then over irregular routes to points in that part of GA on and west of a line beginning at a point on the NC–GA state line near Dillard, GA, and extending along GA Hwy 15 to Dublin, GA, then along GA Hwy 31 to junction U.S. Hwy 129, and then along U.S. Hwy 129 to the GA–FL state line, including points in GA on the indicated portions of the hwys specified; and return over irregular routes to the GA–TN state line, then over the above-specified regular route to Cincinnati, 2. over irregular routes, transporting (a) *such commodities* as are manufactured, processed or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such business (except commodities in bulk) (1) from Newark, OH, to points in AL, GA, and TN, and (2) from Akron, OH, to Knoxville, Chattanooga, and Nashville, TN, and points in AL and GA, (b) *rejected shipments* of the commodities specified immediately above, from points in AL, GA (except Atlanta), and TN, to Newark, OH, (c) *returned or rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), from Atlanta, GA, to Newark, OH, (d) *materials* used in the manufacture of rubber products, and *returned or rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such business, (except commodities in bulk) from Knoxville, Chattanooga, and Nashville, TN, and points in AL and GA, to Akron, OH, (e) *such commodities* as are manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and supplies used in the conduct of such businesses, (except in bulk) (1) from Akron, OH, to Jackson, Laurel, Meridian, and Columbus, MS, and (2) from Mansfield, OH, to Nashville, Knoxville, and Chattanooga, TN, and points in AL and GA, (f) *rejected articles and empty used containers,* from the destination points specified in the two paragraphs next above, to their respective origin points, (g) *equipment, materials, and supplies* used in the conduct of such businesses as specified above (except textiles and textile products and commodities in bulk), (1) from Jackson, Laurel, Meridian, and Columbus, MS, to Akron, OH, and (2) from Nashville, Knoxville, and Chattanooga, TN, and points in AL and GA, to Mansfield, OH, (h) *rejected articles and empty used containers,* from the destination points specified in the two paragraphs next above, to their respective origin points, (i) *textiles and textile products,* (1) from points in that part of GA on and north of U.S. Hwy 80 from Columbus to Macon and on and west of U.S. Hwy 129 from Macon to the GA–NC state line, to Mansfield, OH, and (2) from Tallassee, AL, and points in that parts of GA on and north of U.S. Hwy 80 from Columbus to Macon and on and west of U.S. Hwy 129 from Macon to the GA–NC state line, to Newark, OH, (j) *rejected articles and empty used containers,* from the destination points specified in the two paragraphs next above, to their respective origin points.

(k) *machinery* used in the manufacture of rubber products, between Kent, OH, on the one hand, and, on the other, Knoxville, Chattanooga, and Nashville, TN, Jackson, Laurel, Meridian, and Columbus, MS, and points in AL and GA, (Sub-No. 1) transporting (a) *such commodities* as are usually manufactured processed, or dealt in by rubber and rubber products manufacturers, and empty textile cones, (except commodities in bulk) from Akron, OH, to points in TN, and (b) returned or rejected shipments of the commodities specified above, from points in TN to Akron, OH, restricted to shipments are limited to those moving from, to, or between facilities of rubber product manufactures, (Sub-No. 2) transporting (a) *rubber products,* (except in bulk), from the plant site of B.F. Goodrich Company, approximately 13 miles east of Fort Wayne, IN, in Milan Township, Allen County, IN, to points in AL, GA, and TN, and to Columbus, Jackson, Laurel, and Meridian, MS, and (b) *equipment, materials, and supplies* used in the manufacture of rubber products, from points in AL, GA, and TN, and from Columbus, Jackson, Laurel, and Meridian, MS, to the said plant site, restricted against the transportation of chemicals, in bulk, in tank vehicles, from Knoxville, TN, to said plant site, (Sub-No. 3) *tires, tubes, flaps, and tire tread stock,* from Meridian, OH, to points in GA, AL, and TN, (Sub-No. 4) (a) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, air-conditioning and heating equipment, building materials, contractors' equipment, structural steel, lumber, concrete blocks, concrete sewer pipe, tar and asphalt, machinery and implements, and musical instruments), between Cincinnati, OH (except those points in KY within the Cincinnati, OH, commerical zone, on the one hand and, on the other, points in OH, and (b) *general commodities,* usual exceptions, between Arkon, OH, and points within 5 miles of Akron, on the one hand, and, on the other, points in OH, (Sub-5G), (a) *such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber-products and *empty textile cones,* (except commodities in bulk) from points in OH, to points in TN, restricted to shipments moving from, to, or between facilities of rubber products manufacturers, (b) *such commodities* as are manufactured, processed, or dealt in by rubber-products manufacturers, including supplies incidential to or used in the conduct of such business, (except commodities in bulk) from points in OH, to Knoxville, Chattanooga and Nashville, TN, and points in AL and GA, and (c) *materials, equipment and supplies* (except in bulk) used in the manufacture of rubber products, from Knoxville, Chattanooga and Nashville, TN, and points in AL and GA, to points in OH, and (Sub-No. 7) *materials* used in the manufacture of rubber products, and *returned shipments* of such commodities as are manufactured, processed, or dealt in by rubber products manufactures, and *supplies* used in the conduct of such businesses (except commodities in bulk, in tank vehicles), from the facilities of Firestone Tire and Rubber Co., in Davidson and Rutherford Counties, TN, to points in OH. Dixie Express is retaining authority from MC–123956 to transport (a) *such bulk commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including bulk supplies incidential to the conduct of such business, (1) from Newark, OH, to points in AL, GA, and TN, and (2) from Akron, OH, to knoxville, Chattanooga, and

Nashville, TN, and points in AL and GA, (b) *rejected shipments* of the commodities specifically immediately above, from points in AL, GA (except Atlanta), and TN, and Newark, OH, (c) *returned or rejected shipments of such bulk commodities* as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, and *bulk materials, and supplies* used in the conduct of such businesses, from Atlanta, GA, to Newark, OH, (d) *bulk materials* used in the manufacture of rubber products, and *returned or rejected shipments* of such bulk commodities as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including bulk supplies incidental to the conduct of such businesses, from Knoxville, Chattanooga, and Nashville, TN, and points in AL and GA, to Akron, OH, (e) *such bulk commodities* as are manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and *bulk supplies* used in the conduct of such businesses, (a) from Akron, OH, to Jackson, Laurel, Meridian, and Columbus, MS, and (b) from Mansfield, OH, to Nashville, Knoxville, and Chattanooga, TN, and points in AL and GA, and (f) *bulk materials and supplies* used in the conduct of such businesses as specified above (except textiles and textiles products), (1) from Jackson, Laurel, Meridian, and Columbus, MS, to Akron, OH, and (2) from Nashville, Knoxville, and Chattanooga, TN, and points in AL and GA, to Mansfield, OH from (Sub-No. 1) to transport (a) *such bulk* commodities as are usually manufactured, processed, or dealt in by rubber and rubber products manufacturers, from Akron, OH, to points in TN, and (b) *returned or rejected shipments* of the commodities specified above, from points in TN to Akron, OH, shipments are limited to those moving from, to, or between facilities of rubber products manufacturers, from (Sub-No. 2) to transport (a) *bulk rubber products,* from the plant site of B.F. Goodrich Company, approximately 13 miles east of Fort Wayne, IN, in Milan Township, Allen County, IN, to points in AL, GA, and TN, and to Columbus, Jackson, Laurel, and Meridian, MS, (b) *bulk materials and materials* used in the manufacture of rubber products, from point in AL, GA, and TN, and from Columbus, Jackson, Laurel, and Meridian, MS, to said plant site, restricted against the transportation of chemicals, in bulk, in tank vehicles, from Knoxville, TN to said plant site, (Sub-No. 5–G) to transport (a) *such bulk commodities* as are usually manufactured, processed or dealt in by rubber and rubber-products, from points in OH, to points in TN, restricted to shipments moving from, to, or between facilities of rubber products manufacturers, and (b) *bulk commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidential to or used in the conducts of such businesses, from points in OH, to Knoxville, Chattanooga, and Nashville, TN, and points in AL and GA, and (c) *bulk materials and supplies* used in the manufacture of rubber products, from Knoxville, Chattanooga and Nashville, TN, and points in AL and GA, to points in OH. Dixie holds no authority from the Interstate Commerce Commission. Basye and Associates, Inc., who controls Dixie, also controls Priority Freight System, Inc. through 100% of capital stock, a motor common carrier operating under certificate of public convenience and necessity No. MC 136277. Condition: Bayse and Associates, Inc., the sole stockholder of Dixie, is a non-carrier with its investments and functions primarily related to transportation. Accordingly, concurrently with consummation of the transaction authorized, Bayse and Associates, Inc., will be considered a motor carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV. It will be therefore, be subject to the applicable provisions of 49 U.S.C. subchapter III of chapter 111 relating to reporting and accounting, and of 49 U.S.C. 11302 relating to the issuance of securities. (Hearing site: Columbus, OH.)

Note.—An application for temporary authority has been filed.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26291 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, 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). An interim proposed final Rule 240 reflecting changes to comport with the Motor Carrier Act of 1980 was published in the July 3, 1980, Federal Register at 45 FR 45529 under Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344, and 11349.* Those rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 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. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(C) of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.240(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.240(A)(h).

*Amendments to the request for authority will not be accepted after the date of this publication.* However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

*We find,* with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questons involving possible unlawful control, or improper divisions of operationg 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 the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves 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.

Dated: August 19, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC-F-14456F, filed August 8, 1980. E. I. KANE, INC. (Kane) (4546 Annapolis Road, Baltimore, MD 21227)—continuance in control—INTERMODAL TRANSPORT, INC. (Intermodal) (4546 Annapolis Road, Baltimore, MD 21227). Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. Kane seeks to continue in control Intermodal upon the institution by Intermodal of operations, in interstate or foreign commerce, as a motor common carrier. Eugene I. Kane, the sole stockholder of Kane, seeks authority to acquire control of said rights through the transaction. Kane is a motor common carrier pursuant to a certificate issued in No. MC-34479 which authorizes the transportation of general and specified commodities, over regular and irregular routes, in MD, VA, and DC. (Hearing site: Washington, DC, or Baltimore, MD.)

Note.—Intermodal has filed as a directly related application its initial common carrier application. This application, docketed No. MC-151512F is published in this same Federal Register issue.

## Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, 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). Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application 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 warrants a grant of the application under the governing section of the Interstate Commerce Act. 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 the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

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.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

MC 151512F, filed August 8, 1980. Applicant: INTERMODAL TRANSPORT, INC., 4546 Annapolis Road, Baltimore, MD 21227. Representative: Robert H. Shertz, 915 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *containers, container chassis, trailers,* and *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), having a prior or subsequent movement by water or rail, between Alexandria, Arlington, Charlottesville, Colonial Heights, Culpepper, Falls Church, Farmville, Fredericksburg, Front Royal, Hampton, Harrisonburg, Hopewell, Leesburg, Manassas, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Suffolk, Vienna, Warrenton, Waynesboro, Williamsburg, and Winchester, VA, and points in Accomack, Albermarle, Arlington, Caroline, Charles City, Chesterfield, Clarke, Culpepper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greene, Hanover, Henrico, Isle of Wright, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Madison, Matthews, Middlesex, New Kent, Northampton, Northumberland, Orange, Page, Prince Edward, Prince George, Prince William, Powhatan, Rappahannock, Richmond, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Westmoreland, and York Counties, VA, Adams, Berks, Bedford, Blair, Bucks, Cambria, Carbon, Centre, Chester, Clearfield, Clinton, Cumberland, Dauphin, Delaware, Franklin, Bulton, Juniata, Lancaster, Lebanon, Lehigh, Montgomery, Northumberland, Perry, Philadelphia, Snyder, Your, and Union Counties, PA, Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, NJ, DE, MD, and DC. (Hearing site: Washington, DC, and Baltimore, MD.)

Notes.—(1) This application is directly related to MC-F-14456F, published in this same Federal Register issue. (2) Part of the authority sought in this application, containers, container chassis, and trailers, and general commodities, usual exceptions, between points in MD, duplicates the authority presently held by E. I. Kane, Inc., an affiliated company, "between points in the Baltimore, MD, commercial zone. We find these duplications to be deminimus.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26285 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

## Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor

carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

*We find* with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or 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: August 21, 1980.

By the Commission, Review Board Number 5, Member Krock, Taylor and Williams. (In MC-F-14406 Member Taylor voted to publish with an impediment that duplications between authority to be sold and that retained by Maislin in MC-60580 (Sub-26 and 36).

MC-F-14436F, filed June 6, 1980. MAISLIN TRANSPORT OF DELAWARE, INC. (Delaware) (7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4)—Control—QUINN FREIGHT LINES, INC. (Quinn) (1093 North Montello Street, Brockton, MA 02403). Representatives: A David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006, and Frank J. Weiner, 15 Court Square, Boston, MA 02108. Delaware seeks to acquire control of Quinn through the purchase by Delaware of all the issued and outstanding capital stock of Quinn. Maislin Transport, Ltd., of LaSalle, Quebec, Canada, the sole stockholder of Delaware, and, in turn, Maislin Industries, Ltd., a non-carrier holding company of LaSalle, Quebec, Canada, and the sole stockholder of Maislin Transport, Ltd., seek to acquire control of Quinn through the transaction. Quinn is a motor common carrier pursuant to authority issued in Certificates in MC-4941 and sub-numbers thereunder which authorize the transportation, in interstate or foreign commerce, of numerous general commodities in MA, ME, VT, NH, RI, CT, NY, PA, NJ, MD, VA, and DC, and specified commodities throughout the United States. Delaware is a motor common carrier pursuant to authority issued in Certificates in MC-60580 and sub-numbers thereunder, which authorize the transportation of general and specified commodities, over regular and irregular routes, in CT, DE, MA, MD, ME, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. Maislin Transport, Ltd., is a motor common carrier pursuant to authority issued in Certificates in MC-108006 and sub-numbers thereunder, which authorize the transportation of general and specified commodities, over regular and irregular routes, in CT, ME, MA, NH, NJ, NY, PA, RI, and VT. Impediments: (1) Inasmuch as the securities to be issued fall within the meaning of 49 U.S.C. 11302, application should be filed for approval to issue securities under that section. (2) Applicants state that duplicating operating rights will exist and that they plan to sell those duplicating rights prior to consummation of this transaction. Applicants must identify, in writing and in detail, all such duplications.

Note.—Application for temporary authority has been filed.

MC-F-14429F, filed June 12, 1980. RYDER TRUCK LINES, LTD. Ryder (2600 York Centre, 145 Kings Street West, Toronto, Ontario, Canada M5H 3K4)-PURCHASE-RELIABLE TRANSPORT (U.S.) Limited (Reliable) (64 Mackenaw Street, Buffalo, NY 14202). Representative: Roland Rice, 501 Perpetual Building, 1111 E Street, NW., Washington, DC 20004. Ryder seeks to acquire all of the operating rights held by Reliable in No. MC-52214 and Sub-No. 1 thereunder, authorizing the transportation, in interstate or foreign commerce, of general commodities (with the usual exceptions), over regular routes, (1) between Buffalo, NY and the port of entry on the International Boundary line between the United States and Canada at Buffalo, NY and (2) between Rochester, NY and Buffalo, NY as follows: from Rochester over New York Hwy. 33 to Mumford, NY, then over New York Hwy. 36 to Caledonia, and then over New York Hwy. 5 to

Buffalo and return over the same route, serving all intermediate points and the following off-route points of Oakfield, Elba, Akron, Byron, Bergen, South Alabama, Roanoke, Morganville, Langton Corners, Industry, Indian Falls, East Bethany, Clarence Center, Chili Station, Chili Center, Byron Center, and Basin, NY. By the same application, Ryder Truck Line, Inc., the parent of purchaser, and in turn I.U. Transportation Services, Inc., which controls Ryder Truck Line, Inc., and again in turn I.U. International Corporation, which controls I.U. Transportation Services, Inc. seek authority under the same section to acquire control of the said operating rights through the transaction. Ryder is a newly formed corporation and at present holds no operating authority.

Note.—Impediment: The authority sought to be purchased duplicates in part that held by Ryder's parent, Ryder Truck Lines, Inc. (RTL).

RTL holds authority in No. MC-2900 (Sub-No. 191) to transport general commodities (with the usual exceptions), over New York Hwy. 33 between Rochester and Buffalo, NY. This route duplicates the route sought to be purchased in No. MC-52214, authorizing the transportation of general commodities (with exceptions) between Rochester and Buffalo, NY over New York Hwy. 33, serving all intermediate points and named off-route points. In addition, RTL holds authority in No. MC-2900 (Sub-No. 242) to transport general commodities (with the usual exceptions), over regular routes (1) between Buffalo and Betaviz, NY, over New York Hwy. 33 serving all intermediate points; this duplicates in part the route in No. MC-52214 between Rochester and Buffalo over New York Hwy. 33, (2) between Buffalo and the junction of New York Hwys. 5 and 93 over New York Hwy. 5, serving named intermediate points; this duplicates in part the route sought to be purchased in No. MC-52214, which authorizes the transportation of general commodities (with the usual exceptions) between Buffalo and Rochester using, over part of the route, New York Hwy. 5 and (3) between Buffalo and the junction of New York Hwys. 33 and 78, over New York Hwy. 33; this duplicates in part the route sought to be purchased in No. MC-52214 between Buffalo and Rochester over New York Hwy. 33. The holding of such duplicating authority by carriers under common control is prohibited by 49 CFR 1134.53.

MC-F-14383F, filed April 28, 1980. CLEAR WATER TRUCK COMPANY, INC., (Clear Water) (9101 North West Street, Valley Center, KS 67148)—Purchase (Portion)—REFRIGERATED FOODS, INC. (Refrigerated Foods) (1420 33rd Street, P.O. Box 1018, Denver, CO 80201). Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501). Clear Water seeks to purchase a portion of the interstate operating rights of Refrigerated Foods. By the same application, Claude A. Hayster and Rosann Hayster, of Valley Center, KS who control Clear Water through stock ownership, seek authority to acquire control of the subject operating rights through the transaction. Clear Water is purchasing (1) a portion of the interstate operating rights acquired by Refrigerated Foods in No. MC-F-13651, *Refrigerated Lines, Inc.*, decision of Review Board Number 5, dated November 2, 1978, certificates not yet issued in Refrigerated Foods' name, but described as No. MC-134068 (Sub-Nos. 5 and 30), authorizing the transportation, as a motor common carrier, over irregular routes of (a) *canned goods*, from the plantsite of Bryan Bros. Packing Co., located near West Point, MS, to points in WA, OR, CA, NV, AZ, UT, and CO and points in that part of KS on and west of U.S. Hwy 75, and (b) *children's wheel goods* and *children's gymnasium apparatus*, from Olney, IL to points in AZ, CA, DO, ID, MT, NV, NM, OR, TX, UT, WA and WY and (2) a portion of that authority acquired by Refrigerated Foods in No. MC-F-13271, *Refrigerated Foods, Inc.,—Purchase—Fast Freightways, Inc.*, initial decision dated May 29, 1978 and made effective by notice dated August 14, 1978, authority not yet issued in Refrigerated Foods' name, but described as a portion of No. MC-118207, authorizing the transportation, as motor common carrier, over irregular routes, of (a) *frozen fruits, frozen berries, and frozen vegtables*, from Watsonville, CA and points in Oregon, to Hutchinson, KS, (b) *frozen juices*, from Portland, OR, to Hutchinson, KS, and (c) *frozen potato products*, from Portland and Ontario, OR, to Hutchinson, KS. Clear Water is authorized to operate pursuant to Certificate No. MC-134966 and Permit No. 127304 and subnumber thereunder. The common carrier authority involves the transportation of motorcycles, over irregular routes, from Los Angeles and Long Beach, CA to points in KS, except the Kansas City commercial zone. The contract carrier authority involves the transportation of (1) *fluorohydrocarbons*, from Wichita, KS, to points in the conterminous United States and *new containers*, in the reverse direction and 92) meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in Section A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between various points in the United States. This authority subsumes that portion of the authority acquired by Refrigerated Foods, Inc. in No. MC-F-132271, *Refrigerated Foods, Inc.—Purchase—Fast Freightways, Inc.*, initial decision dated May 29, 1978, which authorizes, as pertinent, the transportation of frozen fruits, frozen berries, and frozen vegetables, from points in Oregon to Hutchinson, KS. (Hearing site: Wichita, KS).

Note.—(a) Impediment: Transferor seeks to retain authority in No. MC-134068 (Sub-No. 31) authorizing as pertinent, the transportation of *foodstuffs* (except in bulk), over irregular routes, from points in Oregon to points in Kansas.

MC-F-14406F, filed June 2, 1980. SCOTT & DAVIS MOTOR EXPRESS, INC. (Stott) (18 Garfield Street, Auburn, NY 13021)—Purchase (Portion)—MAISLIN TRANSPORT OF DELAWARE, INC. (Maislin) (7401 Newman Boulevard, LaSalle, Quebec Canada H8N 1X4). Representatives: Martin Werner, 888 7th Avenue, New York, NY 10019 and A. David Millner, 167 Fairfield Rd. P.O. Box 1409, Fairfield, NJ 07006. Stott seeks authority to purchase a portion of Maislin's operating rights. Jack N. Davis and Lillian D. Ellis, who control Stott through stock ownership, seek to acquire control of said rights through this transaction. Stott is purchasing those portions of the interstate operating rights contained in Maislin's certificate No. MC-60580 (Sub-No. 27) which authorized the transportation of *general commodities*, usual exceptions, over regular routes, (1) between Syracuse, NY, and Albany, NY, serving all intermediate points, and the off-route points of Fort Plain, Canajoharie, Fultonville, Sprakers, Johnstown, and Gloversville, NY; from Syracuse over NY Hwy 5, (2) between Utica, NY, and Herkimer, NY, serving all intermediate points; from Utica over NY Hwy 5S to Mohawk, NY, then over NY Hwy 28 to Herkimer, and return over the same route, (3) between Schenectady, NY, and Albany, NY, serving all intermediate points, and the off-route points of Cohoes and Waterford, NY; from Schenectady over NY Hwy 7 to Troy, NY, then over U.S. Hwy 4 to junction NY Hwy 43, then over NY Hwy 43 to Albany, and return over the same route, and (4) between Utica, NY, and junction NY Hwy 365 and 5, serving all intermediate points; from Utica over NY Hwy 69 to Rome, NY, then over NY Hwy 365 to junction NY Hwy 5, and return

over the same route. Maislin is retaining the following authority from its Sub-No. 27 certificate authorizing the transportation of *general commodities,* usual exceptions, over regular routes, (1) between Fulton, NY, and Syracuse, NY, over NY Hwy 57, (2) between Albany, NY, and New York, NY; from Albany over U.S. Hwy 9W to Catskill, NY, then over U.S. Hwy 9W to Newburgh, NY, then over NY Hwy 32 to junction NY Hwy 17 near Harriman, NY, then over NY Hwy 17 to the NY–NJ state line, then over NJ Hwy 17 to Newark, NJ, then over Truck U.S. Hwy 1 to Jersey City, NJ, then through the Holland Tunnel to New York, and return over the same route, (3) between Palantine Bridge, NY, and Catskill, NY, as an alternate route for operating convenience only, serving no intermediate points or Catskill, NY; from Palatine Bridge over NY Hwy 10 to Canajoharie, NY, then over NY Hwy 5S to Sprakers, NY, then over NY Hwy 162 to Sloansville, NY, then over NY Hwy 30A via Central Bridge, NY, to junction NY Hwy 7, then over NY Hwy 7 to junction NY Hwy 30, then over NY Hwy 30 to Middleburg, NY, then over NY Hwy 145 to Catskill, and return over the same route; (4) between Rochester, NY, and Fulton, NY, serving all intermediate points, and off-route points between Rochester and Fulton, NY, bounded on the north by Lake Ontario, on the east by NY Hwy 57, and on the south and west by NY Hwy 31 including points on the indicated portions of the hwys specified; (a) from Rochester over U.S. Hwy 104 to Oswego, NY, then over NY Hwy 57 to Fulton, and return over the same route, (b) from Rochester over U.S. Hwy 104 to Red Creek, NY, then over NY Hwy 104A to junction U.S. Hwy 104, then over U.S. Hwy 104 to Oswego, NY, then over NY Hwy 48 to Fulton, and (c) return from Fulton over NY Hwy 3 to junction U.S. Hwy 104, then over U.S. Hwy 104 to Rochester, (5) between Buffalo, NY, and Rochester, NY, serving all intermediate points, and the off-route points of East Pembroke, Elba, South Bryon, Clarendon, and Bergen, NY; from Buffalo over NY hwy 33 to Rochester, and return over the same route, (6) between Batavia, NY, and Rochester, NY, serving the intermediate points of stafford, Le Ray, Calendonia, and Avon, NY, and the off-route points of Mumford, NY; (a) from Batavia over NY Hwy 33 to junction NY Hwy 33A, then over NY Hwy 33A to Rochester, and return over the same route, and (b) from Batavia over NY Hwy 5 to East Avon, NY, then over NY Hwy 15 to Rochester, and return over the same route, (7) between Albion, NY, and Buffalo, NY, serving all intermediate points and the off-route points of Ashwood, Eagle Harbor, Kendall, Millers and West Kendall (Orleans County), NY; (a) from Albion over NY Hwy 279 to Waterport, NY, then over unnumbered county road to Lyndonville, NY, then over NY Hwy 63 to Medina, NY, then over NY Hwy 31 to Lockport, NY, then over NY Hwy 78 to junction NY Hwy 263, then over NY Hwy 263 to Buffalo, and return over the same route, (b) from Buffalo over NY Hwy 263 to junction NY Hwy 78, then over NY Hwy 78 via Lockport, NY, to Olcott, NY, then over NY Hwy 18 to Sommerset, NY, then over unnumbered county road to junction U.S. Hwy 104, then over U.S. Hwy 104 to Hartland, NY, then over unnumbered county road to Gasport, NY, then over NY Hwy 31 to Medina, NY, then over NY Hwy 63 to Lyndonville, NY, then over unnumbered county road to Waterport, NY, then over NY Hwy 279 to junction NY Hwy 98, then over NY Hwy 98 to Albion, and return over the same route. Irregular routes: (1) *general commodities,* usual exceptions, between New York, NY, on the one hand, and, on the other, points in Bergen, Passaic, Essex, Morris, Hudson, Union, Middlesex, Monmouth, and Somerset Counties, NJ, (2) *general commodities,* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) from New York, NY, and Newark, NJ, and points in that part of NJ within 30 miles of Newark, to points in that part of NY east and north of a line beginning at Lake Ontario and extending in a southerly direction along NY Hwy 57 to Syracuse, then along U.S. Hwy 11 to Binghamton, then in a northeasterly direction along NY Hwy 7 to junction U.S. Hwy 20, then in a southeasterly direction along U.S. Hwy 20 to the NY–MA state line, including points on the indicated portions of the hwys specified (except points in Jefferson, Lewis, Franklin, St. Lawrence, Clinton, Essex, Hamilton, Warren, Saratoga, and Washington, Counties, NY). (b) from Syracuse, NY, to New York, NY, and Newark, NJ, and points in NJ within 30 miles of Newark, (3) *cheese* (except in bulk), from Rome and Alfred Station, NY, to Pittsburgh, East Stroudsburg, Stroudsburg, Scranton, Harrisburg, Wilkes-Barre, Allentown, Easton, Reading, Hazleton, PA, Providence, Woonsocket and Pawtucket, RI, Portland, ME, and points in CT, (4) *empty oil drums,* from points in that part of NY on and east of a line beginning at Oswego and extending along NY Hwy 57 to Syracuse, then along U.S. Hwy 11 to the NY-PA state line, (except Syracuse, and points in Jefferson, Lewis, Franklin, St. Lawrence, Clinton, Essex, Hamilton, Warren, Saratoga, and Washington, Counties, NY) to Sewaren and Rutherford, NJ, (5) *cheese, and supplies and equipment* used in the manufacture of cheese, (except commodities in bulk, (a) from South Edmeston, NY, to Boston, Cambridge, and Springfield, MA, Providence, RI, Hartford, and Berlin, CT, and Bangor, ME, (b) from Rome and Alfred Station, NY, to Philadelphia, PA, New York, NY, Newark, NJ, and ponts in NJ within 30 miles of Newark, and Boston, Cambridge, and Springfield, MA, and (6) *used empty containers, pallets, skids, and cores,* (a) from points in that part of NY (except points in Jefferson, Lewis, Franklin, St. Lawrence, Clinton, Essex, Hamilton, Warren, Saratoga, and Washington Counties, NY) east and north of a line beginning at Lake Ontario and extending in a southerly direction along NY Hwy 7 to junction U.S. Hwy 20 then in a southeasterly direction along U.S. Hwy 20 to the NY-MA state line, including points on the indicated portions of hwys specified, to New York, NY, Newark, NJ, and points in NJ within 30 miles of Newark, (b) from Philadelphia, Pittsburgh, Stroudsburg, East Stroudsburg, Scranton, Harrisburg, Wilkes-Barre, Allentown, Easton, Reading, and Hazleton, PA, Providence, Woonsocket, and Pawtucket, RI, and points in CT, (c) from Boston, Cambridge, and Springfield, MA, Providence, RI, Hartford and Berlin, CT, and Bangor, ME, to South Edmeston, NY, (d) from New York, NY, Newark, NJ, and points in NJ within 30 miles of Newark, to Alfred Station, NY, (e) from Portland, ME, and Boston, Cambridge and Springfield, MA, to Rome and Alfred Station, NY. Stott is a motor common carrier of commodities between points in NY, pursuant to authority issued in certificate No. MC-99569 and subnumbers thereunder. (Hearing site: Syracuse, NY.)

MC-F—14410F, filed June 3, 1980. ST. JOHNSBURY TRUCKING COMPANY, INC. (St. Johnsbury) (87 Jeffrey Avenue, Holliston, MA 01746)—Purchase (Portion)—GATEWAY TRANSPORTATION CO., INC. (Gateway) (455 Park Plaza Drive, La Crosse, WI 54601). Representatives: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006 and Harry J. Jordan, Suite 502 Solar Building, 1000 16th Street, N.W., Washington, DC 20036. St Johnsbury seeks to purchase a portion of the interstate operating rights of Gateway. S.J.T., Inc. which controls St. Johnsbury through ownership of all

of its capital stock and Sun Carriers, Inc. which in turn owns approximately 80 percent of the capital stock of S.J.T., Inc., and in turn Sun Company, Inc., which owns 100 percent of the outstanding stock of Sun Carriers, Inc. St. Johnsbury is purchasing those portions of the interstate operating rights contained in Gateway's certificate issued in MC-80430 (Sub-No. 132), which authorizes the transportation, as a motor common carrier as follows: *general commodities,* usual exceptions, (1) between Pittsburgh, PA, and New York, NY; from Pittsburgh over U.S. Hwy 22 to Harrisburg, PA, then over U.S. Hwy 422 to Philadelphia, PA, then across the Delaware River to Camden, NJ, then over U.S. Hwy 130 to junction U.S. Hwy 206, then over U.S. Hwy 206 to Trenton, NJ, and then over U.S. Hwy 1 to New York, and return over the same route. Service is authorized to and from the intermediate points on U.S. Hwy 22, between Ebensbury and Pittsburgh, including Ebensburg, and those in NJ. Service is authorized to and from off-route points of Butler, Altoona, and Johnstown, PA, points in that part of PA bounded by a line beginning at New Alexandia, PA, and extending along U.S. Hwy 119 to Uniontown, PA, then along U.S. Hwy 40 to junction PA Hwy 18, then along PA Hwy 18 to Florence, PA, and then along U.S. Hwy 22 to the point of beginning, those on or within 1 mile of the Ohio River between Pittsburgh and Aliquippa, PA, including Aliquippa, and those on or within 1 mile of the Allegheny River between Pittsburgh and Brackenridge, PA, including Brackenbridge and those on Long Island, NY, west of NY Hwy 110, including points on the indicated portions of the Hwys specified; from Pittsburgh, PA, to Boston, MA, serving the intermediate and off-route points of Bridgeport, New Haven, and New Britain, CT, Providence, RI, and those in PA, NJ, and NY specified above; from Pittsburgh over the above described routes to New York, NY, and then over U.S. Hwy 1 to Boston, and return over the same route. St. Johnsbury is a motor common carrier of general commodities serving the New England states, NY, NJ, and parts of PA and DE, pursuant to certificate No. MC-108473 and sub-numbers thereunder. Sun Company and Sun Carriers commonly control Milne Truck Lines, Inc., of Salt Lake City, UT operating under docket No. MC-44605 and sub-numbers thereunder, Jones Truck Lines, Inc. of Springdale, AR operating under docket No. MC-11123 and sub-numbers thereunder, and St. Johnsbury. Condition: S.J.T., a non-carrier which directly controls St. Johnsbury and in turn Sun Carriers, Inc., also a non-carrier shall continue to be deemed a carrier within the meaning of 49 U.S.C. 11348 of Subtitle IV, subject to subchapter III of chapter 111 relating to reporting and accounting, and 49 U.S.C. 11302 relating to the issuance of securities. Impediment: Duplicating authority exists between what Gateway is selling and what authority they are retaining, from Pittsburgh over U.S. Hwy 22 to Harrisburg, and from Philadelphia over U.S. Hwy 1 to New York.

Note.—An application for temporary authority has been filed. (Hearing site: Washington, DC.)

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26292 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

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[No. 37474]

## Railroad Freight Rates and Charges; Kentucky Intrastate Freight Rates and Charges on Coal

Decided: August 21, 1980.

By a petition filed July 14, 1980 the Chesapeake and Ohio Railway Company (C&O or petitioner), requests an investigation of Kentucky intrastate freight rates and charges on coal, limestone, liquified petroleum gas, and common lime (commodities), under 49 U.S.C. 11501. Petitioner seeks an order directing that the rates and charges for the intrastate transportation of these commodities be increased upon one day's notice in the same amounts approved for interstate and foreign application by this Commission in Ex Parte No. 357-A and Ex Parte No. 368-A.

Petitioner has stated grounds sufficient to warrant instituting an investigation. The C&O states that it filed an application on December 15, 1978 with the Kentucky Railroad Commission (KRC) to apply the rate increases authorized in Ex Parte No. 357-A to the Kentucky intrastate rates. A lesser increase than that sought was granted by the KRC on September 12, 1979. On August 24, 1979 petitioner filed an application with the KRC to apply the rate increases authorized in Ex Parte No. 368-A to the Kentucky intrastate rates. On March 24, 1980 the KRC auhorized a leaser increase than that sought.

In this investigation under 49 U.S.C. 11501 we will consider whether the Kentucky intrastate rail freight rates, for the above named commodities, cause unjust discrimination against or impose a burden upon interstate or foreign commerce or cause undue or unreasonable advantage, preference or prejudice between persons or localities in intrastate commerce and in interstate and foreign commerce due to the failure to apply to the intrastate traffic of the petitioning railroads the increases authorized by the Commission in Ex Parte No. 357-A and 368-A. In the investigation we shall also determine if any rates or charges, or maximum or minimum charges, or both, maintained by petitioners should be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

Persons who wish to participate in this proceeding and to file and receive copies of pleadings must notify the Commission (Room 5340) within fifteen days. Persons with common interests are encouraged to consolidate their presentations.

As soon as possible after the final date for submitting notices of participation in this proceeding, we will serve a list of names and addresses upon all persons designated for service of the pleadings. The proceedings will then be assigned for oral hearing or for modified procedure.

A copy of this decision shall be served upon the petitioner, and copies shall be sent by certified mail to the Kentucky Railroad Commission and the Governor of Kentucky. Further public notice shall be made by depositing a copy of this decision in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and to the Director, Office of the Federal Register, for publication therein.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

*Secretary.*

[FR Doc. 80-26294 Filed 8-27-80; 8:45 am]

BILLING CODE 7035-01-M

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## 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, September 24, 1980, 9:00 a.m., at the Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

The Commission will consider domestic procedures for implementation of the Convention, applications for international trade in species protected by the Convention, and miscellaneous 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, 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., September 22, 1980.

Dated: August 25, 1980.

William Y. Brown,

*Executive Secretary, International Convention Advisory Commission.*

[FR Doc. 80-26400 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-68-M

## INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

### Agency for International Development

[Delegation of Authority No. 136]

### Delegation of Authority; Controller, AID

Pursuant to the authority delegated to me by TDP Delegation of Authority No. 2 of July 23, 1980, I hereby delegate all authorities delegated to me by the aforesaid delegation to the Controller, AID.

Authorities delegated herein may be exercised by the person who is performing the functions of the AID Controller in an acting capacity.

This delegation of authority shall be deemed effective as of July 1, 1980, and actions within the scope of this delegation undertaken prior hereto which are consistent with the terms and scope of this delegation of authority are hereby ratified and confirmed.

Dated: July 24, 1980.

Douglas J. Bennet, Jr.,

*Administrator.*

[FR Doc. 80-26307 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.114]

### Delegation of Contracting Officer Authority to John Stuart

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services, I hereby redelegate to Mr. John Stuart the authority to sign the following instruments, up to an amount of $1,000,000 (or local currency equivalent) per transaction:

(1) U.S. Government contracts (including contracts with individuals for services of the individual alone);

(2) U.S. Government grants, other than grants to foreign governments or agencies thereof;

(3) Inter-agency service agreements (IASAs) between A.I.D. and other U.S. Government agencies; and

(4) Modifications to the instruments specified above.

(5) Advance payments to non-profit organizations that collect no fee for services.

The authority delegated herein is to be exercised in accordance with A.I.D. regulations, procedures, and policies in effect at the time the authority is exercised and is not in derogation of the authority of the Director, Office of Contract Management, to exercise any of the functions herein redelegated.

This redelegation of authority shall be effective on the date of signature.

Dated: August 8, 1980.

Hugh L. Dwelley,

*Director, Office of Contract Management.*

[FR Doc. 80-26309 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-02-M

[Redelegation of Authority No. 99.1.105; Amendment No. 1]

### Mission Director, USAID/Indonesia; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby amend Redelegation of Authority No. 99.1.105, dated December 18, 1978, to add the authority to authorize advance payments to other than profit-making organizations not collecting a fee.

Except as provided herein, the Redelegation of Authority remains unchanged and continued in full force and effect.

This amendment is effective on the date of signature below.

Dated: August 8, 1980.

Hugh L. Dwelley,

*Director, Office of Contract Management.*

[FR Doc. 80-26308 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-02-M

## NATIONAL CAPITAL PLANNING COMMISSION

### Privacy Act of 1974; Addition to System of Records

The following addition to the Commission's System of Records is published due to the Office of Personnel Management's proposal to delete the governmentwide system of records: "OPM/GOVT-2, Grievance Records".

NCPC-4

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

These records are located in the Administrative Office of the National Capital Planning Commission.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former employees of the National Capital Planning Commission who have submitted grievances in accordance with part 771 of the regulations of the U.S. Office of Personnel Management (5 CFR 771).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by agency employees under part 771 of regulations issued by the U.S. Office of Personnel Management (OPM). These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, E.O. 10577, 3 CFR 1954-1958 Comp., p. 218, E.O. 10987, 3 CFR 1959-1963 Comp., p. 519, agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

(a) To disclose pertinent information to the appropriate Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(b) To disclose information to any source from which additional

information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

(c) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

(d) To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

(e) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

(f) By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(g) By the Commission or by the U.S. Office of Personnel Management (OPM) in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual indentifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference.

(h) To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

(i) To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

(j) To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

These records are maintained in file folders.

**RETRIEVABILITY:**

These records are retrieved by the names of the individuals on whom they are maintained.

**SAFEGUARDS:**

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

**RETENTION AND DISPOSAL:**

These records are disposed of 3 years after closing of the case. Disposal is by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576.

**NOTIFICATION PROCEDURES:**

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, also contact the agency administrative office regarding the existence of such records on them. They must furnish the following information for their records to be located and identified:

(a) Name
(b) Date of birth
(c) Approximate date of closing of the case and kind of action taken
(d) Organizational component involved.

**RECORDS ACCESS PROCEDURES:**

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the agency administrative office.

Individuals must provide the following information for their records to be located and identified.

(a) Name
(b) Date of birth
(c) Approximate date of closing of the case and kind of action taken
(d) Organizational component involved.

Individuals requesting access must also follow the Privacy Act regulations of the U.S. Office of Personnel Management regarding access to records and verification of identity (5 CFR 297.203 or 297.201).

**CONTESTING RECORD PROCEDURES:**

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the agency administrative office. Individuals must furnish the following information for their records to be located and identified:

(a) Name
(b) Date of birth
(c) Approximate date of closing of the case and kind of action taken
(d) Organizational component involved.

Individuals requesting amendment must also follow the Privacy Act regulations of the U.S. Office of Personnel Management regarding amendment to records and verification of identity (5 CFR 297.208 and 297.201).

**RECORD SOURCE CATEGORIES:**

Information in this system of records is provided:

(a) By the individual on whom the record is provided:
(b) By testimony of witnesss
(c) By agency officials
(d) From related correspondence from organizations or persons.

Edward H. Rickels,
*Secretary.*
August 21, 1980.

[FR Doc. 80-26369 Filed 8-27-80; 8:45 am]
BILLING CODE 7520-01-M

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-35]

### Safety Recommendations and Responses; Availability

Aviation Safety Recommendation Letter

*A-80-78 and -79 to the Federal Aviation Administration, August 19, 1980.*—Two "Class I, Urgent Action" recommendations have been issued by the National Transportation Safety Board as a result of investigation into the crash of a Bell 205A-1 helicopter, N6207N. The helicopter, equipped with fixed-type floats (inflated), was returning to the Arcola-Houston (Texas) Airport on a flight from an offshore oil rig when the accident occurred, on July

18, 1980. Immediately after acknowledging airport advisories on the radio, the pilot, who was the sole occupant, reported that he was in trouble. When the aircraft wreckage was located 3 miles east of the airport, it was inverted and burned. The main rotor system was found 350 yards from the main impact area. The pilot was killed.

Examination of the wreckage by the Safety Board revealed that a fatigue crack existed on the right forward cross tube (PN 205-050-114-9) where the support saddle fitting (PN 204-050-011-21) was riveted. The fatigue crack was located between two rivet holes. The remaining fracture in the cross tube diameter was caused by static overload. Separation of the float support in this area would have caused the flat to swing outboard as it pivoted around the aft cross tube attachment and to expose a large flat plate drag area to the slip stream, which could have resulted in the pilot's losing control of the helicopter.

The Safety Board notes that Airworthiness Directive 76-14-03, Bell Amendment 39-2665, effective August 7, 1976, required that the cross tubes in the float kit installed on this model helicopter be removed before they had been operated 500 hours. The operator of the accident helicopter reported that the aircraft had been operated approximately 440 hours since the float kit had been installed. The manufacturer reported that replacement cross tubes with clamp-on saddle support fittings are available and they estimated that there are still 35 or more float kits with the riveted saddle fittings in service.

To prevent recurrence of this type of accident the Safety Board recommends that FAA:

Issue a telegraphic airworthiness directive applicable to all Bell 205 and 212 helicopter models equipped with fixed float kits (PN 205-706-050-1 and 7), on which AD 76-14-03 has not been accomplished, to require an immediate one time X-ray or equivalent inspection of all cross tube inner diameters in the areas where the support saddle fittings are riveted for evidence of cracks. (A-80-78)

Issue an airworthiness directive to require the removal of forward and aft cross tubes (PN 205-050-114-1, -3, -5, -7) and cross tube assemblies (PN205-706-050-5 and -9) from all Bell Models 205A-1 and 212 helicopters within the next 50 hours time in service and replacement with clamp-on saddle support fittings. (A-80-79)

## Railroad Safety Recommendation Letters

*R-80-30 to the National Railroad Passenger Corporation (Amtrak), August 15, 1980.*—About 4 p.m. last March 14, westbound Amstrak train No. 7, the Empire Builder, derailed two locomotive units and eight cars while moving at 37 mph through a 6°08′ curve on the Burlington Northern track at Glacier Park, Mont. Of the 170 passenger and 20 crewmembers, 115 persons were injured and 35 were hospitalized. Property damage was estimated at $546,800.

Investigation of this accident disclosed that the baggage car on train No. 7 was being operated with a number of defective conditions which could cause the derailment of a passenger train. Although the defects did not cause or contribute to the cause of the derailment at Glacier Park, the missing springs on the lead truck, the improper coupler height, the missing bolts in the centerplate of the lead truck, and the missing lateral clearance shims on the lead axle indicate inadequate inspection and maintenance of the car. Therefore, the Safety Board recommends that Amtrak:

Prohibit the use in revenue service trains of passenger train cars with defective conditions that may affect their safe operation. (R-80-30)

*R-80-31 and -32 to the Federal Railroad Administration, August 15, 1980.*—A companion letter notes that investigation of the Amtrak train derailment disclosed that maintenance forces were to replace several of the low rails in the curve because of corrugations and shelling. These rail conditions were noted by Burlington Northern inspectors as early as March 7, 1980; however, no slow order was issued to reduce the speed of trains to 20 mph until the rails were replaced as required by 49 CFR 213.113(b). Track inspection records also did not indicate that these rails were in the track and that any remedial action was to be taken as implied by 49 CFR 213.241(b).

Investigation also revealed that the baggage car in train No. 7 was being operated with a number of defective conditions which could cause derailment. These defects, which are not covered by Federal regulations, should be, even though they did not cause or contribute to the cause of the derailment at Glacier Park. Minimum safety standards for passenger car inspection and maintenance are vital to safe railroad passenger tranportation. The Safety Board notes that a major problem countered during the evacuation was removing the injured passengers from the overturned cars. Some of the injured had to be lifted to overhead windows and down ladders; some of those injured were removed on stretcher boards. Accordingly, the Board recommends that FRA:

Promulgate regulations to establish minimum safety standards for the inspection and maintenance of railroad passenger cars. (R-80-31)

Amend track safety standard 49 CFR 213.241, Inspection Records, to require railroad inspectors to list on their inspection records the location of rails which exhibit the external conditions listed in subpart (b) of 49 CFR 213.113, Defective Rails, and the remedial action they have taken. (R-80-32)

In addition, the Safety Board reiterates to FRA the following recommendation:

Require that rail passenger equipment be fitted with roof hatches so that passengers can escape through the ceiling of a car which is lying on its side. (R-78-21).

*R-80-33 to the Burlington Northern, August 15, 1980.*—In this recommendation letter, also concerning the Glacier Park accident, the Safety Board notes that investigation disclosed that forces were to replace several of the low rails in the curve because of corrugations and shelling. These conditions were noted by Burlington Northern inspectors as early as March 7, 1980; however, no slow order was issued to protect against the possibility of these rails breaking under a train or causing a derailment because of excessive car bouncing or rocking. Federal regulations require a maximim speed of 20 mph over such rails until they are replaced. Also, several of the rails exhibited ½-in. rail end batter, which required the track to be classified to Class I with a maximum speed of 15 mph for passenger trains until the rails were replaced.

In addition, the Board notes that track conditions were found during the postaccident investigation that could cause gage widening or tipping of the high rail in the curve. Previous industry tests have indicated that these conditions can be troublesome when the crossties are frozen in the ballast, as was the case at Glacier Park, particularly if snow and ice get between the base of rail and tie plates. Snow was plowed from the track about 30 minutes before the arrival of No. 7, and plowing could have aggravated the weakened track condition. Accordingly, the Safety Board recommends that the Burlington Northern:

Insure that track supervisors and inspectors take proper action to protect against conditions affecting safety of railway operations pending correction of defective track conditions as prescribed in Burlington Northern maintenance of way circulars and Federal regulations. (R-80-33).

Each of the above railroad safety recommendations is designated "Class II, Priority Action." Copies of the Safety Board's formal investigation report are being prepared for distribution and will be available in the near future.

**Responses to Safety Recommendations**

*Aviation*

*A-77-12, from the Federal Aviation Administration, July 28, 1980.*—Letter updates action taken to implement the Safety Board's recommendation which asked FAA to formulate, in cooperation with the National Fire Protection Association, a training program for use by local fire departments as a minimum standard for firefighting personnel involved, in CFR activities at noncertificated airports.

FAA reports that its Advisory Circular (AC) 150/5210-6B, Aircraft Fire and Rescue Facilities and Extinguishing Agents, dated January 26, 1973, contains, in Chapter 3, the recommended scales of protection (in terms of equipment and agent) for airport firefighting and rescue services at general aviation (noncertificated) airports. FAA's previous response to A-77-13, notes that AC 139.49-1, Programs for Training of Fire Fighting and Rescue Personnel, dated November 12, 1973, contains FAA's recommended minimum training program for airport firefighters at both certificated and noncertificated airports. FAA states that the potential usefulness of these two documents has been strengthened by the recent adoption by the National Fire Fighter Protection Association of a new "Standard for Airport Fire Fighter Professional Qualifications" (1003-1978). This standard, made available in 1979, identifies the professional level of competence that should be attained by an airport firefighter. AC 150/5200-27, dated August 27, 1979, announces the availability of NFPA Standard 1003-1978 to the public. FAA believes that this now constitutes a complete system: The recommended level of protection equipment has been identified (AC 150/5200-6B), the equipment operator's (airport firefighter) level of competence has been specified (AC 150/5200-27), and a training program outline has been provided (AC-139.49.1).

FAA notes that recommendation A-77-13 was classified as "Closed—Acceptable Action" on November 23, 1977. FAA now considers action on recommendations A-77-12 and -13 complete.

*A-77-68, from the Federal Aviation Administration, August 13, 1980.*—Response is to the Safety Board's comments of June 6, 1980, concerning FAA's initial response dated January 11, 1978 (43 FR 4471, February 2, 1978). The recommendation stemmed from the Southern Airways DC-9 accident at New Hope, Ga., on April 4, 1977, and asked FAA to formulate rules and procedures for the timely dissemination by air traffic controllers of all available severe weather information to inbound and outbound flightcrew in the terminal area. The Board noted that FAA's response indicated that a plan had been drafted for analyzing and disseminating severe weather data in terminal areas and that the final plan would include a means of delivery that could be accomplished without derogating the controllers' primary responsibility for preventing midair collisions. The Board was subsequently advised through staff sources that the draft report had been approved and that an FAA Weather Program Manager had been established to execute and maintain the "Aviation Weather System Program Plan." The Board asked to be advised of the present status of this recommendation.

FAA's August 13 letter reports that a task group addressing the problem had made a recommendation which resulted in activating a Center Weather Service Unit (CWSU) in 13 FAA air route traffic control centers (ARTCC) in April 1978. By October 1980, FAA will have its planned total of 21 of these CWSU's in the 20 ARTCC's in the contiguous 48 States and in the Anchorage, Alaska, ARTCC. FAA notes that the CWSU staffing is made up of an FAA weather coordinator and a National Weather Service meteorologist. This unit is under the direction of the assistant chief in charge of the ARTCC. The mission of the unit is to: "Function as a team to make appropriate decisions, which are pertinent to flight safety/operations." The dissemination of the weather intelligence includes the terminal facilities within the ARTCC's areas of responsibility. The information provided includes hazardous (severe) weather information.

Further, FAA notes that in addition to this procedural change, another program FAA has instituted has changed its terminal wind shear procedures. The program title is: Low Level Wind Shear Alert System. This system is being installed at major airports to detect approaching low level wind shear conditions. Four to six wind speed and direction sensors are installed around the periphery of each airport, and the outputs of these sensors are monitored continuously by the system. If a significant wind shift (shear) is detected, the system activates a visual and audible alarm in the air traffic control tower cab. The controller in the tower cab then provides this wind shear information to inbound and outbound flightcrews. FAA has installed these systems at 24 major airports, has 34 more under contract which will be installed by the end of fiscal year 1981, and has plans to install these systems at a total of 110 airports by the end of fiscal year 1984.

FAA reports that the draft plan, mentioned in the January 11, 1978, response, is presently under revision to cover all FAA aviation weather requirements, including the terminal one involved in recommendation A-77-68. The existence of the plan in either draft or final form did not deter FAA from implementing the two terminal area procedural changes above referenced.

*A-78-54, from the Federal Aviation Administration, July 29, 1980.*—Letter supplements FAA's previous responses of November 9, 1978, and May 23, 1979 (44 FR 32756, June 7, 1979) to a recommendation issued following investigation of the fatal accident involving a Columbia Pacific Airlines Beechcraft model 99 which attained an excessively steep climb immediately after takeoff on February 10, 1978, from Richland (Wash.) Airport and crashed. The recommendation asked FAA to require an inspection to insure that the primary and secondary mode of the horizontal stabilizer actuator are capable of deflecting the stabilizer under specified airloads; the exact instructions should be furnished by the Beech Aircraft Company and the inspection made as soon as the Beech instructions are available and repeated at 2,000-hour intervals.

FAA reports that Beech has amended the Maintenance Manuals for both the Beech 99 and 100 by revision 1A8 dated July 27, 1979 (copy provided). The revision identifies a kit, which is now available, designed to satisfy the inspection requirements of recommendation A-78-54. Pictures, instructions, and sketches are included in the kit for use in preventing damage to the aircraft. These kits have been distributed and are now in the field for general use, FAA states. Test Instructions provide that "After the first 2,000 actuator hours of service and every 2,000 actuator service hours thereafter, the horizontal stabilizer trim actuator must be load tested. This consists of both a tension and compression load test. The load test is to be accomplished by obtaining the required Instructions Kit No. 99-5012-15. . . ." FAA inspectors will monitor owner/operator actions for compliance with this requirement.

*A-80-38, from the Federal Aviation Administration, August 11, 1980.* Respense is to a recommendation issued May 14, 1980, as a result of Board investigation of an incident occurring last August 7 involving a Beech 65-80 (Queen Air), N99FA. After departing Gaithersburg, Md., and shortly after

reaching 20,000 ft m.s.l. while climbing southbound, the crew saw white smoke and smelled fumes in the cockpit. An emergency was declared and the aircraft was landed without futher incident at Dulles International Airport, Washington, D.C. Investigation revealed that both voltage regulators and both alternator-rectifiers were inoperative and the nickel-cadmium battery was venting gas overboard. Fire damage was found on the cockpit floor between the pilot seats, and both alternator field windings were burned and shorted. The recommendation asked FAA to issue a General Aviation Airworthiness Alert describing the effects of damage to the floor-mounted alternator field current breakers and mainline circuit breakers in Beech Model 65-80 aircraft; the advisory should emphasize the desirability of compliance with Beech Service Bulletin No. 67-28, dated December 29, 1967. (See also 45 FR 34476, May 22, 1980.)

FAA concurs with recommendation A-80-38 and reports that the following article will appear in the August 1980 issue of the General Aviation Airworthiness Alert, AC No. 431-16:

*Model:* Beech Model 65, A65, and 65-80 Series.

*Subject:* Alternator Field Circuit Breakers P/N PSM-10N.

Text: Cockpit personnel are cautioned to avoid stepping on these circuit breakers.

These floor-mounted circuit breakers are subject to damage as a result of heavy foot pressures and inadvertently being struck by persons in the cockpit. If damaged, those circuit breakers may not provide protection for the alternator field circuit and associated aircraft wiring.

Beech issued Service Bulletin No. 67-28 in September 1967, to provide information which could be used to relocate the floormounted circuit breaker bracket to a lower, less vulnerable postition to help prevent accidental damage to the circuit breakers. It is recommended that this Service Bulletin by complied with if not already accomplished.

Aircraft affected: Models 65 and A65, S/N's LC-143 thru LC-270, and all airplanes prior to LC-143 that have complied with Model 65 Service Bulletin No. 11; Models 65-80, 65-A80, and 65-B80, S/N's LD-13 through LD-350 and LD-352, and all airplanes prior to LD-13 that have complied with Model 65-80 Service Bulletin No. 2.

FAA will forward to the Safety Board a copy of the August 1980 General Aviation Airworthiness Alert when it is published.

*Highway*

*H-80-28, from the Secretary, U.S. Department of Transportation, August 6, 1980.*—Response is to a recommendation issued April 22 as a result of the Safety Board's safety effectiveness evaluation of the rulemaking process of the National Highway Traffic Safety Administration. The recommendation called for a Department review of its regulatory policies and procedures concerning the consideration of regulatory alternatives, to determine whether modifications are needed and applicable on a DOT-wide basis, particularly with respect to whether the regulatory polices and procedures should (a) specify that more than one alternative should be considered and evaluated, (b) specify that all significant and practicable alternatives be fully supported by sufficient data to allow a comprehensive analysis and comparison during the Regulatory Analysis, and (c) require that all significant and practicable alternatives be fully discussed in public notices with specific reference to the supporting data and documents. (See 45 FR 29144, May 1, 1980.)

DOT agrees that careful and complete consideration of alternative approaches is essential to quality rulemaking for all modes of transportation, and, in response to the Board's recommendation, has reviewed its regulatory policies and procedures with respect to those provisions that deal with the consideration of alternatives. The recommendation was circulated to each of the Department's operating administration heads and Assistant Secretaries for their views. Based on the review, the Department does not agree with Board's statement that DOT's Regulatory Policies and Procedures do not contain specific policy guidance on the consideration of alternatives. In fact, those policies and procedures contain a number of provisions which specifically require the consideration of alternatives in the rulemaking process. For example:

1. Paragraph 6.e states that it is Departmental policy in issuing and revising all regulations that adequate consideration be given to alternatives.

2. Paragraph 9.b requires that before an initiating office proceeds to develop a significant regulation, the head of the initiating office must consider the alternative approaches to be explored.

3. Paragraph 9.f.(3) requires that before a significant final rule is submitted to the Secretary for approval, the initiating office must ensure that alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen.

4. Paragraphs 10.b.(2) and (4) require that the Regulatory Analyses, which are prepared for the most important Departmental regulations, describe the major alternative ways of dealing with the problems that were considered and explain the reasons for choosing one alternative over the other.

5. Paragraph 10.d. requires that each advance notice and notice of proposed rulemaking, concerning a major rule, include a description of the alternative approaches being considered.

The Secretary states, "We believe these provisions establish a workable and effective framework for the consideration of alternatives by our operating administrations. At the same time, they provide the rulemaking initiating offices within the Department with sufficient flexibility to avoid overly burdensome, costly, and time consuming analyses of inconsequential regulations and regulations needed expeditiously due to exigent circumstances. Our experience over the two and one half years since the implementation of our policies and procedures has indicated to us that alternatives are being considered adequately in Departmental rulemaking. Efforts are continuing to be made to improve the consideration of alternatives."

DOT notes that the two NHTSA rulemaking proceedings reviewed by the Board in connection with its recommendation were initiated long before the adoption of the DOT Regulatory Policies and Procedures. With respect to the particular modifications recommended by the Board, DOT believes they are unnecessary and in most respects are already adequately covered by the provisions noted above. "To the extent they are not," the Secretary states, "the modifications would require excessive detail which would act to unnecessarily bog down the rulemaking process. For example, to require references to supporting data and documents relating to all significant and practicable alternatives in all rulemaking notices, as suggested by the Board, would substantially and unjustifiably complicate the processing of the vast majority of DOT rulemaking proceedings which are economically unimportant, procedural in nature or of limited public interest. To preclude these problems, the regulatory policies and procedures currently require this kind of information only in those notices that relate to the Department's major rulemaking proceedings."

By way of reemphasizing the need to consider alternatives during the development of rules, a copy of the Secretary's letter was transmitted to each of the Department's Assistant Secretaries and operating administration heads.

*Railroad*

*R-80-10 through 16, from the Federal Railroad Administration, August 8, 1980.*—Response is to recommendations issued last March 12 in conjunction with the Safety Board's special investigation

report, "The Accident Performance of Tank Car Safeguards." (See 45 FR 18211, March 20, 1980.)

Recommendation R-80-10 asked FRA to extend the requirements for top-and-bottom shelf couplers to all tank cars used to transport hazardous materials, and recommendation R-80-11 called on FRA to extend the requirements of 49 CFR 197.105, including those for head shields and thermal protection, to include new and rebuilt specification 105 tank cars. In response, FRA and the Materials Transportation Bureau agree with these recommendations. FRA reports that a notice of proposed rulemaking was published on July 21, 1980, at 45 FR 48671. The proposal includes requirements for application of top-and-bottom shelf couplers to all tank cars transporting hazardous materials and for new 105 tank cars to be consistent with 49 CFR 179.105.

Recommendation R-80-12 asked FRA to examine specialty products and Class A poisons which are shipped in Type 111 tank cars to determine if the toxicity hazard is sufficient to justify the protection afforded by 49 CFR 179.105. FRA reports studying, with the Materials Transportation Bureau, on a commodity-by-commodity basis the application of "protection" to "nonpressure" tank cars, set forth in 49 CFR 179.105, including Type 111 tank cars. As a first step, the DOT 105 tank car fleet is being assessed. Public assistance has been solicited by using an advance notice of proposed rulemaking published at 45 FR 48668 on July 21, 1980. Based upon results of this process, FRA and MTB will consider using a similar procedure in examining "nonpressure" tank cars. FRA notes that, currently, 49 CFR 173 Subpart H does not authorize the transport of "Class A Poisons" in "nonpressure" (Type 111/103) tank cars.

In response to recommendation R-80-13, which urged FRA to take immediate steps to cause the modification of both new and existing tank cars so that damage to the top fittings and bottom outlet valves is minimized in train accidents, FRA notes that numerous train accidents confirm that damaged top and lower outlet fittings resulting from pileups during derailments are a significant source of product release. From investigations, it appears that the bottom outlet on stub-sill, noninsulated, low-pressure, Class 111A tank cars are most vulnerable. However, due to the elevated derailment forces involved, FRA states, effective countermeasures to protect such outlets on existing cars are not feasible. FRA accident records covering 1973 through 1979 contain no direct reported incidences of bottom outlet failure for the more crucial groups of pressure tank cars. Nevertheless, FRA is assessing further actions to mitigate the problem in new car construction.

Recommendation R-80-14 called for a collection of data on tank car derailment behavior to identify breach mechanisms, an analysis of these mechanisms, identification of control methods, and incorporation of findings in new car construction. Recommendation R-80-16 asked FRA to require crashworthiness testing of new hazardous materials tank car designs to resist breaching in the derailment environment. In response to these two recommendations, FRA reports that it is currently working with the U.S. Army Ballistics Research Laboratory, Aberdeen, Md., to study mechanisms involved in the breaching of tank cars. A facility has been constructed at Socorro, N.M., for testing concepts to resist breaching. The testing will be initiated in the last quarter of 1981. FRA is also working with the National Bureau of Standards in the study of steels for new tank car construction; research is scheduled to be completed by December 1980. Additionally, FRA is working jointly with the Safety Board in testing a 112S tank car which was involved in an accident at Inwood, Ind., on November 8, 1979. The test will include ascertaining the metallurgical properties of the tank.

In response to recommendation R-80-15, which asked FRA to conduct tests of tank cars in freight train derailments to determine if the severity of collision damage can be reduced by tank car placement in trains and to identify and test countermeasures, FRA reports that studies will be conducted to evaluate safe position(s) in freight trains for placarded hazardous materials rail cars. FRA says its "research evaluator project" which was awarded to Teledyne Ryan, Inc., in September 1979 will be capable of modeling train operations including individual car action under various types of braking conditions. The evaluator is expected to be completed by the end of 1982. Also, FRA is conducting research on the coefficient of friction of various brake shoes. A contract was awarded to ITTRI, Inc., on May 1980, and is scheduled to be completed by the end of 1981. This work will enable FRA to accurately simulate train operations, stopping distances and car interactions. FRA says it will use the information developed from these projects to assess severity of damage and to identify and test countermeasures relative to the placement of tank cars in trains.

*R-80-17 through -19, from Illinois Central Gulf (ICG), August 8, 1980.*—Letter concerns recommendations developed as a result of Board investigation of the collision of an Amtrak passenger train with an ICG freight train at Harvey, Ill., October 12, 1979. The Safety Board on July 16 forwarded to ICG comments on ICG's previous response of April 30 which was directed to the subject recommendations, issued April 21, and to recommendations R-79-75 through -77, issued last December 18 (45 FR 34479, May 22, 1980). The Board's July 16 letter states that recommendations R-79-75, -76, and -77 are now "Closed—Acceptable Action."

With respect to recommendation R-80-17, which concerned an improved communications system between the switchtender and the train director, the Safety Board noted that the three telephones mentioned in ICG's April 30 letter were available to the switchtender at Harvey at the time of the accident. The Board said that the communications problem between the train director and the switchtender, which was examined during the investigation, was that the train director could not contact the switchtender when he was out of the building because of the limited range of the switchtender's portable radio. Since the switchtender works mostly outside and is not near any of the three telephones, this developed a practice of the train director's calling the yardmaster to relay by radio switching instructions for the switchtender. Thus, a third party became involved when establishing an operating block for a train movement against the current of traffic. Such instructions issued to the switchtender cannot be verified by the train director, and this is a violation of ICG instructions dated June 23, 1975. The Board asked for reconsideration of recommendation R-80-17 and classified the recommendation in an "Open—Unacceptable Action" status. In its August 8 response, ICG reported that effective August 4, 1980, a six-watt handset end-to-end communication radio was placed with the switchtender, which will enable him to reach the train director from Harvey.

With respect to recommendation R-80-18 regarding assignment of radio channels, the Safety Board's July 16 letter notes from ICG's initial response that the proper radio channel is coordinated between interested parties prior to commencement of duty. This does not appear to the Board to solve the problem identified during the investigation of the Harvey accident. The switchtender had a two-channel

portable radio and was required to use both channels in the performance of his assignment. When working with yard and transfer crews, he would use a channel different from the one he would use when working with crews on the main line. But nothing in the ICG requirements identifies the channel which he should monitor for instructions. The Board asked for reconsideration and classified R-80-18 as "Open—Unacceptable Action." ICG's August 8 response notes that the switchtender is required to work on Channel 1 only. Any assignment trying to reach the switchtender will have to do so on Channel 1. He must, according to the operating rules, move trains and engines through the Harvey area by hand signals only, and not through the use of radio communications.

With respect to recommendation R-80-19 regarding supervisors monitoring the activities of employees, the Safety Board said it found during the investigation that the switchtender was not being properly audited to ascertain if he was capable of performing his duties. The Board asked if there had been a change since the accident in ICG's program for employee safety performance audits and Transportation Department rule efficiency tests. The Board also asked if the switchtender is now being included in those checks and whether the checks are thorough enough to determine if the switchtender can adequately perform his duties. Pending receipt of ICG's response, the Board retained recommendation R-80-19 in "Open—Unacceptable Action" status. ICG's response reports that remedial training was given switchtenders and all new employees now receive such training. ICG officers also monitor performance of the switchtenders while conducting efficiency tests. Additionally, unannounced checks are made in order to evaluate the switchtenders daily performance.

*R-80-26, from the Federal Railroad Administration, August 18, 1980.*—Response is to a recommendation issued June 3 as a result of investigation of the Amtrak train derailment which occurred at Lawrence, Kans., last October 2. The recommendation asked FRA to determine and advise if test procedures being employed by the Atchison, Topeka and Santa Fe Railway Company at all locations are sufficient to determine if automatic train stop apparatus is functioning properly for inservice operation. (See 45 FR 39988, June 12, 1980.)

In response, FRA notes that the Santa Fe does not regularly operate trains that are required to be equipped with automatic trainstop (ATS) devices. Therefore, the Santa Fe only tests wayside ATS apparatus. The onboard ATS equipment of Amtrak locomotives operating over the Santa Fe is tested at Amtrak's facilities located in Chicago, Ill., and Redondo, Calif. During June 1980, FRA personnel inspected these two facilities and found that ATS equipment is being properly tested. Also, in June, FRA inspected Santa Fe's Electrical Shop and Signal Repair Shop at San Bernardino, Calif., where ATS relays are repaired for Amtrak. Knowledgeable and skilled craftsmen were observed performing the work in accordance with manufacturer's specifications. In addition, inspections at San Bernardino, Calif.; Topeka, Kans.; Argentine, Kans.; and Fort Madison, Iowa, indicated that ATS inductors are inspected and tested in compliance with FRA's requirements.

FRA believes that at all locations Santa Fe and Amtrak personnel involved with the maintenance, testing, and repair of ATS equipment are qualified and highly competent. Further, FRA believes that the ATS apparatus on the Santa Fe is being appropriately tested to assure it is functioning properly for inservice operation.

Note.—Copies of the Safety Board's recommendation letters, as well as responses and related correspondence, are provided free of charge. All requests for copies must be in writing, identified by recommendation number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

*Federal Register Liaison Officer.*

August 22, 1980.

[FR Doc. 80-26401 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-58-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

### Alabama Power Co; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. NPF-2 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment changes the low-low steam generator water level reactor trip setpoint to compensate for high containment temperature following a postulated high energy line break. A second change corrects an error in the minimum number of 600 volt load centers.

The application for the amendment complies with the standards and requirements of theAtomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 30, 1979, supplemented by letter dated March 31, 1980 and your application dated June 2, 1980, (2) Amendment No. 15 to License No. NPF-2, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of August 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief Operating Reactors Branch No. 1 Division of Licensing.*

[FR Doc. 80-26354 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

### Availability of Draft NRC Staff Review of the "Heidelberg Report"

The staff of the Nuclear Regulatory Commission (NRC) has completed a draft technical review of a report prepared by advisers to the Department of Environmental Protection of the University of Heidelberg, entitled "Radioecological Assesstment of the Wyhl Nuclear Power Plant" (Heidelberg Report). The purpose of this notice is twofold: (1) to give notice that the NRC

staff draft review is available to the public; and (2) to solicit comments on the draft review.

The results of the staff review have been published in draft form for public comment, both as a main report for the technical community (identified as NUREG–0668) and as a summary report for general public information (identified as NUREG–0668, SUMMARY). Requests for single copies of the "Staff Review of 'Radioecological Assessment of the Wyhl Nuclear Power Plant' " (identified as NUREG–0668, or NUREG–0668, SUMMARY), and "Radioecological Assessment of the Wyhl Nuclear Power Plant" (identified as NRC Translation 520) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, ATTN: Director, Division of Systems Integration.

A summary of the NRC staff review follows:

Summary of the NRC Staff Review of the Heidelberg Report

The staff of the Nuclear Regulatory Commission (NRC) has reviewed a report known formally as the "Radioecological Assessment of the Wyhl Nuclear Power Plant", and informally as the "Heidelberg Report".[1]

This report was written by advisers to the Department of Environmental Protection of the University of Heidelberg, West Germany. It presents an assessment of the environmental radiological impact of a proposed pressurized-water ractor to be built near Wyhl, West Germany.

The assessment is based largely on mathematical models that are used to calculate doses to humans in the area surrounding a reactor site and describe the movement of radioactive materials in the environment. These are the same mathematical models that are used by the U.S. Nuclear Regulatory Commission (NRC) in licensing reactors in the United States. The NRC uses these models to calculate doses to ensure that only radiation exposure due to an operating ractor is far below national and international recommended "safe" levels, and also well below natural background radiation levels.

The NRC staff reviewed the Heidelberg Report because the report implied that the NRC may be substantially underestimating doses to individuals living near nuclear power plants by using incorrect values for parameters in the mathematical models. Although the Heidelberg Report assessment is based largely on environmental models described in four NRC Regulatory Guides, the NRC staff's review of the Heidelberg Report indicates that the Heidelberg authors used values for some model parameters that are too high.

As a result, the Heidelberg Report estimated doses to the public by some pathways that are up to 10,000 times higher than the doses calculated using the NRC values for those models parameters. The Heidelberg Report documents the parameters chosen for the dose estimates by referring to over 200 documents selected from the scientific literature.

The NRC staff's review of the Heidelberg Report concluded the following:

(1) The average actual measured concentrations of radioactive materials near U.S. nuclear power plants lead to dose estimates that are much lower than those estimated in the Heidelberg Report for the Wyhl nuclear power plant.

(2) The actual amounts of radioactive materials that are released into air from U.S. operating reactors are much less than the Heidelberg Report estimated amounts for the most significant radioactive materials. For example, the average actual measured releases of the two most significant radioactive materials in the Heidelberg Report, cesium–137 and strontium–90, from U.S. operating pressurized water reactors have been less than 1 percent of the corresponding amounts assumed in the Heidelberg Report.

(3) The Heidelberg Report uses values for several critical parameters in the mathemathical models used to calculate doses that are equal to or higher than the highest values derived from the references cited in their report. For example, the following values in the Heidelberg Report are, in general, equal to or higher than the highest values cited in their references: (a) the numbers used to calculate the amount of cesium assumed to be absorbed from the soil by plants such as leafy vegetables and grass, (b) the numbers used to calculate the amount of strontium assumed to be absorbed by plants from the soil, (c) the number used to calculate the dose to the bone resulting from eating food or drinking liquids containing strontium–90, and (d) the number used to calculate the dose to the kidneys resulting from eating food or drinking liquids containing cesium–137. The NRC uses values for these parameters that are averages of the substantial literature values or those used by the International Commission on Radiological Protection. The NRC values are much lower than those used by the Heidelberg authors.

(4) The Heidelberg Report values for some critical parameters are unsubstantiated. For example, the Report does not justify, either by reference or textual comment, its assumed values for the amount of cesium–137 absorbed into the kidney and the amount of strontium–90 absorbed into the bone. These values are much higher than the values NRC uses which are based on well known sources.

Interested persons may submit comments on the NRC draft report for the NRC staff's consideration. Comments are due by October 24, 1980. Comments should be addressed to the Director, Division of Systems Integration, at the address below:

Denwood F. Ross, Jr., Director, Division of Systems Integration, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

After an analysis of comments on the draft report, the staff will issue a final report.

Dated at Bethesda, Maryland, this 19th day of August, 1980.

For the Nuclear Regulatory Commission.

William E. Kreger,

*Assistant Director for Radiation Protection, Division of Systems Integration, Office of Nuclear Reactor Regulation.*

[FR Doc. 80-26355 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

[1] In earlier drafts of this review, NRC staff referred to this report as the Wyhl Report. However, popular reference to this report has established the document as the Heidelberg Report.

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[Dockets Nos. 50-317 and 50-318]

## Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 45 and 28 to Facility Operating Licenses Nos. DPR–53 and DPR–69, issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance and are to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendments add license conditions to include the Commission-approved Safeguards Contingency Plan as part of the licenses.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules

and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filings dated March 19, 1979, revised March 20, 1980 are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendments Nos. 45 and 28 to Licenses Nos. DPR-53 and DPR-69 and (2) the Commission's related letter to the licensee dated Aug. 19, 1980. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of August 1980.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

*Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.*

[FR Doc. 80-26365 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Dockets Nos. 50-295 and 50-304]

## Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 56 to Facility Operating License No. DPR-39, and Amendment No. 53 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of September 1, 1980.

The amendments revise the Technical Specifications contained in Appendix A of the licenses to be consistent with the requirements of the model Technical Specifications for engineered safety feature ventilation filter systems for operating nuclear reactors and with Positions C.5 and C.6 of Regulatory Guide 1.52 (Revision 2), "Design, Testing, and Maintenance Criteria for Atmospheric Cleanup System Air Filtration and Adsorption Units of Light-Water-Cooled Nuclear Power Plants."

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 21, 1975, supplemented by letters of December 19, 1978 and April 28, 1980, (2) Amendment Nos. 56 and 53 to License Nos. DPR-38 and DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated At Bethesda, Maryland, this 8th day of August, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 80-26363 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket Nos. 50-295 and 50-304]

## Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to Facility Operating License No. DPR-39, and Amendment No. 52 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments provide Technical Specifications for and approve the Zion Station Inservice Inspection Program and provide relief or alternative examinations from ASME Code Requirements where appropriate.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 27, 1977, as supplemented by letters dated June 29, August 9, and December 13, 1977, March 15, 1978, June 28 and October 26, 1979, and March 4, 1980, (2) Amendment Nos. 55 and 52 to License Nos. DPR-38 and DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 8th day of August, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 80-26364 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-409-SC; Prov. Op. Lic. DPR-45]

## Dairyland Power Cooperative (La Crosse Boiling Water Reactor); Prehearing Conference

August 22, 1980.

Notice is hereby given that the prehearing conference announced in the Licensing Board's Memorandum and Order of August 5, 1980 will commence at 9:30 a.m. on Thursday, September 11, 1980, in Room 303, Cartwright Center, University of Wisconsin at La Crosse, La Crosse, Wisconsin 54601. The conference will consider the various requests for a hearing and/or petitions for intervention which have been filed in this show-cause proceeding, as well as the parties' and petitioners' preliminary views of discovery they would seek and evidentiary presentations which they would propose to present should a hearing be authorized. The public is invited to attend this conference, but no oral limited appearance statements will be taken.

Dated at Bethesda, Maryland, this 22nd day of August 1980.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

*Chairman.*

[FR Doc. 80-26356 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-315]

## Indiana & Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

The amendment revises the Unit 1 Technical specifications to allow operation of the Unit with Exxon Nuclear Company (ENC) power distribution control procedures.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 12, 1980, (2) Amendment No. 38 to License Nos. DPR-58 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of July 1980.

For the Nucleaar Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactor Branch No. 1, Division of Licensing.*

[FR Doc. 80-26362 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-336]

## Northeast Nuclear Energy Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 60 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, the Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachuetts Electric Company for operation of the Millstone Nuclear Power Station, Unit No. 2, (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to (1) allow containment electrical penetrations module replacement concurrent with fuel movement or core alterations, and (2) renumber the access doors to the spent fuel pool area to agree with the security plan.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 26 and July 10, 1980 as supplemented May 13 and August 7, 1980, (2) Amendment No. 60 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of August 1980.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

*Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.*

[FR Doc. 80-26360 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-367]

## Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the

Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit extension proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Thomas S. Moore

Dated: August 22, 1980.

Jean Bishop,
*Secretary to the Appeal Board.*

[FR Doc. 80-26357 Filed 8-27-80; 8:45 am]
BILLING CODE 7590-01-M

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[Docket No. 50-278]

## Philadelphia Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 3 (the facility) located in York County, Pennsylvania.

The amendment was authorized by phone on July 19, 1980. It revises temporarily Technical Specification 3.11.D.2 to permit inoperability of a specific snubber located on one of the Residual Heat Removal System lines for the period July 17-26, 1980 (10 days in lieu of 72 hours). The urgency associated with this action was attributed to critical power demands in the northeast section of the country at the time of the licensee's request. Thus, the Commission conducted an expedited review of the application and in view of the acceptability of the action, issued a temporary authorization to permit the orderly repair of this snubber or verification of its design margin for assuring operability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 22, 1980 (telecopy dated July 18, 1980), (2) the Commission's letter to the licensee dated July 22, 1980, (3) Amendment No. 71 to License No. DPR-56, and (4) the Commission's related Safety Evaluation. all of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of August 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,
*Chief, Operating Reactors Branch No. 4, Division of Licensing.*

[FR Doc. 80-26359 Filed 8-27-80; 8:45 am]
BILLING CODE 7590-01-M

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[Docket No. 50-267]

## Public Service Co. of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR-34, issued to Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to: (1) change the amount of diesel fuel in each diesel generator set day tank to 325 gallons; (2) update company reorganization based on NRC requirements; (3) change the number of hours that the ACM diesel generator can operate with 10,000 gallons of fuel to 108 hours; (4) alter the Fire Protection Technical Specifications to follow the requirements of STS on Fire Protection; (5) change the frequency and method of Reactor Protective System Surveillance to satisfy the requirement of IEEE-279-1971; (6) update the listing of all snubbers; (7) change the fissile particle thorium to uranium ratio of reflect "as manufactured" specifications; and (8) change the values for core region peaking factors and outlet temperature dispersions to reflect existing values in conjunction with accident reanalyses in support of full power operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any sigificant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see: (1) the applications for amendment dated March 23, 1976 (P-76075), November 1, 1977 (P-77221), March 7, 1979 (P-75056), August 13, 1979 (P-79170), August 29, 1979 (P-79184), September 28, 1979 (P-79218) and January 11, 1980 (P-80003); (2) Amendment No. 22 to License No. DPR-34, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., 20555, and at the Greeley Public Library, Cite Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C., 20555. Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 19th day of August, 1980.

For the Nuclear Regulatory Commission.

Robert L. Tedesco,
*Assistant Director for Licensing, Division of Licensing.*

[FR Doc. 80-26360 Filed 8-27-80; 8:45 am]
BILLING CODE 7590-01-M

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## Regulatory Guide; Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory

Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.146, "Qualification of Quality Assurance Program Audit Personnel for Nuclear Power Plants," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to qualification of personnel who audit quality assurance programs for nuclear power plants. The guide endorses with certain exceptions ANSI/ASME N45.2.23–1978, "Qualification of Quality Assurance Program Audit Personnel for Nuclear Power Plants."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 20th day of August 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

*Director, Office of Standards Development.*

[FR Doc. 80-26358 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-281]

## Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company, which revised Technical Specifications for operation of the Surry Power Station, Unit No. 2 (the facility) located in Surry County, Virginia. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to reflect changes as a result of modifications made to alleviate Net Positive Suction Head (NPSH) problems with the Low Head Safety Injection and Recirculation Spray Pumps and modifications made to the containment spray system. Changes have been made to service water temperature, containment temperature, containment air partial pressure, refueling water storage tank volume and outside recirculation pump flow rate. These limits have been transferred to the Technical Specifications from the license.

The application for the amendment complies with the standards and requirement of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 30, 1980, (2) Amendment No. 59 to License No. DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated At Bethesda, Maryland, this 1st day of August, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

*Chief, Operating Reactors Branch No. 1, Division of Licensing.*

[FR Doc. 80-26361 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

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[Docket No. 50-339]

## Virginia Electric & Power Co.; Issuance of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License NPF-7, issued to the Virginia Electric and Power Company (VEPCO), which authorizes operation of the North Anna Power Station, Unit 2 at reactor core power levels not in excess of 2775 megawatts thermal (100% power) in accordance with the provisions of the license and the Technical Specifications.

The North Anna Power Station, Unit 2 is a pressurized water nuclear reactor located at the licensee's site near Mineral in Louisa County, Virginia. The license is effective as of its date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was issued in the Federal Register on May 25, 1973 (38 FR 13772).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by this license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License NPF-7, and (2) the Commission's related Safety Evaluation, NUREG-0053, Supplement Nos. 11 and 12, dated August 1980.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document rooms in the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901 and at the Office of the Board of Supervisors, Louisa County Courthouse, P.O. Box 27, Louisa, Virginia 23093. A copy of item 1 may be

obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation. Copies of item 2 may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 21st day of August, 1980.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

*Chief, Licensing Branch No. 1, Division of Licensing.*

[FR Doc. 80-26367 Filed 8-27-80; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

August 25, 1980.

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

#### DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

*New Forms*

Food Safety and Quality Service
Evaluation Form
Single Time
Elementary, junior high and senior high school teachers, 600 responses, 50 hours
Charles A. Ellett, 395-7340

*Revisions*

Economics, Statistics, and Cooperatives Service
Rice Production and Farm Stock
Other (see SF-83)
Rice Farmers, 12,275 responses, 3,102 hours
Off. of Federal Statistical Policy and Standard 673-7974
Economics, Statistics, and Cooperatives Service
Poultry Slaughter (non-federally inspected plants)
Annually
Poultry slaughter plants, 190 responses, 25 hours
Off. of Federal Statistical Policy and Standard 673-7974
Economics, Statistics, and Cooperatives Service
Field Seed Survey
Other (see SF-83)
Seed growers, shippers, cleaners, 12,600 responses, 2,650 hours
Off. of Federal Statistical Policy and Standard 673-7974

*Extensions*

Forest Service
Youth Conservation Corps Long-Term Benefits Evaluation
Other (see SF-83)
YCC applicants and parents of YCC applicants, 3,400 responses, 1,700 hours
Charles A. Ellett, 395-7340

*Reinstatements*

Food and Nutrition Service
Guidelines for Financial Management Cost Based
Accountability System-School Food Programs
FNS Instruct 796-L
On occasion
State Departments of Education
Charles A. Ellett, 395-7340

#### DEPARTMENT OF COMMERCE

Agency Clearance Officer, Edward Michals—377-3627

*New Forms*

Maritime Administration
Market Strategy Model Survey
On occasion
Export or import shippers of oceanborne cargo, 800 responses, 600 hours
William T. Adams, 395-4814
Maritime Administration
Application for Construction Reserve Fund
On occasion
Shipowners/operators, 238 responses, 410 hours
William T. Adams, 395-4814

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—697-1195

*New Forms*

Departmental and Other
Guidelines for Contractor Presentation of (IR&D) Information
DTIC 271
Annually
Mayor defense contractor, 80 responses, 48,000 hours
Kenneth B. Allen, 395-3785

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245-7488

*New Forms*

Health Care Financing Administration (Medicare)
Independent Rural Health Clinic Cost Reporting Form and Instructions
HCFA-222
Semi-Annually
Indep. rural health clinics not receiving ECHS grants, 800 responses, 6,400 hours
Eisinger, Richard, 395-6880
National Institutes of Health
Smoking Cessation Education in Family Planning Clinics
(Baltimore, Maryland)
On occasion
Clients and staff in family planning clinics, 3,416 responses, 644 hours
Eisinger, Richard, 395-6880
Social Security Administration
Study of Extent of Impairment and Potential SSDI Eligibles
SSA-4220
Single time
Noninstitutionalized adults of working age 18 thru 64
Barbara F. Young, 395-6880

*Revisions*

Alcohol, Drug Abuse and Mental Health Administration
Alcoholism Treatment Center Questionnaire
On occasion
Alcoholism program grantees, 288,332 responses, 10,644 hours
Eisinger, Richard, 395-6880
Office of Human Development
Instructions for Applying for Grants From HDS Programs
SF-424
On occasion
Non-profit organizations, 12,000 responses, 36,000 hours
Barbara F. Young, 395-6880
Office of Human Development
Program Performance and Financial Status Reports
OS9-75
Quarterly
State agencies on aging, 228 responses, 5,472 hours
Barbara F. Young, 395-6880
Social Security Administration
Application for Wife's or Husband's Insurance Benefits
SSA-2-F6
On occasion
Wives or husbands eligible for monthly benefits, 700,000 responses, 70,000 hours
Barbara F. Young, 395-6880
Social Security Administration
Application for Surviving Child's Insurance Benefits
SSA-6-F6
On occasion
Children of deceased wage earners, 815,000 responses, 108,666 hours
Barbara F. Young, 395-6880

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Lafson—523-6341

*Extensions*

Bureau of Labor Statistics
Quarterly Survey of Union Wage Scales and Employer
Contribution in the Building Trades
BLS-1150.6
Quarterly
700 Unions and councils, 2,800 responses, 700 hours
Off. of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426-1887

*Reinstatements*

Research and Special Programs Administration
Hazardous Materials Incident Report
On occasion
Transportation carriers of hazardous materials, 18,285 responses, 14,001 hours
Hayward, Corinne D., 395-7340

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Mel Kollander—287-0747

*New Forms*

Site Inspection Report
T2070-3
Single Time
Hazardous waste sites or State site programs, 1,800 responses, 14,400 hours
Edward H. Clarke, 395-7340

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Clearance Officer—Linda Shiley—254-9515

*Revisions*

Application for Disaster Recovery Assistance
FEMA 90-1
On occasion
Disaster recovery assistance, 5,000 responses, 20,000 hours
Veeder, Robert N., 395-4814

*Reinstatements*

Statement of Interest in Mobile Home Purchase
On occasion
Victims of presidentially declared disasters, 1,200 responses, 300 hours
Veeder, Robert N., 395-4814
Change of Information Record Temporary Housing Assistance
On occasion
Victims of presidentially declared disasters, 6,000 responses, 3,000 hours
Veeder, Robert N., 395-4814
Pre-Placement questionnaire—Temporary Housing Assistance
On occasion
Occupants of disaster temporary housing, 3,000 responses, 1,500 hours
Veeder, Robert N., 394-4814
Financial Statement
On occasion
Occupants of disaster temporary housing, 10,000 responses, 2,500 hours
Veeder, Robert N., 395-4814
Verification of Income
On occasion
Employers of occupant of temporary housing, 4,000 responses, 1,000 hours
Veeder, Robert N., 395-4814
Recertification Questionnaire and Recommendation Quarterly
Victims of presidentially declared disasters, 20,000 responses, 10,000 hours
Veeder, Robert N., 395-4814

TENNESSEE VALLEY AUTHORITY

Agency Clearnance Officer—Eugene E. Mynatt—857-2596

*New Forms*

Questionnaire to Identify Women-Owned Businesses
Single time
Vendors recorded on TVA master file, 5,000 responses 833 hours
Charles A. Ellett, 395-7340

VETERANS ADMINISTRATION

Agency Clearance Officer—R.C. Whitt—389-2146

*Revisions*

Monthly Certification of Flight Training
22-6553C

Monthly
Veteran student and flight schools, 190,000 responses, 47,500 hours
Laverne V. Collins, 395-6880

*Reinstatements*

Application for Readmission to Hospital or Domiciliary
VA-10-10R
On occasion
Veterans, 80,000 responses, 64,000 hours
Laverne V. Collins, 395-6880

C. Louis Kincannon,
*Acting Deputy Assistant Director For Reports Management.*

[FR Doc. 80-26410 Filed 8-27-80; 8:45 am]
BILLING CODE 3110-01-M

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[FRL 1591-2]

## Radiation Policy Council; Three Task Forces' Report to Radiation Policy Council

### Summary

Three task forces were created by the Radiation Policy Council in May, 1980 to examine Radon in Structures; Occupational Radiation Exposure Regulations; and Low-level Radioactive Wastes. Each task force has submitted a position paper, summarized below, to the Council.

Based on these papers, the Council's Working Group will make recommendations to the Council for consideration at the next Council meeting currently scheduled for September 25, 1980.

### Summary of Position Paper on Radon in Structures

The Task Force reviewed the physical and biological bases for concern about radon exposures to the general public and examined the status of Federal activities in four areas: epidemiological studies, regulatory authorities, programs to measure radon levels in homes, and the coordination of Federal radon research. The Task Force concluded that Council attention to this problem is warranted because of the possible prevalence of relatively large exposures, a trend toward even higher exposures due to improved energy efficiency in inhabited structures, the risk from such exposures, and the potential large population at risk.

The Task Force considered whether enough information is available to start a national program on radon control. It concluded wide ranging programs should not be undertaken until more is known about the prevalence of high exposures and ways of controlling them. The thrust should be towards developing an information base that will allow good policy decisions. The Task Force also concluded that although current Federal authority cannot address some radon exposure situations, it would be premature to request additional authority until the technical basis for determining radon levels and reducing them is more fully established.

The Task Force makes five recommendations:

1. The Radiation Policy Council should take responsibility for the overall development of Federal research and policy related to the assessment and control of indoor radon exposure.
2. The Radiation Policy Council should sponsor an expert committee to evaluate and provide guidance on Federal scientific progams related to radon exposure and control. The committee's basic mission would be to provide the Council with technical evaluations and recommendations for research.
3. The Radiation Policy Council should encourage the timely acquisition and analysis of epidemilogical data by Federal agencies. Moreover, the Council should request Federal agencies to make the data obtained in epidemiological studies of exposed miners and other groups available to as many analysts as possible.
4. The Radiation Policy Council should defer considering a Federal Radiation Protection Guide for indoor radon exposure.
5. The Council should prepare recommendations on the appropriate division of responsibilities between the various Federal agencies for radon control. Legislative as well as administrative approaches should be considered.

### Summary and Conclusion of Position Paper on Occupational Exposure Regulations

The issues relative to occupational radiation exposure regulations were judged to revolve directly or indirectly around the decision-making process under which Federal regulations are developed, promulgated and enforced. Overall, the Task Force concluded that problems in uniformity and interagency coordination deserved serious attention. It was also the concensus that better-established and agreed-upon criteria upon which to base regulation should be sought.

Overall conclusions reached were:

A. Although the quality of work of the Environmental Protection Agency (EPA) in developing guidance is high, it is difficult for EPA, as it would be for any lead agency to expedite guidance development in the face of limited resources and competition for management priorities. Options are presented for improving the guidance function.

B. Inconsistencies of jurisdiction and regulatory programs were considered to be a problem that should be addressed. Specific options for addressing the relevant issues are presented as well as recommendations for further study.

C. Developing uniform policy with respect to dose limits was considered, in general, to be a proper function of the Federal guidance. However, because of the extreme importance of the subject, issues and options are raised in order to both reinforce and supplement the provisions to be considered in the forthcoming EPA Federal Guidance proposal.

D. Confusion has resulted from inconsistencies in ways in which regulatory agencies and the public regard and interpret data or the meaning and significance of exposure levels and their monitored values. Such confusion extends to what the policy should be in many areas covered in the foregoing subject areas. The Task Force has identified three key issues and suggested initial action for addressing them.

Following are specific issues covered under each category:

*A. Federal Guidance*

Management priorities and resources for Federal guidance.

*B. Interagency Consistency and Coordination*

1. Multi-agency jurisdiction and overlap.
2. Inconsistencies in occupational radiation protection regulations.
3. Interagency mechanism for resolving technical problems.
4. Gaps in radiation protection for workers.
5. Implementation of ALARA.
6. Intergration of national/international standards.
7. National repository for radiation exposure record keeping.

*C. Dose Limit Policy*

1. Dose Limit for occupational, whole body external exposure.
2. Occupational Radiation dose limits for women.
3. Emergency dose guides.
4. Relaxation of occupational radiation protection requirements.

*D. Underlying Scientific and Technical Issues*

1. Dose-effect relationships.
2. Quality assurance for measurements and protective equipment.
3. SI units.

**Summary of Position Paper on Low-Level Radioactive Waste**

The Radiation Policy Council formed a Task Force in May, 1980 to consider the problems associated with low-level radioactive waste disposal. The Task Force was chaired by DHHS and was composed of representatives from DHHS, DOE, EPA, NRC, FEMA, DOT, and DOD. Two major objectives were developed by the Task Force:

Objective One: To recommend Federal Policy for improving coordination and implementation of Federal and non-Federal programs that have been established to obtain solutions to existing low-level waste disposal problems.

Objective Two: To recommend Federal Policy for Disposal of Low-level waste containing minimal activity for which alternative disposal methods to existing shallow land burial practices may be acceptable for protecting the Public Health.

The representatives of the above agencies prepared reports related to these objectives and public input was received from 39 organizations and individuals in response to a solicitation for input appearing in the Federal Register on June 30, 1980. As a result of Task Force members' reports, Task Force meetings, and consideration of the public in-put, the discussion and recommendations contained herein were produced.

There exists a movement in the Federal, State, and private sector to have the States, or groups of States, provide disposal capacity in their regions. The Task Force recommends that the Radiation Policy Council endorse this approach, and urges Federal agencies and the Congress to facilitate requisite legislation and provision of appropriate technical resources. Because there is uncertainty about continuing adequacy of disposal capacity, the Task Force recommends that the Radiation Policy Council encourage the State Planning Council, NRC, and DOE to urge States to aggressively develop strategies to ensure continuing availability of disposal alternatives for low-level waste generators, and, that the NRC and DOE be directed to provide technical support of these activities and monitor their progress. The EPA should expedite development of generally applicable radiation protection standards for low-level waste and the Radiation Policy Council should ensure, through the Interagency Working Committee on Radioactive Waste Management, effective coordination between the EPA, DOE, and NRC so that a consistent regulatory posture evolves.

The Task Force considered the feasibility of setting generic "de minimus" levels applicable to all low-level waste disposal, but concluded that this would involve extremely conservative assumptions and would likely lead to derivation of levels that would be too low to be of practical value. However, similar efforts, directed at specific waste streams, should be productive and facilitate low-level waste disposal without endangering the public health. Such limits should be derived, paying specific attention to the possibility of disposal via conventional means. The Radiation Policy Council should endorse, and thus encourage, such efforts by the NRC. It should also encourage the NRC to provide review of licensees' applications that propose changes in waste disposal practices that will improve waste management and lessen the burden on commercial shallow land burial sites.

Public input reflected a feeling of frustration due to confusion about who to contact and a lack of timely knowledge about currently feasible and acceptable low-level waste disposal alternatives. The Task Force recommends the establishment of a single Federal contact point for the public and generators to seek authoritative information. It is further recommended that waste management information guide be prepared cooperatively by the DOT, EPA, NRC, and DOE for the purpose of informing medical and institutional generators of currently acceptable practice and volume reduction methods; it should provide clear and direct guidance with appropriate examples and a listing of contacts for authoritative information. Agencies involved in low-level waste management and regulation should participate in conferences that will provide for exchange of information, clarity of position, and opportunity for discussion of practical and achievable strategies for waste disposal, and which can be used to convey the approaches that are currently being considered by the agencies involved in resolving problems associated with low-level waste management

**FOR FURTHER INFORMATION CONTACT:**

U.S. Radiation Policy Council, Room 3026, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

Carl R. Gerber,

*Director.*

[FR Doc. 80-26137 Filed 8-27-80; 8:45 am]

BILLING CODE 6560-01-M

## RAILROAD RETIREMENT BOARD

### Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. § 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1980, shall be at the rate of twelve and one-half cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning October 1, 1980, 21.3 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 78.7 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: August 19, 1980.

R. F. Butler,

*Secretary of the Board.*

[FR Doc. 80-26322 Filed 8-27-80; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34-17081; File No. SR-DTC-80-5]**

### Depository Trust Co.; Proposed Rule Change by Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on August 18, 1980, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

BILLING CODE 8010-01-M

**Statement of the Terms of Substance of the Proposed Rule Change**

*Fee Schedule for Major Services*

| | |
|---|---|
| A. Usage Charge | $260 per month |
| B. Deliveries via Book-Entry | |
| 1. Deliver Orders (DOs) and deliveries via the Participant Terminal System or API (tape) for the movement of shares from the DTC account of one Participant to another Participant (including settlement service). | [$0.70] for each item delivered, received, or reclaimed by the following method: Paper - $0.50/PTS - $0.34/API (tape) - $0.34. |
| Paper copies of PTS generated Deliver Orders | PTS users who wish paper copies of Deliver Order receive notices, whether or not they get such notices by PTS, will pay a $0.05 charge for any such paper notice. |
| Override delivery Instructions (DOs) to Continuous Net Settlement (CNS). | |
| One regular DO delivery fee charged only to the submitting Participant for each override DO processed specifying National Securities Clearing Corporation's CNS system as the receiver. | [$0.70] $0.50 for each item (paper) delivered. $0.34 for each item (PTS or API tape) delivered. |
| Regular delivery instructions (DOs) which are not completed (dropped). One regular DO delivery fee charged only to the submitting Participant for each DO dropped because of insufficient securities position, unless DTC's system shows that the submitting Participant's drop was caused by notice of potential receive of a delivery from another Participant which subsequently dropped. | [$0.70] Paper - $0.50/PTS - $0.34/API (tape) - $0.34 per drop. |
| 2. Regular delivery which DTC rejects. | $2.00 charged to the submitting Participant for each instruction rejected because of wrong Cusip number, wrong input form, requests in securities issues which are not DTC-eligible, missing identifier for the submitting Participant (or receiving Participant on DOs), or illegible data. |
| 3. Payment order service for each Premium Payment Order (PPO) or Securities Payment Order (SPO) processed. | To be determined. |
| 4. Institutional Delivery (ID) System (including settlement service) | [$0.64] $0.34 for each item delivered or received. |
| C. Interdepository Deliveries | |
| This covers only deliveries between a Participant of DTC and a different Participant of another depository. | $0.70 surcharge (above the fees described in (B)) for DOs for each item delivered, received or reclaimed. |
| D. Deliveries via Book-Entry to Continuous Net Settlement systems. | [$0.27] $0.08 for each item delivered or received. |

| | |
|---|---|
| E. Conditional Deliver Orders (CDOs) | |
| 1. For book-entry movements of borrowed securities from lending Participants to borrowing Participants (including settlement service). | [$0.70] $0.50 for each item delivered or received. |
| 2. For return [by] via DTC of borrowed securities not needed (including settlement service). | No charge |
| F. Deposit of Physical Certificates | [$0.30 per deposit with no limit on the number of certificates or shares for the issue being deposited.<br><br>$1.75 per deposit received between the hours of 11:00 a.m. and 11:30 a.m. Eastern time.]<br><br>Zone Charge<br><br>A. (4:00 p.m. - 8:00 p.m. 7:30 a.m. - 9:30 a.m.) [$0.30] $0.75<br><br>B. (9:30 a.m. - 11:00 a.m.) $1.10<br><br>C. (11:00 a.m. - Noon) [$1.75] $2.50<br><br>Plus certificate charge beyond first 10 certificates of $0.25 per group of up to 10 certificates (e.g. $0.25 for 11 to 20 certificates) but not to exceed $3.00 per deposit if scheduled in advance with DTC Deposit Section. |
| 1. Record date deposit surcharge | $2.50 per record date deposit surcharge. |
| 2. Mail issue surcharge | $0.90 per deposit for Mail issue surcharge. |
| G. Legal Deposits | |
| 1. For bulk Legal Deposits where the value of the securities to be deposited is approximately $100 million or more. | [$25.00] $10.00 per deposit. [Discount for bulk deposits varies based on DTC's costs.] One time discount to be determined on a case-by-case basis. |
| H. Transfer to Customer or Firm Name (W/T): For each separate assignment ("Fanfold"). | [$0.63] $1.80 per assignment submitted on paper documents.<br><br>[$0.56] $1.15 per assignment submitted on magnetic tape.<br><br>$0.90 per assignment for Mail issue surcharge. |
| I. Withdrawal of Nominee Certificates (COD): | |
| 1. a. For each regular withdrawal submitted by paper instruction. | [$2.65] $4.30 per withdrawal. |
| b. For each regular withdrawal by PTS. | [$2.65] $3.70 per withdrawal. |
| c. For each certificate after the first certificate. Only if requested. | [$0.55] $0.90 per certificate. |

| | |
|---|---|
| 2. a. For each Fast Automated Securities Transfer (FAST) withdrawal submitted by paper instruction. | [$3.50] $4.30 per withdrawal. |
| b. For each FAST withdrawal by PTS. | [$3.50] $3.70 per withdrawal. |
| c. For each FAST certificate after the first certificate. Only if requested. | [$0.55] $0.90 per certificate. |
| d. Mail Issue surcharge. | $0.90 per COD. |
| 3. Urgent withdrawal instructions (CODs) which DTC rejects. | $2.00 charged to the submitting Participant for each instruction rejected because of wrong Cusip number, wrong input form, requests in securities issues which are not DTC-eligible, missing identifier for the submitting Participant, or illegible data. |

J. Collateral Loans

| | |
|---|---|
| 1. For each security (line item) pledged, released or substituted. | $0.42 per line item assessible to each of the pledgee and pledgor in each transaction. |
| 2. Monthly Pledgee Bank usage fee. A Participant which is also a Pledgee Bank pays only a single usage fee. | $260 per month. |
| 3. Collateral Loan Report | |
| a. A detailed daily report of a bank or broker Participant's DTC collateral loans valued to the "market". Distributed each day of the month. | $0.02 per line item with a minimum charge of $250 monthly for each subscribing Participant. |
| b. Individual daily copies of this report are also available upon request. | $25 per copy. |
| 4. Error charge | |
| For each pledge or release corrected or returned to a Participant because of error. | |
| From 0 to 1% | No charge |
| 1 to 3% | $5 per reject |
| 3 to 5% | $10 per reject |
| Over 5% | $15 per reject |

K. Maintenance of Long Position

| | | |
|---|---|---|
| 1. For each issue (monthly) based on the daily average. | [$0.49] $0.53 per issue | |
| 2. For each 100 shares or $4000 bonds (monthly), ($1000 bond = 25 shares) based on the average daily number of shares or bonds. | $.0050 | 0-25 million shares |
| | $.0013 | More than 25 up to 200 million shares |
| | $.000652 | More than 200 up to 300 million shares |
| | No charge | Over 300 million shares |

L. Deposit & Transfer Error Charge

| | |
|---|---|
| For each deposit and transfer corrected or returned to a Participant because of error: | |
| From 0 to 1% | No charge |
| 1 to 3% | $5 per reject |
| 3 to 5% | $10 per reject |
| Over 5% | $15 per reject |

M. Form Charge

| | |
|---|---|
| For forms (including blank magnetic tapes) provided by DTC. | Cost plus handling charge. |

N. Participant Output Services (Optional)

1. Master file of eligible securities.

| | | |
|---|---|---|
| A list of those issues that are eligible for DTC activity. | Hardcopy Booklet | Monthly/$3 per copy |
| | Additional Hardcopy Booklet | Upon request/$3 per copy |
| | Hardcopy File Printout | Upon request/$25 per copy |
| | Cards | Upon request/$100 per deck |
| | Mag tape (supplied by Participant) | Upon request/$100 per tape |

2. Position Statement

| | | |
|---|---|---|
| Total share position on deposit in DTC detailed by the accounts in which the position is resident. Share position is listed by issue. | Hardcopy | Monthly/no charge (1st copy) |
| | Additional Hardcopy | Upon request/$25 per copy |
| | Cards | Upon request/$50 per deck |
| | Mag tape | Upon request/$50 per tape |
| | Mag tape (supplied by Participant) | Daily/$550 monthly |
| | Microfiche (in lieu of hardcopy) | Monthly/no charge (1st copy); $0.25 for each additional microfiche copy |
| | Microfiche (in addition to hardcopy) | Monthly/$1.00 for 1st copy; $0.25 for each additional microfiche copy |

3. Daily Activity Statement

| | | |
|---|---|---|
| A detailed statement of activity on a given business day. | Hardcopy | Daily/no charge (1st copy) |
| | Additional Hardcopy | Upon request/$25 per copy |
| | Additional Hardcopy | Daily/$200 monthly |
| | Cards | Daily/$100 monthly |
| | Mag tape (supplied by Participant) | Daily/$250 monthly |
| | Microfiche (in lieu of hardcopy) | Monthly/no charge (1st copy); $0.25 for each additional microfiche copy |
| | Microfiche (in addition to hardcopy) | Daily/$1.00 for first microfiche copy; $0.25 for each additional microfiche copy. |

| | |
|---|---|
| O. Sub-accounting | |
| To enable a Participant to segregate a portion of its security position for whatever reason it deems necessary. Note that all DTC activity (deliveries, withdrawals, etc.) originates from the General or Interim Free account. Consequently, all segregated positions must first be moved out of the sub-account before being eligible for further activity. | $0.45 for each of the move into and the move out of the sub-account. |
| P. Investment Identification (Billed under Sub-accounting) | |
| To enable a Participant to segregate and identify a portion of his security position for tax identification purposes. | $0.45 for each of the move into and the move out of the investment identification account. |
| Q. Options (Billed under Collateral Loans) | |
| To enable a Participant to block securities to the Options Clearing Corporation. | $0.42 per line item for each of the blocking and the subsequent release. |
| R. Depository Facilities | |
| 1. Facility bank usage fee (monthly). | $0.30 per deposit with a $100 minimum and a $200 maximum. |
| 2. Facility deposit. | $0.12 per deposit chargeable to the depository Participant, [with no limit on the number of certificates or shares] plus the $0.75 fee (Zone A) and certificate charge as described in F above. |
| 3. Piggy-back deposit/delivery. | [$0.70] $0.75 per deposit chargeable to the receiving Participant. |
| S. Reconciliation Special Charges | |
| 1. Photocopies of statements or certificates. | Upon request/$2.00 per copy |
| 2. Photocopies of certificate numbers. | Upon request/$1.00 per certificate number |
| 3. Research on aged and other special items. | Upon request/according to nature of research. |
| T. Participants Fund | |
| The Fund consists of Participant contributions of cash and pledged securities. The amount of each Participant's contribution is adjusted periodically, based upon the formula "2 1/2% of average daily gross settlement debits and credits." Each Participant must contribute a minimum of $10,000 in cash. Any required indebtedness above $10,000 can be secured by pledging AAA or AA government or municipal bonds or notes or AAA DTC eligible corporate registered bonds. Refer to DTC Rule 4 for specific guidelines. | Example: Average daily gross purchase and sale activity for Participant A is $1 million. Participant Fund contribution is 2 1/2% x $1,000,000 = $25,000. Participant A contributes $10,000 cash, $15,000 bonds. |

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| U. Additional Accounts | |
| 1. If a Participant elects to open an additional DTC account(s), such account(s) will be subject to an additional monthly Usage Charge. | $260 per month. |
| 2. When calculating the Participants Fund contribution, average daily gross debits and credits will be totalled for all DTC accounts and multiplied by 2 1/2% per cent. Separate minimum $10,000 cash contributions will not be required for each additional account. | |
| V. Underwritings | |
| Billed to managers of underwritings. | $2 per million dollars principal amount for bonds ($70 minimum-maximum $1,000).<br>$8 per million dollars offering value for stocks (same minimum and maximum). |
| W. Dividend Reinvestment Service | $8.10 per instruction. |
| A charge for each Dividend Reinvestment Service instruction to receive stock in lieu of cash dividend. | |
| X. Municipal Bonds | |
| 1. Deposit of municipal bonds in bearer form at the transfer agent (in addition to regular DTC deposit fee). | Fees (per deposit and/or per certificate), if any, charged to DTC by the transfer agent. |
| 2. Withdrawal of municipal bonds in bearer form (in lieu of any other DTC withdrawal fee). | $1.00 per withdrawal, plus fees (per withdrawal and/or per certificate), if any, charged to DTC by the transfer agent. |
| Y. Participant Terminal System (PTS) | |
| 1. Full PTS terminal (one CRT screen and printer). | $595 per month plus any applicable taxes and related communications line costs. |
| 2. Advanced PTS terminal (one CRT screen plus a separately addressable high speed printer, plus local back-up line and switch). | $745 per month plus any applicable taxes and related communications line costs. |
| 3. Advanced 2 CRT PTS terminal (two CRT screens plus a separately addressable high speed printer, plus local back-up line and switch). | $845 per month plus any applicable taxes and related communications line costs. |
| 4. Dial-in terminal service charge. | |
| a. Participants | $75 per month plus regular PTS transaction charges. |
| b. Non-Participants (ID confirmations only) | $120 per year. |

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| 5. Unsolicited messages | [$0.05] $0.04 per message. |
| 6. Inquiries | [$0.05] $0.04 per inquiry. |
| 7. Reports | $25 per month per report series plus $0.05 per line. |
| a. The Dropped Delivery Report<br>b. The Dropped COD Report<br>c. The Cash Dividend Report | |
| 8. Pre-Update Edits | $0.05 per edit. |
| 9. Broadcast | $0.12 per 300-character message per addressee. |
| Z. Dividend/Interest Credits | [$0.25] $0.50 per credit. |
| AA. Institutional Delivery (ID) System Confirm | |
| 1. By paper, card or magnetic tape at DTC | $0.15 |
| 2. By PTS or dial-in | $0.15 |
| 3. By facsimile transmittal | $0.35 |
| 4. By magnetic tape transmittal | $0.25 |
| BB. Corrections to erroneous DOs and CDOs. | $2.00 per correction. |
| CC. Conversion of convertible securities | $0.01 per share of underlying security (usually common stock) resulting from the conversion of bonds or preferred stock, subject to a minimum transaction charge of $7.50 and a maximum charge of $37.50; plus two regular DO delivery fees for the two book-entry movements affecting a Participant's account to deduct the convertible securities and add the underlying security. |

BILLING CODE 8010-01-C

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed changes in the Fee Schedule for Major Services is to move major service fees closer to costs without establishing fees which would unduly discourage use of the depository system for book-entry settlement and immobilization of securities. The proposed Fee Schedule was designed to yield approximately the same amount of revenue as the present Fee Schedule.

The proposed rule change would carry out the purposes of Section 17A of the Securities Exchange Act of 1934 by equitably allocating fees among DTC Participants.

Comments regarding a test Fee Schedule which differs somewhat from the Fee Schedule set forth above were solicited from all DTC users by Important Notice dated June 3, 1980, transmitting a DTC Memorandum dated May 20, 1980, attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-80-5. The changes in the Fee Schedule set forth above as compared with the Fee Schedule in Exhibit 2 were made in response to the comments described below and other recent developments.

Participants' comments focused on two areas: (1) the Deposit fee received the greatest amount of criticism, particularly the zone charges to which a number of regional brokers and banks objected. (2) Broker-dealer participants, because of the retail character of their businesses, objected to the increased fee for Withdrawal by Transfer (WTs). In many instances the same participants objected to the Deposit fee.

Other fee increases or new fees received little comment.

Participants, Pledgees and Depository Facilities were notified of the new Fee Schedule above by Important Notice dated July 18, 1980, transmitting DTC Memorandum dated July 16, 1980, attached as Exhibit 4 to DTC's filing on Form 19b-4A, File No. SR-DTC-80-5.

DTC perceives no burden on competition by reason of the proposed rule change.

On or before October 2, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 18, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

August 21, 1980.

[FR Doc. 80-26394 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

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[Release No. 11313; 812-4595]

## Leasco Corp.; Filing of Application

August 21, 1980.

Notice is here by given that Leasco Corporation ("Applicant"), 919 Third Avenue, New York, New York 10022, a Delware corporation, filed an application on January 21, 1980, and amendments thereto on February 29, 1980, April 15, 1980, and August 1, 1980, pursuant to Sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act"), for an order exempting it from all provisions of the Act and its rules, other than: (1) Sections 9, 17(a)-(e), 31, 36(a) and 37 of the Act and the rules thereunder; (2) all sections of the Act and the rules thereunder necessary to implement the above sections of the Act; and (3) all administrative, procedural and jurisdictional sections of the Act, subject to certain conditions and exceptions set forth in the application and discussed below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant was incorporated in 1978 as a wholly owned subsidiary of Reliance Group, Incorporated ("Reliance"). In order to acquire the computer leasing operations of Reliance which, prior to that time, had been conducted by two other Reliance subsidiaries. Thereafter, on January 29, 1979, Reliance's board of directors declared a dividend of Applicant's common stock to be distributed to holders of Reliance common stock, and on May 14, 1979, Applicant's common stock was so distributed ("spin off"). Prior to the spin off: (1) assets ralating to Reliance's computer leasing operations with a value of $25,000,000 were transferred to Applicant and one of its subsidiaries; (2) Applicant issued $25,000,000 of its Series A preferred stock to a Reliance subsidiary; and (3) Leasco Europa, Ltd. ("Europa"), a subsidiary of Reliance with a net book value of $10,000,000, was transferred to Leasco Computer, Inc., a subsidiary of Applicant, in exchange for common stock of Applicant.

According to the application, Saul P. Steinberg ("Mr. Steinberg") is Chairman of the Board, President and Chief Executive Officer of Applicant, and with members of his family and certain estates and trusts for the benefit of his family (hereinafter referred to collectively as the "Steinberg Family") owns approximately 51 percent of Applicant's outstanding common stock. The application states that Mr. Steinberg also is founder, Chairman of the Board, President and Chief Executive Officer of Reliance, and that as of April 1, 1980, the Steinberg Family owned 15.24 percent of Reliance's outstanding common stock. The application further states that sixty percent of Applicant's directors are either directors or senior officers of Reliance.

Applicant states that, because of certain risks inherent in the computer leasing business, it investigated opportunities for the acquisition of businesses outside the computer leasing area in order to add stability and profits to its operations. Applicant's management believes that over time Applicant's computer leasing business will decline in value. Applicant states that it looked at hundreds of acquisition candidates, and that Reliance compared favorably with other companies investigated in terms of past and prospective returns on investment. Thus, Applicant has purchased 250,000 shares of Reliance common stock and is actively considering purchasing up to 1,000,000 additional shares. The 250,000 shares of Reliance held by Applicant were valued, on January 14, 1980, at approximately $15,000,000 and comprised nearly 31 percent of

Applicant's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant states that, in addition to its holdings of Reliance, it presently holds or may acquire the following additional securities: (1) a $30,000 Port of New York Authority Bond due February 1, 1996, and common stock in two publicly held corporations having a combined fair market value on June 4, 1980, of $1,395,350; (2) a warrant to purchase 40 percent of the outstanding common stock of North American Broadcasting, Inc. ("Broadcasting"), for $20,000 and subordinated notes issued by Broadcasting with a face value of $2,000,000; and (3) perferred stock of Securilease, Inc. ("Securilease"), with a redemption value of $380,000, and a non-recourse senior note of Securilease in the amount of $2,000,000. The transactions resulting in Applicant's acquisitions of securities issued by Broadcasting and Securilease, and the terms of such securities, are described in the application. Briefly, the securities of Broadcasting are being issued to Applicant in exchange for a loan and a loan guarantee made by Applicant, and the securities of Securilease were issued in connection with the sale of a Subsidiary by a subsidiary of Applicant.

Section 3(a)(3) of the Act defines the term "investment company" to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Section 3(a) of the Act defines the term "investment securities" to include all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority owned subsidiaries of the owner which are not investment companies. Applicant states that it does not presently hold more than 40 percent of its total unconsolidated assets in investment securities, but that either additional purchases of Reliance common stock or the holding of the subordinated notes of Broadcasting could cause Applicant to exceed the 40 percent requirement and, therefore, meet the definition of investment company contained in the Act. Accordingly, Applicant has requested an order exempting it from all provisions of the Act and of the rules thereunder, except certain specified provisions.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 6(e) of the Act provides that if, in connection with any order under Section 6 of the Act exempting any investment company from Section 7 of the Act, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to 6(e) of the Act, to permit its continued operations without the necessity of registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant states that many of its activities and operations, especially those relating to Reliance, could conflict with various provisions of the Act and, therefore, has filed the present application, pursuant to Sections 6(c) and registering as an investment company under the Act. Applicant asserts that its holdings in Reliance are not for investment, and that it has no present intention to sell or otherwise dispose of the Reliance shares it now owns or may purchase. In this regard, Applicant submits that it has determined to engage in the insurance business through its ownership interest and management participation in Reliance. Applicant states that its management is experienced and expert in the operations of Reliance's wholly owned businesses, and expects to continue to participate fully in Reliance's operations.

Applicant represents that it has not engaged and, except to the extent that it will purchase additional shares of Reliance stock, does not expect to engage in the continuous purchase of portfolio securities. Applicant further represents that: (1) its primary business is not investing, but that it is a company which has engaged in computer leasing and related businesses through wholly owned subsidiaries; (2) it has no present intention to sell to the public, distribute to its shareholders or otherwise dispose of any shares of Reliance which it now holds or may acquire; (3) it has not emphasized an intent to invest in securities; and (4) it is not the type of company for which the Act was designed. Applicant submits that the granting of the requested exemption will permit the ordinary operations of Applicant and its subsidiaries without relinquishing appropriate investor protections.

As conditions to the granting of the requested order, Applicant has agreed to remain subject to all administrative, procedural and jurisdictional sections of the Act. Applicant has also agreed to comply with Section 9 of the Act, and Sections 17(a)-(e) of the Act to the extent transactions, in the case of Section 17, involve (1) Applicant or "downstream" controlled companies of Applicant (other than Reliance) on the one hand, and (2) Reliance, the Steinberg Family or affiliated persons of Reliance or the Steinberg Family on the other hand. Applicant will also remain subject to Sections 31, 36(a) and 37 of the Act and the rules thereunder, as well as all sections of the Act and of the rules thereunder necessary to implement and to enforce the above sections of the Act, with the following exceptions:

(1) That Mr. Steinberg, his agents, servants, employees and attorneys shall not be prohibited by Section 9 of the Act from serving in the capacity of employee, officer, director, or member of an advisory board of Applicant by reason of any order, judgment or decree issued prior to the issuance of the order requested in the application, including the final judgment of permanent injunction entered on August 29, 1978, pursuant to an agreement of settlement and consent, without admission or denial of any of the allegations contained in the complaint, involving an allegation by the Commission that Mr. Steinberg has sold securities of Pulte Home Corporation, which he held as a personal investment, while discussing with acquaintances his opinion of the good business prospects for that corporation. (Applicant asserts that, with the exception of the above mentioned injunction, no other employees, officers and directors of Applicant or of any of its subsidiaries would be subject directly to the prohibitions of Section 9).

(2) That Sections 17(a)-(e) of the Act, which prohibit certain types of affiliated transactions, not apply to prohibit:

(a) Applicant and Reliance from carrying out the terms of a management agreement whereby Reliance provides certain services to Applicant;

(b) The sale by Applicant of any part of its holdings of Reliance stock to

Reliance for fair market value at the time of sale;

(c) The leasing of computers to Reliance or any affiliate thereof at fair market value;

(d) The redemption by Applicant of its outstanding Series A preferred stock held by Reliance or the exchange by Applicant of other property for such preferred stock;

(e) The purchase by Applicant of real estate services for fair market value from a wholly owned Reliance subsidiary;

(f) The purchase by Reliance from Applicant of computer services for fair market value;

(g) The subleasing of office space in the United Kingdom by Europa from a subsidiary of Reliance at fair market value;

(h) The joint coverage of Applicant and Reliance under various insurance policies;

(i) The purchase by Applicant from Reliance or its subsidiaries of insurance policies whereunder Applicant is the named insured or the beneficiary;

(j) The joint participation by Applicant and Reliance in the administration of each company's pension and profit sharing plans;

(k) The receipt by directors and officers of Applicant and Reliance of directors' fees, salaries, bonuses and benefits pursuant to employee benefit plans, including stock option plans, from Applicant and Reliance, respectively; provided, however, that any stock option plan of Applicant be approved by a vote of a majority of Applicant's shareholders, and further provided that all stock options so granted (i) will not exceed 10 percent of Applicant's outstanding shares, (ii) will not be exercisable for at least one year from the date of grant, and (iii) will have an exercise price of at least 100 percent of the market price of Applicant's common stock on the date of grant;

(l) The purchase of Reliance common stock in the open market and any public tender or exchange offer for such Reliance stock by Applicant to all Reliance shareholders, including Mr. Steinberg;

(m) The granting to Applicant by Mr. Steinberg of any option to purchase Reliance stock owned by Mr. Steinberg, such option to include the right of Applicant to vote the stock during the option period, provided that Applicant pays no more than a nominal fee in exchange for the option;

(n) The purchase by Applicant of consulting services from Reliance or its subsidiaries for fair market value;

(o) The continuance of the debtor-creditor relationship presently existing between Reliance and Michael F. Morrell ("Morrell"), Director and Executive Vice President of Applicant, with respect to $138,125 loaned to Morrell by Reliance which bears interest at eight percent per year and is due in April 1981;

(p) The subleasing of office space in the United States by Applicant from Reliance at Reliance's cost;

(q) The leasing of fleet cars by Applicant and Reliance for their respective use under the same leasing agreement; and

(r) The joint entering by Applicant and Reliance into a national buying program for the purchase of office equipment and supplies, and other material.

(3) That for purposes of the recordkeeping provisions of Section 31 of the Act and the rules thereunder, Applicant will maintain records in accordance with such provisions only to the extent to which transactions in which it engages are of the type described in such section and rules (such records shall be subject at anytime and from time to time to such reasonable periodic, special and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe).

As further conditions to the requested order, Applicant has agreed:

(1) Not to acquire investment securities other than the common stock of Reliance if to acquire such investment securities would cause Applicant to hold more than five percent of its total consolidated net assets in investment securities, except that: the acquisition and continued holding of the securities issued by Broadcasting and Securilease in connection with certain transactions described in the application shall be permissible, as shall be the purchase of money market instruments, and shares of money market funds, acquired and held by Applicant as a cash management tool;

(2) To liquidate, within three months from the date of issuance of the rquested order, its holdings of common stock in the two publicly held corporations and the $30,000 Port of New York Authority Bond; and

(3) Not to take corporate action, such as repurchasing its outstanding shares or entering into a reorganization, which would serve to reduce its net assets and cause its holdings of investment securities to be more than five percent of its total consolidated net assets without first obtaining an order of the Commission modifying the order which may be granted on the present application.

Compliance with the above three conditions shall not require Applicant to sell investment securities if by reason of an increase in the market value of such securities, or a decline in the fair market value of other assets of Applicant, such investment securities have a value exceeding five percent of Applicant's total consolidated net assets.

Notice is further given that any interested person may, not later than September 15, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether hearing is ordered, will receive any notices and others issued in this matter, including the date of the hearing (if ordered) and any potponements thereof.

By the Commission.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 80-26595 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

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[File No. 22-10612]

## United Technologies Corp. (a Delaware Corporation); Application and Opportunity for Hearing

August 22, 1980.

Notice is hereby given that United Technologies Corporation (a Delaware corporation) ("United") has filed an application under clause (ii) of Section 310.(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Manufacturers Hanover Trust Company under three indentures, all heretofore qualified under the Act, are not so likely to involve a material conflict of interest as

to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers Hanover Trust Company from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign.

Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

United alleges that:

1. Carrier Corporation, a Delaware corporation ("Old Carrier"), has issued and outstanding $46,942,000 principal amount of its twenty-five year 7¾% Debentures due 1998 (the "1973 Debentures") under an Indenture, dated as of October 1, 1973 (the "1973 Indenture"), between Old Carrier and Manufacturers Hanover Trust Company, Trustee. The 1973 Indenture was filed as Exhibit 2 to Registration Statement No. 2-49034 of Old Carrier under the Securities Act of 1933 and has been qualified under the Trust Indenture Act of 1939.

2. On July 6, 1979 Old Carrier merged into United Technologies Holding Corporation ("UTHC") a Delaware corporation and a wholly-owned subsidiary of United, also a Delaware corporation. Simultaneously with the consummation of the merger, UTHC changed its name to Carrier Corporation ("New Carrier").

United and New Carrier jointly and severally assumed the due and punctual payment of the principal of (and premium, if any) and interest on the 1973 Debentures. United and New Carrier are thus joint obligors under the 1973 Indenture and are hereinafter referred to collectively as the "Company".

3. United has issued and there is presently outstanding $200,000,000 principal amount of United's 9⅜% Sinking Fund Debentures due January 15, 2004 (the "1979 Debentures") under an Indenture dated as of January 15, 1979 between United and Citibank, N.A., Trustee. United also has issued and there is presently outstanding $100,000,000 principal amount of United's 9.45% Notes due January 15, 1989 (the "1979 Notes") under an Indenture dated as of January 15, 1979 between United and Citibank, N.A., Trustee. The above referenced Indentures will hereinafter be referred to collectively as the "1979 indentures".

The 1979 Indentures were filed as Exhibits 2(b) and 2(d), respectively, to Registration Statement No. 2-63367 of United under the Securities Act of 1933 and have been qualified under the Trust Indenture Act of 1939.

Citibank, N.A., on June 12, 1980, gave written notice to United of its resignation as Trustee under the 1979 Indentures because of a conflict arising under Section 608(c)(4) of the 1979 Indentures due to the election, on April 21, 1980, of Messrs. William E. Simon and Darwin E. Smith, directors of Citibank, N.A., as directors of United. As a result, a total of four directors of United are also directors of Citibank, N.A. United has requested Manufacturers Hanover Trust Company to accept appointment as successor Trustee under the 1979 Indentures.

4. As required by Section 3.10(b) of the Trust Indenture Act of 1939, Section 7.08 of the 1973 Indenture provides in applicable part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 7.08, the Trustee shall, within 10 days after the expiration of such 90-day period, transmit notice of such failure to the debentureholders in the manner and to the extent provided in subsection (c) of Section 5.04.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interestif—

(1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, *provided* that there shall be excluded from the operation of this paragraph any other indenture or indentures under which other securities, or certificates of interest of participation in other securities of the Company are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the Trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures.

Section 608 of each of the 1979 Indentures is substantially the same as Section 7.08 of the 1973 Indenture, except that each of the 1979 Indentures explicitly excludes from the operation of paragraph (c)(1) thereof the other 1979 Indenture.

5. Manufacturers Hanover Trust Company believes that if it accepts the appointment as successor Trustee under the 1979 Indentures it may have a conflict of interest within the meaning of Section 608 of the 1979 Indentures because those Sections do not explicitly exclude from the operation of paragraph (c)(1) thereof the 1973 Indenture.

6. The 1973 Debentures, the 1979 Debentures and the 1979 Notes are all wholly unsecured and of equal rank. Accordingly, in the opinion of United the trusteeships of Manufacturers Hanover Trust Company under the 1973 Indenture and the 1979 Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers Hanover Trust Company be disqualified from acting as trustee under the 1973 Indenture and the 1979 Indentures.

7. United hereby waives notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street N.W., Washington, D.C.

Notice is further given that any interested person may, not later than September 17, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 80-26391 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

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[File No. 22-10627]

## United Technologies Corp. (a Delaware Corportation); Application and Opportunity for Hearing

August 22, 1980.

Notice is hereby given that United Technologies Corporation, a Delaware corporation (the "Company"), has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exhange Commission that the trusteeship of Morgan Guaranty Trust Company of New York, a New York corporation ("Morgan Guaranty"), under certain indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, *inter alia,* that an indenture to be qualified shall provide that if the indenture trustee has or shall acquire any conflicting interest (as defined in the Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (i) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting intertest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indenture.

The Company alleges that:

1. The predecessor to the Company, United Aircraft Corporation, issued and sold $100,000,000 principal amount of 9% Notes due April 15, 1985 (the "United 1975 Notes") and $100,000,000 principal amount of 9⅞% Sinking Fund Debentures due April 15, 2000 (the "United 1975 Debentures"), under indentures, each dated as of April 15, 1975 (collectively, the "United Indentures"), between the company and Morgan Guaranty. The United 1975 Notes and the United 1975 Debentures were each registered with the Securities and Exhange Commission under the Securities Act of 1933 (the "1933 Act") and the United Indentures were qualified under the Act (Registration No. 2-52928).

2. On July 6, 1979 Carrier Corporation, a Delaware corporation ("Old Carrier"), was merged into United Technologies Holding Corporation, a Delaware corporation and a wholly-owned subsidiary of the Company ("UT Holding"). Upon consummation of the merger, UT Holding's name was changed to Carrier Corporation ("New Carrier").

3. Old Carrier was the obligor on $7,500,000 principal amount of 6% Convertible Debentures due December 1, 1989 (the "Carrier 1969 Debentures") issued under an indenture dated as of December 1, 1969 between Carrier Overseas Finance Corporation, a Delaware corporation and a wholly-owned subsidiary of Old Carrier ("Carrier Overseas"), and Morgan Guaranty and $25,000,000 principal amount of 8% Debentures due June 15, 1987 (the "Carrier 1972 Debentures") issued under an indenture dated as of June 15, 1972 between Carrier International Finance N.V., a Netherlands Antilles corporation and a wholly-owned subsidiary of Carrier ("Carrier International"), and Morgan Guaranty, respectively (collectively, the "Carrier Indentures"). As the Carrier 1969 Debentures and Carrier 1972 were issued and sold outside the United States to persons in transactions to which, in the opinion of Old Carrier's counsel, the registration requirements of the 1933 Act were not applicable, the Carrier Indentures were not qualified under the Act.

By a First Supplemental Indenture dated as of June 15, 1974, Old Carrier assumed the due and punctual payment of the principal of and premium, if any, and interest on the Carrier 1972 Debentures and the due and punctual performance of all the covenants and conditions to be performed by Carrier International under the indenture dated as of June 15, 1972 to which Carrier International and Morgan Guaranty were parties.

By a First Supplemental Indenture dated as of December 3, 1974, Old Carrier assumed the due and punctual payment of the principal of an premium, if any, and interest on the Carrier 1969 Debentures and the due and punctual performance of all the convenants and conditions to be performed by Carrier Overseas under the indenture dated as of December 1, 1969 to which Carrier Overseas and Morgan Guaranty were parties.

4. Concurrently with the merger of Old Carrier into UT Holding, New Carrier and the Company each assumed the obligations of Old Carrier to make due and punctual payment of the principal of and premium, if any, and interest on the Carrier 1969 Debentures and the Carrier 1972 Debentures in indentures supplemental to the Carrier Indentures. The Company thus became an obligor on these debentures.

5. The United Indentures contain the provisions permitted by the proviso of Section 310(b)(1) of the Act, and each of the United Indentures excludes the other United Indenture from the operation of the disqualification provisions of the Act as set forth in such indenture. The indenture relating to the United 1975 Debentures provides in applicable part as follows:

(a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in this Article.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section, the Trustee shall, within 10 days after the expiration of such 90-day period, transmit by mail to all Holders, as their names and addresses appear on the Debenture Register, notice of such failure.

(c) For the purposes of this Section the Trustee shall be deemed to have a conflicting interest if—

(1) the Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are

outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture, provided that there shall be excluded from the operation of this paragraph [the Indenture relating to the United 1975 Notes] and any other indenture or indentures under which other securities, or certificates of interest of participation in other securities of the Company are outstanding, if

(i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act, unless the Commission shall have found and declared by order pursuant to Section 305(b) or Section 307(b) of the Trust Indenture Act that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture or such other indenture or indentures, or

(ii) the Company shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under this Indenture and such other indenture or indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures.

The indenture relating to the United 1975 Notes contains a similar provision except that such indenture explicitly excludes from the operation of such provision the indenture relating to the United 1975 Debentures.

6. By reason of the Company's assumption of obligations of Old Carrier on the Carrier 1969 Debentures and the Carrier 1972 Debentures, Morgan Guaranty's trusteeships under the Carrier Indentures have become trusteeships under indentures governing securities upon the Company is an obligor. Therefore, Morgan Guaranty may be deemed to be trustee under other indentures under which other securities of the Company are outstanding within the meaning of Section 310(b)(1) of the Act.

7. The United Indentures and the Carrier Indentures are wholly unsecured and the Company and New Carrier are not in default under any of the United Indentures or the Carrier Indentures. The rights of the holders of the United 1975 Notes and the United 1975 Debentures, and the rights of the holders of the Carrier 1969 Debentures and the Carrier 1972 Debentures rank equally with each other. Accordingly, in the opinion of United the trusteeships of Morgan Guaranty under the United Indentures and the Carrier Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of said indentures.

8. The Company hereby waives notice of hearing and waives hearing in connection with matters referred to in the application, and also waives any and all right to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than September 17, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

*Secretary.*

[FR Doc. 80-26390 Filed 8-27-80; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5358

### Amistad DOT Venture Capital, Inc.; Notice of Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Amistad DOT Venture Capital, Inc. (Amistad), 801 Second Avenue, Suite 303, New York, New York 10017. A Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 C.F.R. 107.1004 (1980) for approval of a conflict of interest transaction.

It is proposed that Amistad loan of $50,000 to Andrews Brothers, Inc. (Andrews), 330 Merscheidt Street, San Antonio, Texas 78203. The funds will be used for working capital. Amistad will make a 3-year loan, principal and interest payable quarterly. The interest rate would be 13 percent and Amistad would receive a warrant to buy 10% of Andrews at $1.00 per share and require Andrews to buy them back at book value at a later date. Mr. Charles G. Andrews, Jr., President of the company, would personally guarantee the loan.

The Andrews Brothers are nephews of Percy E. Sutton. Pursuant to Section 107.3(e) of the Regulations, the Andrews Brothers are considered to be Associates of Amistad.

Accordingly, the transaction falls within the purview of 13 C.F.R. 107.1004 (1980) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transaction.

Any such communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by Andrews in a newspaper of general circulation in San Antonio, Texas.

(Catalog of Federal Domestic Assistant Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1980.

Peter F. McNeish,

*Acting Associate Administrator for Investment.*

[FR Doc. 80-26424 Filed 8-27-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0410]

### Clinton Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Clinton Capital Corporation (Applicant), for a license to operate as a Small Business Investment Company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, and the Rules and Regulations promulgated thereunder.

The Applicant is incorporated under the laws of the State of New York, and it

will commence operations with a capitalization of $505,000.

The Applicant will have its place of business at 135 Middagh Street, New York, New York 11201, and it intends to conduct operations primarily in the State of New York.

The officers, directors and stockholder of the corporation will be:

Mark Lewis Scharfman, President, Director, 100 percent stockholder, 201 East 21st Street, New York, New York 10010.
Sidney Scharfman, Secretary, Director, 35 West 81st Street, New York, New York 10024.
Anne Miller Scharfman, Vice President, Director, 35 West 81st Street, New York, New York 10024.

All the stock of the Applicant will be owned by Mark Lewis Scharfman.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than September 12, 1980, submit written comments on the Applicant to the Associate Administrator for Investment, Small Business Administration, 14441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published by the Applicant in a newspaper of general circulation in the city of New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 20, 1980.

Michael K. Casey,

*Associate Administrator for Investment.*

[FR Doc. 80-26426 Filed 8-27-80; 8:45 am]

BILLING CODE 8025-01-M

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[License No. 02/02-0315]

## Fifty-Third Street Ventures, Inc.; Filing of Application for Approval of a Conflict of Interest Transaction Between Associates

Pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1980)), notice is hereby given by the Small Business Administration (SBA) of a conflict of interest transaction between Fifty-Third Street Ventures, Inc. (FTS) and Computer Identics Corporation, a Massachusetts corporation (CIC). FTS was licensed by SBA on July 29, 1976. Alan J. Patricoff, the Chairman of the Board of the Licensee, is and has been a director of CIC since 1972.

The proposed financing by FTS falls within the purview of § 107.1004(b)(1) of the Regulations and requires a written exemption from SBA. SBA is considering a request for such exemption.

Notice is further given that any person may, not later than September 12, 1980, submit to SBA, in writing, comments on the proposed transaction.

Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW, Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1980.

Peter F. McNeish,

*Acting Associate Administrator for Investment.*

FR Doc. 80-26427 Filed 8-27-80; 8:45 am]

BILLING CODE 8025-01-M

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[Proposed License No. 01/02-5415]

## Seoul Capital Corp.; Notice of Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has filed by Seoul Capital Corp., (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

In Wha Whang, 19 Dorset Rd., Great Neck, N.Y. 11020, President/Director.
OH Joon Kwon, 534 Third Avenue, New York, N.Y., Secretary/Director.
In Suck Whang, 19 Dorset Rd., Great Neck, N.Y. 11020, Director.

The Applicant is a New York corporation with its principal office at 277 Broadway, Suite 1404, New York, New York 10007, and will begin operations with $500,000 of paid-in capital and paid-in surplus.

The Applicant will conduct its activities primarily in the State of New York.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of the notice, submit to SBA written comments on the proposed Applicant to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in an newspaper of general circulation in New York, New York. (Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 25, 1980.

Peter F. McNeish,

*Acting Associate Administrator for Investment.*

[FR Doc. 80-26425 Filed 8-27-80; 8:45 am]

BILLING CODE 8025-01-M

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# DEPARTMENT OF STATE

[Public Notice 721]

## Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its July 1980 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the Federal Register on August 24, 1978.

Dated: August 14, 1980.

George A. Furness, Jr.,

*Acting Director, Office of International Conferences.*

**U.S. Delegation to the International Telecommunication Union (ITU/CCIR), Geneva, June 16 to July 4, 1980**

*Chairman*

Harold T. Dougherty, Chief, Microwave Prediction, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce.

*Advisers*

John F. Cavanaugh, Branch Head, Dahlgren Laboratory, Surface Weapons Center, Department of Navy, Dahlgren, Virginia.

William A. Daniel, Staff Engineer, Research Division, Office of Chief Scientist, Federal Communications Commission.

William E. Frazier, Staff Engineer, Federal Systems and Spectrum Management, National Telecommunications and Information Administration, Department of Commerce.

*Private Sector Advisers*

Robert K. Crane, Manager, Atmospheric Science Section, Environmental Research and Technology, Inc., Concord, Massachusetts.

Geoffrey Hyde, Manager, Propagation Studies, COMSAT Laboratories, Communications Satellite Corporation, Clarksburg, Maryland.

Ernest K. Smith, Spectrum Engineer, Jet Propulsion Laboratory, California Institute of Technology, Pasadena, California.

Hans J. Weiss, Director, Systems Studies Division, Communications Satellite Corporation, Washington, D.C.

**International Telecommunication Union/ CCIR; Study Group I, Geneva, June 18 to July 3, 1980.**

*Chairman*

William F. Utlaut, Deputy Director, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado.

*International Chairman*

Julian T. Dixon, Chief, Research and Analysis Division, Office of Chief Scientist, Federal Communications Commission.

*Advisers*

Leslie A. Berry, Systems Analyst, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado.

David J. Cohen, Staff Engineer, National Telecommunications and Information Administration, Department of Commerce, Annapolis, Maryland.

William L. Kilpatrick, Electronics Engineer, Field Operations Bureau, Federal Communications Commission, Powder Springs, Georgia.

William A. Luther, Chief, Engineering Division, Field Operations Bureau, Federal Communications Commission.

Robert J. Mayher, Staff Engineer, Frequency Management Support Division, National Telecommunications and Information Administration, Department of Commerce, Annapolis, Maryland.

*Private Sector Adviser*

John P. Berry, Director, Research and Development Programs, Planning and Technology Operations Center, Advance Technology, Inc., McLean, Virginia.

**U.S. Delegation to the Food Aid Committee, International Wheat Council Commodities, London, June 27 to July 2, 1980**

*Representative*

Donald F. Hart, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State.

*Alternate Representatives*

Edmund M. Parsons, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State.

Donald Phillips, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture.

*Adviser*

Frank C. Coolidge, Assistant Agricultural Attache, American Embassy, London.

*Private Sector Advisers*

Jack Felgenhauer, President, National Association of Wheat Growers, Washington, D.C.

Larry Montgomery, President, U.S. Wheat Associates, Inc., Washington, D.C.

**U.S. Delegation to the Second Session of the United Nations Economic and Social Council (ECOSOC) for 1980, Geneva, July 3 to 25, 1980.**

*Representative*

The Honorable Donald F. McHenry, Ambassador Extraordinary and Plenipotentiary, U.S. Representative to the United Nations.

*Deputy Representative*

The Honorable Joan Spero, Ambassador U.S. Representative to the Economic and Social Council of the United Nations.

*Alternate Representative*

Robert Kaufman, United States Mission to the United Nations.

*Advisers*

Frank Brecher, United States Mission to the United Nations.

William Falkner, United States Mission to the United Nations.

John Hope, International Economic Policy Staff, Bureau of International Organization Affairs, Department of State.

Edward Lollis, Office of the Special Economic Negotiator, Bureau of Economic and Business Affairs, Department of State.

Richard T. Miller, International Economic Policy Staff, Bureau of International Organization Affairs, Department of State.

William Renison, United States Mission to the United Nations.

Sandra Taylor, United States Mission to the United Nations.

*Private Sector Adviser*

Karl E. Rolvaag, Former Governor—State of Minnesota, Consultant—Department of State.

**U.S. Delegation to the Twenty-Second Session of the Subcommittee on Ship Design and Equipment of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, July 7 to 11, 1980**

*Representative*

Richard L. Brown, Captain, USCG, Assistant Chief, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

*Alternate Representative*

James C. Card, Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

J. W. Calhoun, Lieutenant Commander, USCG, Merchant Marine Technical Division, United States Coast Guard, Department of Transportation.

John C. Maxham, Lieutenant Commander, USCG, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

John F. Simmons, Jr., Shipping Attache, American Embassy, London.

Samuel H. Wehr, Merchant Marine Technical Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

*Private Sector Adviser*

William A. Mayberry, Captain, USCG (ret.), Executive Director, Offshore Marine Service Association, New Orleans, Lousisiana.

**U.S. Delegation to the 19th Session, International Tin Council (ITC), London, July 14 to 18, 1980**

*Representative*

Ralph R. Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State.

*Alternate Representative*

Frederick McEldowney, Office of the United States Trade Represesntative, Geneva.

*Advisers*

Timothy Dulaney, Office of Raw Materials and Oceans Policy, Department of the Treasury.

Paul Pilkauskas, American Embassy, London.

Willaim Sugg, International Commodities Division, Department of Commerce.

*Private Sector Advisers*

Charles L. Dimmler, III, Vice President, MRI Corporation, Clark, New Jersey.

George B. Keagle, General Manager—Purchasing, Materials and Energy, United States Steel Corporation, Pittsburgh, Pennsylvania.

Malcolm Owings, Vice President, Continental Can Company, Chicago, Illinois.

**U.S. Delegation to the Fifteenth Session of the Subcommittee of Lifesaving Appliances of the Maritime Safety Committee, Intergovernmental Maritime Consultative Organization (IMCO), London, July 14 to 18, 1980**

*Representative*

Norman W. Lemley, Chief, Survival Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

*Alternate Representative*

Robert L. Markle, Jr., Survival Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

*Advisers*

James C. Card, Commander, USCG, Chief, Survival Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

John F. Simmons, Jr., Shipping Attache, American Embassy, London.

Samuel E. Wehr, Chief, Survival Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

*Private Sector Adviser*

John Simonsen, President, Datrex, Inc., Miami, Florida.

**U.S. Delegation to the Plenary Meeting of the United Nations Commission on International Trade Law, New York, July 14 to 25, 1980**

*Representative*

Peter H. Pfund, Office of the Legal Adviser, Department of State.

*Alternate Representative*

Professor Howard M. Holtzmann, Arbitration Association, New York, New York.

*Advisers*

Professor E. Allan Farnsworth, Columbia Law School, New York, New York.

James C. Gray, Jr., United States Mission, to the United Nations.

Professor John O. Honnold, University of Pennsylvania, Philadelphia, Pennsylvania.

Jamison M. Selby, Office of the Legal Adviser, Department of State.

Professor Joseph C. Sweeney, Fordham University, New York, New York.

*Private Sector Adviser*

Richard Kearney (July 21 to 23), Ambassador (Ret.), Sherwood Forest, Md.

**U.S. Delegation to the 32nd Annual Meeting of the International Whaling Commission, Brighton, July 14-26, 1980**

*Commissioners*

Richard A. Frank (Head of Delegation), Administrator, National Oceanic and Atmospheric Administration.

Thomas Garrett, Deputy U.S. Commissioner, Garrett, Wyoming.

*Congressional Advisers*

The Honorable Les AuCoin, United States House of Representatives.

The Honorable Don Bonker, United States House of Representatives.

The Honorable Paul N. McCloskey, Jr., United States House of Representatives.

*Advisers*

William Aron, Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

Robert Brownell, Department of the Interior.

Douglas Chapman, Chairman, Marine Mammal Commission.

Robert Eisenbud, General Counsel, Marine Mammal Commission.

Jerry Gilliland, Special Assistant to the Secretary for Alaska, Department of the Interior.

Katherine Gillman, Council on Environmental Quality.

Eldon Greenberg, General Counsel, National Oceanic and Atmospheric Administration.

Claudia Kendrew, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Terry L. Leitzell, Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

Joan McKenzie, Office of the General Counsel, National Oceanic and Atmospheric Administration.

R. Tucker Scully, Acting Director, Office of Oceans and Polar Affairs, Department of State.

Dean Swanson, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

Michael Tillman, Director, National Marine Mammal Laboratory.

*Private Sector Advisers*

David R. Brower, Friends of the Earth.

Richard Ellis, National Audubon Society.

Phoebe Wray, Endangered Species Productions.

*Congressional Staff Advisers*

Peter Friedmann, Minority Staff Counsel, Committee on Commerce, Science, and Transportation, United States Senate.

Claire L. Fronville, Congressional Staff, United States House of Representatives.

Carole A. Grunberg, Congressional Staff, United States House of Representatives.

Steven Perles, Legislative Assistant to Senator Stevens, United States Senate.

Donna Williams, Congressional Staff, United States House of Representatives.

[FR Doc. 80-26274 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-19-M

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[CM-8/312]

## Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Panel on Bulk Cargoes under the SOLAS Subcommittee Working Group on Subdivision and Stability will conduct an open meeting at 10:00 a.m. on Tuesday, September 9, 1980, in Room 6332 of the Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to: Prepare for the 22nd Session of the IMCO Subcommittee on Containers and Cargoes.

For further information contact Captain S. Fraser Sammis, National Cargo Bureau, Inc., Suite 2757, One World Trade Center, New York, N.Y. 10048. Telephone (212) 432-1280.

August 14, 1980.

John Todd Stewart,

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 80-26256 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-01-M

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[CM-8/313]

## Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Subdivision, Stability, and Load Line will conduct an open meeting at 10:00 a.m. on September 10, 1980 in Room 1303 of Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593.

The purpose of the meeting will be a review of the agenda items and delegation papers received by that time in preparation for the 25th Session of the IMCO Subcommittee on Subdivision, Stability and Load Line.

In particular the Working Group will discuss:

Final U.S. positions for all agenda items in particular:

Item 3. Improvement of Load Line Convention.

Item 4. Intact Stability.

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard (G-MMT-5/TP12), 2100 2nd Street, S.W., Washington, D.C. 20593. Telephone: (202) 426-2188.

August 15, 1980.

John Todd Stewart,

*Chairman, Shipping Coordinating Committee.*

[FR Doc. 80-26257 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-01-M

[CM-8/314]

## Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The Working Group on Standards of Training and Watchkeeping of the Subcommittee on Safety of Life at Sea will conduct an open meeting to be held at 0930 hours on Wednesday, September 24, 1980 in Room 4234 of the Nassif Building, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C.

The purpose of the meeting will be to discuss the following agenda items of the Fourteenth Session of the IMCO Subcommittee on Standards of Training and Watchkeeping tentatively scheduled for January 1981:

Manning of seagoing ships.

Training in the use of automatic radar plotting aids.

Training in radar observation and plotting.

Training and certification of crews of fishing vessels.

Training, qualifications and operational procedures for maritime pilots.

Training and qualification of officers and ratings in the handling of hazardous or noxious dry chemicals in bulk.

Security of certificates of competency.

Further information may be obtained by contacting Captain D. E. Hand, U.S. Coast Guard Headquarters, 2100 2nd Street, S.W., Washington, D.C. 20593. Telephone (202) 426-1500.

The Chairman will entertain comments from the public as time permits.

John Todd Stewart,

*Chairman, Shipping Coordinating Committee.*

August 5, 1980.

[FR Doc. 80-26258 Filed 8-27-80; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/315]

## National Committee of the U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 16, 1980 at 10:30 a.m. in Room 1205, Department of State, 2201 C Street, N.W., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the international Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to September 15, 1980 members of the general public who plan to attend the meeting inform Mr. Richard H. Howarth, Office of International Communications Policy, Department of State, telephone (202) 632-1007, of their intention. All non-Governmental attendees must use the C Street entrance to the building.

The purpose of the meeting on September 16 will be to discuss preparations for U.S. participation at the VIIth Plenary Assembly of the CCITT, to be held in November 10-21, 1980, in Geneva, Switzerland. This will be the second of two such preparatory meetings.

August 19, 1980.

Richard H. Howarth,

*Chairman, U.S. CCITT National Committee.*

[FR Doc. 80-26255 Filed 8-27-80; 8:45 am]

BILLING CODE 471007-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## Trade Policy Staff Committee; Hearings on Articles Being Considered for Duty Modification

1. *Notice of Public Hearings.* Section 133 of the Trade Act of 1974 (19 U.S.C. 2153) requires that an opportunity be afforded to interested parties to present their views concerning any article being considered for modification of duties. In accordance with that requirement, the Trade Policy Staff Committee, chaired by the Office of the United States Trade Representative, has scheduled public hearings for November 5, 6, 7 and 10, 1980, concerning articles being considered for possible duty modification, notice of which was published in the Federal Register of August 8, 1980 (45 FR 52978) and modified in the Federal Register of August 20, 1980 (45 FR 55556). The purpose of this notice is to solicit views concerning only those articles listed in Annex I of the Federal Register notice. Views concerning articles listed in Annex II of the notice, that is, articles which may be considered for designation as eligible articles for purposes of the United States Generalized System of Preferences (GSP), are not being solicited at this time. Changes in the list of articles eligible for GSP treatment will continue to be considered during annual product reviews conducted in accordance with regulations published at CFR Parts 2001-2003 and 2007. Part 2007 was published in the September 9, 1977, Federal Register (42 FR 45532).

On behalf of the President and in accordance with sections 131(a) and 503(a) of the Trade Act, the International Trade Commission has been furnished with the lists of articles published in the Federal Register notice of August 8, 1980 and modified in the Federal Register notice of August 20, 1980 for the purpose of securing from the Commission its advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers, (a) with respect to the articles listed in Annex I of that notice, of the reduction of United States duties by the maximum amount permissible under section 124 of the Trade Act, or continuance of United States duty-free or excise treatment, and (b) with respect to articles listed in Annex II of that notice, of the designation of such articles for purposes of the GSP.

The Commission will be holding public hearings to assist it in the preparation of its advice to the President. The Commission's hearings will be held concurrently with those of the Trade Policy Staff Committee.

2. *Time and Place of Hearings.* The Committee's hearings will open at 10 a.m., EST, on November 5, 1980 and will continue November 6, 7 and 10, 1980, if required. They will be held in Washington, D.C., New Executive Office Building, entrance on Seventeenth Street between Pennsylvania Avenue and H Street, N.W., Room 2010 on November 5 and 6 in Room 2008 on November 7 and 10.

The Committee has no prearranged schedule for the presentation of subject matter but will try to arrange appearances so that those interested in a particular subject will be scheduled to appear on the same day.

3. *Requests to Present Oral Testimony.* All requests to present oral testimony must be received by the Secretary of the Trade Policy Staff Committee, Room 735, 1800 G Street, N.W., Washington, D.C. 20506 not later than close of business Tuesday, October 14, 1980. The schedule for the proposed hearings will be formulated on the basis of requests to appear received as of that date. Requests to present oral testimony must conform with the regulations of the Committee which appeared in section 2003 of Title 15 of the Code of Federal Regulations.

Pursuant to the regulations referred to in the preceding sentence, a request to present oral testimony will be granted only if a written brief is submitted before the deadline for submitting such briefs (in this instance, October 21, 1980). The requirements for written briefs are described in section 4 below.

Requests to present oral testimony must state briefly the interest of the applicant in the subject matter and the position to be taken by the applicant.

The requirements described in the two preceding paragraphs may be waived by the United States Trade Representative, the Deputy United States Trade Representative, or the Chairman of the Trade Policy Staff Committee, for reasons of equity and the public interest.

In addition, requests to present oral testimony should include the following information:

(a) The name, address, telephone number, and official position (if applicable) of the party submitting the request.

(b) The description and, if possible, the tariff item number(s), whether foreign or domestic, of the commodity or commodities in which the party has an interest.

(c) The subject or subjects to be dealt with in the proposed testimony, listed individually and, in the case of import restrictions other than duties, described with sufficient particularity to identify the restriction to be discussed.

(d) The name, address, and telephone number of the person (or persons) who will present oral testimony.

(e) The amount of time requested for the presentation or oral testimony, and if more than 15 minutes is requested, the reasons therefor.

Each person scheduled to appear before the Committee will be notified of the date and the amount of time allotted for his presentation. If such time is inconvenient to the person requesting appearance, the Committee will consider rescheduling that person. The Committee reserves the right to restrict the time allotted for oral presentation and to deny requests when it determines that the proposed testimony is not relevant to the hearings.

4. *Submission of Written Briefs.* Any interested party may submit a written brief to the committee concerning the subject matter of the hearings. Each party presenting oral testimony must also file a brief. Briefs should be prefaced by a concise summary.

Briefs must conform to the Committee's regulations, published in the Federal Register of April 28, 1975. Briefs must be submitted in 20 copies, one of which must be made under oath or affirmation. In addition, each brief shall clearly designate on the first page the name and address of the party submitting the brief, the subject matter of the brief and the item number of the commodity (or commodities) in the Tariff Schedules of the United States to which the brief pertains, if any.

Every written brief must present in nonconfidential form a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

5. *Rebuttal Briefs.* In order to assure parties the opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within two weeks after the close of the hearings. Rebuttal briefs must conform, in form and number, to the regulations of the Committee and the provisions of this notice applicable to written briefs. Rebuttal briefs should be limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearings, and should be as concise as possible.

6. *Information Exempt from Public Inspection.* Parties are referred to § 2003.6 of the Committee's regulations published in Title 15 of the Code of Federal Regulations for the rules concerning information labeled "Business Confidential" and exempt from public inspection.

Oral testimony should contain no confidential information. Briefs containing business confidential information should be so marked on the cover page. In addition, the business confidential information should be easily separable. If the Committee determines that it cannot accord confidential treatment to information submitted, that material will be returned to the addressee.

7. *Public Inspection of Written Materials.* Subject to the regulations of the Committee all written materials filed with the Committee in connection with these hearings will be open to public inspection, by appointment, at the office of the Trade Policy Staff Committee, Room 735, 1800 G Street NW., Washington, D.C. 20506.

8. *Transcripts of the Hearings.* All oral testimony before the Committee will be recorded and transcribed. Persons giving testimony before the Committee may correct errors of form or expression in their testimony, but may not change substance. All corrections must be approved by the Secretary of the Committee. The cost of making such corrections will be the responsibility of the person requesting the corrections.

Transcripts of the hearings will be available for inspection or purchase.

9. *Attendance at the Hearings.* The hearings will be open to the public. Heavy or disruptive equipment, such as television equipment, will not be admitted to the hearings without the permission of the Chairman.

10. *Communications.* All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, 1800 G Street, N.W., Room 735, Washington, D.C. 20506. The telephone number of the Secretary of the Committee is (202) 395-3487.

Ann Hughes,

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 80-28310 Filed 8-27-80; 8:45 am]

BILLING CODE 3190-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Radio Technical Commission for Aeronautics (RTCA); Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting Change

This Notice announces a change in location of the Radio Technical Commission for Aeronautics (RTCA) Special Committee 139 meeting to be held on September 3-5, 1980, and announced in the Federal Register on August 18, 1980, (45 FR 54921). The meeting will be held in Conference Rooms 8A-B, DOT/Federal Aviation Administration Building, 800 Independence Avenue, SW., Washington, D.C., commencing at 9:30 a.m.

Issued in Washington, D.C. on August 19, 1980.

Karl F. Bierach,

*Designated Officer.*

[FR Doc. 80-25800 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

## Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held from October 6 at 1 p.m. through October 10 at 1 p.m., in the Conference Rooms, 6A and B at FAA Headquarters, 800 Independence Avenue, SW, Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from Mr. Daniel F. Creedon, Acting Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., SW, Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on August 18, 1980.

Daniel F. Creedon,

*Acting Executive Director, ATPAC.*

[FR Doc. 80-26152 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

## McDonnell Douglas Model DC-9-80; Aircraft Certification and Availability of Documents

A notice of the status of the application filed by McDonnell Douglas Corporation for the type certification of the DC-9-80 aircraft was published in the Federal Register on July 10, 1980 (45 FR 46604). The notice set forth the airworthiness standards established by the Federal Aviation Administration for the type certification of the DC-9-80 aircraft, advised that the certification program was entering its final phase, and stated that certain issues had to be resolved prior to certification. That information was updated in a notice published August 7, 1980 (45 FR 52539).

The formal certification process for the DC-9-80 aircraft has taken nearly three years. The certification task was a large and technically complex one, involving over 30,000 hours of direct effort by the FAA Western Region staff. Literally thousands of documents were reviewed, and over 1,000 hours of flight tests were conducted, more than 40% of which were flown by FAA pilots. In the past several months substantial public interest in this effort has also been stirred. The primary reasons for this interest are the two unfortunate accidents which occurred on test flights of prototype aircraft, and a heated controversy which has arisen over the determination of the safety of two-crewmember operations of this or any other aircraft.

The Administrator has devoted considerable personal time and attention to this project. This has included review of the certification team recommendations in detail and participation in meetings and briefings so as to understand and evaluate the arguments presented by all parties on every side of the issues. Considerable effort has been devoted to discussions with the Air Line Pilots Association (ALPA), including a number of meetings with the ALPA technical staff and the union's most senior elected management officers. The Administrator has also met with representatives of pilot's associations of other nations and has been briefed on the views of U.S. airline pilots not affiliated with ALPA. He has discussed the issues with members of Congress and their staff and with the Secretary of Transportation and his staff. Independent expert counsel was also obtained through the employment of two renowned experts in different fields: Dr. Laurence Young, Director of the Man-Vehicle Laboratory at the Massachusetts Institute of Technology, and Mr. Paul Soderlind, retired Chief Technical Pilot of Northwest Airlines.

The Administrator has conducted a thorough review of the issues involved in the DC-9-80 type certification program and the findings of the FAA certification team. He has also reviewed and discussed at length with his senior staff a three volume: "Summary of Decision Basis for Type Certification of the McDonnell Douglas Model DC-9-80". The Administrator has also read and considered the reports and conclusions of the FAA consultants employed on this project and the briefings provided by the Air Line Pilots Association and other pilots as well as their written contributions to the certification project. During this review, the Administrator specifically considered the FAA Western Region staff's evaluation of the crew complement issue, and concurs in their finding that two-crewmember operation of the DC-9-80 aircraft will provide the high level of airline safety rightfully demanded by today's traveling public.

Based on a review of the entire certification process the Administrator approved issuance of the DC-9-80 type certificate as recommended by the FAA Western Region staff, and Type Certificate A6WE for the DC-9 aircraft series has been amended to include approval of the DC-9-80.

A copy of the three volume "Summary of Decision Basis for Type Certification of the McDonnell Douglas Model DC-9-80" is on file in the FAA Rules Docket. The bulk of this report is devoted to summarizing the tests and analysis required of McDonnell Douglas to demonstrate compliance with FAA certification requirements. Detailed appendices include delineation of the specific legal compliance required by each rule; a summary of the method by which compliance was established for each and a bibliography of the reports documenting that compliance; and a summary of the objectives and results of each of the hundreds of flight tests performed by FAA. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, SW, Washington, D.C. Copies of the report may be obtained from the Office of the Associate Administrator for Aviation Standards, Room 1000W, 800 Independence Avenue, S.W., Washington, D.C.

Issued in Washington D.C. on August 25, 1980.

Langhorne Bond,

*Administrator.*

[FR Doc. 80-26406 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-13-M

# Federal Highway Administration

## Environmental Impact Statement; Pitt County, N.C.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Pitt County, North Carolina.

**FOR FURTHER INFORMATION CONTACT:** Ronald E. Heinz, Division Administrator, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755-4346.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the North

Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed US 264 bypass of Greenville in Pitt County. the proposed action would be the construction of a controlled-access highway on new location from US 264 (relocated) to US 13–NC 11 around the northwest side of Greenville. The proposed by pass is needed to serve the projected traffic demand in the US 264 corridor and to relieve anticipated traffic congestion on US 13–NC 11 and Greenville streets resulting from the relocation of US 264 to the west of Greenville. The proposed action would also provide a new crossing of the Tar River.

Alternatives under consideration include (1) the "no-build", (2) improving existing facilities, and (3) a controlled access highway on new location. The new location alternatives will involve studies of various design alternatives ranging from an at-grade expressway to a full freeway with access only at interchanges.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials have been held in the study area and a public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, (Highway Research, Planning, and Construction).

The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on August 20, 1980.

Ronald E. Heinz,

*Division Administrator, Raleigh, North Carolina.*

[FR Doc. 80–26206 Filed 8–27–80; 8:45 am]

BILLING CODE 4910–22–M

## Environmental Impact Statement; Alameda County, Calif.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway operational study in Alameda County, California.

**FOR FURTHER INFORMATION CONTACT:** D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809. Telephone: (916) 440–3541.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the California Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to re-evaluate the operation of I–580 in Alameda County, California. The limits of the EIS are to be the same as those for the 1972 adopted Final EIS for the joint Freeway/Mass Transit Corridor project, which is for Routes 580 and 238 from the Western Pacific Railroad on Route 238 near Hayward to Route 680 in Dublin, for a distance of 10.2 miles.

The EIS will include the various operational alternatives available within the approved roadway template described in the adopted Final EIS. The alternates to be considered include the existing operation of two mixed-flow lanes and one high occupancy vehicle (HOV) lane in each direction (no change), increase mixed traffic lanes (six mixed-flow lanes), delete HOV lanes (eight mixed-flow lanes), increase transit, others identified through the scoping and consultation process, and any combination of those described. A formal inter-disciplinary team approach is planned for this study to insure the interaction of different disciplines in the development and evaluation of alternatives. This inter-disciplinary team will be referred to as the Operational Study Team, which will include representatives from the appropriate federal, state, local agencies, and private organizations which have previously expressed interest in this proposal.

As part of the scoping process an informational public meeting will be held at Alameda County Fairgrounds, Cafeteria, Pleasanton Avenue, Pleasanton, California at 7:30 P.M. on September 24, 1980. Public notice will be given of the time and place of the information meeting.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues

identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: August 20, 1980.

D. L. Eyres,

*District Engineer, Sacramento, California.*

[FR Doc. 80-26305 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-22-M

## Coast Guard

[CGD 80-110]

### National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Wednesday and Thursday, October 1 and 2, 1980, at the Lutsen Resort, Lutsen, Minnesota, beginning at 9:30 a.m. on both days. The meeting is scheduled to recess at 5:00 p.m. on Wednesday, October 1, 1980, and adjourn at 4:00 p.m. on Thursday, October 2, 1980. The agenda for the meeting will be as follows:

1. Review of action taken at the twenty-fourth Meeting of the Council.
2. Executive Directors Report.
3. Level Flotation Update.
4. Update on Navigation Lights.
5. Presentation on 1979 Boating Accident Statistics.
6. Progress Report on Fire Extinguishing Equipment Testing and Requirements.
7. Rules of the Road Advisory Committee (RORAC) Report.
8. Discussion of Inflatable Personal Flotation Device Project.
9. Comments on Bridge Regulations for Intra-Coastal Waterways.
10. Vessel Traffic Control System Discussion.
11. Report on Status of Kill Switch Regulations.
12. Demonstration of New Approved Hand Held Visual Distress Signals.
13. Report on Inland Rules Act 1980.
14. Update on Marine Sanitation Device Regulations.
15. Annual Report of Office of Boating, Public, and Consumer Affairs.
16. American Boat & Yacht Council Report on Diesel Powered Recreational Boats.
17. Members Items.
18. Chairman's Session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Commander Neal Mahan, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BA), Washington, D.C. 20593, or by calling (202) 426-1080.

Issued in Washington, D.C. August 20, 1980.

H. W. Parker,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.*

[FR Doc. 80-26428 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-14-M

## Federal Highway Administration

### Environmental Impact Statement, Hennepin and Scott Counties, Minn.

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Hennepin and Scott Counties, Minnesota.

**FOR FURTHER INFORMATION CONTACT:** Stephen J. Bahler, Area Engineer, Federal Highway Administration, Suite 490 Metro Square Building, St. Paul, Minnesota 55101, Telephone (612) 725-5956; or C. E. Weichselbaum, District State Aid Engineer, Minnesota Department of Transportation 2055 North Lilac Drive, Golden Valley, Minnesota 55422, Telephone (612) 545-3761.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Minnesota Department of Transportation, the Hennepin County Department of Transportation and the Scott County Highway Department, will prepare an environmental impact statement (EIS) on a proposal to improve County State Aid Highway 18 in Hennepin and Scott Counties. The proposed improvement would involve reconstruction of existing County State Aid Highway 18 between the cities of Bloomington and Eden Prairie in Hennepin County from I-494 south to Minnesota State Trunk Highway 101 between the cities of Savage and Shakopee in Scott County. This proposal includes a crossing of the Minnesota River which is the boundary line of two counties. The approximate length of the proposal is 6 miles. Improvements to the

corridor are considered necessary to provide for existing and projected traffic demand. Also included in this proposal is the replacement of the existing Bloomington Ferry Bridge.

Alternatives under consideration include (1) taking no action; (2) upgrading the existing two-lane facility to a four-lane facility; (3) upgrading the existing two-lane facility to a freeway, and (4) constructing a four-lane or freeway facility on a new location. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in the proposal. A series of public meetings will be held. In addition, a public hearing will be held. A scoping process is being conducted which includes monthly meetings of a technical advisory committee composed of representatives from governmental agencies and a citizens' advisory group composed of appointed citizens from each of the local governmental units affected. As a part of the scoping process, a public information meeting is being held October 1, 1980, at the Hennepin Technical Center, South Campus, 9200 Flying Cloud Drive, Eden Prairie, Minnesota, at 7:30 p.m. in the right auditorium. Public notice will be given of this and future meetings and the hearing. The draft EIS, when completed, will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and this EIS should be directed to the FHWA at the address provided above.

Issued on August 20, 1980.

John S. Bowers,

*Acting Division Administrator.*

[FR Doc. 80-26262 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-22-M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### Senior Executive Service (SES) Bonuses

**AGENCY:** Office of the Secretary, Treasury.

**ACTION:** Notice of schedule for awarding SES bonuses.

**SUMMARY:** This notice announces the schedule for awarding SES bonuses (performance awards) in the Department of the Treasury.

**FOR FURTHER INFORMATION CONTACT:** Henry C. DeSeguirant, Director of Personnel, Room 2426, 1500 Pennsylvania Ave., N.W., Washington D.C. 20220; Telephone 566-2701.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to guidance from the Director of the Office of Personnel Management, dated July 21, 1980. Except for those bureaus whose initial SES performance appraisal periods end after September 30, the Department of the Treasury is scheduled to award bonuses to eligible career senior executives between September 1 and September 30, 1980. Such bonuses are authorized by section 407(a) of the Civil Service Reform Act of 1978 (PL 95-454), codified in 5 U.S.C. 5384, and by section 303 of the Supplemental Appropriations and Rescission Act, 1980 (PL 96-304).

This notice does not meet the Department's criteria for significant regulations.

W. J. McDonald,

*Assistant Secretary (Administration).*

[FR Doc. 80-26334 Filed 8-27-80; 8:45 am]

BILLING CODE 4810-25-M

## VETERANS ADMINISTRATION

### Privacy Act of 1974; Amendment of Systems Notices; Additional Routine Use

Notice is hereby given that the Veterans Administration is considering adding a new routine use that appears in three systems of VA records. The system names, date and page number of last publication in the Federal Register are as follows:

49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA, September 28, 1978, p. 44740.

50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Record—VA, September 28, 1978, p. 44741.

58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA, September 28, 1978, p. 44743.

Under previously published routine use statements in each of the systems of records named above, the Veterans Administration has provided information to a debtor's employing agency or commanding officer so that the debtor-employee may be counseled by his or her Federal employer or

commanding officer. This purpose is consistent with 5 USC 5514, 4 CFR 102.5 and section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469). These routine use statements, however, do not specifically identify the information which may be disclosed.The purpose for this new routine use is the same as the existing routine use, namely, to provide information to a debtor's Federal employment agency or commanding officer so that the debtor-employee may be counseled. However, consistent with Section 5(c)(3)(a) of the OMB Guidelines for the Conduct of Matching Programs, the current routine use statement is being added to specify the types of information that may be disclosed to other Federal agencies in order to assist the VA in the collection of unpaid financial obligations owed the VA and identifies that, in certain instances, some of the information which may be disclosed under this routine use, such as a debtor's current Federal employment, is associated with a computer matching program. Accordingly, this routine use statement is proposed for inclusion in the systems of records named above.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revised routine use statements to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All relevant material received before September 29, 1980 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until October 7, 1980. Any person visiting the above address for the purpose of inspecting any such comments will be received by the VA Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in VA Central Office and will be furnished the above address and room number.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the Federal Register by the Veterans Administration, the revised routine use statements are effective August 21, 1980.

Approved: August 21, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

*Associate Deputy Administrator.*

## Notice of Systems of Records

In the system of records identified as 49VA21, "Veterans, Dependents and Beneficiaries Compensation and Pension Records VA", appearing at 43 FR 44740, the following routine use statement is added to read as follows:

**SYSTEM NAME:**

Veterans, Dependents and Beneficiaries Compensation and Pension Records-VA

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

* * * * *

28. Information such as the name, social security number, current employment location, file number and nature and amount of financial obligation may be disclosed to a debtor's Federal employing agency, the Department of Defense, military service departments, the Coast Guard, the Public Health Service, or to the National Oceanic and Atmospheric Administration upon its official request, so that a debtor-employee may be counseled by his or her Federal employer or commanding officer. This disclosure is made in order to assist the VA in the collection of unpaid financial obligations owed the VA and is consistent with 5 USC 5514, 4 CFR 102.5 and Section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469). Some of the information which may be disclosed under this routine use, such as a debtor's current Federal employment, is associated with a computer matching program.

In the system identified as 50VA22, "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA", appearing at 43 FR 44741, the following routine use statement is added to read as follows:

**SYSTEM NAME:**

Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records-VA.

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

* * * * *

36. Information such as the name, social security number, current employment location, file number and nature and amount financial obligation may be disclosed to a debtor's Federal employing agency, the Department of Defense, military service departments, the Coast Guard, the Public Health Service, or to the National Oceanic and Atmospheric Administration upon its official request, so that a debtor-

employee may be counseled by his or her Federal employer or commanding officer. This disclosure is made in order to assist the VA in the collection of unpaid financial obligations owned the VA and is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and Section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469). Some of the information which may be disclosed under this routine use, such as a debtor's current Federal employment, is associated with a computer matching program.

In the system of records identified as 58VA21/22, "TARGET-Compensation, Pension, Education and Rehabilitation Records-VA", appearing at 43 FR 44743, the following routine use statement is added to read as follows:

**SYSTEM NAME:**

TARGET-Compensation, Pension, Education and Rehabilitation Records-VA

* * * * *

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

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36. Information such as the name, social security number, current employment location, file number and nature and amount of financial obligation may be disclosed to a debtor's Federal employing agency, the Department of Defense, military service departments, the Coast Guard, the Public Health Service, or to the National Oceanic and Atmospheric Administration upon its official request, so that a debtor-employee may be counseled by his or her Federal employer or commanding officer. This disclosure is made in order to assist the VA in the collection of unpaid financial obligations owed the VA and is consistent with 5 U.S.C. 5514, 4 CFR 102.5 and Section 206 of Executive Order 11222 of May 8, 1965 (30 FR 6469). Some of the information which may be disclosed under this routine use, such as a debtor's current Federal employment, is associated with a computer matching program.

[FR Doc. 80-26462 Filed 8-27-80; 8:45 am]
BILLING CODE 3320-01-M

# Sunshine Act Meetings

Federal Register
Vol. 45, No. 169
Thursday, August 28, 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.

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### 1

**COUNCIL ON ENVIRONMENTAL QUALITY.**

August 26, 1980.

**TIME AND DATE:** 11:30 a.m., September 11, 1980.

**PLACE:** Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Old Business.
2. Briefing on the Status of the Presidential Interagency Task Force To Study Alternatives to the Davis Pumped Power Project.

**CONTACT PERSON FOR MORE INFORMATION:** John F. Shea III (202) 395–4616.

[S-1609-80-Filed 8-26-80; 12:19 pm]

BILLING CODE 3125-01-M

### 2

**FEDERAL DEPOSIT INSURANCE CORPORATION.**

*Notice of agency meeting.*

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, September 2, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: August 26, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1605-80 Filed 8-26-80; 11:12 am]

BILLING CODE 6714-01-M

### 3

**FEDERAL DEPOSIT INSURANCE CORPORATION.**

*Notice of changes in subject matter of agency meeting.*

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 11:30 a.m. on Monday, August 25, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Sun Bank and Trust Company of St. Petersburg, St. Petersburg, Florida, for consent to establish a branch on the south side of East Bay Drive, approximately 600 feet west of its intersection with Belcher Road, Unincorporated Pinellas County (P.O. Largo), Florida.

Notice of acquisition of control: The Bank of Lexington, Inc., Lexington, Kentucky.

The Board further determined, by that same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Bank of Guam, Agana, Guam, for consent to purchase the assets of and assume the liability to pay deposits made in the Majuro and Truk Offices, located in the United States Trust Territory of the Pacific Islands, and the Saipan Office, plus two limited-service facilities operated in conjunction with the Saipan Office, located in the Commonwealth of the Northern Mariana Islands, of Bank of America National Trust and Savings Association, San Francisco, California, and for consent to establish these offices as branches of Bank of Guam.

Memorandum regarding proposed board of directors nominations to First Pennsylvania Corporation, Philadelphia, Pennsylvania and First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania.

The Board further determined, by that same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), and (c)(8) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), and (c)(8)).

Dated: August 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1606 Filed 8-26-80; 11:12 am]

BILLING CODE 6714—01-M

### 4

**FEDERAL DEPOSIT INSURANCE CORPORATION.**

*Notice of changes in subject matter of agency meeting.*

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 11:00 a.m. on Monday, August 25, 1980, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of

Chairman Irvine H. Sprague, seconded by Director William M. Issac (Appointive), concurred in by Director John G. Heimann (Comptroller of the Currency), that Corporation business required withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

A memorandum proposing the adoption of a Uniform Commercial Bank Performance Report.

A memorandum proposing a revision to Federal Deposit Insurance Corporation Employee Grievance Procedures.

The Board further determined, by that same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution regarding proposed amendments to Part 336 of the Corporation's rules and regulations, entitled "Employee Responsibilities and Conduct."

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: August 25, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1607-80 Filed 8-26-80; 11:12 am]

BILLING CODE 6714-01-M

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5

**FEDERAL DEPOSIT INSURANCE CORPORATION.**

Notice of agency meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, September 2, 1980, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b, (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Antelope Valley Bank, a proposed new bank, to be located at 44288 10th Street West, Lancaster, California, for Federal deposit insurance.

Madison Bank and Trust Company, a proposed new bank, to be located at the intersection of Louisiana State Highways 601 and 3202, Richmond, Louisiana, for Federal deposit insurance.

Request for modification of a condition previously imposed in connection with the approval of an application for Federal deposit insurance:

Bank of Yucca Valley, Yucca Valley, California.

Application for consent to purchase assets, assume liabilities, and establish a branch:

Bank of Quitman, Quitman, Mississippi, for consent to purchase the assets of and assume the liability to pay deposits made in First National Bank of Waynesboro, Waynesboro, Mississippi, and for consent to establish the sole office of First National Bank of Waynesboro as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,417-L—First Augusta Bank and Trust Company, Augusta, Georgia.

Case No. 44,418-L—First Augusta Bank and Trust Company, Augusta, Georgia.

Case No. 44,441-L—First State Bank of Northern California, San Leandro, California.

Case No. 44,448-SR—The Farmers State Bank, Protection, Kansas.

Appeal, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denial of a request for records.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections, (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Grievance Officer's report and recommendations with respect to the formal grievance of a Corporation employee:

Names of employee authorized to be exempt from disclosure pursuant to the provisions of subsections, (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: August 26, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

*Executive Secretary.*

[S-1608-80 Filed 8-26-80; 11:12 am]

BILLING CODE 6714-01-M

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6

**FEDERAL ELECTION COMMISSION.**

**DATE AND TIME:** Wednesday, September 3, 1980 at 10 a.m.

**PLACE:** 1325 K Street NW., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Personnel, Litigation, Compliance 9038(a) Audits..

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**DATE AND TIME:** Thursday, September 4, 1980 at 10 a.m.

**PLACE:** 1325 K Street N.W., Washington, D.C. (fifth floor).

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

Setting of dates for future meetings
Correction and approval of minutes
Certifications
Advisory opinions:
- Draft AO 1980-81: Henry F. Frisch (on behalf of Mark Dayton).
- Draft AO 1980-83: Jan W. Baran (Crane for President Committee, Inc.).
- Draft AO 1980-87: John W. Hetherington (Pelham Republican Town Committee).
- Draft AO 1980-88: Harry S. Davis, citizens for the election of Harry Davis as President.
- Draft AO 1980-89: Tony Coelho, U.S. House of Representatives.
- Draft AO 1980-90: Samuel A. Peters, Senior Counsel, Public Affairs, Atlantic Richfield Company.
- Draft AO 1980-93: John Sullivan, Treasurer, Bozzuto U.S. Senate '80 Committee.
- Draft AO 1980-96: Mitchell Rogovin, Counsel to John B. Anderson and General Counsel for the National Unity Campaign for John Anderson.

1980 election and related matters
Appropriations and budget
- 1982 Budget

Contributions from unregistered committees
Pending legislation
Classification actions
Routine administrative matters

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Lena L. Stafford,

*Acting Secretary to the Commission.*

[S-1615-80 Filed 8-26-80; 3:27 pm]

BILLING CODE 6715-01-M

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7

**FEDERAL ENERGY REGULATORY COMMISSION.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 45 FR 56224, August 22, 1980.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 10 a.m., August 27, 1980.

**CHANGE IN THE MEETING:** The following item has been added:

*Item Number, Docket Number, and Company*

M-9—RM79-34, Transportation Certificates for Natural Gas for the Displacement of Fuel Oil.

Kenneth F. Plumb,

*Secretary.*

[S-1612-80 Filed 8-26-80; 1:27 am]

BILLING CODE 6450-85-M

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8

[No. 385]

**FEDERAL HOME LOAN BANK BOARD.**

August 26, 1980.

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Vol. 45, No. 166, FR p. 56534, August 25, 1980.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 A.M., AUGUST 28, 1980.**

**PLACE:** 1700 G Street NW., sixth floor, Washington, D.C.

**STATUS:** Open meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Marshall (202-377-6677).

**CHANGES IN THE MEETING:** The meeting previously scheduled for 9:30 a.m., August 28, 1980, has been cancelled.

[S-1614-80 Filed 8-26-80; 2:47 pm]

BILLING CODE 6720-01-M

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9

**FEDERAL MARITIME COMMISSION.**

**TIME AND DATE:** 9 a.m., September 3, 1980.

**PLACE:** Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

**STATUS:** Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Portions open to the public:

1. Agreement No. 7680-39: Modification of the American West African Freight Conference Agreement to reinstate its intermodal authority.
2. Joint Petition of Hapag-Lloyd AG and the Port of Seattle for relief from double payment of wharfage and dockage charges.
3. Docket No. 80-34: Exemption of Nonexclusive Transshipment Agreements From Section 15 Approval Requirements—Review of comments received in response to notice of proposed rulemaking.
4. East Asian Trade Study.

Portion closed to the public:

1. Docket No. 79-82: Pier Services, Inc. v. Portside Refrigerated Terminals, Inc.—Consideration of the record.

**CONTACT PERSON FOR MORE INFORMATION:** Francis C. Hurney, Secretary (202) 523-5725.

[S-1610-80 Filed 8-26-80; 12:30 pm]

BILLING CODE 6730-01-M

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10

**NATIONAL MEDIATION BOARD.**

**TIME AND DATE:** 2 p.m., Wednesday, September 3, 1980.

**PLACE:** Board Hearing Room, eighth floor, 1425 K Street NW., Washington, D.C.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

(1) Ratification of Board action taken by notation voting during the month of August, 1980.

(2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

**SUPPLEMENTARY INFORMATION:** Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Dated: August 25, 1980.

[S-1616-80 Filed 8-26-80; 3:35 pm]

BILLING CODE 7550-01-M

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11

[Meeting No. 12511]

**TENNESSEE VALLEY AUTHORITY.**

**TIME AND DATE:** 10:15 a.m., Tuesday, September 2, 1980.

**PLACE:** Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

**STATUS:** Open.

**OLD BUSINESS ITEM:**

1. Final rate review.

**NEW BUSINESS ITEMS:**

*B—Purchase Awards*

1. Req. No. 826975—Insulation for precipitators, ductwork, and related equipment, including installation, at Cumberland Fossil Plant.
2. Amendment to Contract 74061-85499 with Brown Boveri Corporation, North Brunswick, New Jersey, for turbine generators for Hartsville and Phipps Band Nuclear Plants.
3. Req. No. 828174—Material installation, boiler balanced-draft conversion for Cumberland Steam Plant, Units 1 and 2.

*C—Power Items*

*1. Lease and amendatory agreement with Gibson County Electric Membership Corporation covering lease of TVA's Ridgely, Tiptonville, and Troy Substations.

*2. Lease and amendatory agreement with city of Covington, Tennessee, and Southwest Tennessee Electric Membership Corporation covering arrangements for service to both distributor at TVA's Covington 161-kV Substation.

3. Deed and bill of sale conveying to the town of Clinton, Tennessee, the Petros Substation and a 6.1-mile section of the Petros-Norris 69-kV Transmission Line.

4. New power contract with Princeton, Kentucky.

5. New power contract with Electric Plant Board of the City of Paducah, Kentucky.

6. Proposed sale of surplus powerline at the Eads Mine in Jefferson County, Illinois, to Central Illinois Public Service Company.

*7. TVA residential conservation service plan developed in response to the National Energy Conservation Policy Act.

*D—Personnel Items*

*1. Change of status for Robert C. Glinski, Attorney, Office of the General Counsel, Knoxville, Tennessee.

*2. Change of status for John S. Rozek from Director of Property and Services to Chief, Public Safety Services, Office of Management Services, Knoxville, Tennessee.

*3. Change of status for William R. Norwood from Assistant General Manager to Director of Property and Services, Office of Management Services, Knoxville, Tennessee.

*4. Change of status for Douglas A. Horne from Staff Assistant, Office of the General Manager, to Assistant to the Director, Division of Property and Services, Office of Management Services, Knoxville, Tennessee.

*5. Change of status for Donald L. McLeod from Program Coordinator to Staff Assistant to the General Manager, Office of the General Manager, Knoxville, Tennessee.

*6. Change of status for Morris G. Herndon from Assistant to the Manager, Office of Engineering Design and Construction, to Staff Assistant to the General Manager, Office of the General Manager, Knoxville, Tennessee.

7. Personal services contracts with Kenneth D. McCasland, Sr., Kenneth L. Penegar, and Richard S. Wirtz for services in connection with contract disputes appeals.

8. Renewal of consulting contract with Dr. Geno Seccomanno, Grand Junction, Colorado, for services in connection with environmental

*Approved by individual Board members. This would give formal ratification to the Board's action.

and safety aspects of the effects of nuclear power plants, requested by the Division of Occupational Health and Safety.

9. Renewal of consulting contract with Robert H. Park, Brewster, Massachusetts, for services in connection with the improvement of stability of large generators and reliability of bulk power supply at TVA power plants, requested by the Office of Power.

*E—Real Property Transactions*

1. Filing of condemnation suits.

*F—Unclassified*

1. Interagency agreement with Department of Energy covering arrangements for process engineering assistance needed by the fertilizer industry.
2. Revised TVA policy code relating to procurement.
3. Contracts with the Tennessee Valley Capital Corporation (TVCC) and Valley Development Corporation (VDC) for operation of and assistnce to the TVA-sponsored Small Business Investment Company (MESBIC).
*4. Settlement of action brought by TVA against Lukens Steel Company, et al, for delay damages sustained as a result of defective components fabricated for the Raccoon Mountain Pumped-Storage Project.

**CONTACT PERSON FOR MORE INFORMATION:** Craven H. Crowell, Jr., Director of Information, or a member of his staff can repond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, (202) 245-0101.

Dated: August 26, 1980.

[S-1613-80 Filed 8-26-80; 1:38 pm]

BILLING CODE 8120-01-M

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## 12

**UNITED STATES RAILWAY ASSOCIATION.**

**TIME AND DATE:** 9 a.m., September 4, 1980.

**PLACE:** 955 L'Enfant Plaza North, S.W., Board room, room 2-500, fifth floor, Washington, D.C.

**STATUS:** Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

**MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:** Portions closed to the public (9 a.m.)

1. Consideration of internal personnel matters.
2. Review of Conrail proprietary and financial information for monitoring and investment purposes.
3. Litigation report.

Portions open to the public (10 a.m.):

4. Approval of minutes of the August 7, 1980 Board of Directors meeting.
5. Report on Conrail monitoring.
6. Consideration of Conrail drawdown request for September.
7. Conrail Fourth Quarter Commitment Request.
8. Status Report on the Section 211(h) loan program.
9. Retention Pay Plan.
10. Contract Actions (extensions and approvals).
11. Legislative Report.

**CONTACT PERSON FOR MORE INFORMATION:** Alex Bilanow (202) 426-4250.

[S-1611-80 Filed 8-26-80; 1:27 pm]

BILLING CODE 8240-01-M

federal register

Thursday
August 28, 1980

# Part II

# Department of Transportation

## Federal Highway Administration and Office of the Secretary

## Motor Carrier Act of 1980; Minimum Levels of Financial Responsibility and Delegation of Authority; Final Rules and Proposed Rule

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1-156]

### Organization and Delegation of Powers and Duties; Minimum Levels of Financial Responsibility Under the Motor Carrier Act of 1980

**AGENCY:** Department of Transportation (DOT), Office of the Secretary.

**ACTION:** Final rule.

**SUMMARY:** In section 30 of the recently-enacted Motor Carrier Act of 1980 (July 1, 1980; Pub. L. 96-296), the Congress has required that certain types of motor carriers operating vehicles with a gross vehicle weight rating of 10,000 pounds or more maintain minimum levels of financial responsibility covering public liability, property damage, and environmental restoration. The requirements may be met either by purchasing various forms of insurance, giving evidence of ability to self-insure, or a combination of means, all subject to approval by DOT. This document delegates to the Federal Highway Administrator the authority vested in the Secretary to prescribe minimum financial responsibility levels for motor carriers.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** John DeVierno, Office of the General Counsel, 202-426-4687.

**SUPPLEMENTARY INFORMATION:** Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure on it are not required and it may be made effective in fewer than thirty days after publication in the Federal Register.

#### Discussion of the Delegation.

In section 30 of the recently-enacted Motor Carrier Act of 1980 (July 1, 1980; Pub. L. 96-296), the Congress has required that certain types of motor carriers operating vehicles with a gross vehicle weight rating of 10,000 pounds or more maintain minimum levels of financial responsibility covering public liability, property damage, and environmental restoration. The requirements may be met either by purchasing various forms of insurance, giving evidence of ability to self-insure, or a combination of means, all subject to approval by DOT. Two types of motor carrier are covered—(1) motor carriers of property for hire engaged in interstate or foreign commerce and (2) motor carriers of hazardous materials, substances, or wastes, or of oil, engaged in intrastate or interstate commerce. Effective July 1, 1981, section 30 requires the following minimum levels of financial responsibility: $750,000 for the interstate or foreign for-hire transportation of general freight; $5,000,000 for the intrastate or interstate transportation of certain extremely hazardous materials; and $1,000,000 for the intrastate or interstate transportation of other hazardous materials. DOT is given discretion to reduce the $750,000 and $1,000,000 requirements to $500,000 and the $5,000,000 to $1,000,000 for up to two years if DOT determines that a phase-in period is appropriate. If DOT provides for a full two-year phase-in period, then the minimum levels of $750,000, $1,000,000, and $5,000,000 will take effect on July 1, 1983.

Appearing elsewhere in today's Federal Register is an advanced notice of proposed rulemaking (ANPRM) published by the Bureau of Motor Carrier Safety (BMCS) of DOT's Federal Highway Administration inviting public participation in the determination of whether a phase-in of the levels set by statute is appropriate and, if so, what the particular details of such a phase-in should be. Since section 30 also requires DOT to report to the Congress by July 1, 1981 on any phase-in that may be implemented, the ANPRM also invites input to that report.

Because of the significant impact that the minimum levels of financial responsibility may have upon transportation of hazardous materials and other substances under the jurisdiction of the Materials Transportation Bureau (MTB) of DOT's Research and Special Programs Administration, I am requiring close coordination between BMCS and MTB in the development of any phase-in period and in the preparation of the report. Further, since section 30 applies to transporters of hazardous wastes or substances, as those terms are defined by the Administrator of the Environmental Protection Agency (EPA), I am also inviting EPA to participate through submission of comments. Finally, I believe that the rulemaking being initiated today by BMCS is significant, as that term is used in Executive Order 12044, Improving Government Regulations (March 24, 1978; 43 FR 12661) and in the implementing DOT policies and procedures (February 26, 1979; 44 FR 11034). This means full analysis of all relevant considerations and involvement of the public and my staff in development of any rule.

In consideration of the foregoing, § 1.48 of Title 49 of the Code of Federal Regulations is amended by adding a new paragraph (w) at the end thereof to read as follows:

**§ 1.48 Delegations to Federal Highway Administrator.**

The Federal Highway Administrator is delegated authority to—

* * * * *

(w) Carry out the functions vested in the Secretary by section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296), relating to the establishment of minimum levels of financial responsibility for motor carriers.

(Sec. 9(e), Department of Transportation Act, (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on August 21, 1980.

William J. Beckham, Jr.

*Acting Secretary.*

[FR Doc. 80-26351 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-62-M

## Federal Highway Administration

### 49 CFR Part 301

### Delegation of Authority Relating to Motor Carrier Safety

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The authority to prescribe minimum financial responsibility levels for motor carriers was vested in the Secretary of Transportation by the Motor Carrier Act of 1980 (Pub. L. 96-296) effective July 1, 1980. Elsewhere in today's Federal Register is a final rule published by the Office of the Secretary of Transportation delegating to the Federal Highway Administrator the authority to carry out the functions vested in the Secretary by Section 30 of the Motor Carrier Act of 1980 (Pub. L. 96-296), relating to the establishment of minimum levels of financial responsibility for motor carriers. (49 CFR 1.48(w).) By this document, this authority is being further delegated from the Federal Highway Administrator to the Associate Administrator for Safety then from the Associate Administrator for Safety to the Director of the Bureau of Motor Carrier Safety (BMCS). The Bureau of Motor Carrier Safety is the entity within the Federal Highway Administration primarily responsible for all other programs dealing with motor carriers.

**EFFECTIVE DATE:** August 28, 1980.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, 202-426-9767, or Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Since this amendment relates to the Departmental management, procedures, and practices, notice and public procedure on it are not required and it may be made effective in fewer than thirty days after publication in the Federal Register.

In consideration of the foregoing, 49 CFR 301.60 is amended by adding paragraph "(w)" to paragraphs (d)(1)(i) and (e)(1) to read as follows:

**§ 301.60 [Amended]**

* * * * *

(d)(1)(i) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), (v), and (w) in Part 1 of this title.

* * * * *

(e)(1) Perform the functions, powers, and duties enumerated in § 1.48, paragraphs (a), (d), (e), (f), (g), (h), (k), (p), (u), (v), and (w) in Part 1 of this title except the powers to call a matter for a hearing, appoint a hearing officer, and issue a final decision under Part 386 of this chapter.

* * * * *

(Section 30, Pub. L. 96-296, 94 Stat. 793; 49 U.S.C. 1655; 49 CFR 1.48)

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. The impact of this rule is so minimal that it does not warrant the preparation of a regulatory evaluation. (Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.)

Issued on: August 25, 1980.

John S. Hassell, Jr.,

*Federal Highway Administrator.*

[FR Doc. 80-26352 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-22-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**49 CFR Ch. III**

**[BMCS Docket No. MC-94; Notice No. 80-8]**

## Minimum Levels of Financial Responsibility for Motor Carriers

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Advance Notice of Proposed Rulemaking.

**SUMMARY:** Comments and information are solicited regarding implementation of Section 30 of the Motor Carrier Act of 1980. The Act establishes certain requirements for levels of insurance, or other evidence of financial responsibility, which must be maintained by motor carriers, and empowers the Secretary of Transportation to make certain adjustments in the statutory requirements. This document sets forth a number of questions for the purpose of gathering information which should assist the FHWA in both promulgating reasonable and comprehensive regulations in the area of motor carrier financial responsibility and in developing a report for the Secretary of Transportation to submit to the Congress.

**DATE:** Comments must be received on or before October 27, 1980.

**ADDRESS:** All comments should refer to the docket number that appears at the top of this document and should be submitted in an origingal and two copies to Room 3402, Bureau of Motor Carrier Safety (BMCS), 400 Seventh Street, SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald J. Davis, Bureau of Motor Carrier Safety, (202) 426-9767; or Mr. Gerald M. Tierney, Office of the Chief Counsel, (202) 426-0346; Federal Highway Administration, 400 Seventh Street, SW., Washington D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** The FHWA has determined that this document contains a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Gerald J. Davis of the program office at the address specified above.

On July 1, 1980, the President signed the Motor Carrier Act of 1980, Pub. L. 96-296. Section 30 of the Act establishes minimum levels of financial responsibility to be set for all for-hire motor carriers of property involved in interstate or foreign transportation and for all motor carriers transporting hazardous materials in intrastate or interstate commerce. The Motor Carrier Act of 1980 limits the applicability of these requirements to motor vehicles having a gross vehicle weight rating of 10,000 pounds or more.

The law establishes minimum levels of financial responsibility that must be carried by affected persons 1 year from the date ofenactment of the Act unless the Secretary exercises the statute's authority to adjust those limits. The Secretary may promulgate those regulations to require higher levels. The Secretary also has limited authority to reduce those levels. The statute precludes the Secretary from reducing the minimum levels below specified levels and provides that the authority to impose reduced levels applies only to a period of up 2 years beginning (1) on the effective date of the rule provided that a rule is made effective within one year after enactment, or (2) on the 366th day after enactment provided a rule is made effective one year after enactment or later.

The purpose of the financial responsibility provision of the Motor Carrier Act of 1980 is to create incentives for the motor carrier industry to focus on the safety aspects of highway transportation and to assure the general public that a motor carrier maintains an adequate level of financial responsibility requirements sufficient to satisfy claims covering public liability, property damage, and environmental restoration. The legislative history regarding Section 30 indicates a Congressional belief that increased financial responsibility will lead to improved safety performance as unsafe motor carriers will incur higher premiums than safe carriers, or will be unable to obtain coverage. Motor carriers who maintain high levels of safety may be evaluated in a favorable light by insurance companies, since generally the premiums that insurance companies actually charge are directly related to their insured's record of loss experience. The new minimum levels of financial responsibility for public liability, property damage, and environmental restoration as required in the Motor Carrier Act of 1980 should initiate a new and major focus on motor carrier safety.

Also appearing in today's Federal Register are the delegations of authority necessary for the issuance of this advance notice of proposed rulemaking (ANPRM). The Motor Carrier Act of 1980 vests the Secretary with the authority to prescribe minimum financial responsibility levels. This authority is delegated to the FHWA, and, in turn, the FHWA is delegating the authority to the Director, Bureau of Motor Carrier Safety.

The minimum levels of financial responsibility set forth in the Act, levels that will take effect 1 year after enactment unless the Secretary exercises the statutory authority to establish different levels, are:

1. $750,000 for the transportation of property by for-hire motor vehicle in interstate or foreign commerce;
2. $5 million for the transportation by motor vehicle in interstate or intrastate commerce of:
   (a) Hazardous substances (as defined by the Administrator of the Environmental Protection Agency) in cargo tanks, portable tanks, or hopper type vehicles, with capacities in excess of 3,500 water gallons;
   (b) Class A explosives, poison gas, liquefied gas, or compressed gas, in bulk; or
   (c) Large quantities of radioactive materials; and
3. $1 million for the transportation by motor vehicle in interstate or intrastate commerce of any hazardous material (as defined by the Secretary), oil, or hazardous substance or waste (both as defined by the Administrator of the Environmental Protection Agency) other than these materials described in 2 (a), (b), or (c).

The Secretary's authority to establish reduced requirements allows reductions as follows:

1. $750,000 to no less than $500,000;
2. $5 million to no less than $1 million; and
3. $1 million to no less than $500,000.

Generally, the Secretary may make these reductions provided such reductions (1) will not adversely affect public safety; and (2) will prevent a serious disruption in transportation service. However, as to the transporation of hazardous materials, oil, substance, or waste in interstate Commerce, other than bulk, the Secretary may reduce the amounts if the Secretary finds that such a reduction will not adversely affect safety.

It should be noted that the term "for-hire transportation" applicable to the $75,000 minimum levels include all motor carriers operating under contract or common carrier authority issued by the Interstate Commerce Commission

(ICC) and interstate for-hire carriers that are exempt from the ICC's economic regulations. Examples of interstate motor carrier activities that are exempt from the ICC's economic regulation but subject to regulation under Section 30 include, but are not limited to—

1. The for-hire transportation of exempt commodities, such as unprocessed agricultural commodities, including fresh fruits and vegetables; liverstock and poultry feed and certain seeds and plants being transported to a site of agricultural production; fish or shellfish by-products not intended for human consumption; used pallets, and used empty "shipping" containers; pumice stone and other natural crushed volcanic rock to be used for decorative purposes; wood chips; newspapers; livestock; agricultural or horticultural commodities; commodities listed as exempt in the commodity list incorporated in ICC ruling, number 107, published on March 19, 1958; certain cooked or uncooked fish; and

2. Exempt interstate operations, such as: the for-hire transfer, pickup and delivery of property in a terminal area of a rail carrier, water carrier, or freight forwarder; operations conducted under a one-State exemption certificate; operations incidental to air transportation and in lieu of air transportation due to weather conditions or mechanical failure; interstate operations of a cooperative association for compensation; commercial zone operations; casual, occasional, or reciprocal transportation; and emergency towing of disabled vehicles. Intrastate carriage of nonhazardous materials, however, is not covered by Section 30.

The BMCS is considering the impact of the levels of financial responsibility prescribed in Section 30 of the Act, as well as any other levels that might be prescribed by the Secretary, on the affected motor carrier population, insurance companies, and the general public.

The principal reason for issuing this ANPRM is to obtain comments and data to assist the BMCS in determining—

1. What minimum levels of financial responsibility should be established;

2. If there should be a phase-in of the requirements over a period of time and, if so, what that phase-in period should be; and

3. If the levels prescribed in any phase-in period should remain constant throughout that period.

Comments and data are also solicited to obtain information that will assist the BMCS in developing a report to Congress, as required by the statute, addressing the impact of the minimum levels of financial responsibility on—

1. The safety of motor vehicle transportation;

2. The economic condition of the motor carrier industry including, but not limited to, small and minority motor carriers and independent owner-operators; and

3. The ability of insurance companies to provide designated coverage.

Information on these three factors would contribute to the rulemaking process as well as to the development of this report.

The BMCS invites comments from interested persons on the need for regulations that would change the minimum levels of financial responsibility for up to a 2-year phase-in period as authorized by the Motor Carrier Act of 1980. Comments are especially invited on the questions below. Responses to these questions, other relevant comments, and factual data in support thereof are solicited so that minimum level requirements can be promulgated in light of how readily motor carriers and insurance companies could meet the requirements, and as to the extent to which various levels could be expected to affect the safety of the public and the ability of motor carrier service.

A number of the specific questions concern insurance industry practices. However, the content of this ANPRM is in no way intended to imply an effort to regulate the insurance industry. These questions have been included in the belief that data about insurance practices will help the BMCS better understand the relationship between insurance requirements and safety performance which is critical to the development of the most appropriate rule. Also, it should be noted that the scope of the rulemaking concerns only liability insurance, not cargo insurance.

Lastly, all relevant data and comments are welcome, even if not specfically requested by any of the following questions:

1. What dollar figure of financial responsibility is sufficient to "protect" the general public from the operation of motor carriers of nonhazardous materials? Why?

2. What dollar figure of financial responsibility is sufficient to "protect" the general public from the operation of motor carriers of hazardous materials? Why?

3. By establishing a $5 million financial responsibility requirement for some hazardous materials movements but only a $1 million requirement for other hazardous materials, the Act indicates that different kinds of hazardous material movements deserve different levels of financial responsibility. Should the Secretary establish levels for the transportation of certain hazardous materials higher than is required by the statute? If so, for which hazardous materials? What should the limits be? Why?

4. By what percentage would a motor carrier's insurance premiums be increased if the minimum limits were set for carriers of nonhazardous materials at $500,000? $750,000? $1 million? If set at $1 million for carriers of hazardous materials? $5 million? Assume that most carriers meet the current limits of $100,000 (per person)/$300,000 (for all persons) as set by the ICC.

5. What will the economic impact of increased insurance premiums be on carriers of hazardous materials? Would small and minority controlled carriers be affected differently than other such carriers?

6. What will the economic impact of increased insurance premiums be on carriers of nonhazardous materials? Would small and minority controlled carriers be affected differently than other such carriers?

7. Should there be lower financial responsibility limits established for all or any part of the 2-year phase-in period? For which classes of carriers? Why? Would the establishment of lower limits either adversely affect public safety or seriously disrupt transportation service?

8. Will the insurance industry be able to provide motor carriers with the expanded coverage required by the Act 1 year after the Act takes effect? 2 years? 3 years?

9. Will the insurance industry be able to issue self-insurance surety bonds to motor carriers in amounts up to $5 million and greater? If "yes," what criteria are now used by insurance companies in making a determination whether to issue such a surety bond? What criteria would be used in making such a determination once new levels of financial responsibility are established? What evidence of compliance should be required?

10. What criteria should the Secretary use in determining and approving financial responsibility of those carriers who choose to be self-insured?

11. Should a motor carrier be allowed to aggregate the required insurance coverage with more than one insurance company?

12. Should motor carriers be required to obtain insurance or other security equal to minimal levels of financial responsibility that cannot be cancelled or withdrawn for a finite period? If

"yes," what time period should be established for cancellation notices? 30 days? 60 days? 1 year?

13. What evidence should be required of motor carriers to ensure compliance with the minimum levels of financial responsibility?

14. Should motor carriers obtain insurance only from companies that belong to State Insurance Guaranty Funds?

15. Should motor carriers be required to purchase insurance only from insurance companies that provide loss prevention services to their insureds?

16. Should motor carriers obtain insurance only from those companies legally authorized to issue policies in each State in which the motor carriers operate?

17. Should the coverage of fiduciaries be included in insurance policies, guarantees, surety bonds, qualifications as self-insurers, or notices of cancellation issued by or in behalf of motor carriers?

18. What likelihood exists that motor carriers with good safety records will end up subsidizing less safe motor carriers? If so, why, and to what extent? Do rating plans and premium requirements provide the necessary incentives for motor carriers to administer effective loss prevention programs?

19. Can insurers establish a rating plan for newly established motor carriers? If so, what would the requirements be?

20. What new factors would the insurance industry use in establishing rates for individual motor carriers?

21. The Act provides for mandatory insurance limits for for-hire interstate transportation but no limits are prescribed for private transportation of nonhazardous materials in interstate operations. Will this distinction result in a diversion of traffic from for-hire motor carriers to private motor carriers?

22. The Act provides for higher limits for the transportation of large quantities of radioactive materials. "Large quantity radioactive materials" are currently defined, pursuant to the Department's Hazardous Materials Regulations, as a quantity, the aggregate radioactivity of which in one package exceeds that specified as follows:

(a) Group I or II radionuclides: 20 curies;

(b) Group III or IV radionuclides: 200 curies;

(c) Group V radionuclides: 5,000 curies; and

(d) Group VI or VII radionuclides: 50,000 curies (49 CFR 173.389(b)). Should this definition be incorporated in the new rules?

23. The Act provides that the Secretary may establish levels of financial responsibility for the transportation of Class A explosives, poison gas, liquefied gas, or compressed gas in bulk. How should the term "in bulk" be applied to each of these materials?

(Sec. 30, Pub. L. 96-296, 94 Stat 793; 23 U.S.C. 315; 49 CFR 1.48 and 301.60)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

Issued on: August 25, 1980.

Robert A. Kaye,

*Director, Bureau of Motor Carrier Safety.*

[FR Doc. 80-26353 Filed 8-27-80; 8:45 am]

BILLING CODE 4910-22-M

federal register

Thursday
August, 28, 1980

Part III

# Department of the Interior

Fish and Wildlife Service

## Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Endangered Maryland Darter

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

## Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for the Endangered Maryland Darter

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; critial habitat for the Maryland darter.

**SUMMARY:** The Service proposes to designate Critical Habitat for the Maryland darter (*Etheostoma sellare*). Self-sustaining populations of this fish species are now believed to exist only in two small segments of streams in Harford County, Maryland. The Maryland darter was listed as Endangered on March 11, 1967 (32 FR 4001, and is protected under the provisions of the Endangered Species Act of 1973. Its Critical Habitat has not been determined, pending study of its hibitat needs by the Maryland Darter Recovery Team and review by the Service of recovery team findings. An earlier proposal in 1978 (43 FR 20518) was withdrawn by the Service (44 FR 12382). The proposed rule would identify habitat subject to Federal agency consultation pursuant to Section 7(a) of the Act. Comments and data related to this proposal are solicited.

**DATES:** Comments on this proposed rule must be submitted by November 26, 1980. Public meetings on this proposal will be held at 7:00 PM on Tuesday, September 30, 1980, at Dickson Hall, Building 3074, Raritan Avenue, Aberdeen Proving Ground, Maryland.

**ADDRESSES:** Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia. The public meeting will be held at Dickson Hall, Building 3074, Raritan Avenue, Aberdeen Proving Ground, Maryland.

**FOR FURTHER INFORMATION CONTACT:** For further information on the proposed rule contact Mr. John L. Spinks, Jr. Chief, Office of Endangered Species (703/235-2771).

**SUPPLEMENTARY INFORMATION:**

### Background

The Maryland darter is a small fish of the freshwater perch family, which, in addition to darters, includes the larger and better known yellow perch and walleyed pike. Like many other darters, Maryland darters evidently inhabit rock crevices and similar shelters in clean, well-oxygenated, swiftly flowing parts of streams, the riffle habitat. Like most darters, they remain usually on or near the botton, where they dart quickly from shelter to shelter, hence their name. Exact life history details have been difficult to obtain for this rare species; related species survive poorly and often fail to reproduce if confined to still water, or even in flowing streams where botton crevice shelters have been eliminated by siltation. Darters feed mostly on small riffle insects and other invertebrates with habitat requirements similar to their own.

This species was described in 1913, from two individuals collected the year before in the vicinity of Havre de Grace, Maryland. The original collection locality was listed as Swan Creek, from a long stony riffle which cannot be identified today. It might have been in a small eastern tributary now known as Gasheys Run, although the riffle as described would be more typical of Swan Creek. Intensive searches of Swan Creek by many bioligists during subsequent years have never produced any specimens. This failure prompted Matthieson to list the species as probably extinct in his 1959 book "Wildlife in America."

A single juvenile Maryland darter found in Gasheys Run in 1962 stimuated renewed bioligical interest, resulting, in 1965, in discovery of an apparently self-sustaining population in the lower part of nearby Deer Creek, about six miles northwest of Havre de Grace. Current opinion of some biologists is that the 1962 Gasheys Run specimen, and one other taken there in 1965, could have been stragglers displaced down the Susquehanna River from the Deer Creek population, and that perhaps insufficient habitat now exists in Swan or Gasheys creeks to satisfy breeding requirements there.

Repeated collections in the middle and upper stretches of Deer Creek have also failed to yield any Maryland darters, even from several riffles that might otherwise be judged as suitable habitat for them. Perhaps habitat needs limit this species to base level parts of the stream, or perhaps other fish species have a competitive advantage in the upper reaches. Widespread survey collecting elsewhere in the region now indicates it is unlikely that other breeding populations exist. Base level reaches of most other lower Susquehanna tributaries entered the river above Conowingo Dam and are now part of the reservoir, lacking riffles. Whether or not the Susquehanna main channel is or ever has been suitable habitat is debatable, but firm evidence either way is not yet available. Experimental approaches to learning exact habits of this fish are hampered by its extreme rarity, and by fears that removing individuals for test might have adverse or critical effects on population survival.

Deer Creek was designated a scenic river under the Maryland Wild and Scienic Rivers Act of 1968 by an act of the State Legislature in 1973.

A proposal to determine Critical Habitat for the Maryland darter was published in 1978 (43 FR 20518), but was subsequently withdrawn by the Service (44 FR 12382). This was in accordance with the Endangered Species Act Amendments of 1978, which substantially modified the procedures the Service must follow when designating Critical Habitat. The proposed rule will bring the Critical Habitat proposal into conformity with these amendments. Endangered status of the Maryland darter under the provisions of Section 4(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) is not affected by this proposal to determine Critical Habitat.

### Critical Habitat

The Act defines "Critical Habitat" to include (a) areas within the geographical area occupied by the species, at the time that the species is listed, which are essential to the conservation of the species and which may require special management considerations or protection; and (b) specific areas outside the geographic area occupied by the species at the time of listing, upon a determination by the Secretary that such areas are essential for the conservation of the species.

As specified in the rules for designating Critical Habitat (to be codified at 50 CFR Part 424, *see* 45 FR 13010), the Director shall consider in determining what areas are critical those physiological, behavioral, ecological and evolutionary requirements essential to the conservation of the species and which may require special management considerations. These requirements include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, rearing of offspring, germination or seed dispersal; and generally,

(5) Habitats that are protected from disturbance or are representative of the historic geographical and ecological distribution of listed species.

Each of the above five factors pertains to the Maryland darter as summarized below:

Based on data presently available, the proposed Deer Creek area appears to include sufficient area for individual and population growth and for normal behavior. Immature fish have been collected in the Gasheys Run area and it may support a breeding population. Riffle and pool areas in both streams provide habitat for aquatic insects and snails, the Maryland darter's food. Large gravel and cobbles in the streams provide cover for the Maryland darter. Although reproduction has not been observed directly, it is presumed to occur in these streams, since the fish have not been taken elsewhere. These streams are the only habitats known to represent the geographic distribution of the species.

Section 424.12(b) of 50 CFR further states that, when considering the designation of Critical Habitat, the Director shall focus on the biological or physical constituent elements within the defined area that are essential to the conservation of the species. Known primary constituent elements shall be listed with the Critical Habitat description. The following elements are known or believed to be constituent elements in the habitat of the Maryland darter:

1. Continuity and sufficiency of stream flow. Like most fishes, this one could not be expected to survive removal of all water from its habitat for more than a few minutes.

2. Permanence of riffle habitat. Like many other darters, this one shows evidence of permanent residence in the shallower, swifter segments of streams. Both reproduction and ultimately survival can reasonably be predicted to be adversely affected if the population is forced by low water into stagnant or even still pools for prolonged periods. This constraint probably holds also for most organisms that are the darter's natural food.

3. Pollution sensitivity. Coupled with most darter's preference for swift water is a high oxygen requirement, making darters among the first fishes to show respiratory stress and failure in any reduction of oxygen availability. Selective mortality of darters in habitats subjected to various other kinds of pollution is also documented.

4. Presence and quality of cover. Darters inhabiting riffles are known to use crevices among stones, smaller pebbles, vegetation or trapped wood flotsam both for cover from their predators and for spawning and egg protection. They have been noted to disappear from riffles when silt deposition eliminated such crevices. Darter eggs have been shown to be particularly vulnerable to smothering by silt, so that even less siltation can normally be tolerated during the spawning season.

In 50 CFR § 424.12(c) the Director is required to identify significant activities which would affect an area considered for designation as Critical Habitat or be likely to be affected by the designation. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

The Service has not been notified of specific Federal activities or federally authorized actions that may be affected by the proposed Critical Habitat designation. Construction of dams or other structures traversing Deer Creek would require Federal authorization. Direct impoundment of the stream segment designated below would almost certainly destroy the Maryland darter population. Impoundments upstream could bring some or all of the water removal factors listed below into consideration.

Other types of non-federal activities can go forward freely in the proposed Critical Habitat area, even though they may adversely affect the area. The following specific activities could have adverse impacts on the Critical Habitat of the Maryland darter:

1. Water removal. Adverse impacts related to removing stream water can be expected beyond certain maximum and/or minimum stream depths, discharge rates, and rates of water level change in the riffle areas, with sharp increase in impact beyond the threshold limits. Since the darter seeks shelter under stones in shallow riffles, they are more vulnerable than most other fishes to sudden water level changes associated with onset or cessation of water removal: through stranding, being crushed by shifting stones, and other hydrologic changes. Seasonal changes in water depth sensitivity are also probable, related to the effects of flow rate on water temperature in very hot or cold weather, and to spawning.

2. Introduction of chemicals, organic waste matter or silt. Special sensitivities of darters to these factors have been suggested by work on other species (see above).

Because many such activities are not Federal activities *per se*, or federally authorized actions, they will not be affected by the Critical Habitat designation. Critical Habitat for the Maryland darter is as follows:

The riffle zones of Deer Creek downstream from its confluence with Elbow Branch, including adjacent pool areas which may be necessary nursery and/or food supply zones. The designated segment extends from approximately one half mile upstream from the Stafford Bridge. Across Deer Creek to approximately one mile downstream from Stafford Bridge. The area in Gasheys Run (also known as Gasheys Creek) includes both forks from their crossing of Penn Central Railroad to the confluence with Swan Creek.

The Service is required to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration of this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of preparing a final rule, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Maryland darter.

## Effect of this Proposal if Published as a Final Rule

Section 7(a) of the Act provides (in part):

(1) The secretary shall review other programs administered by him and utilize such programs in furtherance of the Act. All other Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and Threatened species listed pursuant to Section 4 of this Act.

(2) Each Federal agency shall, in consultation with and with the assistance of the Secretary, insure that any action authorized, funded, or carried out by such agency (hereinafter in this section referred to as an 'agency action') is not likely to jeopardize the continued existence of any Endangered species or Threatened species or result in the destruction or adverse

modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical, unless such agency has been granted an exemption for such action by the Committee pursuant to Subsection (h) of this section. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available.

If published as a final rule this proposal would require Federal agencies not only to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of the Maryland darter, but also requires them to insure their actions are not likely to result in the destruction or adverse modification of this Critical Habitat which has been determined by the Director (who is authorized to make such designations on behalf of the Secretary). Provisions for Interagency Cooperation are codified at 50 CFR Part 402.

### Sources


Harford County Advisory Board and Maryland Department of Natural Resources. 1979. Deer Creek Scenic River, Revised Edition. Md. Dept. Natural Resources, Annapolis, 68 pp., 8 maps.

Knapp, L. 1976. Redescription, relationships and status of the Maryland darter, *Etheostoma sellare* (Radcliffe and Welsh), an endangered species. Proc. Biol. Soc. Washington 89(6):99–117.

Knapp, L., W. J. Richards, R. V. Miller and N. R. Foster. 1963. Rediscovery of the percid fish *Etheostoma sellare* (Radcliffe and Welsh). Copeia 1963(2):455.

Radcliffe, L., and W. W. Welsh. 1913. Description of a new darter from Maryland. Bull. U.S. Bur. Fish. 32(1912):29–32.


### Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of this Endangered species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species or the habitat included in this proposal;

(2) The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities which may adversely affect the subject areas which are being considered for Critical Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on federally funded or authorized projects.

### Public Meetings

The Service hereby announces that a public meeting will be held on this proposed rule. The public is invited to attend this meeting and to present opinions and information on the proposal. Specific information relating to the public meeting is set out below:

Place: Dickson Hall, Building 3074, Raritan Ave., Aberdeen Proving Ground, Maryland.
Date: Tuesday, September 30, 1980.
Time: 7:00 PM.

### National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 and 40 CFR 1500–1508.

### Primary Author

The primary author of this proposed rule is Dr. George E. Drewry, Office of Endangered Species, Arlington, Virginia (703/235–1975).

### Regulations Promulgation

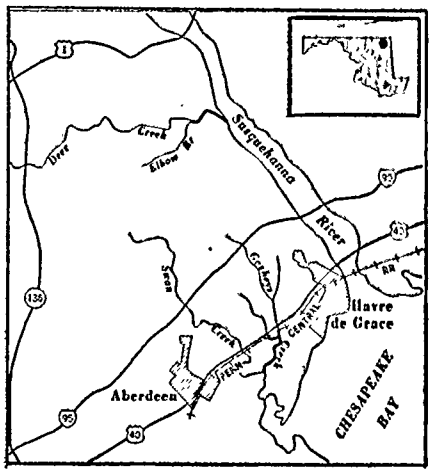
Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. It is proposed that § 17.95(e) Fishes be amended by adding Critical Habitat of the Maryland darter after that of the leopard darter as follows:

Maryland (Harford County): (1) Deer Creek main channel from the junction with Elbow branch thence downstream to the junction with the Susquehanna River. (2) Gasheys Run (also known as Gasheys Creek) main channels of east and west forks from their intersections with Penn Central Railroad south to their confluence, thence south to the confluence with Swan Creek.

**Maryland Darter**

*Harford County, Md.*




Primary constituent elements of this habitat are considered to be quality and permanence of streamflow in shallow areas of the streams (riffles), and presence of unsilted rocky crevices for shelter.

Dated: August 8, 1980.

F. Eugene Hester,

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 80-26317 Filed 8-27-80; 8:45 am]

BILLING CODE 4310-55-M

federal register

Thursday
August 28, 1980

# Part IV

# Department of Transportation

## Federal Aviation Administration

## Proposed Elimination of Duties and Activities of Flight Crew Members Not Required for the Safe Operation of Aircraft

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 121 and 135**

**[Docket No. 20659; Notice No. 80-12]**

## Proposed Elimination of Duties and Activities of Flight Crew Members Not Required for the Safe Operation of Aircraft.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The purpose of this proposal is to enhance aviation safety by prohibiting performance of duties and activities by flight crewmembers during critical phases of flight which are not required for the safe operation of aircraft. The FAA is aware that non-essential flight crewmember duties and activities can create distractions in the flight crew compartment. These proposed rules would require aircraft operators and flight crewmembers to assure an environment in the flight crew compartment that is free from such potentially dangerous distractions.

**DATES:** Comments must be received on or before: October 27, 1980.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 800 Independence Avenue, SW., Washington, DC 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC. Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Norman C. Miller, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 755-8716.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested person are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20659. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

### Discussion of the Proposed Amendments

The FAA is aware that duties and activities assigned to flight crewmembers that are not required for the safe operation of the aircraft are possible sources of dangerous distraction to flight crewmembers and can result in a compromise of safety of flight especially during critical phases of flight.

Elimination of distractions caused by flight crewmember performance of duties and activities unnecessary for the safe operation of aircraft can result in the reduction of accident potential. The FAA proposes to enhance aviation safety by prohibiting the performance of non-safety related duties and activities by flight crewmembers during critical phases of flight.

FAA review of data derived from the National Aeronautics and Space Administration (NASA) Aviation Safety Reporting System (ASRS) reveals many examples of flightcrew errors, omissions and non-compliance with Air Traffic Control (ATC) directives which reportedly resulted from distractions caused by the performance of non-essential duties and activities by flight crewmembers. Although ASRS is an unconfirmed source of reports and not subject to verification, it nevertheless may suggest areas where further FAA investigation and analysis is needed in order to promote aviation safety. Distractions reflected in ASRS data fall into three general categories. One such category involves radio communications which the company requires flight crewmembers to make for a wide variety of non-safety related purposes such as to check on connecting flights for passengers. In one ASRS incident, for example, the flight crew reportedly permitted the aircraft to descend below its assigned altitude. The flight engineer stated that a contributing factor was his preoccupation with a company call placed to arrange passenger connections which diverted his attention away from an important crosscheck.

A second category of distractions reflected in ASRS data involves certain company-required public address announcements to the passengers by flight crewmembers. In one ASRS report, the pilot stated that he deviated from ATC instructions to maintain a certain compass heading after takeoff because he was engaged in making a company-required takeoff announcement. In another ASRS incident the flight engineer reported that he came within 300 pounds of fuel flame-out of the aircraft's No. 1 engine because he was busy making an announcement pointing out sights of interest on the ground below.

The third major category of distractions involves unnecessary communications between the flight crew and cabin crew. ASRS data are replete with examples of incidents that reportedly resulted from distractions caused by flight attendants entering the flight crew compartment for non-safety related purposes. Illustrative is the ASRS incident in which the following was reported to have occurred: the co-pilot was flying during descent while the captain was involved in radio communications with the company. During this time a senior flight attendant entered the flight crew compartment to make "small-talk". Meanwhile the co-pilot received an ATC clearance to level off at a certain altitude, which he misunderstood. The captain did not recognize this error and the aircraft proceeded to level off at an improper altitude. The captain blamed the incident in part on his conversation with the senior flight attendant which he labelled "a distraction we could have done without".

Elimination of non-safety related duties and activities should result in a tightening of flight crew discipline and make crews more aware that extraneous conversation during critical phases of flight contributes to safety problems. Inadequate discipline in the flight crew compartment is a commonly cited cause of aviation accidents. For example, when an Eastern Airlines airplane crashed short of a runway in Charlotte, North Carolina, the National Transportation Safety Board (NTSB) determined that the probable cause of the accident was the flightcrew's lack of altitude awareness at critical points during the approach due to poor in flight crew compartment discipline. The NTSB found that company-required callouts were not made. The flightcrew involved in this accident was engaged in conversations ranging from politics to used cars during descent from cruise altitude until approximately two and one-half minutes prior to the crash. In its accident report the NTSB stated: "These conversations were distractive and reflected a casual mood and lax cockpit atmosphere, which continued throughout the remainder of the approach and which contributed to the accident."

The FAA has encouraged aircraft operators to voluntarily establish periods of "cockpit sterilization" during which flight crews would not be disturbed by such things as irrelevant communications with the company, calls from flight attendants for non-safety related purposes, or unnecessary personal conversations in the cockpit. However attempts to achieve voluntary compliance with this FAA recommendation have not been totally successful, as evidenced by the July, 1978 accident near San Diego in which a Pacific Southwest Airlines (PSA) flight collided in midair with a Cessna. The NTSB determined that the probable cause of the accident was the failure of the PSA flightcrew to comply with the provisions of a maintain-visual-separation clearance, including the requirement to inform the controller when they no longer had the Cessna aircraft in sight. In its report, the NTSB pointed to the fact that the PSA flight engineer was involved with radio communications with the company when the Cessna's presence was reported by ATC and the visual separation instruction was issued. The NTSB stated that since this extraneous conversation ceased after the flightcrew told the approach controller they had the Cessna in sight, the extraneous conversation cannot be considered a contributing factor, but the NTSB went on to emphasize that this conversation persisted until the flight descended to 3200 feet and while a checklist was being accomplished. According to the NTSB, while this extraneous conversation was in progress, a company flight preceding the ill-fated PSA flight was advised of the presence of the Cessna and its future flightpath. However, in the NTSB's view, no assumption can be made as to whether the PSA flightcrew heard or understood the advisory. In direct reference to the extraneous conversation in the PSA cockpit preceding the collision the NTSB stated: "Although the conversation was not casual, it does point out the dangers inherent in this type of cockpit environment during descent and approach to landing." The FAA is in agreement with the NTSB's assessment of the dangers associated with extraneous conversation and anticipates that adoption of this rulemaking proposal which eliminates such non-safety related activities during the critical phases of flight, will greatly reduce such dangers.

## Description of the Proposed Amendments

The FAA proposes to enhance flight safety by prohibiting non-safety related flight crewmember duties and activities during critical phases of flight which could cause distractions in the flight crew compartment. Critical phases of flight is defined as, "all ground operations involving taxi, takeoff and landing, and other flight operations except cruise flight." The following are some examples of flight crewmember duties which the FAA considers to be unnecessary for the safe operation of an aircraft: company-required calls made for such non-safety related purposes as ordering galley supplies and confirming passenger connections; PA announcements made to promote passenger entertainment including announcements pointing out sights of interest on the ground below; and time spent in the flight crew compartment filling out company paycards and personnel records.

In addition to prohibiting the assignment of duties that are not required for the safe operation of an aircraft during critical phases of flight, the proposal also prohibits flight crewmembers from engaging in non-safety related activities during these periods. The following are examples of activities which the proposal would prohibit: unnecessary communications between the flight crew and cabin crew such as flight attendants entering the cockpit to talk or take meal orders; extraneous conversation between flight crewmembers, and flight crewmembers and company employees who are deadheading onboard a flight; eating crew meals; and flight crewmember participation in inflight passenger games.

## Economic Impact

The FAA has determined that this amendment will have no economic impact. The proposal does provide for an increase in safety, however, by upgrading the Federal Aviation Regulations, and is fully in compliance with the President's directive (Executive Order 12044) that regulations be as simple and clear as possible and impose no unnecessary burden on the public.

## The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 135 of the Federal Aviation Regulations (14 CFR Parts 121 and 135) as follows: . . .

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By adding a new § 121.542 to read as follows:

### § 121.542 Flight crewmember duties.

(a) No certificate holder shall require, nor shall any required flight crewmember perform, any duty not required for the safe operation of the aircraft during critical phases of flight. Duties which are prohibited include but are not limited to the following: company-required calls made for such non-safety related purposes as ordering galley supplies and confirming passenger connections; announcements made to passengers promoting the air carrier, or pointing out sights of interest on the ground below; and filling out company payroll and related records.

(b) No required flight crewmember shall engage in any activity which could divert attention from the safe operation of the aircraft during critical phases of flight. Activities which are prohibited include but not limited to the following: unnecessary communications between the flight crew and cabin crew such as flight attendants entering the cockpit to talk or take meal orders; extraneous conversation between flight crewmembers, and flight crewmembers and company employees who are deadheading onboard a flight; and eating meals.

(c) For the purposes of this section, critical phases of flight include all ground operations involving taxi, takeoff

and landing, and other flight operations except cruise flight.

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. By adding a new § 135.100 to read as follows:

**§ 135.100 Flight crewmember duties.**

(a) No certificate holder shall require, nor shall any required flight crewmember perform, any duty not required for the safe operation of the aircraft during critical phases of flight. Duties which are prohibited include but are not limited to the following: company-required calls made for such non-safety related purposes as ordering galley supplies and confirming passenger connections; announcements made to passengers promoting the air carrier, or pointing out sights of interest on the ground below; and filling out company payroll and related records.

(b) No required flight crewmember shall engage in any activity which could divert attention from the safe operation of the aircraft during critical phases of flight. Activities which are prohibited include but are not limited to the following: unnecessary communications between the flight crew and cabin crew such as flight attendants entering the cockpit to talk or take meal orders; extraneous conversation between flight crewmembers, and flight crewmembers and company employees who are deadheading onboard a flight; and eating meals.

(c) For the purposes of this section, critical phases of flight includes all ground operations involving taxi, takeoff and landing, and other flight operations except cruise flight.

(Secs. 313(a) and 601 through 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1425); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

Note.—The Federal Aviation Administration has determined that this document involves proposed regulations which are not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, DC, on August 25, 1980.

**Langhorne Bond,**

*Administrator.*

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federal register

Thursday
August 28, 1980

# Part V

# Department of Transportation

## Federal Aviation Administration

**Airworthiness Standards: Aircraft and Products Design and Procedural Standards for Type Certificates, Type Certificate Amendments, and Supplemental Type Certificates**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 21, 39, and 91**

**[Docket No. 20660; Notice 80-13]**

## Airworthiness Standards: Aircraft and Products Design and Procedural Standards for Type Certificates, Type Certificate Amendments, and Supplemental Type Certificates

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rule making (NPRM).

**SUMMARY:** This notice proposed amendments to the certification procedures regulations applicable to the type design approval of aircraft, aircraft engines, and propellers, including major changes, to: (1) Provide a mechanism by which the FAA may act more systematically to ensure that aircraft in service satisfy up-to-date level-of-safety expectations; (2) Ensure that the certification procedures regulations of Part 21 are consistent for the issuance of type certificates, type certificate amendments, or supplemental type certifcates in order to ensure the same level of effort by applcants and by the FAA for affected products, irrespective of the type design approval procedure used; and (3) Make other necessary amendments to Part 21 consistent with longstanding administrative practice in the issuance of type certificates, type certificate amendments, and supplemental type certificates. Amendments to Parts 39 and 91 are also proposed to facilitate application of type design change requirements to aircraft, aircraft engines, and propellers in service when necessary for safety.

**DATE:** Comments must be received on or before October 27, 1980

**ADDRESS:** Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 20660, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments delivered must be marked: Docket No. 20660. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Marvin J. Walker, Regulatory Review Branch (AVS-22), Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, Telephone: (202) 755-8714.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environment, energy, or economic impact that might result from adoption of proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact concerned with this proposal will be filed in the Rules Docket. Commenters wishing acknowledgment of mailed comments should enclose a stamped, self-addressed postcard on which the following statement is made: "Comments on Docket No. 20660." The postcard will be dated and time stamped and returned to the commenter.

Each proposal in this notice is numbered separately. Persons submitting comments should refer to proposals by these numbers or by the sections of the regulations to which they relate.

### Availability of Additional Copies of Notice

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone: (202) 426-8058. Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

### Backgound

The FAA approves the type design of civil aircraft, aircraft engines, and propellers by issuing a type certificate. Major changes to approved type designs are granted by issuance of either a type certificate amendment or a supplemental type certifcate. Only the type certificate holder can obtain a type certificate amendment; but any person, including the type certificate holder, can obtain a supplemental type certificate. Type design approvals are granted when the applicant shows and the FAA finds that the product design meets designated airworthiness and noise standards and the FAA finds the product has no feature or characteristic that makes the product unsafe for the category in which certification is requested.

Generally the airworthiness standards of Parts 23 through 35 of the Federal Aviation Regulations, in effect on the date of application for original design approval plus special conditions to address novel or unusual design features, plus the applicable noise standards, form the regulatory basis for issuance of type certificates. These regulations become known as the type certification basis and generally are carried forward to form the regulatory basis for evaluating major changes to the type design.

Type certificates and supplemental type certificates generally remain in effect indefinitely, unless some special safety consideration has caused them to be suspended or revoked. This means in effect that new aircraft, aircraft engines, and propellers may be manufactured and receive FAA airworthiness approval so long as they conform to the approved type design, notwithstanding when the type certificate or supplemental type certificate was issued, even though the airworthiness standards may have been updated considerably since that time.

The type certification process leading to FAA approval of a new design or major design change is prospective in nature. Extensive analyses and tests are conducted on the design, including prototypes of the design, against established airworthiness standards to predict the level of safety that will be achieved by products of the type in service. Once a product begins to accumulate service experience, the actual or achieved level of safety of the design becomes measurable.

Design evaluation does not end with the issuance of the type certificate, type certificate amendment, or supplemental type certificate. The FAA continues to monitor the safety performance of the

design after the type design is approved and the product is introduced into service. This is accomplished through the various reports and data the FAA receives daily and which regulations require aircraft owners and operators to submit, such as service difficulty reports; failure, malfunction and defect reports; reviews in connection with the issuance of amendments to type certificates and supplemental type certificates; and investigation reports of incidents and accidents. It should also be noted that in the past the FAA has conducted post-certification design reviews of the complete aircraft when service experience has shown a need for such a review. Evaluation of an aircraft, aircraft engine, or propeller design based on service experience never ends so long as there is a product of the type in service. If, during any evaluation, an unsafe condition is unveiled after a product enters service, and that condition is likely to exist or develop in other products of the same type, the FAA issues an airworthiness directive under Part 39 to require a change to the type design or to define special inspection or operational limitations. In effect, these are retroactive applications of required type design changes to the type certificate or supplemental type certificate. However, the level of safety achieved by type-certificated designs as related to subsequent amendments to the airworthiness standards is seldom evaluated in detail.

The airworthiness standards published in Parts 23 through 35 of the Federal Aviation Regulations are amended from time to time, generally for one of three basic reasons:

(a) To consider new technologies or new emerging design features which would otherwise not be adequately or appropriately addressed by the unamended airworthiness standards;

(b) To preclude future, yet unproven designs from incorporating features or characteristics which service experience has shown could result in an unsafe situation; and

(c) To upgrade the existing level of safety.

Only the latter reason is of concern for products in service or in production. In the past, when a decision was made to apply a new airworthiness standard retroactively to upgrade existing products, either in general or for products used in specialized service such as air transportation, it was accomplished by incorporating the requirement in one of the operational regulations, i.e., Parts 91, 121, 127, or 135. One notable exception was the upgrading of the transport airplane crashworthiness and emergency evacuation requirements in September 1967 and subsequently, which were made retroactive both by amendments to Part 121 and by a then new "special retroactive requirements" section of Part 25. In another case, safety required upgrading of the design of "wide-body" transport category airplanes in service. Because of its limited applicability, design change was required by an airworthiness directive made applicable to all existing wide-body airplanes.

The FAA believes that the proposed certification policy procedure and regulatory changes are necessary to provide for the retroactive application of new airworthiness standards to aircraft, aircraft engines, and propellers, both under manufacture and in service. Other policy and regulatory changes needed relative to the FAA design approval procedures are also proposed. These are explained in the following sections.

## Proposed Policy Changes

The FAA believes that to permit the continued manufacture of aircraft, aircraft engines, or propellers designed to standards that have been substantially superseded, periodic reevaluations of approved type designs are necessary at specific intervals to ensure the products meet the required level of safety. The FAA therefore intends that for aircraft, aircraft engines, and propellers type certificated after January 1, 1980, and for type certificate amendments and supplementary type certificates issued after that date, a review of the type certification basis and level of safety achieved be made after a certain time period. In the case of large transport category aircraft, it is intended that this reevaluation begin at approximately the eighth year after issuance of the certificate or the last reevaluation in order to ensure that the affected design provides the level of safety consistent with the airworthiness standards in effect at the time of the reevaluation. In addition, it is the intent of the FAA that reevaluation be completed before the end of the tenth year and any necessary changes to the subject type design be defined by that time.

To assure the public an opportunity to participate, the initiation of a certificate reevaluation will be announced in the Federal Register with a request for the submission of relevant information concerning service experience with the aircraft, aircraft engine, or propeller design under review. Data supplied by owners and operators of the product as well as that of the certificate holder should assure that necessary changes to the design are identified. A report will also be published in the Federal Register at the conclusion of a reevaluation, and any requirement imposed on the manufacturer and/or the owners and operators of the products will be accomplished through the rulemaking procedures of Part 11 of the Federal Aviation Regulations with full consideration of the economic effects of the requirements as provided for in the Administrative Procedure Act and Executive Order 12044.

In the future, the FAA will place more emphasis on assessing the possible effects of supplemental type certificated design changes incorporated into a product when investigating service difficulties of the product. The holders of supplemental type certificates will also be held more accountable for submitting design change data when requested to correct an unsafe condition caused by the supplemental type certificated installation.

As was done in the past for certain transport category crashworthiness and emergency evacuation regulations made retroactive by § 25.2, in all future rule making directed toward amending the airworthiness standards of Parts 23 through 35 of the Federal Aviation Regulations, the FAA will consider the need to apply new regulations as special retroactive requirements. The extent of retroactivity may range from its application to only major design changes made after the effective date of the amendment, to all newly manufactured products after a specified date, to all products in service of a particular category or class. If it is determined there is a need to apply special retroactive airworthiness standards to particular aircraft, aircraft engines, and propellers in service, the airworthiness directive rule-making process would be used to establish the requirement.

When changes to the airworthiness standards are adopted after an application for type certificate is filed but before the type certificate is issued, the provisions of existing § 21.17(a)(1)(i) will be used by the FAA to apply these later standards where it is determined the change should be applied.

In the future, the FAA would not accept applications for type certification that do not sufficiently describe the product design to permit designation of the applicable airworthiness standards. Deficient applications would be returned to the applicant with an explanation of the reason for nonacceptance. In addition, applicants for supplemental type certificates would be required to show the FAA that they have access to sufficient data on the design being changed to make an adequate compliance evaluation of the

proposed change. This showing would be required before the FAA would expend significant resources on the project. Furthermore, the FAA will not undertake certification projects when any testing required would be conducted outside the United States, unless the Administrator determines that the test location will place no undue burden on the FAA in administering the applicable airworthiness requirements.

Thus, essentially the same certification procedures will be used by the FAA in the future for the evaluation of both new designs and major design changes, irrespective of whether approval is requested as a new type certificate, as a type certificate amendment, or as a supplemental type certificate.

### Proposed Regulatory Changes

1. Section 21.15(b) would be amended to require, in addition to a three-view drawing of the aircraft for which application for a type certificate is being made, sufficient preliminary basic design data to enable the Administrator to designate the applicable airworthiness regulations. As mentioned before, applications which do not contain sufficient data would not be honored and would be returned to the applicant with an explanation of the reasons for nonacceptance.

2. Section 21.17(a) would be amended to provide for the application of special retroactive requirements for the issuance of new type certificates, notwithstanding the date of application. See also proposal 5.

3. Section 21.51(b) would be added to provide for the suspension of the type certificate if the holder fails to provide adequate design change data, when requested by the FAA, for compliance with the terms of either an applicable airworthiness directive or a special retroactive requirement. See also proposal 4.

4. Similar to what is now required in the case of airworthiness directives, new § 21.99(b) would require the holder of a certificate to submit adequate design data for compliance with special retroactive requirements. Proposed § 21.99(d) would make it clear that § 21.99 (a) and (b) are equally applicable to supplemental type certificate holders. See also proposal 3.

5. Section 21.101(a) would be amended to provide for the application of special retroactive requirements for the issuance of type certificate amendments and supplemental type certificates. Section 21.101(b) would be amended to provide for the application of later amendments to the airworthiness standards and special conditions for the issuance of type certificate amendments and supplemental type certificates. See also proposals 2 and 11.

6. A new § 21.103(a) would be added to provide the same procedural regulations to the issuance of type certificate amendments as is now applied under § 21.21 to the issuance of new type certificates. Section 21.103(b) would permit credit for well documented service experience in showing compliance with the applicable airworthiness requirements when analysis of this experience shows that the required level of safety has been achieved by the existing design.

7. Section 21.111(b) would be added to make it clear that supplemental type certificate holders are governed by the procedural rules of Subpart E.

8. A new § 21.112 would be added to provide that supplemental type certificates would not be issued if any testing required to show compliance with the airworthiness requirements is accomplished outside the United States, unless the test location was found to cause no undue burden on the FAA. This proposal is analogous to that applied to applicants for new type certificates and type certificate amendments by § 21.43.

9. Section 21.115 would be amended to clearly state which sections of Subpart B are applicable for issuance of supplemental type certificates.

10. Existing § 21.117(b) would be recodified as § 21.116 without substantive change.

11. Section 21.117(a) would be amended to apply the same procedural regulations to the issuance of supplemental type certificates as are now applied under § 21.21 to the issuance of new type certificates and as would be applied under proposed § 21.103(a) to the issuance of type certificate amendments. See proposal 6. Section 21.117(a) would also require that applicants for a supplemental type certificate show that they have access to sufficient data on the design being changed to make an adequate compliance evaluation of the proposed change. Section 21.117(b) would permit credit for well documented service experience in showing compliance with the applicable airworthiness requirements when analysis of this experience shows that the required level of safety has been achieved by the existing design.

12. Section 21.118 would be added to clarify that the Administrator has the same access to supplemental type certificates for review as is now provided by § 21.49 for type certificates.

13. Section 21.120 (a) and (b) would be added to make it clear that a supplemental type certificate would have the same duration as is provided for the basic type certificate by the proposed amendments to § 21.51. Section 21.120(b) would clarify existing practices on the transferability of supplemental type certificates consistent with that provided by existing § 21.147 for type certificates.

14. Section 21.159(b) would be added to permit the suspension of production privileges if the holder of the type certificate or supplemental type certificate for the product fails to provide adequate design change data when requested by the FAA. See proposal 3.

15. Section 39.1(b) would be added to make the airworthiness directive process available for the application of special retroactive regulations to aircraft, aircraft engines, and propellers in service.

16 and 17. Section 91.29 would be amended to recodify existing § 39.3 as new § 91.29(a)(2) without substantive change to place this operating requirement in an operating part of the regulations.

### Additional Comments Invited

In order that full consideration be given to the economic and other impacts which will be required by future rulemaking action, it is requested that commentors from industry and the public address themselves to these questions insofar as possible. For instance, what effects would a 10-year type design reevaluation cycle have on your products? On your organization, suppliers, customers? To what extent do you have access to information which will enable you to anticipate changes you may be required to make in the future? Can you now evaluate the cost of such changes? Are there better methods and vehicles for implementing the objectives of the rules and policy changes presented in this Notice?

Information received from commenters will be valuable to the FAA for use in consideration of the proposals and preparation of regulatory evaluations under Executive Order 12044.

### The Proposed Amendment

In consideration of the foregoing, it is proposed to amend Parts 21, 39, and 91 of the Federal Aviation Regulations (14 CFR Parts 21, 39, and 91) as follows:

## PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. By revising § 21.15(b) to read as follows:

**§ 21.15 Application for type certificate.**

* * * * *

(b) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and sufficient preliminary basic data to allow the Administrator to designate the applicable regulations in accordance with § 21.17.

* * * * *

2. By revising § 21.17(a) to read as follows:

**§ 21.17 Designation of applicable regulations.**

(a) Except as provided by any special retroactive requirements issued under an airworthiness standards part of this subchapter and in Part 36 of this chapter, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets—

* * * * *

3. By redesignating existing § 21.51 as § 21.51(a) and by adding a new § 21.51(b) to read as follows:

**§ 21.51 Duration.**

(a) * * *

(b) The Administrator may suspend a type certificate if the holder does not submit adequate design change data for approval when requested under § 21.99(a) or (b).

4. By redesignating existing § 21.99(b) as (c) and by adding new paragraphs (b) and (d) to read as follows:

**§ 21.99 Required design changes.**

* * * * *

(b) When a special retroactive requirement is issued under an airworthiness standards part of this subchapter that affects previously approved designs, the holder of the type certificate for the affected products must—

(1) Submit appropriate design change data for approval; and

(2) Upon approval of the type design changes necessary to meet the special retroactive airworthiness requirement—

(i) Incorporate the design change on all newly manufactured products affected by the change prior to standard airworthiness certification or airworthiness approval; and

(ii) Make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

* * * * *

(d) The requirements of paragraphs (a) and (b) apply to holders of supplemental type certificates if the required design changes are necessitated or otherwise affected by a design change approved under the supplemental type certificate.

5. By revising § 21.101(a), (b)(1), and (b)(2) to read as follows:

**§ 21.101 Designation of applicable regulations.**

(a) Except as provided by a special retroactive requirement issued under an airworthiness standards part of this subchapter and in Part 36 of this chapter, an applicant for a change to a type certificate must comply with either—

* * * * *

(b) * * *

(1) The applicable provisions of this subchapter, in effect on the date of the application for the change, that the Administrator finds necessary to provide a level of safety equal to that established by the regulations in effect on the date of application for change to the type certificate; and (2) Special conditions, and amendments to previously issued special conditions, issued in accordance with § 21.16 if the applicable regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller because of a novel or unusual design feature of the proposed change.

6. By adding a new § 21.103 to read as follows:

**§ 21.103 Issuance of amendments to type certificates.**

(a) A holder of a type certificate is entitled to an amendment to the type certificate for the purpose of approving a major change if the applicant submits the type design, test reports, and computations necessary to show that the product to be certificated meet the applicable airworthiness and aircraft noise requirements of the Federal Aviation Regulations and any special conditions prescribed by the Administrator, and the Administrator finds—

(1) Upon examination of the type design, and after completing all tests and inspections, that the type design and the product meet the applicable aircraft noise requirements of the Federal Aviation Regulations and further finds that they meet the applicable airworthiness requirements of the Federal Aviation Regulations or that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

(2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested.

(b) The Administrator may relieve an applicant from strict compliance with a specific provision of the applicable airworthiness requirements designated by § 21.101, including any special retroactive airworthiness requirements, if the applicant shows through an analysis of substantial service experience and the Administrator finds that the unchanged features or characteristics of the type design provide an equivalent level of safety to that envisaged by the requirement of concern.

7. By revising § 21.111 to read as follows:

**§ 21.111 Applicability.**

This subpart prescribes—

(a) Procedural requirements for the issuance of supplemental type certificates for aircraft, aircraft engines, and propellers; and

(b) Rules governing the holders of those certificates.

8. By adding a new § 21.112 to read as follows:

**§ 21.112 Eligibility.**

Any interested person may apply for a supplemental type certificate, except that the Administrator does not issue a supplemental type certificate if any of the testing required to show compliance with the applicable airworthiness regulations is accomplished outside the United States, unless the Administrator finds that the test location places no undue burden on the FAA in administering the applicable airworthiness requirements.

9. By deleting the words "paragraphs (a) and (b) of" from § 21.115(a) and adding the phrase "and § 21.97" after the existing reference to § 21.101, and by revising § 21.115(b) to read as follows:

**§ 21.115 Applicable requirements.**

* * * * *

(b) Each applicant for a supplemental type certificate must meet §§ 21.33 21.35, 21.37, 21.39, 21.50, and 21.53 with respect to each change in the type design.

10. By adding a new § 21.116 to read as follows:

**§ 21.116 Supplemental type certificates.**

A supplemental type certificate consists of—

(a) The approval of the Administrator of a change in the type design of the product; and

(b) The type certificate previously issued for the product.

11. by revising § 21.117 to read as follows:

**§ 21.117 Issuance of supplemental type certificates.**

(a) An applicant is entitled to a supplemental type certificate to approve a major change to a type design if the applicant shows that he has access to

sufficient type design data previously approved under the type certificate being changed to adequately evaluate the proposed change and submits the proposed type design changes, test reports, and computations necessary to show that the product to be certificated meets the applicable airworthiness and aircraft noise requirements of the Federal Aviation Regulations and any special conditions prescribed by the Administrator, and the Administrator finds—

(1) Upon examination of the type design, and after completing all tests and inspections, that the type design and the product meet the applicable aircraft noise requirements of the Federal Aviation Regulations, and further finds that they meet the applicable airworthiness requirements of the Federal Aviation Regulations or that any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

(2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested.

(b) The Administrator may relive an applicant from strict compliance with a specific provision of the applicable airworthiness requirements designated by § 21.101, including any special retroactive airworthiness requirements, if the applicant shows through an analysis of substantial service experience and the Administrator finds that the unchanged features or characteristics of the type design provide an equivalent level of safety to that envisaged by the requirement of concern.

12. By adding a new § 21.118 to read as follows:

**§ 21.118 Availability.**

The holder of a supplemental type certificate shall make the certificate available for examination upon the request of the Administrator or the National Transportation Safety Board.

13. By adding a new § 21.120 to read as follows:

**§ 21.120 Duration and transferability.**

(a) A supplemental type certificate is effective until surrendered, suspended, or revoked or a termination date is otherwise established by the Administrator, except that if the type certificate under which the supplemental type certificate is issued is suspended, revoked, or terminated, then the supplemental type certificate is likewise suspended, revoked, or terminated.

(b) The Administrator may suspend a supplemental type certificate if the holder does not submit appropriate design change data for approval when requested by the Administrator under § 21.99 (a) or (b).

(c) A supplemental type certificate may be transferred to or made available to third persons by licensing agreements. Each grantor shall, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify in writing the appropriate FAA Regional Office. The notification must state the name and address of the transferee or licensee, date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee.

**§ 21.159 [Amended]**

14. By amending § 21.159 by redesignating present § 21.159 as paragraph (a) and adding a new paragraph (b) to read as follows:

* * * * *

(b) The administrator may suspend a production certificate if the holder of the type certificate or supplemental type certificate does not submit adequate design change data for approval when requested under § 21.99 (a) or (b).

## PART 39—AIRWORTHINESS DIRECTIVES

15. By revising § 39.1 (a) and (b) to read as follows:

**§ 39.1 Applicability.**

* * * * *

(a) An unsafe condition exists in a product and that condition is likely to exist or develop in other products of the same type design; and

(b) A design change is required to meet a special retroactive requirement issued under an airworthiness standards part of this subchapter.

16. By deleting § 39.3 and labeling the section "Reserved":

**§ 39.3 [Reserved]**

## PART 91—GENERAL OPERATING AND FLIGHT RULES

17. By revising § 91.29(a) to read as follows:

**§ 91.29 Civil aircraft airworthiness.**

(a) No person may operate a civil aircraft unless—

(1) The aircraft is in an airworthy condition; and

(2) The aircraft and all installed engines, propellers, and appliances are operated in accordance with the requirements of applicable airworthiness directives issued under Part 39 of this chapter.

* * * * *

[Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655)); and 14 CFR 11.45]

Note.—The FAA has determined that this document involves proposed regulations which are not in themselves considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11304; February 26, 1979). Therefore, the impact of this proposal is so minimal that an evaluation is not necessary.

Issued in Washington, D.C., on August 25, 1980.

Langhorne Bond,

*Administrator.*

[FR Doc. 80-26489 Filed 8-27-80; 8:45 am]

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federal register

Thursday
August 28, 1980

## Part VI

# Department of Transportation

## Federal Aviation Administration

## FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 121 & 135**

**[Docket No. 20661; Notice No. 80-14]**

## FAA Access to Flight Data Recorder and Cockpit Voice Recorder Tapes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** These proposals will allow the Administrator to obtain flight data recorder information and cockpit voice recorder information at any time and at any place. This information will be used to study the human factor element associated with aircraft operation and design to determine what, if any, regulatory changes should be made to enhance aviation safety. These proposals are responsive to public and Congressional interest in the subject, and more particularly result from the technical arguments of the Air Line Pilots Association (ALPA) in its criticism of the FAA's crew complement certification process. These proposals will not in any way change the Administrator's policy regarding use of information derived from flight data recorders and cockpit voice recorders in enforcement proceedings.

**DATES:** Comments must be received on or before October 27, 1980.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No., 800 Independence Avenue, SW., Washington, D.C. 20591; or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C.

Comments may be examined in the Rules Docket weekdays between the hours of 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Norman C. Miller, Regulatory Projects Branch (AVS-24); Safety Regulations Staff, Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 755-8716.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 20661." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Avilability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

### Discussion of the Proposed Amendment

Historically, human factors in aviation have received ever-increasing attention as airplanes have flown faster, higher, and in a more complex environment. As the complexities of aviation operations increase, the FAA recognizes the need for enhanced knowledge of human factors requirements in aircraft operations and design. Approximately one and one-half years ago the Administrator established a human factors task force under the direction of the Associate Administrator for Aviation Standards. Based upon the analysis of this task force to date, the FAA is now prepared to launch a broader based effort to further the available knowledge on the subject of human factors. This proposal is but one small part of that effort.

Predicated upon the insight the FAA has secured from the intense examination of the crew complement issue during the DC-9-80 certification process, and, particularly in recognition of the arguments raised by ALPA to the effect that the FAA lacks hard statistical data on day-to-day working conditions in the cockpit, the FAA recognizes the need to collect data as herein proposed. This proposal is a crucial part of the human factors program because the FAA has found that neither ALPA nor any other segment of the industry or government has hard statistical data as to what goes on in the cockpit when FAA inspectors are not on board and under the plethora of circumstances that occur in the everyday air transportation environment. Enactment of this proposal will enable the FAA to establish a data base that significantly advances the state of aviation human factors knowledge and, allow the agency to increase the thoroughness of its crew complement certification process. It should be noted that the United Kingdom has studied such inflight data for years. In 1979, for example, the United Kingdom collected samples of 140,000 flights, automatically evaluated 85,000 tapes, and identified 4,700 events which called for further investigation and analysis.

The FAA is fully aware of the opposition which has come from the pilot segment of the aviation community when proposals similar to this have been discussed previously. However in light of the arguments advanced by ALPA in the DC-9-80 certification process it would seem that the pilots have now come to recognize the need to establish the data based that this proposal envisions. As Captain Geoffrey F. Mussett stated in an article on crew complement in the August 1980 issue of Air Line Pilot magazine, "What the manufacturers and authorities so studiously ignore is the real world of aviation, which is a complex, varied, and everchanging scenario in time and place. This is the world into which we, the pilots, have to pitch our fallibility." In correspondence, ALPA has on various occasions referred to "deficiencies in the FAA certification process" and "unsubstantiated conclusions" reached by the FAA on the subject of crew workload. ALPA has stated that the FAA has "no specific workload data" to justify some of its conclusions, and that "man's limitations are not given sufficient weight in the FAA's certification process." In a similar vein, in an article appearing in the July 29, 1980 issue of Aviation Daily entitled "FAA Must Recognize 'Real World' Company Cockpit Duties—ALPA", ALPA spokesman John LeRoy stated, "FAA should recognize that flying an airliner requires the cockpit crew to perform many duties not directly related to safety, but which nonetheless distract from flying duties." Obtaining the data which currently exists on cockpit voice

recorders and flight data recorders is the one way to satisfy all of these ALPA demands.

The FAA's "Human Factors Program" includes a major emphasis on identification and reduction of factors causing crew errors. One aspect of the program is a human factors workshop scheduled for October, 1980 at which the FAA, industry and consumers will come together to further study human factors. The program has also generated FAA proposed rulemaking designed to eliminate flight crewmember performance of duties and activities which are not required for the safe operation of aircraft. The program also includes a rulemaking proposal which provides for the periodic review of aircraft type certification, including amendments to those type certificates and supplemental type certificates. A fourth aspect of the program involves development of a notice of proposed rulemaking requiring line oriented flight training (LOFT) as part of air carrier simulator recurrent training programs. LOFT can be a means to correct problems identified in human factor studies through flight crew simulator training.

Study of on-board recording of flight data and cockpit voice recorder tapes offers an opportunity to further our understanding of the human factors at play in the cockpit environment. Use of inflight data derived from flight data recorders and cockpit voice recorders should assure that air carrier operations in years to come are at the highest level of human factors technology. Such data will provide valuable information for future studies affecting many areas of aviation safety and might be used in assisting in the evaluation of such important issues as minimum flights crew complement and pilot workload, pilot training, pilot/controller interface in the National Aviation System, Air Traffic Control (ATC) systems employing increased automation, and aircraft performance and pilot response.

Current FAA study of the subject of flightcrew complement has spawned comlex questions about flightcrew workload and the impact on workload of FAA-mandated systems and procedures. To make determinations regarding flightcrew workload and crew complement, it will be necessary to have improved, validated, and standardized workload assessment techniques which have sufficient objectivity to be used in the development of guidelines or standards. Since accident investigations and studies of violations provide no adequate data to support allegations of excessive workload in particular operations, these questions require analysis of a siginifcant sample of actual line flights. Flight data recorder and cockpit voice recorder data would be invaluable in such an analysis.

Examination of the cockpit environment through use of flight data recorder and cockpit voice recorder data will aid in evaluating the relationship between total workload and safety, thereby attempting to establish the level of workload that is conducive to optimum safety. Considerations to be made in this study include the division of responsibilities between crewmembers, the effects of command responsibility, and the effects of increased airborne system automation and integration on planning, problem solving, systems monitoring, and external surveillance. Consideration may be given to possible flightcrew over-reliance on automated devices and complacency in the face of malfunctions.

The inflight data acquired may be used, for example, to determine how equipment or procedural changes affect workload. Such information can be used to determine if some system change or presumed improvement actually aids the pilot or if it saddles him with additional monitoring functions and responsibilities to revert to manual control in case of an equipment failure.

The inflight data base will provide essential information for the human engineering of new cockpit layouts and cockpit displays. New cockpit design and display concepts can be evaluated against the empirically derived workload baselines.

Inflight data derived from flight data recorders and cockpit voice recorders will address the controversy which has been generated regarding the safety of two-member versus three-member crews. Civil aviation authorities in many countries have studied and certificated two-pilot operations in turbojet aircraft, yet important segments of both U.S. and overseas pilot groups maintain that such two-member crew operations are potentially less safe than three-member crew operations. Proponents of the two-member crew concept argue, for example, that crew coordination with a three-member crew is more complex than with a two-member crew. They cite the cockpit conversation of the three-member crew aircraft that had a midair collision in San Diego as on example of lack of proper crew coordination with three-member crews that has not occurred with two-member crews. Increased study of flight data and cockpit voice recordings will enhance the knowledge of all segments of the aviation industry regarding crew coordination problems.

Those who favor three-member crews are concerned with what they consider to be excessive cockpit workloads for two-member crews. Research of this point is difficult at present because when FAA inspectors are on board a flight, cockpit work follows standard procedures and workload patterns appear to duplicate those found during certification flight tests. Charges by crew associations that workload distributions in actual line operations are higher than those experienced during FAA enroute inspections and line checks cannot be evaluated without the review of flight data and cockpit voice recordings to determine the existence or causes of the stated problems.

Equally important, an examination of the accident data for two versus three crew aircraft reveals that there is no significant difference between the two. This leads to the conclusion that there is some generic human factor problems that the FAA needs to understand. Put somewhat differently, there is an unproven assumption that three is safer than two. More may not necessarily be better. This proposal will provide the tools to make the proper analysis.

Study of the human factors present in the cockpit environment, through use of flight data recorder and cockpit voice recorder data, may also shed light on pilot training effectiveness.

Human factor data derived from flight data recorders and cockpit voice recorders might also be used in determinations of the workload impact and coordination effectiveness between the pilot and air traffic controller. This evaluation will be particularly useful in assessing the effectiveness of ATC data line use in pilot/controller communications.

Now that the ability to provide traffic information to the cockpit exists, it is unclear what the pilot's ability is to use this information or what the impact of using it is on the ATC system. The benefits and deficiencies of various types of traffic information are unknown. Access to flight data and cockpit voice recorder tapes could assist in a possible evaluation of Cockpit Display Taffic Information (CDTI) configurations and applications from both a cockpit and ATC system viewpoint. Such access will aid with evaluation of the impact of CDTI on the pilot, controller, and the ATC system.

Runway/taxiway transgressions are a pervasive problem throughout the airport system. A number of accidents and incidents have been caused by aircraft taxiing onto active runways during takeoff, landing, or taxiing operations. FAA and NASA records indicate that 279 cases of this type have

been recorded over the past 10 years, and recent investigations indicate that many such incidents go unreported. The FAA desires to learn more about why these incidents occur and for that reason also access to cockpit voice recorder information is sought.

With the use of flight data recorder and cockpit voice recorder data, studies related to aircraft performance and pilot response may be implemented and furthered. Possible areas which may be explored include the takeoff and landing of aircraft, go-around, overrun, forces on the aircraft and origin of such forces, adherence to desired flight path, abrupt maneuvers for collision avoidance, and pilot reaction to turbulence and inadvertent vortex encounters.

An examination of aviation accidents over the past decade indicates a need to more thoroughly study the human factors aspect of aviation safety, particularly with regard to the flight cockpit environment. Instances of laxity in following prescribed procedures and flightcrew inattentiveness have suggested a need for more discipline in the cockpit.

Inadequate cockpit discipline is a commonly cited cause of accidents. For example, when a Eastern Airlines airplane crashed short of a runway in Charlotte, North Carolina, the National Transportation Safety Board (NTSB) determined that the probable cause of the accident was the flightcrew's lack of altitude awareness at critical points during the approach due to poor cockpit discipline. The NTSB found that company required callouts were not made. The extraneous conversation conducted by the flightcrew during the descent, said the NTSB, was symptomatic of a lax atmosphere in the cockpit which continued throughout the approach.

The need to study human factors in the cockpit environment is supported by findings of the NTSB that errors of judgment or management in the cockpit play an important role in airline accidents. In May 1978, for example, a National Airlines jet crashed into Escambia Bay while executing an approach to the Pensacola, Florida, regional airport. The NTSB determined that the probable cause of the accident was the flightcrew's unprofessionally conducted nonprecision instrument approach in that the captain and the crew failed to monitor the descent rate and altitude and the first officer failed to provide the captain with required altitude and approach performance callouts. The crew failed to check and utilize all instruments available for altitude awareness, turned off the ground proximity warning system, and failed to configure the aircraft properly in a timely manner for the approach.

Although the majority of fatal aviation accidents involve some element of crew error such as these, catagorization of accidents as to the nature of the crew error and the identification of underlying human problems has never been accomplished. Utilization of flight data and cockpit voice recorder tapes will enable the FAA to study and analyze the complex interactions between the man-machine environment.

**Description of the Proposed Amendments**

These proposals would require that the recorded data be made available to the Administrator at such time and place as the Administrator may designate. Since the flight data recorder may have many hours remaining on it (25 in the case of the digital flight data recorder or several hundred in the case of the metal foil type), the certificate holder would be allowed to continue to use it until reaching a point where it could be replaced. However, if the Administrator determines that the recorded data requested will be erased or otherwise obliterated or will be needed before the aircraft reaches a point where the recorder can be replaced he may request the information immediately.

Since the cockpit voice recorder has only a 30-minute tape in it, the Administrator, in most cases, will request that the recording data be made available immediately. This will necessitate the removal of the cockpit voice recorder in order to obtain the recorder magazine containing the recorded data. In such cases the proposal would allow the aircraft to be operated without the cockpit voice recorder for up to 8 hours which is the maximum most aircraft operate in a day. However, it would not be authorized to depart an airport where a replacement was available. This would preclude an operator from operating an aircraft for several days without the cockpit voice recorder just because it never landed at an airport where a replacement was available. If the airplane was scheduled to embark on a flight which would cause it to exceed the 8-hour limit then it may not depart unless a cockpit voice recorder has first been installed. The aircraft minimum equipment lists (MEL) will be amended to authorize such operations when the cockpit voice recorder or flight data recorder is removed at the request of the Administrator.

The FAA is concerned that operation of an aircraft without a cockpit voice recorder may result in the loss of valuable data should an accident occur, and therefore will attempt to remove the cockpit voice recorder at an airport where a replacement is available. In this regard it appears that cockpit voice recorders are easily accessible and require no special instruments to remove and install. Furthermore, it appears that such removal and installation can be accomplished in approximately 15 minutes, with only an additional 30 minutes required to remove and replace the magazine containing the recorded data. Therefore, if the air carriers maintained one spare cockpit voice recorder at each of their stops in addition to a number of spare magazines containing the recorded tape, the necessity of operating an aircraft without a cockpit voice recorder would be eliminated. The FAA solicits comments on the availability of cockpit voice recorders and cockpit voice recorder magazines at the various air carriers stations, and possible problems with removal and installation of the cockpit voice recorder and its magazine which would make the 15 and 30 minute time-frame mentioned above unreasonable.

The proposed rule, with respect to the cockpit voice recorder, requires the pilot in command to ensure that the power source to the cockpit voice recorder is disconnected when notified and so instructed by the certificate holder (by means of a dispatcher or other appropriate company employee or by the Administrator. This could be done, for example, by pulling a circuit breaker or activating a switch, as the case may be. Because of the location of the cockpit voice recorder circuit breakers or switches, it may be necessary for the first officer or flight engineer to disconnect the power source. This would be done at the pilot in command's direction. The notification to the pilot in command would also include the time and or place at which the power source is to be disconnected. For example, the disconnect may be requested immediately or it may be at some point in the future such as after completion of the landing roll. Advanced notification that the cockpit voice recorder must be deactivated would prevent unnecessary communications between the cockpit and the ground personnel at a time when the flightcrew may be busy conducting other duties such as obtaining a clearance.

These proposals would also prohibit the erasure or obliteration of any previously recorded information. This prohibition would include actuating any erasure device such as a button on the cockpit voice recorder, if so equipped, or

permitting the cockpit voice recorder to continue to run so as to record over the requested information.

These proposals will not in any way change the Administrator's policy regarding use of information derived from flight data recorders and cockpit voice recorders in enforcement proceedings. The only records the FAA has never used in any civil penalty or certificate action are the cockpit voice recorder records and reports submitted to the National Aeronautics and Space Administration (NASA) under the Aviation Safety Reporting Program (with the exception of criminal offenses and accidents). Sections 121.359(e) and 135.151(e) of the Federal Aviation Regulations prohibit the use of cockpit voice recorder data in any civil penalty or certificate action. However, as noted in the Preamble to Amendment 13-14 (44 FR 63720, Nov. 5, 1979) which adopted § 13.7 of the regulations, flight recorder data are no different from any other record or report required by the regulations, and information from these recorders may be reviewed and used in investigations and enforcement actions. The fact that information in records and reports required by regulations may provide information which might be useful for a specified purpose does not preclude its use for another safety purpose; i.e., to ensure compliance with the Federal Aviation Regulations.

The Proposed Amendments

Accordingly, the Federal Aviation Administration proposes to amend Parts 121 and 135 of the Federal Aviation Regulations (14 CFR 121 and 135) as follows:

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.343 by redesignating paragraphs (d), (e), (f), and (g) as (e), (f), (g), and (h) respectively, and adding a new paragraph (d) to read as follows:

**§ 121.343 Flight recorders.**

* * * * *

(d) The recorded data prescribed in paragraph (a) of this section shall be made available to the Administrator at such time and place as the Administrator may designate.

* * * * *

2. By revising § 121.359 by adding new paragraphs (f), (g), and (h) to read as follows:

**§ 121.359 Cockpit voice recorders.**

* * * * *

(f) the recorded data prescribed by this section shall be made available to the Administrator at such time and place as the Administrator may designate.

(g) Notwithstanding paragraph (a) of this section, an airplane which has had its cockpit voice recorder or cockpit voice recorder magazine removed under paragraph (f) of this section in order for the Administrator to obtain the recorded data may be operated without an operative cockpit voice recorder provided: (1) The airplane may not depart an airport where a replacement cockpit voice recorder or cockpit voice recorder magazine is available.

(2) The cockpit voice recorder or cockpit voice recorder magazine must be replaced prior to the airplane exceeding 8 additional hours of flight time.

(h) The pilot in command shall ensure that: (1) Upon notification by the Administrator or the certificate holder, the power source to the cockpit voice recorder is disconnected at the time and place designated, and

(2) The previously recorded information is not erased or otherwised obliterated.

(i) No person may erase or otherwise obliterate recorded data which the Administrator has requested.

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

3. By revising § 135.151 by adding new paragraphs (c), (d), and (e) to read as follows:

**§ 135.151 Cockpit voice recorders.**

* * * * *

(c) The recorded data prescribed by this section shall be made available to the Administrator at such time and place as the Administrator may designate.

(d) Notwithstanding paragraph (a) of this section, an airplane which has had its cockpit voice recorder or cockpit voice recorder magazine removed under paragraph (c) of this section in order for the Administrator to obtain the recorded data may be operated without an operative cockpit voice recorder provided: (1) The airplane may not depart an airport where a replacement cockpit voice recorder magazine is available.

(2) The cockpit voice recorder or cockpit voice recorder magazine must be replaced prior to the airplane exceeding 8 additional hours of flight time.

(e) The pilot in command shall ensure that: (1) Upon notification by the Administrator or the certificate holder, the power source to the cockpit voice recorder is disconnected at the time and place designated, and

(2) The previously recorded information is not erased or otherwise obliterated.

(f) No person may erase or otherwise obliterate recorded data which the Administrator has requested.

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1354(a), 1421, and 1424); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR Part 11)

Note.—The Federal Aviation Administration has determined that this document involves proposed regulations which are not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft regulatory evaluation prepared for this action is contained n the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in Washington, D.C., on August 25, 1980.

Langhorne Bond,

*Administrator.*

[FR Doc. 80-26490 Filed 8-27-80; 8:45 am]

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[1] **Note:** Between 45 FR 55433 and 55465, August 20, 1980, there were several pagination errors. Please refer to the cover of the issue for Thursday, August 21, 1980, for explanation.

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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976)

| Monday | Tuesday | Wednesday | Thursday | Friday |
|---|---|---|---|---|
| DOT/SECRETARY | USDA/ASCS | | DOT/SECRETARY | USDA/ASCS |
| DOT/COAST GUARD | USDA/APHIS* | | DOT/COAST GUARD | USDA/APHIS* |
| DOT/FAA | USDA/FNS | | DOT/FAA | USDA/FNS |
| DOT/FHWA | USDA/FSQS | | DOT/FHWA | USDA/FSQS |
| DOT/FRA | USDA/REA | | DOT/FRA | USDA/REA |
| DOT/NHTSA | MSPB/OPM | | DOT/NHTSA | MSPB/OPM |
| DOT/RSPA | LABOR | | DOT/RSPA | LABOR |
| DOT/SLSDC | HHS/FDA | | DOT/SLSDC | HHS/FDA |
| DOT/UMTA | | | DOT/UMTA | |
| CSA | | | CSA | |

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

## REMINDERS

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

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

50324 7-28-80 / Papayas grown in Hawaii; handling regulations

### 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 August 14, 1980