12-10-80
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Wednesday
December 10, 1980

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., see announcement in the Reader Aids section at the end of this issue.

81474 **Electric Utilities** DOE/ERA presents voluntary guideline for automatic adjustment clauses standard (Part III of this issue)

81526 **Coal** Interior/SMO seeks comments on processing waste banks performance standards; comments by 1-10-81 (Part VII of this issue)

81255 **Gasoline** DOE/ERA lists resellers and reseller-retailers electing to compute maximum lawful selling prices pursuant to rules in effect on 4-30-80

81250 **Imports** CITA announces additional controls on certain cotton textile products from India; effective 12-10-80

81217 **Railroads** ICC proposes to adopt cost recovery index; comments by 1-9-81

81350 **Treasury Notes** Treasury/Sec'y announces interest rate of 13½ percent per annum for Series C-1986

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Highlights

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

81243 **Grant Programs—Business** Commerce/MBDA solicits applications under General Business Services Program for projects in Baltimore, Md. and Pittsburgh, Pa. SMSA's; apply by 1-16-81

81402 **Defense Acquisition Regulation** DOD publishes changes concerning contract disputes, women-owned business concerns, and small business concerns; effective 8-28-80 (Part II of this issue)

81213 **Veterans** VA and DOD propose to amend eligibility requirements for educational assistance; comments by 1-7-81

81212 **Probation and Parole** Justice/PARCOM proposes to revise "salient factor score" used to assess risk of recidivism; comments by 3-20-81

81211 **Grant Programs—Rural Areas** USDA/FmHA proposes to amend regulations regarding development grants for community domestic water and waste disposal systems; comments by 2-9-81

81215 **Disaster Assistance** FEMA proposes to eliminate cost reimbursement policy that otherwise eligible work performed by National Guard be approved by Regional Director; comments by 2-1-81

81204 **Public Safety Radio Services** FCC sets aside 50 channels in the 800 MHz land mobile frequency bands for local governmental agencies; effective 12-29-80

81516 **Pesticides** EPA makes available position document on use of ethylene dibromide (EDB); comments by 1-9-81 (Part VI of this issue)

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81490 **Classified Information** Justice/Attorney General updates security regulations; effective 12-10-80 (Part V of this issue)

81484 **Incorporation By Reference** OFR approves certain material in Title 49; effective 12-5-80 through 9-30-81 (Part IV of this issue)

81351 **Sunshine Act Meetings**

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 4, Amendment 4]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh shipments of Dancy variety tangerines from 2 5/16 inches to 2 4/16 inches in diameter during the period December 8, 1980, through October 18, 1981. This action will allow an increase in supplies of tangerines during the period in recognition of market needs and the size composition of the available crop in the interest of producers and consumers.

EFFECTIVE DATE: December 8, 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 and Order No. 905, (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos 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 Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

The minimum size requirements, herein specified, for domestic shipments reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller size fresh Florida Dancy tangerines during the specified period based on current supply and demand conditions. Relaxation of the minimum size requirements for Dancy tangerines will tend to promote the orderly marketing of this fruit.

The Citrus Administrative Committee, at an open meeting on December 2, 1980, reported that there is good market demand for smaller size Dancy tangerines. With the marketing of Robinson tangerines nearly finished, the Dancy tangerines will help fill demand.

The Department's Crop Reporting Board estimates the 1980-81 season's crop of Florida tangerines at 3.9 million boxes, (approximately 7.8 million cartons). Hence the volume of tangerines is slightly smaller than that of last season.

The committee projected the market demand for all varieties of fresh tangerines this season, as follows: Dancy (2,500 carlots); Robinson (1,500 carlots); Honey (2,500 carlots). Each carlot is equivalent to one thousand cartons. The regulation, as amended, for Dancy tangerines relieves restrictions from those currently in effect, and amendment of such regulation, as hereinafter provided, will tend to avoid disruption of the orderly marketing of tangerines in the public interest.

It is concluded that the amendment of the size requirements, hereinafter set forth, is necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consumers pursuant to the declared policy of the act.

It is further found 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), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the provisions of § 905.304 (Orange, Grapefruit, Tangerine and Tangelo Regulation 4; (45 FR 67047; 76651; 79002) should be and are amended by revising Table I, paragraph (a) to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine, and Tangelo Regulation 4.

(a) . . .

Table I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (in.)
Tangerines: Dancy.	Dec. 8, 1980, thru Oct. 18, 1981.	Florida No. 1.	2 5/16

* * * * *

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

Dated: December 5, 1980.

D. S. Kuryloski,

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

[FR Doc. 80-38320 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1133

Milk in the Inland Empire Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain order provisions relating to how much milk not needed for fluid (bottling) use

may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension removes the limit on such movements of milk for November 1980 through February 1981 and would continue a suspension that was in effect during September and October 1980. The suspension was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

EFFECTIVE DATE: December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D. C. 20250 (202-447-7183).

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued November 5, 1980; published November 12, 1980 (45 FR 74726).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area.

Notice of Proposed rulemaking was published in the Federal Register (45 FR 74726) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment in writing on the proposed suspension. The proponents of the suspension, two producers and a proprietary handler filed comments concerning the suspension. The two producers and the proprietary handler opposed the suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is hereby found and determined that for the months of November 1980 through February 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1133.13(c) (1) and (2), the words "70 percent in any of the months of September through February, and".

Statement of Consideration

This action removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of November 1980 through February 1981. The order now provides that a cooperative association may divert up to 70 percent of its total member milk received at all pool plants or diverted therefrom during the months of September through February and 80 percent during all other months. Similarly, the operator of a pool plant may divert up to 70 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of September through February and 80 percent during all other months. The basis for the request is that the same marketing conditions prevail now, and are expected to prevail through February 1981, that prompted the initial request. The basis for the earlier request was that the cooperative expected its reserve milk supplies during September and October 1980 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations and that this situation was aggravated by the fact that in recent months Class I sales in the market had remained about the same. Further, the cooperative indicated that a substantial increase in milk production over last year by producers supplying the market coupled with a decline in fluid milk sales will make it necessary for the cooperative to divert to nonpool plants more reserve milk supplies during November 1980 through February 1981 than would be permitted under the order.

The cooperative states that its reserve milk supplies are customarily moved directly from member farms to nonpool manufacturing plants. However, because of current marketing conditions, the cooperative expects its reserve milk supplies during Novermber 1980 through February 1981 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, the cooperative indicated that some of the milk of its member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to still maintain producer status for such milk during November 1980 through February 1981. The cooperative indicated that had it not pumped milk through its plant for reshipment to a nonpool plant the percentage of its diversions would have been over 74 percent for the month of October.

On the basis of the data, views, and arguments filed, it is concluded that reserve milk supplies in this market during November 1980 through February 1981 are expected to exceed the quantity of milk that could be diverted to nonpool manufacturing plants under the present diversion limitations and still maintain producer milk status. Accordingly, the suspension is necessary because it will facilitate the efficient disposition of reserve milk supplies and thus avoid the need for the cooperative to make uneconomic movements of milk for the purpose of maintaining pool status for its member producers involved.

Opposition to the proposed suspension was expressed by a small number of producers on the market and a proprietary handler. These parties were critical of proponents' marketing and over-order pricing practices and blamed the cooperative for the current market conditions leading to the suspension request. However, these comments do not provide a sufficient basis for denying the requested suspension.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling reserve milk supplies is by direct movement from producers' farms to manufacturing outlets. This suspension allows such economical movement of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for November 1980 through February 1981.

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

Effective date: December 10, 1980.

Signed at Washington, D.C., on December 5, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services.

[FR Doc. 80-38321 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF JUSTICE

Tax Division

28 CFR Part 0

[Tax Division Directive No. 40]

Chief of Appellate Section; Redelegation of Authority to Compromise and Close Civil Claims

AGENCY: Tax Division, Department of Justice.

ACTION: Final rule.

SUMMARY: This directive redelegates to the Chief of the Appellate Section of the Tax Division authority to compromise claims filed in behalf of the United States and claims against the United States. This directive supersedes Tax Division Directive No. 36.

EFFECTIVE DATE: This directive shall become effective on December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Mildred L. Seidman, Review Section, Tax Division, Department of Justice, Washington, D.C. 20530, 202-724-6567.

In appendix to Subpart Y—Redelegation of Authority to Compromise and Close Civil Claims, Tax Division Directive No. 36 is deleted and Directive No. 40 is added as follows:

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

Section 1. The Chiefs of the Civil Trial Sections, the Court of Claims Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

Section 2. Subject to the conditions and limitations set forth in Section 6 hereof, the Chiefs of the Civil Trial Sections and Court of Claims Section are authorized to accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $50,000, provided that such action is not opposed by the agency or agencies involved.

Section 3. Subject to the conditions and limitations set forth in Section 6, hereof, the Chief of the Appellate Section is authorized to accept offers in compromise with reference to litigating hazards of the issues on appeal in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $50,000, provided that such action is not opposed by the agency or agencies involved or the chief of the section in which the case originated.

Section 4. Subject to the conditions and limitations set forth in Section 6 hereof, the Chief of the Review Section shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding $500,000,

(C) Accept offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions regardless of amount, provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned, and provided further that the limiting amount in (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 5. Subject to the conditions and limitations set forth in Section 6 hereof, the Deputy Assistant Attorneys General each shall have authority to:

(A) Accept offers in compromise of claims against the Government in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $500,000,

(B) Approve administrative settlements not exceeding $500,000,

(C) Accept offers in compromise of claims in behalf of the Government in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed $250,000 or 10 percent of the original claim, whichever is greater,

(D) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(E) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount, provided that such action is not opposed by the agency or agencies involved, and provided further that the limiting amount in (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 6. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totalling more than the respective amounts designated in Sections 2, 3, 4 and 5, the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action (or the Chief of the Review Section, in cases which have been considered by such section) is of the opinion that the proposed disposition should be reviewed at a higher level, the case shall be forwarded for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Associate Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Section 7. This Directive supersedes Tax Division Directive No. 36, effective March 31, 1980.

Section 8. This Directive shall become effective on December 10, 1980.

M. Carr Ferguson,

Assistant Attorney General, Tax Division.

Approved:

Dated: November 24, 1980.

John H. Shenefield,

Associate Attorney General.

[FR Doc. 80-38337 Filed 12-9-80; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL 1674-1]

Corrected Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1981 and 1982 Model Year Light-Duty Diesel Vehicles

Correction

In FR Doc. 80-36731, published at page 78123, on Tuesday, November 25, 1980 make the following corrections:

1. On page 78125, in the first column, the first table, the fourth line under "Engine family" "1.6L-NA-2,250" should be corrected to read "1.6L-NA-2,500".

2. Also on page 78125 in the first column, the second table, the thirteenth line under "Engine family" "1.6L-TC-2,500" should be corrected to read "1.6L-TC-2,250" and the fourteenth line "1.6L-TC-2,250" should be corrected to read "1.6L-TC-2,500".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-35, 101-36, 101-37

[FPMR Temp. Reg. F-496]

Federal Conversion Support Center

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation advises agencies that the Federal Conversion Support Center (FCSC) provides ADP equipment systems and teleprocessing services software conversion assistance, guidance, and support services. This revised regulation evolves from the initial FCSC operating experience and agency comments concerning FPMR Temporary Regulation F-492. The intended effect is to ensure careful consideration of software conversion factors in ADP equipment systems and teleprocessing services acquisitions.

DATES: Effective date: January 9, 1981. Expiration date: September 30, 1981.

FOR FURTHER INFORMATION CONTACT: William R. Loy, Procurement Policy and Regulations Branch (CPEP), Policy and Analysis Division (202-566-0194).

SUPPLEMENTARY INFORMATION: This regulation replaces FPMR Temporary Regulation F-492, October 18, 1979 (44 FR 62515, Oct. 31, 1979), which is canceled and deleted from the appendix at the end of Subchapter F in 41 CFR Chapter 101. Major changes have been made regarding when agencies must perform software conversion studies. The F-492 requirement for FCSC evaluation reports of conversion studies is removed. In addition, GSA Form 2068 requests for commercial conversion support services will be forwarded directly to FCSC. The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

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

In 41 CFR Chapter 101, this temporary regulation is added to the appendix at the end of Subchapter F.

December 2, 1980.

Federal Property Management Regulations; Temporary Regulation F-496

To: Heads of Federal agencies.

Subject: Federal Conversion Support Center (Replacement for FPMR Temporary Regulation F-492, Oct. 18, 1979).

1. *Purpose.* This regulation notifies agencies of the reimbursable services of the Federal Conversion Support Center (FCSC). FCSC specializes in ADP equipment systems and teleprocessing services software conversion assistance, guidance, and support services. This regulation makes software conversion studies mandatory under certain conditions; it removes the F-492 requirement for FCSC evaluation reports on conversion studies. It also outlines procedures for agencies to obtain software conversion support services.

2. *Effective date.* The provisions of this regulation become effective January 9, 1981, but may be observed earlier.

3. *Expiration date.* This regulation expires September 30, 1981.

4. *Applicability.* The provisions of this temporary regulation apply to all Federal agencies as defined in 41 CFR 101-35.2, Appendix A—Glossary of Terms.

5. *General.* FCSC is the primary resource for software conversion technology within the Federal Government. It is operated by GSA to provide Federal agencies with specialized expertise, techniques, and tools to conduct conversion studies and accomplish software conversions. It provides these services to Federal activities on a reimbursable basis.

6. *Definitions.*

a. The term "software conversion" means the transformation, without functional change, of computer programs or data elements to permit their use on a replacement or changed ADP equipment system or teleprocessing service.

b. The term "software conversion study" means an analysis of a conversion requirement which at a minimum includes the following information: (1) The problem definition; (2) an inventory of system components for the current system; (3) a description of the system operating environment; (4) an inventory of application programs and data files to be converted; (5) projected procurement and conversion schedules; (6) a general description of the target system (including hardware, system software, and performance requirements); (7) the recommended approach to accomplish the conversion tasks (including analyses of alternative approaches with an economic and benefit analysis for each approach); and (8) specific agency actions taken to reduce the cost and risk of future conversions.

7. *Federal Conversion Support Center Services.*

a. FCSC provides reimbursable services to the Government in all phases of software conversion. These services include: (1) the preparation of conversion studies; (2) planning, development, review, and evaluation of conversions; (3) technical and contractual conversion assistance and advice; (4) procurement of conversion services; (5) contract administration; (6) participation in agency software conversions to the extent that resources permit; and (7) performing conversions.

b. GSA will bill users for all conversion support services provided by FCSC and will reimburse the Automatic Data Processing Fund for all costs incurred in the FCSC operation.

8. *Agency mandatory requirements.*

a. A software conversion study shall be performed when one of the three following conditions exists:

(1) The estimated purchase price of the ADP equipment system is expected to exceed $2.5 million, excluding the maintenance and support cost;

Note.—Even if the ADP equipment system is to be rented or leased, the purchase price shall be used to determine if the dollar value of the procurement falls within the $2.5 million threshold.

(2) The estimated systems life cost for teleprocessing services is expected to exceed $2.5 million; or

(3) The cost of conversion is to be used as the primary justification for a non-competitive (sole source) procurement when the estimated value of the procurement exceeds $300,000.

b. A software conversion study is not required when one of the three following exceptions exists:

(1) Initial acquisition where no software currently exists;

(2) Procurement for computer peripherals only; or

(3) Exercise of purchase option under leasing agreement.

c. An agency may elect to conduct its own software conversion study, use contractual resources to accomplish the study, or request FCSC to perform the study.

d. The software conversion study shall be maintained in agency files and be available for GSA review at the time that the agency submits to GSA either an agency procurement request (APR) or GSA Form 2068, Request for ADP Service.

9. *Procedures to obtain commercial conversion support services.*

a. In accordance with FPMR 101-36.203-2(a), agencies may procure commercial conversion support services without prior approval of GSA provided:

(1) Services cannot be met satisfactorily by utilizing existing Federal ADP resources; and

(2) The value of the procurement does not exceed (i) $300,000 per year cost for a competitive procurement or (ii) $50,000 per year cost for a non-competitive (sole source) procurement.

b. When the value of the requirement exceeds the above thresholds, pursuant to FPMR 101-36.203-2(b) the agency shall submit a completed GSA Form 2068, Request for ADP Service, to FCSC at the address below: General Services Administration (CFS), Federal Conversion Support Center, 5203 Leesburg Pike, Suite 1100, Falls Church, VA 22041, Telephone: (703) 756-6156, (FTS) 756-6156.

c. FCSC will respond to the request within 20 workdays after receipt. Upon completion of its review of the request, FCSC will advise the agency and either:

(1) Provide services from its own or other Government resources on a reimbursable basis;

(2) Procure the necessary support from commercial sources on a reimbursable basis; or

(3) Authorize the requesting agency to proceed with procurement action. (To the extent necessary, upon request FCSC may assist the requesting agency on a reimbursable basis by participating in the procurement of the required conversion services.)

10. *Effect on other directives.* This temporary regulation supplements 41 CFR Subchapter F (Parts 101-35, 36, and 37). It cancels FPMR Temporary Regulation F-492, October 18, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-38107 Filed 12-9-80; 8:45 am]

BILLING CODE 6820-25-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-69; RM-3468; RM-3645]

Radio Broadcast Services; TV Broadcast Stations in Mansfield and Marion, Ohio; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: Action taken herein deletes UHF television Channel 68 from Marion, Ohio, and reassigns it to Mansfield, Ohio, as a first commercial television channel assignment.

DATE: Effective January 12, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: November 26, 1980.

Released: December 4, 1980.

In the Matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Mansfield, and Marion, Ohio).

By the Chief, Policy and Rules Division:

1. The Commission has before it the *Notice of Proposed Rule Making*, 45 FR 13150, published February 28, 1980, proposing the reassignment of UHF television Channel 68 from Marion, Ohio, to Mansfield, Ohio, as a first commercial television channel assignment in response to a petition filed by Triplett Broadcasting Company, Inc. ("petitioner"). Comments were filed by petitioner supporting the proposal and indicating that it intends to apply for Channel 68, if assigned to Mansfield. Comments and a counterproposal were filed by Ashland College, requesting that Channel 68 be deleted from Marion, and assigned to Mansfield, where it would be reserved for noncommercial use. Ashland further proposes that the existing noncommercial educational Channel *47 at Mansfield be made available for commercial use, and states that it would then apply for Channel 47. Ohio State University ("OSU") and the Ohio Educational Television Network Commission ("OETNC") filed comments [1] opposing Ashland's counterproposal to which Ashland replied. The Central Ohio Association of Christian Broadcasters also filed comments expressing interest in establishing a low power or satellite television station in Marion.

2. Mansfield (population 55,047),[2] seat of Richland County (population 129,997), is located in central Ohio, approximately 55 kilometers (35 miles) east of Marion, and 90 kilometers (55 miles) northeast of Columbus, Ohio. It has no local television service (Channel *47 is assigned to Mansfield and reserved for noncommercial educational use). Channel 68 can be assigned to Mansfield, Ohio, provided its transmitter is located at least 10.5 kilometers (6.5 miles) south of Mansfield.[3]

3. Marion (population 38,646) seat of Marion County (population 64,727), is located in central Ohio, approximately 65 kilometers (40 miles) north of Columbus. It also has no local television service.

4. As indicated in the *Notice*, Mansfield's only television service is from a translator on Channel *47 which rebroadcasts the programs of educational television Station WOSV, Columbus, Ohio. It receives marginal Grade B coverage from three VHF network stations in Cleveland. Petitioner had argued that Marion has a lesser need for service since it is located close enough to Columbus to receive coverage from the three network television stations there. Petitioner also contended that, in addition to being far more isolated from major metropolitan

[1] These comments were submitted late due to the short period of time between the time the Commission announced acceptance of the counterproposal and the reply comment deadline, according to OSU and OETNC. OETNC claims that as licensee of a translator station on Channel 47, it should have been served with the counterproposal. Ashland filed an opposition to our acceptance of the late filed comments contending that as a translator operator, OETNC had no rights which would be affected by the counterproposal. Further, the extra delay of 18 days after OETNC and OSU decided to submit pleadings is said to be inexcusable. We have decided to accept the late filed comments for consideration. Although OETNC and OSU were not diligent in submitting reply comments, their reason for not participating within the given deadlines is understandable and no party would be adversely affected since Ashland College availed itself of the filing of reply comments to these pleadings.

[2] Population figures are taken from the 1970 U.S. Census.

[3] The restriction is necessary in order to meet the co-channel spacing requirement to Station CBLFT-17, Channel 68, Sarnia, Ontario, Canada.

areas and their television service, Mansfield and Richland County have an inherently greater need for a local television station than Marion and Marion County due to its greater population.

5. Ashland argues in support of its counterproposal that a more efficient assignment would be to assign Channel 68 to Mansfield, with a noncommercial educational reservation, and remove the reservation from Channel *47 so that it may be available for commercial use.[4] Ashland contends that, because of site restrictions, the proposed use of Channel 68 as a commercial channel would make the initial cost of operation and construction higher for any applicant and also limit the locations at which the channel could be used. Also, Ashland College notes that the site restriction on Channel 68 would not permit it to adequately cover Ashland, Ohio, if it were to apply for that city under the 15-mile rule (Section 73.607(a) of the Commission's Rules). Ashland College also notes that OETNC has not made Mansfield part of its overall statewide plans for noncommercial service and would therefore not activate Channel 47 for full broadcast use. It further notes that the translator station operating on Channel *47 could switch to Channel 68 without any other effect on its operation.

6. In opposition to the counterproposal, OETNC points out that Ashland's assumption that the translator, which now operates on Channel *47, could as readily operate on Channel 68 is incorrect. OETNC notes that the adoption of the counterproposal would almost surely necessitate a significant change in the transmitter site of its translator which would result in greater costs. OETNC fears that its present site may not be approved by Canada due to a short spacing.

7. OSU states that it is to become the licensee of the Channel *47 translator by assignment from OETNC in the near future. It also opposes Ashland College's proposed use of Channel *47 for commercial use. It argues that Ashland College has failed to demonstrate that Channel 68 would be inadequate to fit the service needs of Mansfield or Ashland. OSU also asks us to consider the problems that it would face using Channel 68 at its present translator's site, including a short spacing to a Canadian station.

8. In reply, Ashland alleges that the translator service being provided on Channel *47 should not stand in the way of a full broadcast service designed to meet community needs. Neither OETNC nor OSU intend a full broadcast service according to Ashland College. Rather, the secondary status accorded to translators could be accommodated by use of another channel albeit with less power or a waiver of the short-spacing.

9. The Central Ohio Association of Christian Broadcasters requested that if Channel 68 is moved that another channel be assigned to Marion, Ohio. They expressed an interest in a low-power TV operation and noted that should the Commission act to approve this class of station, their organization would be one of the first to file an application. Should low-power stations not be adopted, they indicated that they would apply for a satellite station.

10. We have carefully considered the proposals herein and believe it would be in the public interest to reassign UHF television Channel 68 to Mansfield, Ohio, as a first commercial television channel assignment. Since no television channel is available as a substitute for Channel 68 in Marion, and no other channel is available for assignment to Mansfield, we had to decide first which community had the greater need for a commercial television channel assignment. It seems clear from the petition and comments that Mansfield, with the larger population, located further from the nearest city from which television service is available, and with two potential commercial applicants, is the more deserving community. Interest in a Marion station is on a low-power basis only, which may eventually be fulfilled through an application for a low-power station as contemplated by our *Notice of Proposed Rule Making* in BC Docket No. 78-253, 45 FR 69178, published October 17, 1980. Ashland argues that in order to enhance UHF development, the commercial Mansfield assignment should not be hindered by a site restriction (as would be the case for Channel 68) and therefore Channel *47 should be made available for commercial use. Ashland does not provide convincing arguments that the public interest would be served by placing the site restriction burden (and the extra costs involved in it) on the educational assignment. While we agree that translator service is not to be considered as an impediment to a full broadcast use for the same channel, our assignment of Channel *47 on a reserved basis was intended to fulfill future needs. The present lack of interest in a full broadcast station does not justify deletion of the educational reservation when another channel is available for assignment which can fulfill coverage requirements to Mansfield. See also *Vancouver, Washington*, BC Docket No. 79-175, 45 FR 10348, published February 15, 1980; *High Point, North Carolina*, BC Docket No. 79-127, 44 FR 33121, published June 8, 1979; and *Kalamazoo, Michigan*, BC Docket No. 79-170, 44 FR 42731, published July 20, 1979. Since there is an interest in applying for Channel 68 and to avoid the impact on the possibility of a future full educational television station in Mansfield, the counterproposal is hereby denied. Finally, the Canadian government has concurred in the reassignment of Channel 68 from Marion to Mansfield.

11. In view of the foregoing, IT IS ORDERED, That effective January 12, 1981, § 73.606(b) of the Commission's Rules, the Television Table of Assignments, IS AMENDED, for the community listed below, as follows:

§ 73.606 [Amended]

City	Channel No.
Mansfield, Ohio	*47+, 68-
Marion, Ohio	

12. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

13. It is further ordered, That this proceeding IS TERMINATED.

14. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-38276 Filed 12-9-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 79-191; RM-3380; FCC 80-663]

Private Land Mobile Radio Service; Designation of Frequencies in the 806-821 and 851-866 MHz Bands for Slow-Growth Land Mobile Radio Systems of Utilities and Public Safety Agencies

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission is setting aside 50 channels in the 800 MHz land

[4] Ashland College cites a case (*Huntsville, Alabama*, Docket No. 20781, 43 FR 46972, published October 12, 1978), purportedly as an example where the Commission dereserved a channel for commercial use.

mobile frequency bands for the exclusive use of local governmental agencies eligible in the Public Safety Radio Services. The rapid assignment of frequencies available in these bands to non-public safety applicants in the last few years caused concern in the public safety community that by the time they completed their lengthy planning-to-implementation cycle, all available 800 MHz frequencies would have been assigned to these non-public safety users. This effect of the action here will now allow these agencies to plan new radio systems with the assurance that frequencies will be available for such "slow growth" systems.

DATE: Effective December 29, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1980.

Released: November 25, 1980.

By the Commission: Commissioners Quello and Fogarty concurring in the result.

Summary

In this Report and Order, the Commission is adopting rules which assign 50 channels in the 806–821 and 851–866 MHz frequency bands for use by local governmental entities in implementing "slow growth" land mobile communications systems.[1]

Background

1. On August 1, 1979, the Commission adopted a Notice of Proposed Rule Making in PR Docket No. 79-191[2] which proposed to allow:

(a) The release of fifty (50) frequency pairs (i.e., channels) from the private land mobile reserve between 806–821 and 851–866 MHz for large, slow-growth land mobile communications systems;

(b) The assignment of forty (40) of the 50 pairs for the operation of trunked communications systems, and the remaining ten (10) for conventional systems;

(c) The extension of eligibility for these channels to public safety and public utility entities;

(d) The limitation of access to these channels to systems requiring at least 200 vehicular mobile stations;

(e) The requirement for submission and approval of a slow-growth inplementation plan together with source of funding information, and the submission of progress reports on a semi-annual basis.

2. Our objective in this proceeding was to set aside a portion of the spectrum which was made available for land mobile systems in Docket No. 18262[3] to accommodate the spectrum requirements of large public safety land mobile systems which are normally implemented over a number of years. In the months preceding the adoption of this Notice concern had been expressed to us by representatives of public safety and public utility users that the rules made no provision for the implementation of "planned systems" of communications which go through a multi-year preparation, approval, funding and implementation cycle, and that without this action on our part no spectrum at 800 MHz would be left to satisfy their requirements.[4] [5] While we noted in our proposal that setting aside frequencies for particular radio services or users is not consistent with our decision in Docket No. 18262,[6] we pointed out that the growth of 800 MHz systems has been very rapid and that the very success of the allocation and assignment scheme posed some problems to slow-growth systems.[7] The Commission, therefore, concluded that some action was appropriate to accommodate these types of systems, and asked for public comments.[8]

3. Formal comments to the *Notice of Proposed Rule Making* were received from the parties listed in Appendix A. The Comments generally agreed with our overall proposal to set aside a number of channels for slow-growth systems. However, there was considerable variance in the comments as to the total number of channels to be reserved; the number of channels to be earmarked for conventional and for trunked systems; and the eligibility standards for these channels.

Eligibility

4. In the Notice, the Commission proposed to set aside the 50 channels discussed above, and to extend eligibility for these channels to the Police, Fire, Local Government, Power and Telephone Maintenance Radio Services. It was felt that these channels were sufficient to satisfy the needs of eligibles in these services and that these were the services which suffered from the greatest time lag between the recognition of the need for a communications system and actual system implementation.

5. The California Public-Safety Radio Association, the Associated Public-Safety Communications Officers, Inc., (APCO) and the International Association of Chiefs of Police all expressed concern that grouping the utilities and public-safety agencies together as eligibles for the same frequencies would result in the utilities gaining priority in the selection and use of these 800 MHz frequencies, due to the utilities' relatively greater fiscal flexibility in implementing radio systems. The Utility Telecommunications Council (UTC), in its petition, on the other hand, stated that the land mobile radio systems of the utilities are subject to budgetary problems (including regulatory commission acquiescense) similar to those faced by public safety agencies and petitioned that they should be included in this allocation.[9]

6. After a careful analysis of the comments, and the justifications presented for the need for such a capability, we are deleting two previously proposed services from eligibility in our final rules. We feel upon further consideration that an adequate case has not been made for privately owned systems eligible in the Power Radio Service or the Telephone Maintenance Radio Service, and that eligibility for these slow-growth channels we are setting aside should be confined to local governmental entities.[10] We have reached this

[1] This item does not make available slow growth channels within 320 kms (200 miles) of the Mexican border and 233 kms (145 miles) of the Canadian border. These areas will be addressed at a later time once the border area issues are resolved. Stations located further than 233 kms from the border with Canada but less than 402 kms (250 Miles) must coordinate their operations under existing agreements.

[2] *Notice of Proposed Rule Making, PR Docket No. 79-191.* FCC 79-476, 44 FR 50876 (1979). Specifically the Notice proposed eligibility for applicants in the Police, Fire, Local Government, Power and Telephone Maintenance Radio Service.

[3] *See Land Mobile Radio Service, Second Report and Order, Docket No. 18262,* 46 FCC 2d 752 (1974).

[4] *See* APCO Project 16 Report, *The Application of the 900 MHz Band to Law Enforcement Communications,* February 1978.

[5] *Petition for Rule Making or Other Relief* of the Utilities Telecommunications Council, RM-3350.

[6] *See Notice of Proposed Rule Making,* in *PR Docket 79-191, supra* at paragraph 8.

[7] *Id.*

[8] Comments and reply comments with respect to the proposals were due December 3, 1979, and January 10, 1980, respectively.

[9] UTC Petition, RM-3360, page 14:

"They require long-term planning and budgeting for the growth and development of their land mobile systems due to governmental or regulatory supervision of expenditures and due to the size, complexity, and cost of these systems. For example, these users are either rate regulated entities or municipally—or state-owned entities and their expenditures are subject to public or regulatory commission approval. It is not unusual for many Energy Utilities to be required to plan and budget five or more years ahead for the growth and development of land mobile systems."

[10] Local governmental entities are presently licensed in the Police, Fire, Local Government, Highway Maintenance, Forestry-Conversation, Special Emergency and Power Radio Services.

conclusion after analyzing the needs of the various parties who have requested access to these channels. It appears from our analysis that a basic dichotomy exists between entities for which the impetus for a long-term planning and implementation schedule is externally imposed, and those in which it is self-imposed. Commercial enterprises, including eligibles in both the Power and Telephone Maintenance Radio Services, are able to decide their communications requirements, allocate the requisite monies and put the system on the air all in a relatively short time-span. Prior regulatory approval is not usually needed for expenditures of this type for radio systems licensed in the Power and Telephone Maintenance Radio Service and, therefore, development of such radio systems is not subject to the same regulatory and budgetary delays experienced by local government entities. Generally, prior approval of a utility is necessary only when the utility desires to finance an expense through an increase in rates which directly affects the ratepayer; expenditures financed either through bond or security issues or some other kind of debt financing are treated as operating expenses and subject only to subsequent justification.[11] Governmental entities, on the other hand, do not enjoy an equivalent freedom. Obtaining the requisite approval to commence construction on their systems can be a lengthy, drawn out process. Expenditures must be justified at several levels, and public bidding procedures are normally required. Even then, the appropriate funds may be diverted to other projects subsequently determined to be of higher priority by the local administration in office at the time.

7. In our Notice, we pointed out that setting aside frequencies for particular radio services or users is not consonant with the regulatory approach we adopted in Docket No. 18262 for the 800-MHz frequencies. We, therefore, believe only exigent circumstances can warrant such a setting aside of these frequencies. The conditions which dictate the actions of public safety agencies are to be distinguished, in our view, from the concerns which dictate public utilities' implementation schedules. UTC argues that budgetary problems for land mobile systems basically turn on the risk of expending these funds without public service commission approval and then not being allowed to recapture them through rate increases. However, utilities are free to finance expenditures and implement systems in ways not subject to prior public utility commission scrutiny. This is not true of local government entities. It is clear that the cost of land mobile radio systems is insignificant compared to the cost of generating and transmission facilities. It appears that public utility commissions would not have to consider the budgetary cost of these land mobile communications systems in rate hearings, since these systems are not intended to directly serve the public, but are used to increase the operating efficiency of the utility. Essentially, therefore, the decision how to purchase and implement land mobile communications systems is an elective business decision. The same also appears to be true of eligibles in the Telephone Maintenance Radio Service.

8. It is clear from the comments that eligibles in many radio services would like the opportunity to access these slow growth channels. Both the American Petroleum Institute (API), representing eligibles in the Petroleum Radio Service, and the Special Industrial Radio Service Association (SIRSA), representing eligibles in the Special Industrial Radio Service, have requested eligibility for these channels arguing that the merits of eligibles in the Power and Telephone Maintenance Services are no greater than their own. After a careful review of these comments, there appears to be little to distinguish the needs of these entities from eligibles in the Power and Telephone Maintenance Radio Services, except a self-imposed business decision as to what, in UTC's words, is "prudent financial planning of these expenditures." No valid case for the Petroleum and Special Industrial Radio Services access to these channels has been made, in our estimation, nor do we find in the comments any basis for distinguishing between eligibles in these services and those in the Power and Telephone Maintenance Radio Service. We have, therefore, decided to confine eligibility for these slow growth channels only to local governmental entities.

9. However, while the comments have not indicated a general requirement for slow growth capability, it does appear there are large 800 MHz systems being planned and developed which, because of their size and complexity will require a construction period longer than is provided for in the Rules. To alleviate this problem for such systems, we will consider, on a case-by-case basis, requests for extension of the construction period mandated in the rules. This will enable applicants with large systems, upon a satisfactory showing of need, to obtain frequencies and retain them until completion of system construction. Applicants for such waivers must justify their requests by submitting system details and an implementation plan that has been approved by the final management authorities of the applicant. Application requirements for such systems will be the same as those specified for slow-growth systems in the new Rules given in Appendix B.

Number of Channels

9. The Notice also asked for comments as to the adequacy of 50 channels for slow growth systems. This proposal drew varied responses. Spokesmen for utilities and for public safety agencies argued that 50 channels were insufficient to meet both their requirements and those of the utilities particularly in large urban areas. UTC recommended 90 channels. The California Public-Safety Radio Association, Inc., (CPRA) suggested that 50 channels be allocated exclusively to the public safety radio services, and this allocation should be separate from allocation for other services. APCO stated that an allocation of 50 channels in the non-urban areas (i.e., 25 to public safety and 25 to utilities) would be sufficient for the foreseeable future, but that the largest urban centers would need 50 channels for public safety and 50 for utilities. The Southern California Rapid Transit District (SCRTD) stated that 50 channels are not sufficient in large metroplitan areas such as Los Angeles, Chicago, or New York. General Telephone and Electronics (GTE), SIRSA, API, and American Telephone and Telegraph (AT&T) agreed with the 50 channel allocation. The International Association of Chiefs of Police (IACP) stated that the 50 channels would fall far short of the needs, particularly in the major metropolitan areas, and recommended that the Commission refrain from allocating any additional frequencies from the reserve pool until the development and practicability of trunked systems has been further analyzed and a definitive projection of the needs of law enforcement and public service agencies has been made.[12] The Association of Maximum Service Telecasters (AMST) was concerned, if the proposed plan were adopted, that we take steps to clearly indicate this

[11] The Utilities Telecommunications Council states succinctly the reasons why public utilities instead elect to adopt a slow-growth approach: "If regulatory commissions can become concerned over the amounts spent on promotional material enclosed with electric and gas bills, we presume they *could* also become concerned over spending $5 million on land mobile systems." (Emphasis supplied). This statement indicates that UTC understands that regulatory delays affecting budgetary concerns do not presently exist for utilities to the same degree as for other public-safety and local government entities.

[12] In its reply comments, however, the ICAP changed its position to that taken by APCO.

action did not signal a return to the block allocation approach.

10. We have considered all of the arguments on this point and have decided to adopt our proposal to allocate 50 channels to slow growth systems. In view of our decision to confine eligibility for the use of these channels to agencies of local governments, it appears from the comments that 50 channels will be adequate to meet the needs of these types of slow-growth systems.

Number of Mobile Stations

11. The Commission also asked for comments as to the appropriateness of limiting access to these channels to systems with at least 200 vehicular units. UTC, APO and the International Municipal Signal Associations (IMSA) disagreed with the size restriction. They argued that small systems (10 or 20 mobile units) often have the same long-term planning and implementation problems as the larger systems, and therefore, limiting the eligibility to larger systems is unreasonable and discriminatory. GTE, API, and SIRSA agreed with the proposed system size limitation. API, however, asked that hand-held units be included in computing the number of system mobiles. AT&T recommended different mobile unit requirements depending upon the number of channels involved and proposed that conventional systems should be required to have 80 and 500 mobiles respectively. SCRTD felt that the minimum number should be increased to 500.

12. We have considered the comments concerning system size very carefully. We had proposed to limit the availability of these frequencies to large systems because we believed that the problems which we were trying to address (i.e., difficulties and delays in system planning, approval, funding and implementation) are usually associated with larger systems. The comments against our system size limitation, particularly those received from the public safety community, indicated, however, that the proposed frequency relief is necessary for public safety licensees, independent of their size. They argued that the small systems face the same problems, although on a lesser scale, as do the larger systems. The comments also stated that problems would be encountered from this approach in developing coordinated wide-area systems, consisting of a number of small independent systems networked through a coordinated common calling channel. They noted that if a size restriction of 200 mobile units were adopted, few individual systems could qualify for the channels, and that wide-area county or statewide coordinated systems would be very difficult to implement. After considering these comments, we are persuaded that a system size restriction would penalize the smaller public safety systems, and that the development of the larger wide-area coordinated 800 MHz systems could also be hampered. This would be contrary to the public interest, in our estimation, and we are therefore eliminating the 200 vehicle system size limitation as a criteria for access to these frequencies.

Number of Channels for Conventional and Trunked Systems

13. In our Notice, we also proposed to earmark 40 of the 50 proposed channels for trunked systems and 10 for conventional systems. The comments received generally disagreed with this proposal. UTC, for example, recommended allocation of 50 channels for conventional systems and 40 for trunked, and suggested further that even the channels reserved primarily for trunked systems should be available for conventional systems where conditions so dictate (i.e., in remote areas). CPRA proposed that 50 channels be made available exclusively for public safety agencies which could be used for either trunked or conventional systems as deemed appropriate by the local frequency coordinating committees. GTE, API, and SIRSA recommended a division of 20 for conventional and 30 for trunked systems. AT&T suggested a frequency plan that would provide 10 conventional channels (two to each eligible), five "pool" conventional channels, three 5-channel trunked groups, and one 20-channel trunked block. APCO suggested that local planners be allowed to choose the system design they deemed most appropriate and that no constraints be placed upon whether conventional or trunked system technology is employed.

14. The Notice stated that the channels we proposed to set aside would be primarily for trunked systems, since the larger systems we comtemplated lend themselves to trunked operation. As noted above, however, parties have urged that the channels be made available for small as well as for large systems. After considering the comments on this point carefully we have decided not to designate these channels for either conventional or trunked use. Instead we are leaving it to local planners to choose the system design they deem the most appropriate. Conventional systems will be authorized in accordance with the present rules.

Wide Area Systems

15. Some of the comments indicated that systems serving both large urban and rural areas should employ "hybrid systems" utilizing both trunked and conventional modes of operation. This matter, however, is being addressed in a separate proceeding in Docket No. 79-334.[13] There, we have proposed, among other things, to allow large wide-area trunked systems to employ trunking in high density communication areas, and trunking or conventional mode in the remote parts of the system's operating area. Because we are addressing this matter in Docket 79-334, it will not be considered further in this proceeding.

Reports

16. We also proposed in our Notice to require applicants for slow growth channels to furnish us with an implementation plan adopted by the appropriate final authorities of the applicant, which would include descriptions of system design, the funding cycle, and the implementation schedule. Our objective was to avoid assigning scarce frequencies to applicants who did not have an immediate requirement for the channels and were not prepared to use them. The comments generally favored the proposal. It was suggested however that implementation plans and progress reports be required only when it will take more than one year to implement the system. It was also suggested that language be added in the rules that would allow a licensee who encounters a delay to retain the channels upon presenting a reasonable showing to the Commission. Another suggestion proposed requiring submission of annual progress reports instead of semi-annual reports. We have reconsidered these comments together with the need for these reports in light of our overall deregulatory approach to the private services and have concluded that these reports, as proposed, are not essential to the administration of these systems. We have decided only to require applicants to submit a statement with their application which verifies that funding has been approved by the appropriate authorities, that construction is ready to commence and stating the system's anticipated completion date. Should these schedules change subsequently, licensees would have to justify the further delay, if they wish to retain the channels assigned beyond the expected completion date we have approved.

[13] *See Notice of Proposed Rule Making, Docket No. 79-334*, FCC 79-855, adopted December 19, 1979, released January 3, 1980.

Conclusion

17. Based on the entire record in this proceeding, we conclude that the public interest would be served by setting aside a total of 50 two-frequency channels in the 806–821/851–866 MHz bands for state and local governmental communications systems. These channels will be taken from the reserve portion of the 806–821/851–866 MHz bands, and no limitations will be placed on the technologies to be employed in utilizing them. Authorization for these frequencies will be granted under the terms and conditions prescribed by the new rules as set forth in Appendix B.

18. Accordingly, it is ordered, effective December 29, 1980, that Part 90 of the Rules is amended as shown in Appendix B attached hereto. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act, as amended.

19. It is further ordered, that rule changes requested in the comments are granted to the extent herein discussed and denied in all other regards.

20. It is further ordered, that this proceeding is terminated.

21. It is further ordered, that the Secretary shall cause this Report and Order to be published in the Federal Register.

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

Federal Communications Commission.

William Tricarico,

Secretary.

Appendix A

Comments

Utilities Telecommunications Council (UTC)
California Public-Safety Radio Association, Inc. (CPRA)
Associated Public-Safety Communications Officers, Inc. (APCO)
International Association of Chiefs of Police, Inc. (IACP)
General Telephone Companies (GTE)
Association of Maximum Service Telecasters, Inc. (MST)
Central Committee on Telecommunications of the American Petrolum Institute (API)
Special Industrial Radio Service Association, Inc. (SIRSA)
Mr. Jorge E. Calderon Sanchy, Communications Officer, Puerto Rico Police Department
International Municipal Signal Association (IMSA)
American Telephone and Telegraph Co. (AT&T)
Southern California Rapid Transit District County of Los Angeles
Virgin Islands Department of Public Safety

Reply Comments

Utilities Telecommunications Council
Associated Public-Safety Communications Officers, Inc.
International Association of Chiefs of Police, Inc.

Ex Parte Presentation

Utilities Telecommunications Council

Appendix B

Part 90 of the Commission's Rules are amended as follows:

1. Section 90.155 is revised to read as follows:

§ 90.155 Time in which station must be placed in operation.

(a) All stations authorized under this part, except as provided in paragraph (b) and in §§ 90.374 and 90.375(e), must be placed in operation within 8 months from the date of grant or the authorization shall be invalid and must be returned to the commission for cancellation.

(b) For local government entities only, a period longer than eight (8) months for placing a station in operation may be authorized by the Commission on a case-by-case basis, where the applicant submits a specific schedule for the completion of each portion of the entire system along with a showing that the system has been approved and funded for implementation in accordance with that schedule. See also §§ 90.374, 90.375(e) and 90.377 (c) and (d).

2. New § 90.374 is added to read as follows:

§ 90.374 Allocation of frequencies for local governmental agencies.

(a) Fifty (50) frequency pairs in the 809–815 MHz and 854–860 MHz bands are available to local governmental agencies for either trunked or conventional systems as desired and systems operating on these frequencies need not be implemented within the times specified in §§ 90.155, 90.375 and 90.377. The Commission will select and assign these frequencies from the following:

(1) Frequencies for Conventional systems (MHz)

The following frequency pairs may be assigned for the operation of conventional radio communications systems only, in accordance with the loading criteria prescribed in § 90.377 of the Subpart. These frequencies may also be assigned for trunked systems in accordance with trunked system loading criteria if the frequencies listed in § 90.374(a)(2) are all assigned in a particular geographic area.

809.9875/854.9875	813.7375/858.7375
810.2375/855.2375	813.9875/858.9875
810.4875/855.4875	814.2375/859.2375
810.7375/855.7375	814.4875/859.4875
810.9625/855.9625	814.7125/859.7125
810.9875/855.9875	814.7375/859.7375
811.2375/856.2375	814.9875/859.9875
811.4875/856.4875	815.2375/860.2375
811.7375/856.7375	815.4875/860.4875
811.9875/856.9875	815.7375/860.7375
812.2125/857.2125	815.9625/860.9625
812.2375/857.2375	815.9875/860.9875
812.4875/857.4875	813.2375/858.2375
812.7375/857.7375	813.4625/858.4625
812.9875/857.9875	813.4875/858.4875

(2) Frequencies for trunked systems (MHz).

The following frequency pairs are primarily intended for use in trunked systems and will be assigned in groups of five frequencies (minimum) to twenty frequencies (maximum) in accordance with the loading criteria prescribed in § 90.375. These frequencies may also be assigned for conventional systems in accordance with conventional systems loading criteria if the frequencies listed in § 90.374(a)(1) are all assigned in a particular geographic area.

Group 1	*Group 2*
810.7125/855.7125	810.2125/855.2125
811.9625/856.9625	811.4625/856.4625
813.2125/858.2125	812.7125/857.7125
814.4625/859.4625	813.9625/858.9625
815.7125/860.7125	815.2125/860.2125
Group 3	*Group 4*
810.4625/855.4625	809.9625/854.9625
811.7125/856.7125	811.2125/856.2125
812.9625/857.9625	812.4625/857.4625
814.2125/859.2125	813.7125/858.7125
815.4625/860.4625	814.9625/859.9625

(b) Applications for these frequencies shall be accompanied by: (1) a statement verifying that funds for the applied system have been approved by the appropriate higher authority of the applicant and (2) a statement as to the expected completion date of the system.

(c) Applicants desiring to use these frequencies shall reference this section in their eligibility statement in their request for authorization.

(d) If a station is not constructed within the time specified at the time of application, and if the licensee has not requested and the Commission has not approved an extention of the completion date, the authorization shall be invalid and must be returned to the Commission for cancellation.

(e) Notwithstanding the provisions of § 90.367 of the Subpart, more than five frequency pairs may be assigned to an applicant for the operation of a conventional radio system eligible under this section upon showing that more than five frequency pairs are required and that trunking is not technically feasible for the proposed operation.

3. Section 90.365 is amended by revising the introductory clause of (a)(1) and by revising (a)(3) to read as follows:

§ 90.365 Selection and assignment of frequencies

(a) * * *

(1) For trunked systems, except for the frequencies designated in § 90.374, the assignment of frequencies will be made in accordance with applicable loading criteria and in accordance with the following:

* * * * *

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control stations, will be selected from those allocated in the 806–821 MHz band, except for frequencies designated in Section 90.374, mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz and proceed to the band end with uniform 25 kHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851–866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

4. Section 90.367 is amended by revising paragraph (a) to read as follows:

§ 90.367 Limitation on the number of frequencies assignable for conventional systems.

(a) Except as provided in § 90.374(d) and except for licensees in the Taxicab Radio Service, the maximum number of frequency pairs that may be assigned to any one licensee for the operation of a conventional radio system shall be five (5).

* * * * *

5. Section 90.375 is amended by revising paragraph (e) to read as follows:

§ 90.375 Trunked system loading requirements.

* * * * *

(e) Except as provided in §§ 90.155(b) and 90.374, licensees of trunked facilities must commence construction within six months from the date of grant and complete construction within one (1) year; *Provided,* however, that a licensee of a "trunked" facility assigned more than the minimum five-channel group may elect to construct the facility in stages. In this event, the licensee shall complete construction of the basic five-channel group of the authorized facility within the time limits given above; *Provided, further,* that should the licensee elect to proceed in this manner, then he must demonstrate that at the end of a two-year period from the date of the grant of his station authorization, the constructed facility is occupied to a minimum of 70 percent of the loading required, notwithstanding the provisions of paragraph (c) of this section.

6. Section 90.377 is amended by revising paragraph (c) to read as follows:

§ 90.377 Conventional systems loading requirements.

* * * * *

(c) Except as provided in §§ 90.155(b) and 90.374, every applicant for a conventional system of communications shall certify that a minimum of 70 percent of the mobile units specified in his application will be placed in operation not later than 8 months after the date of grant of his license for the system.

* * * * *

[FR Doc. 80-38274 Filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 45, No. 239
Wednesday, December 10, 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 AGRICULTURE

Soil Conservation Service

7 CFR Part 631

Great Plains Conservation Program (GPCP)

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Proposed Rulemaking; Review of Existing Regulations Under E.O. 12044, and Intent to perform an Environmental Evaluation of the Great Plains Conservation Program.

SUMMARY: The Soil Conservation Service gives notice that it will review existing regulations under E.O. 12044, and announces its intention to perform an environmental evaluation of the Great Plains Conservation Program. The goals for this review and evaluation are given in the supplementary information. Comments are invited from all interested persons.

DATES: Comments must be received on or before January 5, 1981. The dates for the public meeting can be found in the Supplementary Information section of this proposed rulemaking.

ADDRESS: Send comments to Mr. Guy D. McClaskey, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Guy D. McClaskey, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, telephone: (202) 447-2324. See Supplementary Information for persons to contact for public participation plans and information on public meetings.

SUPPLEMENTARY INFORMATION: Under Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); SCS Guidelines (7 CFR Part 650), Executive Order No. 12044 and Secretary's Memorandum 1955, Soil Conservation Service, gives notice that it will perform an environmental evaluation and review existing regulations of GPCP. The goals of this action are to—

1. Assess projected environmental, economic, and social effects of continuing GPCP through September 30, 1991;
2. Determine environmental effects of approximately 24 years of GPCP activities;
3. Determine any new program initiatives, direction, or management needed to improve program operations;
4. Evaluate the effects of GPCP on the conservation of soil and water resources and the resulting effect on the economic stability of the farm and ranch unit;
5. Assess problems that have hindered or delayed achievement of GPCP goals; and
6. Determine possible alternatives for implementing GPCP in more efficient ways.

GPCP is authorized by Section 16(b) of the Soil Conservation and Domestic Allotment Act, Pub. L. 74-46, 49 Stat. 163, as amended by Pub. L. 84-1021, 70 Stat. 1115, 16 U.S.C. 590 p(b). Pub. L. 91-118, 83 Stat. 194, amended the authorizing legislation to extend the program to December 31, 1981, and Pub. L. 96-263, 94 Stat. 438, extended the program to September 30, 1991.

GPCP is a voluntary long-term conservation cost-share program administered by SCS in counties specifically designated by the SCS Chief within the Great Plains area of the United States. The current regulations for the administration of the program can be found in Title 7, Part 631 of the Code of Federal Regulations. The program is in addition to other USDA soil and water programs in the counties designated for participation and is coordinated with programs and objectives of locally managed conservation districts, State agencies, and other groups. The program assists farmers and ranchers in applying resource management systems that will reduce the climatic hazards of the area.

To ensure widespread public participation in the environmental evaluation and regulation review, SCS, in each of the 10 GPCP States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, will provide opportunity for public comment. Information on the public participation plans in each State can be obtained by contacting the following persons:

Colorado—Sheldon G. Boone, State Conservationist, 2490 West 26th Avenue, Denver, Colorado 80217, phone: 303-837-4275

Kansas—John W. Tippie, State Conservationist, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401, phone: 913-825-9535

Montana—Van K. Haderlie, State Conservationist, Federal Building, P.O. Box 970, Bozeman, Montana 59715, phone: 406-587-5271 (ext. 4322)

Nebraska—Albert E. Sullivan, State Conservationist, Federal Building, U.S. Courthouse, Room 345, Lincoln, Nebraska 68508, phone: 402-471-5301

New Mexico—Raymundo T. Margo, Jr., State Conservationist, 517 Gold Avenue SW., P.O. Box 2007, Albuquerque, New Mexico 87103, phone: 505-766-2173

North Dakota—J. Michael Nethery, State Conservationist, Rosser Avenue and Third Street, Federal Building, P.O. Box 1458, Bismarck, North Dakota 58501, phone: 701-255-4011, (ext. 421)

Oklahoma—Roland R. Willis, State Conservationist, Agriculture Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, phone: 405-624-4360

South Dakota—Robert D. Swenson, State Conservationist, Federal Building, 200 4th Street SW., P.O. Box 1357, Huron, South Dakota 57350, phone: 605-352-8651

Texas—George C. Marks, State Conservationist, W. R. Poage Federal Bluilding, 101 S. Main Street, P.O. Box 648, Temple, Texas 76501, phone: 817-774-1214

Wyoming—Frank S. Dickson, Jr., State Conservationist, Federal Office Building, 100 East B Street, P.O. Box 2440, Casper, Wyoming 82601, phone: 307-265-5550

Public Meetings

Public meetings on this rulemaking and environmental assessment will be held on the dates and at the locations listed below:

Monday, December 1, 1980—Wichita, Kansas

Location: La Quinta Motor Inn, 7700 East Kellogg
Time: 9:00 a.m.-12:00 p.m.

Tuesday, December 2, 1980—Denver, Colorado

Location: Plains Conservation Center, 21901 East Hampden Avenue
Time: 1:00 p.m.-4:00 p.m.

Thursday, December 4, 1980—Roswell, New Mexico

Location: Roswell Inn, 1615 North Main Street
Time: 10:00 a.m.-3:00 p.m.

Thursday, December 11, 1980—Clinton, Oklahoma

Location: City Hall, Gary Freeway
Time: 10:00 a.m.-3:00 p.m.

In addition to the State activities, SCS invites all interested parties outside the GPCP States to provide written coments or suggestions for achieving the six study goals listed above on or before January 5, 1981, to: Guy D. McClaskey, SCS, P.O. Box 2890, Washington, D.C. 20013.

(Catalog of Federal Domestic Assistance Program No. 10.900, Great Plains Conservation Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is not applicable)

Norman A. Berg,

Chief.

November 25, 1980.

[FR Doc. 80-38280 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Farmers Home Administration

7 CFR PART 1942

Development Grants for Community Domestic Water and Waste Disposal Systems

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding development grants for community domestic water and waste disposal systems. The purpose of this action is to clarify the information to be submitted to the National Office for projects requesting 100 percent grant funding and to specify that Form FmHA 1942-31, Association Water or Sewer System Grant Agreement, be executed at the time of grant closing. This action is needed to eliminate the premature execution of the grant agreement.

DATES: Comments must be received on or before February 9, 1981.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Yoonie MacDonald, Loan Assistant, (202) 447-5717, Room 6322, South Agriculture Building, Washington, DC 20250. The draft impact analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, South Agriculture Building, Washington, DC 20250.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified "not significant."

The FmHA programs and projects which are affected by this instruction are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901-H. (FCDA No. 10.418) (Water and Waste Disposal Systems for Rural Communities)

As proposed § 1942.357 of Subpart H, Part 1942, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended to clearly define the information to be provided by the State Director to the Administrator for projects which request grant only assistance on FmHA portion of project funding. This will prevent submission of incomplete material for National Office review; and clarify that Form FmHA 1942-31, "Association Water and Sewer System Grant Agreement," is to be executed only at the time of grant closing. The present regulation has resulted in applicants executing grant agreements prematurely.

Accordingly, as proposed, in § 1942.357 of Subpart H of Part 1942, paragraph (b) is relettered to (c), a new (b) is added, and (c)(1) is revised to read as follows:

§ 1942.357 Application review and approval.

* * * * *

(b) All grants that require National Office review will be submitted in accordance with § 1942.5(b)(1) of Subpart A of Part 1942 of this Chapter.

(c) * * *

(1) An item which reads: "Attached is a copy of Form FmHA 1942-31, 'Association Water or Sewer System Grant Agreement' for your review. You will be required to execute a completed form at the time of grant closing."

* * * * *

This document has been reviewed in accordance with 7 CFR Part 1901, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

(7 U.S.C. 1989; 7 CFR 2.25; 7 CFR 2.70)

Dated: November 20, 1980.

Gordon Cavanaugh,

Administrator.

[FR Doc. 80-38334 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-21]

Regulations Implementing Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978; Informal Technical Conference and Supplementary Information for Public Comment

Issued: December 4, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Supplement to Notice of Inquiry.

SUMMARY: On November 4, 1980, the Federal Energy Regulatory Commission (Commission) issued a Notice of Inquiry (45 FR 74505) in Docket No. RM79-21 with respect to proposed revisions to its rules on incremental pricing under the Natural Gas Policy Act of 1978. Informal technical conferences to consider the proposed revisions were held on November 21, 1980, in Kansas City, Missouri; and on November 24, 1980, in Washington, D.C. Pursuant to public comments received at the conferences the Commission requested additional information from the Energy Information Administration. Such information is intended to assist the public and the Commission in evaluating the various proposals contained in the Notice of Inquiry. The Commission hereby notifies the public that this information is available in the Office of Public Information, 825 N. Capitol Street, NE, Washington, D.C. 20426.

DATES: Written comments in this docket are due on or before January 9, 1981. An informal technical conference will be held in Washington, D.C., on January 6, 1981.

ADDRESS: The informal technical conference will be held at: (Room to be announced), Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Sandra Delude, Federal Energy Regulatory Commission, 825 N. Capitol, N.E., Washington, D.C. 20426, (202) 357-9095.

Alice Fernandez, Federal Energy Regulatory Commission, 825 N.

Capitol, N.E., Washington, D.C. 20426, (202) 357-9095.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-38317 Filed 12-9-80; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: In response to testimony received during the course of the guidelines revison hearings, the United States Parole Commission is proposing to revise its "salient factor score", an actuarial device used to assess risk of recidivism. This device forms one axis of the paroling policy guidelines (28 CFR 2.20). The proposed device is intended to reduce the emphasis on "status" items and provide greater reliability in scoring.

DATE: Public Comment must be recieved by March 20, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara Meierhoefer, U.S. Parole Commission Research Unit, 320 First Street, NW, Washington, D.C. 20537.

SUPPLEMENTARY INFORMATION: As an aid in making equitable parole decisions under a national paroling policy, the U.S. Parole Commission utilizes a two dimensional guideline matrix based on offense severity and offender risk. The latter of these two dimensions is structured by an actuarial device called a salient factor score.

In response to testimony received during the course of guideline revision hearings held in December, 1978, the Commission requested development of a modified salient factor score that would remove or reduce reliance on status items (such as employment), provide increased reliability in scoring, and maintain (or improve) predictive power.

The salient factor score currently used by the Parole Commission (28 CFR 2.20) contains seven items which, taken together, produce a score from 0–11 points. This score is divided into four categories to form the horizontal axis of the parole decision guidelines: scores of 11–9=very good risk; scores of 8–6=good risk; scores of 5–4=fair risk; and scores of 3–0=poor risk. The proposed revision contains six items which, taken together, produce a score of from 0–10 points. As in the current salient factor score, there are four risk categories for use in the guidelines table: scores of 10–8=very good risk; scores of 7–6=good risk; scores of 5–4=fair risk; and scores of 3–0=poor risk.

The proposed revised device contains the following changes to the current salient factor score: (1) the items "employment" and "vehicle theft/checks" are eliminated; (2) the item "age at first commitment is changed to "age at current offense"; (3) the item "probation or parole violator this time or parole violator any time" is changed to "probation/parole/custody/escape status this time"; and (4) a new item, "commitment free period", is added.

Preliminary research results, including a study of federal prisoners released during 1978, indicate that the revised device presented in this proposal contains predictive power equivalent to the current device. This research is expected to be completed within the next three months. Given the apparent equivalent predictive power, the proposed device nevertheless has several substantial advantages.

First, the proposed device can be scored with considerably greater reliability because it: (1) removes the item concerning employment history, which has proved to be quite difficult to score reliably; and (2) focuses more on recent behavior for which information is more likely to be both available and verified. Greater scoring reliability translates directly into greater equity in individual case decisionmaking.

Second, the proposed device reduces the emphasis placed upon "status" as opposed to criminal record items by eliminating the item concerning "employment history". The proposed device also places somewhat greater emphasis on recent criminal record (e.g., recent commitment free period; probation/parole/custody/escape violator this time). A number of commentators have suggested that, given a choice of predictive devices with equivalent predictive power, it appears fairest to select the device which contains the most items relating to prior criminal record (particularly recent criminal record) and to avoid items that may be subject to forces beyond the offender's control (e.g., employment history in a period of recession).

Therefore, pursuant to the provisions of 18 U.S.C. §§ 4203(a)(1) and 4204(a)(6), it is proposed that 28 CFR 2.20 be modified as follows:

§ 2.20 [Amended]

Adult Guidelines for Parole Decisionmaking

Offense charcteristics—severity of offense behavior (examples)	Offender characteristic—parole prognosis			
	Salient factor score			
* * *	Very good (10–8)	Good (7–6)	Fair (5–4)	Poor (3–0).

* * * * * * *

Youth Guidelines for Parole Decisionmaking

Offense charcteristics—severity of Offense behavior (examples)	Offender charcteristics—parole prognosis			
	Salient factor score			
* * *	Very good (10–8)	Good (7–6)	Fair (5–4)	Poor (3–0).

* * * * * * *

Salient factor score _____
Name _____
Register No. _____

Item A: Prior conviction(s) ☐
- None=3
- One=2
- Two or three=1
- Four or more=0

Item B: Prior commitment(s) of more than 30 days ☐
- None=2
- One or two=1
- Three or more=0

Item C: Commitment free period ☐
- First commitment or released from last commitment more than 24 months prior to current offense=1
- Otherwise=0

Item D: Age at current offense ☐
- 28 years of age or more=2
- 22–27 years of age=1
- 21 years of age or less=0

Item E: Probation/parole/custody/escape status ☐
- Not on probation or parole or not in custody or escape status at the time of the current offense, and not committed as a probation violator this time=1
- Otherwise=0

Item F: Heroin/opiate dependence.....☐
No history of heroin/opiate dependence=1
Otherwise=0
Total score.....☐

Dated: December 4, 1980.

Cecil C. McCall,

Chairman, U.S. Parole Commission.

[FR Doc. 80-38230 Filed 12-9-80; 8:45 am]

BILLING CODE 4410-01-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans' Education; Eligibility for Educational Assistance; Character of Discharge

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: The Veterans Administration and the Department of Defense jointly proposed to amend the regulations concerning eligibility for educational assistance under chapter 32, title 38, United States Code. These changes are necessary in order to implement a law enacted October 8, 1977. The law defines the term "discharge or release" to include the satisfactory completion of the period of active service for which an individual was initially obligated to serve, when the individual was not eligible for complete separation at that time because of an intervening enlistment or re-enlistment. Most of the changes are liberalizing. Others are of a minor or technical nature. The regulatory amendments will implement the provisions of the law.

DATES: Comments must be received on or before January 7, 1981. In accordance with Pub. L. 95-126 (91 Stat. 1106), it is proposed that all regulatory amendments be made effective October 8, 1977.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. Comments will be available for inspection at the address shown above until January 19, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: The proposed regulatory amendments contain provisions for determining the eligibility for educational assistance under chapter 32 of individuals who complete satisfactorily a period of obligated military service.

This proposal does not meet the Veterans Administration standards for significant regulations. Since most veterans receive final discharges which do not bar their entitlement to Veterans Administration benefits, the proposal will have little effect on most veterans. The proposal will have no effect either direct or indirect, on schools, businesses, the general public, the environment or State and local governments. The proposal will not impose any new reporting requirements on schools. There will be no costs to businesses or to educational institutions caused by this proposal. The proposal will not affect other programs or agencies. Therefore, the proposed revised regulations are not significant.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding these documents to the Administrator of Veterans Affairs (217A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments 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 January 19, 1981. Any person visiting the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. will be received by the Veterans Administration 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 the Veterans Administration Central Office, and furnished the above address and room number.

Approved: October 10, 1980.

Rufus H. Wilson,

Deputy Administrator, Veterans Administration.

Approved: December 1, 1980.

Robert A. Stone,

Deputy Assistant Secretary of Defense.

1. In § 21.5040, paragraph (a) is revised to read as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* (1) To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance, an individual not on active duty—

(i) Must have initially entered the military service after December 31, 1976;

(ii) Must have served on active duty for 181 or more continuous days after December 31, 1976, or if less than 181 days were served on active duty, the individual must have been discharged or released from active duty for a service-connected disability; and

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from the initial period of military service and from any other period of service upon which eligibility is based.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable. (38 U.S.C. 1602)

* * * * *

2. In § 21.5060, paragraph (b) is revised and a cross reference is added to read as follows:

§ 21.5060 Disenrollment.

* * * * *

(b) *Nonvoluntary disenrollment.* The Veterans Administration shall disenroll automatically an individual who meets any of the following sets of conditions:

(1) The individual is discharged or released from his or her initial obligated period of active service and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits administered by the Veterans Administration exists for the individual;

(2) The individual participated only after completion of the initial or subsequent period of active service; is discharged or released and—

(i) The discharge or release is under dishonorable conditions, or

(ii) A statutory bar to benefits exists for the individual; or

(3) The individual has not utilized all of his or her entitlement to benefits within the 10-year period stated in § 21.5041. (38 U.S.C. 101, 1625, 1632)

Cross Reference: Refunds without disenrollment. See § 21.5065.

(3.) Section 21.5065 is added to read as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment.* If an individual who would have been eligible, but for the fact of his or her re-enlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later

receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution. (38 U.S.C. 101,1623)

(b) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her contributions made to the fund after the individual completed the obligated period of service. (38 U.S.C. 101, 1623)

(c) *Date of refund.*—The Veterans Administration shall refund all monies due the individual—

(1) On the date of the individual's discharge or release from active duty; or

(2) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later. (38 U.S.C. 101, 1623, 1632)

[FR Doc. 80-38318 Filed 12-9-80; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1697-5]

State of Idaho; Availability of Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and notice of proposed rulemaking.

SUMMARY: EPA announces today, receipt of a revision from the Idaho Department of Health and Welfare (IDHW) to delete the indirect source review requirement from the Idaho State Implementation Plan (SIP).

The public is invited to submit written comments to the record. A Notice of Proposed Rulemaking describing this revision and the action that EPA intends to take regarding this proposed revision will be published in the Federal Register at a later date. A second comment period for submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking.

DATE: Preliminary comments on the proposed revision will be accepted by EPA until such time as EPA publishes its Notice of Proposed Rulemaking. Subsequent to such proposal, EPA will again invite public comment on this proposed revision to the Idaho SIP.

ADDRESSES: The relevant material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

Idaho Department of Health & Welfare, 450 W. State Street, Boise, Idaho 83720

Comments should be addressed to: Laurie M. Kral, Air Programs Branch M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1226, FTS: 399-1226.

SUPPLEMENTARY INFORMATION: On October 27, 1980, the State of Idaho submitted a request to delete the indirect source review and permit requirements from the Idaho SIP. The appropriate sections of the Idaho Rules and Regulations (1-1004, 1-1002.37, and 1-1002) were repealed on September 30, 1980 by the Idaho Board of Health and Welfare. The remaining section of the SIP to be affected by this requested deletion of the indirect source program is Appendix F. EPA is now proposing to delete the indirect source rules and Appendix F, from the Idaho SIP.

Under Section 110(a)(5)(A)(iii) of the Act, a state may revoke its indirect source review program from the SIP, "provided that such plan meets the requirements of this section." This language is clarified in *Manchester Environmental Coalition* v. *Environmental Protection Agency*, 612 F.2d (2d Cir., 1979), which explains that the procedural and substantive requirements of Section 110 must be met before a state may revoke its indirect source review program. Since the primary concern about indirect sources in Idaho centers around their impact on carbon monoxide (CO) emissions, the Section 110 requirements that must be met before the indirect source review program can be revoked are those elements of the SIP having to do with attainment and maintenance of the CO standard. For the Idaho SIP, the new source review program and the Boise Transportation Control Plan are the two elements which have direct impact on attainment and maintenance of the CO standard. The Boise Transportation Control Plan was approved by EPA on October 23, 1980 (45 FR 70252), and EPA intends to propose approval of the applicable new source review program in the near future. Therefore, EPA believes that the Section 110(a)(5)(A)(iii) requirements for revoking the indirect source review program will be met by the time this proposed SIP revision becomes final.

The purpose of this Notice is to call the public's attention to the fact that a request to delete the indirect source review requirement from the Idaho SIP has been received and is available for public inspection at the locations listed above. The public is encouraged to submit written comments regarding this proposed deletion and thus participate in this rulemaking activity.

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. I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 (a) and 7502))

Dated: December 2, 1980.

Donald P. Dubois;

Regional Administrator.

[FR Doc. 80-38336 Filed 12-9-80; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 720

[OPTS-50011A; TSH-FRL 1695-6]

Toxic substances; Premanufacture Notification Requirements and Review Procedures, Cancellation and Rescheduling of Public Meeting on Clarification of Importer Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice, cancellation and rescheduling of public meeting.

SUMMARY: On September 23, 1980, EPA published in the Federal Register (45 FR 63006) a notice clarifying the definition of importer for purposes of section 5 of the Toxic Substances Control Act. The notice announced two public meetings, one to be held in New York City, the other to be held in Washington, D.C.

Since there were no requests to participate in the New York meeting, EPA has decided to cancel that meeting, which was scheduled for Wednesday, December 10, 1980. The meeting in Washington, D.C., originally scheduled for 2-5 p.m. on Friday, December 12, will instead occur at 10 a.m. on the same day. Persons interested in attending this meeting should call the Industry Assistance Office at a number listed below.

DATE: The Washington, D.C. meeting will take place on Friday, December 12, 1980, at 10.

ADDRESS: The meeting in Washington, D.C. will be held in: Room 1103, West Tower, EPA Headquarters, Waterside Mall, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Ritch, Director, Industry Assistance Office (TS-799), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202-554-1404), or Toll free (800-424-9065).

Dated: December 3, 1980.

Edward A. Klein,

Director, Chemical Control Division, Office of Toxic substances.

[FR Doc. 80-38073 Filed 12-9-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. DR-205 E-2]

Disaster Assistance: Public Assistance (Subpart E) Amendment

AGENCY: Disaster Response and Recovery, FEMA.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend our cost reimbursement policy by eliminating the present requirement that otherwise eligible work performed by the National Guard must be approved in advance by the FEMA Regional Director.

COMMENTS BY: February 1, 1981.

FOR FURTHER INFORMATION CONTACT: James L. Lewis, Director, Office of Public Assistance, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472, Telephone: (202) 634-7835.

SUPPLEMENTARY INFORMATION: A notice issued in the Federal Register on May 2, 1979, establishing CFR Title and Chapter for FEMA regulations [Title 44, Chapter I, Federal Emergency Management Agency, with Subchapters A-E] indicated that Disaster Assistance would be Subchapter D, Parts 200-299. On September 28, 1979, FEMA published a Notice of Transfer and Redesignation that transferred the Federal Disaster Assistance Regulations from 24 CFR Parts 2200-2205 to 44 CFR Part 200 *et seq.* The regulations implementing the Disaster Relief Act of 1974, Pub. L. 93-288 (44 CFR Part 205), are in the process of reorganization and revision.

On August 13, 1980, the Associate Director for Disaster Response and Recovery published in the Federal Register (45 FR 53956) a final rule to revise and recodify the material concerning eligibility for public assistance in the existing 44 CFR 205 as a new Subpart E. The rule incorporated material previously published in the FEMA Eligibility Handbook, DRR-2 and portions were revised to clarify existing policy and procedures.

Recently, our review of certain State appeals has caused us to reconsider the present language in 44 CFR 205.76(a)(19) which requires that the Regional Director must approve in advance any otherwise eligible work in order for such costs to be eligible for reimbursement. We have concluded that the existing language is too restrictive and are proposing that it be amended by deleting the phrase "* * * when such projects are approved in advance by the Regional Director".

Interested parties and governmental agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this proposal by February 1, 1981, to the FEMA Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472. All submissions received on or before February 1, 1981, will be evaluated. All comments will be available for inspection at the Office of the Rules Docket Clerk. FEMA will evaluate all such comments and experiences to date and will then propose a Final Rule. This Final Rule will be issued after FEMA review and clearance.

A Finding of No Significant Impact has been made in accordance with FEMA Environmental Assessment regulations 44 CFR Part 10.9(e). Interested parties may obtain and inspect copies of this Finding of No Significant Impact at the Office of the Rules Docket Clerk of the Federal Emergency Management Agency in Washington, D.C. 20472.

The regulation is in consonance with the provisions of the Executive Order dated November 16, 1979, and does not impose an unnecessary burden on the small business sector of the economy.

The regulation does not impact adversely on the central cities, suburban communities or non-metropolitan communities. As provided in Executive Order 12044 dated March 23, 1978, the regulation does not have any significant economic consequences on the general economy, individual industries, geographic regions, or levels of government.

Accordingly, 44 CFR Part 205 of the Federal Disaster Assistance Regulations is revised by amending § 205.76(a)(19) to Subpart E (Public Assistance) as follows:

Subpart E—Public Assistance

Revise subparagraph (a)(19) of § 205.76 to read as follows:

§ 205.76 [Amended]

(a) * * *

(19) *National Guard.* (i) *Eligible:* Actual costs paid by the State not otherwise federally funded for work undertaken by the National Guard on a project basis, including salaries of National Guardsmen directly engaged in project work or supervision.

(ii) Not eligible: Use of National Guard for public safety, or other security measures.

(Section 601, Disaster Relief Act of 1974, as amended, Pub. L. 93-288, 88 Stat. 163 (42 U.S.C. 5201); Executive Order 12148 (44 FR 43239); and Delegation of Authority (44 FR 44792)).

Issued at Washington, D.C.

Dated: December 2, 1980.

William H. Wilcox,

Associate Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 80-38247 Filed 12-9-80; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-744; RM-3675]

FM Broadcast Station In Lahaina, Maui, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to Lahaina, Maui, Hawaii, in response to a petition filed by Shoblom Broadcasting, Inc. The proposed channel could provide a first local aural broadcast service to Lahaina.

DATES: Comments must be filed on or before January 27, 1981, and reply comments on or before February 16, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: November 26, 1980.

Released: December 5, 1980.

By the Chief, Policy and Rules Division.

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lahaina, Maui, Hawaii), BC Docket No. 80-744 RM-3675, Notice of proposed rule making.

1. The Commission herein considers a petition for rule making [1] filed by Shoblom Broadcasting, Inc. ("petitioner"), licensee of Stations KFWJ(AM) and KRFM(FM), Lake Havasu City, Arizona, proposing the assignment of FM Channel 240A to Lahaina, Maui, Hawaii, as that community's first FM assignment. Petitioner stated it would apply for the channel, if assigned. Oppositions to the proposal were filed by Maui Broadcasting Corporation, licensee of Station KAIO(FM), Wailuku, Hawaii, and Mauna Kea Broadcasting Company, licensee of Station KJYE(FM), Kailua, Hawaii, to which petitioner responded.

2. Lahaina (pop. 3,718 [2]), in Maui County (pop. 19,977), is located on the western shore of Maui Island, approximately 130 kilometers (80 miles) southeast of Honolulu. It has no local aural broadcast service.

3. Petitioner states that there is a need for a station with local orientation. Lahaina is a resort area, with economic activities usually associated with resorts. There are three radio stations on the Island.

4. Maui Broadcasting Corporation, in opposition, claims that there is insufficient economic resources to support the proposed station. Another competitor in the area would diminish revenues for existing stations, thereby resulting in a cutback in service to the public, according to Maui Broadcasting.

5. Mauna Kea Broadcasting Company contends that the proposed channel would impair reception of its FM Station KJYE on second adjacent Channel 242. Its transmitter is situated 2,500 feet above sea level, with a line of site over water to western Maui, including Lahaina. Mauna Kea states that it has no objection to the allocation of a channel which is not adjacent to Channel 242. Channels 221A, 224A, or 228A are said to be available for assignment to Lahaina.

6. Petitioner in reply, argues that Maui Broadcasting's objection to competitive advertising should be dismissed, since the competitive impact should not be considered at the rule making stage. Further it does not believe that the complaint is warranted because while its proposed station is Class C, Station KAIO operates on a higher powered Class A channel. In regard to Mauna Kea's opposition, it asserts that the proposal is in full compliance with the Commission's mileage separation requirements, however, it has no desire to operate in a manner that would cause unncessary interference to existing stations. Petitioner is willing to accept Channel 228A as an alternate channel assignment, but it does not wish to pay for a second engineering study to accommodate the opposition. Our staff undertook a study which indicated that Channel 228A is available for assignment to Lahaina. As petitioner indicated in reply, there are two Honolulu stations operating on second adjacent channels with relatively low antenna height. Should they increase antenna height, those stations may have the same complaint as Maui Broadcasting. Therefore, we shall propose both channels, in the alternative, for comments.

7. Based on the fact of first local aural broadcast service that could be provided to Lahaina, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) as it relates to Lahaina, Maui, Hawaii, as follows:

City	Channel No.	
	Present	Proposed
Lahaina, Maui, Hawaii		228A or 240A

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before January 27, 1981, and reply comments on or before February 16, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice*

[1] Public Notice of the petition was given on May 28, 1980, Report No. 1230.

[2] Population figures are taken from the 1970 U.S. Census.

of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street, N.W., Washington, D.C.

[FR Doc. 38338 Filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 76

[Docket No. 20423]

Cable Television Systems; and Postponement of Divestiture Requirement Relative to Prohibited Cross Ownership in Existence on or Before July 1, 1970; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply period.

SUMMARY: This order extends the time for filing comments and reply comments in the proceedings which propose requiring divestiture of all cross-owned television stations and cable systems within the same local broadcast service area to January 8, 1981 and February 9, 1981, respectively. The extension is granted to allow more time for a study of cross-owned cable television systems and television broadcast stations. The study has been commissioned by petitioners Chronicle Broadcasting Co., Fetzer Broadcasting Company, Midcontinent Broadcasting Co., and Rock Island Broadcasting Co., to be conducted by Frazier, Gross, & Clay, a television and radio management firm. The additional time is required to obtain and analyze computer data and to collect survey results of various cross-owned and formerly cross-owned systems.

DATES: Comments are due on or before January 8, 1981 and replies on or before February 9, 1981.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah L. Stuehrmann or William H. Johnson, Cable Television Bureau, (202) 632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: November 28, 1980; Released: December 1, 1980.

By the Chief, Cable Television Bureau.

In the Matter of amendment of Part 76, Subpart J, of the Commission's Rules and Regulations Relative to Cable Television Systems; and Postponement of Divestiture Requirement of § 76.501 Relative to Prohibited Cross Ownership in Existence on or before July 1, 1970; Docket No. 20423; Order extended time for filing comments and reply comments.

1. Comments and reply comments in this proceeding were originally due on or before October 6 and November 5, 1980, respectively, and were extended to December 8, 1980 and January 7, 1981, upon request of Chronicle Broadcasting Co., Fetzer Broadcasting Company, Midcontinent Broadcasting Co., and Rock Island Broadcasting Co. That request was based upon the need to complete a study to be conducted by Frazier, Gross, & Clay, a television and radio management firm, of the relationship between cross-owned cable systems and television stations. See *Order in Docket 20423*, adopted September 10, 1980. 45 FR 63011.

2. These same petitioners, along with Medissa Broadcasting Co., Inc., have requested additional time, to January 8, 1981 for comments, and February 9, 1981, for reply comments, to complete the study. An affidavit has been filed by Horace W. Gross, President of Frazier, Gross & Clay, stating that the additional time is required to obtain and analyze computer data and to collect survey results of various cross-owned and formerly cross-owned systems.

3. Based on the representation made, we believe grant of the limited extension requested would be in the public interest.

Accordingly, it is ordered, That the dates for filing comments and reply comments in this proceeding are extended to January 8, 1981 and February 9, respectively.

This action is taken by the Chief, Cable Television Bureau pursuant to authority delegated by § 0.288(a) of the Commission's Rules.

Federal Communications Commission.
Willard R. Nichols,
Chief, Cable Television Bureau.

[FR Doc. 80-38293 Filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1102

[Ex Parte No. 290 (Sub-No. 2)]

Procedure Governing General Rate Increase Proceedings; Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to adopt a cost recovery index to meet the requirements of Section 203 of the Staggers Rail Act of 1980. It is also proposed that the same index be used to replace existing rules and procedures for the filing of general rate increases by railroads. The proposal is intended to simplify and expedite recovery of cost increases through the use of a zone of reasonableness, the top of which is based on an index of railroad costs.

DATES: Comments are due January 9, 1981.

ADDRESS: An original of all comments, and 15 copies if possible, should be sent to: Room 5340, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7658.

SUPPLEMENTARY INFORMATION:

Background

By advance notice of proposed rulemaking served April 28, 1980, (45 FR 29103, May 1, 1980) we indicated our intention to replace current procedures for filing general rate increases with a procedure based on an inflation index. The first phase of our inquiry was intended primarily to gather information on available alternative indexes. As we permitted an extension of the period for comment and then permitted reply comments, the first phase broadened to cover several additional aspects of our proposed change in policy. Meanwhile, the Staggers Rail Act of 1980 has become law, giving the Commission new statutory duties and authority in the area of inflation adjustment of rail rates. Section 203 of the 1980 Act, 49 U.S.C. 10707a, provides that the Commission shall publish a "rail cost adjustment factor" at least quarterly as a basis for a zone of rail rate flexibility for individual

carrier rate changes. Section 206, 49 U.S.C. 10712, provides that the Commission may prescribe a percentage rate increase or rate index for rail carriers in order to compensate for inflationary cost increases. Section 206 increases go into effect automatically unless carriers notify the Commission that they wish to exclude all or part of their rates from the increase. The two sections of the Act are, at least in part, complementary in that increases taken under Section 206, if any, limit the increases available under Section 203. Finally, Section 219(f) of the Staggers Act provides that the Commission may not take any action to eliminate general rate increases before April 1, 1982.

In our view, the record in the present proceeding is sufficiently complete to serve as a basis for implementation of Section 203 of the 1980 Rail Act. The index required by Section 203 is as follows:

10707a(a)(2)(B)—Commencing with the fourth quarter of 1980, the Commission shall, as often as practicable but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Commission, with appropriate adjustments to reflect the changing composition of railroad costs, including the quality and mix of material and labor), and the denominator of which is the same index for the fourth quarter of 1980 * * *.

In addition, we have concluded that the Section 203 index should also be used as a basis for collective rate increases, thereby replacing our existing Ex Parte 290 rules. Although the Section 203 index was designed for independent rate actions, it is not to be calculated on individual carrier cost increases. Instead, it is to be based on industry wide inflationary cost increases. This approach is identical to that proposed in our advanced notice of proposed rulemaking.[1] We take this action on collective rate increases pursuant to our authority under section 10701a of the Act to find rates reasonable. This action is consistent with the Congressional directive contained in Section 219(f) of the Staggers Act. Our proposed rules for implementation, set forth below, are framed in the light of comments received in response to our April 28 notice. In light of our analysis here the Allied Chemical Corporation petition to terminate this proceeding must be denied.

[1] Our advanced notice questioned whether an index should be available for rate changes made collectively. We are persuaded by the comments on this issue that it would be improper to limit collective recovery to a level below individual recovery.

In light of the discretionary nature of Section 206 of the Staggers Act it is clear that Congress did not intend this section to be the exclusive means of implementing general increases. Consequently, we intend not to exercise our authority under this section at the present time. Section 206 requires that carriers notify the Commission when the wish all or certain of their rates to be excluded from increases prescribed by the Commission's index. A fair reading of this provision would also indicate that for joint-line rates, all parties to the rate would have to join in the notice of exclusion for it to be effective.

Choice of an index. A number of alternative indexes were proposed for possible use by participants in this proceeding. There was a consensus that broadly based indexes, such as the producer price index, would be unsuitable for present purposes, because they include many elements unrelated to rail costs. Accordingly, we find the most acceptable measure of inflation for our purposes to be the AAR input price index, as modified by the Commission. The modified index is set forth, with a technical evaluation, in an appendix to this decision. It is designed to measure the impact of inflation on the labor, material, and service inputs required by railroads, and is available on a timely basis. The Commission will verify this index and closely monitor the results of using it to insure that the inflation of costs is accurately measured.

Specifically, we plan to undertake the following steps: 1. Determine that the methodology used by the AAR is mathematically and statistically sound, and consistent from year to year.

2. Check for errors in application of the methodology, including errors of calculations, transcription, and so on.

3. Audit underlying data at the railroad level to verify the factual integrity of the index at the data source. This step will include an investigation of data outliers.

4. Conduct various cross-checks and checks for internal consistency in the data, the example, relationships between price and volume changes for substitute products within the index.

5. Compare the AAR index with other data sources such as Bureau of Labor Statistics data and Commission cost data.

We request public comment on the AAR index and our proposed modifications to it. In particular, will it be appropriate, as we propose, to use the producer price index on an interim basis to measure the increase in those expenses not currently covered by the AAR index? If not, what other approach could be used to account for costs of excluded items, pending availability of the expanded AAR index? Are the prices of excluded items sufficiently slow to change that they could safely be assumed constant during this interim period? Looking beyond the interim period to the proposed expanded AAR index, is the proposed car hire portion of equipment rents a reasonable measure? Is the purchased services index unduly influenced by affiliate transactions? Is the proposed depreciation treatment reasonable particularly with regard to equipment trust certificate acquisitions where the trustee may take the depreciation allowance? Is the producer price index a valid measurement of "other operating expenses," particularly loss and damage claims?

Productivity adjustment. Several participants in this proceeding have argued that the index should be adjusted for productivity increases, because productivity increases tend to offset the upward pressure of input prices on overall rail costs. We acknowledge the theoretical validity of this point, but for a number of reasons, we think a productivity adjustment would be impossible at this time, and would not significantly change the index figures.

First, as the railroads point out in their submissions, there is no acceptable measure of productivity available. Crude measures such as ton-miles per labor-hour confuse the effects of several different kinds of productivity change, and tend to be distorted by short-run cyclical factors. (See statement of witnesses Roberts and Kellman at 23–29.)

Second, we anticipate that carriers, for reasons of competitive necessity, will flag out or hold down increases for some services. This will to some extent correct for the fact that costs lag behind input prices when productivity changes.

Third, we believe that full correction for productivity changes, even if possible, would have an adverse effect on railroad incentives to obtain increased productivity. Several parties to this proceeding raised the issue of incentives. For example, Carolina Power and Light *et al* argue that "With implementation of the proposal, there would be no real incentive for the railroads to achieve greater efficiency and productivity, since their cost increases would automatically be passed on to shippers." We think exactly the opposite to be the case. Under our proposal, those individual railroads that are able to achieve productivity gains will be able to retain a substantial part of the fruits of those gains in the form of an increased margin between rates and costs. We anticipate that competitive factors will induce

carriers to share these gains with shippers by taking less than the full permissible rate increase on selected rates. Nonetheless, to automatically pass all productivity gains along to shippers by adjusting the index downward in step with productivity gains would be to remove a vital incentive, and could ultimately lead to a more rapid, not a less rapid, rise in rail costs and rates.

The productivity issue was discussed extensively in comments received in response to our April 28 notice, but we welcome any additional comments on our proposed treatment of productivity issues at this point.

Treatment of profit and nonrecurring expenses. Section 10707a(b)(1) of the Interstate Commerce Act as amended by the 1980 Rail Act provides that carriers may increase any rate up to the level of the adjusted base rate, which means the base rate multiplied by the cost adjustment factor. To the extent that rail rates exceed costs, allowing carriers a profit, this adjustment procedure would permit the current dollar value, or nominal value, of railroad profits to rise in step with inflation. The inflation adjusted, or real, value of railroad profits would thus remain constant in the face of inflation.

We ask for public comment as to whether it is appropriate to treat profits in this fashion. The 1980 Act apparently does not contemplate that the rail cost adjustment factor could be applied only to the cost portion, and not the profit portion of rail rates. However, the same end could be accomplished if an adjustment were made to the rail cost adjustment factor itself. For example, instead of using our proposed modified AAR index as the basis for the rail cost adjustment factor, we could use the modified AAR index divided by the system-wide revenue to variable cost ratio. The effect of this would be that rate changes within the Section 203 zone of flexibility would be limited to changes in variable expenses. Nonrecurring expenses and profit would not be indexed. Under this alternate approach, the current dollar, or nominal, value of railroad profits would remain constant in the face of inflation, and the inflation adjusted, or real, value of railroad profits would decrease over time unless maintained by rate changes taken outside the zone, or by productivity improvements.

Frequency of adjustment. A major issue for comment in the first phase of this proceeding was the proper frequency of adjustments. Section 203 of the 1980 Rail Act provides that the Commission shall publish the rail cost adjustment factor as often as practicable, but in no event less often than quarterly. As the railroad participants in the first phase of this proceeding rightly point out, too long a period between adjustments can create a problem of "regulatory lag." With regulatory lag, full cost recovery is never achieved because new cost increases have occurred before adjustment to past cost increases is permitted. On the other hand, we are concerned that overly frequent adjustment of the rail cost adjustment factor (and hence of the zone of rate flexibility) would lead to excessive procedural burden and administrative chaos.

The correct resolution of this dilemma, we believe, is to permit quarterly increases based on the rail cost adjustment factor as projected to the midpoint of the quarter to which the rate changes will be applicable. We believe that quarterly filings will provide a substantial administrative savings to shippers, carriers, and the Commission in comparison with monthly filings. At the same time, by employing a forecasted index, we will reduce regulatory lag to a level roughly equivalent to that which monthly changes would achieve. We recognize that under the forecasted quarterly index approach, rate increases in the first month of each quarter would slightly exceed those that would be allowed for the same month under monthly adjustment without forecasting, and that in the last month of the quarter, rate increases would fall slightly short of those obtainable under the monthly method. However, we see the improvement in administrative practicality permitted by the forecasting approach as outweighing its minor imprecisions.

We propose to permit the forecasting method (autoregression without intercept) outlined by railroad witnesses Roberts and Kellman. The Commission will monitor the results of this forecasting method, and will propose revision if any problems arise.

In order to avoid the possibility of cumulative forecasting error, we will require that, for each quarter, the allowable percentage increase be calculated on the basis of the forecasted rather than actual cost index for the previous quarter. For example, assume that the actual and forecasted indexes for the second quarter are 100 and 103 respectively, and that the forecasted index for the third quarter is 105. The allowable increase for the third quarter would be (105–103)/103=.019 (that is, 1.9 percent) rather than (105–100)/100=.05 (that is, 5 percent).

We seek comment as to the timing and method of dissemination of the index. We tentatively propose that not later than 20 days before the end of each quarter, the AAR calculate and submit to the Commission the actual index as of the midpoint of the current quarter and the forecasted index for the midpoint of the next quarter. (Thus, for example, on March 10, 1981 the AAR would submit the actual index as it stood on Feburary 15, 1981, together with the index as it is forecasted to stand as of May 15, 1981.) The Commission would then verify the index and make it available to the public at least 10 days before the end of the quarter. (We request comment on the best method of making the index available to the public.) Railroads would then be able to take section 203 individual increases or collective increases up to the level of the forecasted midpoint index effective any day after the first day of the quarter to which the forecasted index applies. (In the example given above, railroads would, at any time after April 1, be permitted to take increases up to the level of the index as forecasted to May 15, using the actual February 15 index as a reference point to avoid cumulative forecasting error.)

Averaging. The railroads propose that we permit them to submit a package of rate changes that average out to the allowed index, with some individual rates increasing by more than the index, and some less. We have carefully considered this proposal, which we believe would be permissible under Section 206 of the 1980 Rail Act. Upon consideration, however, we reject this proposal of the railroads. In our view, the central benefit of the rules proposed here in comparison with past general rate increase procedures is to divorce the problem of inflationary cost recovery from that of changes in the rate structure. Both, of course, are necessary, but the mixing of the two in past general rate increase proceedings has, in our view, been a major cause of regulatory lag and heavy procedural burdens.

We acknowledge that to the extent flag-outs and hold-downs occur, carriers will not be able on the average to recover the full cost increase as measured by the index. For three reasons, however, we believe it is not necessary to offer an iron-clad guarantee of recovery of the full index under these new rules for collective increases. The first reason is that our proposal to reduce regulatory lag through forecasting of the index may well in itself be sufficient to insure more complete cost recovery than is possible under our current general increase procedures. The second reason is that, as explained above, overall rail costs

tend to lag somewhat behind the index of input costs because of productivity increases. The third reason is that the 1980 Rail Act provides ample opportunities outside the zone of flexibility to raise individual rates by a factor exceeding the rail cost adjustment factor. We call attention particularly to the 6 percent annual adjustments permitted under subsection (c)(1) of the new section 10707a of the Act.

Regional differences. The railroads have proposed that carriers be permitted to increase their rates by the amount of the AAR index for the nation as a whole, or the index for their own region, whichever is greater. We reject this proposal, on the grounds that it would permit the actual national average level of rates to increase more rapidly than the national average of costs. We ask for further comment on the matter of regional versus national application of the rail cost adjustment factor. Section 203 of the 1980 Rail Act, unlike Section 206, is silent as to whether the rail cost adjustment factor should be implemented on a national or regional basis. We tentatively conclude that a single, nationwide cost adjustment factor would be most appropriate under Section 203. However, we see no clear prohibition of a regional approach, and invite comment as to whether a regional approach would have significant advantages. We also seek comment as to how a regional approach could best be applied in the case of joint rates involving carriers assigned to different geographical regions.

Collective ratemaking under the proposed rules. In our advance notice of proposed rulemaking, we asked for comment on a proposal that increases under the index not be fully available for rate changes made collectively within the rate bureaus. This proposal was the subject of voluminous comment from many participants, most of it adverse. We are persuaded that it would be improper to use our proposal for inflationary cost recovery as a means of effecting changes in collective ratemaking practices. As to the interaction between independent and collective rate adjustment we must ensure that, pursuant to new section 10707a(b)(3), carriers do not use the index to increase individual rates to cover inflation after they have recovered these same inflation costs collectively. We intend shortly to issue rules governing the tariff filing of rates under section 10707a, similar to the rules we have established for the motor carrier zone of rate flexibility filings. These rules require that a carrier clearly indicate that portion of the zone remaining available for use on individual rates. We believe that the timing of individual and collective inflation adjustments may not be used to effect double recovery.

Fuel surcharge. The procedures proposed in this notice will permit railroads to recover fuel cost increases along with other cost increases on a quarterly basis. Regulatory lag will be minimal under the proposed forecasting method. Maintaining a separate surcharge mechanism for fuel would, in our view, serve no useful purpose once the proposed rules are in place, and would, in fact, only complicate the operation of the new system. All parties will benefit from avoiding separate tariff supplements for fuel increases. We thus propose that our current Ex Parte No. 311 fuel surcharge mechanism be discontinued simultaneously with implementation of the rules proposed here.

Conclusions. We believe that the proposed rules properly implement Section 203 of the 1980 Act. In addition, for collective cost recovery, we find them to be the best practical alternative to our present general increase procedures. Concurrently with adoption of the new rules, we will repeal the current Ex Parte No. 290 evidentiary filing requirements. For the present, we will entertain carrier requests for relief from those requirements on a case-by-case basis. The proposed rules are appended to this notice.

We invite further public comment on all issues raised in this notice. In case any participant does not have available witness Maher's explanation of the details of the AAR's expanded index, we are making a copy of her July 17 comments available for inspection in the Secretary's Office of the Commission. Oral hearings do not appear necessary and none are contemplated.

It does not appear that this action will significantly affect the quality of the human environment or the conservation of energy resources. However, comments on these issues are also invited.

(49 U.S.C. 10321, 10701a, 10706, 10707, 10707a, 10712 and 5 U.S.C. 553 and 559)

Dated: November 20, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis, and Gilliam. Commissioner Clapp concurring with a separate expression.

Agatha L. Mergenovich,

Secretary.

Commissioner Clapp, concurring: I have reservations about the proposed use of the Producers' Price Index as an interim index of expenses not currently covered by the AAR index. Those non-covered expenses are composed of non-recurring or relatively constant items which probably do not increase at the same rate as the proposed interim measure.

Railroad Cost Recovery Procedures

Title 49, Part 1102, § 1102.1 would be revised to read as follows:

§ 1102.1 Railroad Cost Recovery Procedures.

(a) Rail carriers may adjust rates and charges quarterly in order to compensate for inflationary cost increases. The quarterly adjustment shall not for any rate exceed—the percentage change in the Association of American Railroads Index of Railroad Material Prices and Wage Rates. The Commission will make necessary modifications or revisions to the index, and reserves the right to do so. Until April 1, 1982, these procedures are available for collective adjustment of rates.

(b) The allowable increase will be based on a projection of the index to the midpoint of the quarter to which the index will apply. In order to avoid cumulative forecasting error, the percentage change must be calculated from the forecast index for the midpoint of the current period to the forecast index for the midpoint of the quarter during which the rates will be in effect.

(c) Tariffs containing adjustments under the provisions of this rule may be filed to become effective on no less than one (1) day's notice.

(d) Increases in rates consistent with these standards will not be investigated or suspended by the Commission unless the filing results in a double recovery of inflationary costs.

Appendix

Description and Statistical Evaluation of the Methodology Used in Computing the AAR's Present and New All-Inclusive Rail Cost Indexes

James Lundgren,

Mathematical Statistician.

Office of Policy and Analysis, Interstate Commerce Commission, September 1980.

Conclusions

The Association of American Railroads (AAR) has proposed that the ICC use the AAR's All-Inclusive Rail Cost Indexes in Ex Parte No. 290 (Sub-No. 2). These indexes would be used to construct a zone of reasonableness within which increased costs could be recovered without challenge.

The AAR Rail Cost Indexes are the only indexes in existence which are specifically designed to measure the changes in railroad unit costs. The

Consumer Price Index (CPI) measures price changes for a market basket of consumer goods and services. The Producers Price Index (PPI) measures changes in prices for industry. Neither of these indexes is designed to measure changes in unit costs solely attributable to railroads. Furthermore, the largest single question of validity for the AAR's All-Inclusive Rail Cost Indexes is that the PPI is used to measure unit cost changes for a few specific railroad costs. Therefore, one would logically conclude that the AAR's Cost Indexes are far better at measuring rail unit cost changes than either the CPI or the PPI.

The AAR has invited and urged the ICC to participate in the further development of the index. This participation will allow Commission staff the opportunity to assure as valid an index methodology as possible without increasing the respondent burden excessively.

The AAR has also welcomed an audit of the calculations for these indexes by the ICC. By ICC assurance of validity of methodology and accuracy of reporting and calculations it makes no difference who publishes the indexes.

We recognize that a large portion of rail costs are usually highly predictable. Therefore, we feel that it would be acceptable to forecast on a short-term basis (up to 3 months) those costs which can be predicted with a high degree of certainty. However, no use of forecasted changes in other less predictable costs should be made.

However, the AAR's new All-Inclusive Rail Cost Indexes are not expected to be ready until after the middle of 1981. This leaves the question of what to do until then. The only real difference in the present AAR Rail Cost Index and the new All-Inclusive Index is that the present index represents only 72 percent of rail costs (based on 1978 expenses for all Class I roads) and the new index is designed to measure all costs. Approximately half of the 28 percent of the costs which will be newly represented will have their unit cost changes measured through use of the PPI. The other half of the 28 percent requires data not presently available. Therefore, in the interim before the AAR's new All-Inclusive Rail Cost Index is ready to be used in general rate increases a temporary solution for the creation of a zone of reasonableness is to create an Interim All-Inclusive Rail Cost Index which would be computed using the following formula:

$I_{iat} = .72\, I_{aart} + .28\, I_{ppit}$

Where: I_{iat} = the interim all-inclusive rail cost index for time t,

I_{aart} = the AAR's present index for material prices, wages and supplements (including fuel) for time t, and

I_{ppit} = the Producers Price Index for time t.

This interim all-inclusive rail cost index will adequately measure changes in rail unit costs for the short period of time until the AAR can begin publishing its new series.

Introduction

The Economics and Finance Department of the AAR has compiled indexes showing trends in average unit prices of railroad fuel, material and supplies, and wage rates since 1933. Now they are developing an all-inclusive rail cost index. The indexes for fuel, material and supplies are designed to measure only changes in prices. They do not measure changes in volumes or total costs of such purchases. The indexes for wage rates reflect changes in the average straight-time hourly rate for all railroad employees, but do not reflect changes in the level of employment or productivity. A second wage index is also computed which reflects in addition to the straight-time hourly rate: payroll taxes, health and welfare benefits, and allowances for paid vacations and holidays. The new all-inclusive rail cost index is designed to also measure unit changes in equipment rents, purchased services, interest, depreciation, taxes other than payroll and income, and other operating expenses.

Price Data

The 65 items for which price data are presently gathered were chosen by a committee of railroad Purchasing Agents. (See Attachment A for a listing of these items.) These items were each selectred on a judgement basis to be typical (representative) of its Class of railroad purchases. They collectively account for 91% of all materials and supplies (including fuel) purchased by Class I railroads. The following three criteria were used in choosing this list: (1) the item is purchased by the railroads in large quantities, (2) the item is purchased by most roads, and (3) the item's price trend closely parallels the price trend of related materials. The list is periodically updated to reflect changes in the pattern of railroad purchases. It was last updated January 1975 and will be updated again when the new index is implemented. At that time six items will be removed from this list of 65 items. These six include car lining, insulated rail/joint, track bolts, portland cement, paper grain doors, and unmounted airbrake hose. These six items represented less than two percent of purchases in 1974.

There are now ten railroads which report their list price for each of these 65 items four times a year (January 1, April 1, July 1, and October 1). These ten railroads which account for approximately two thirds of all Class I railroad purchases are:

Eastern Roads—Chessie System, Consolidated Rail Corporation

Southern Roads—Illinois Central Gulf, Louisville & Nashville, Southern System

Western Roads—Atchinson, Topeka & Santa Fe, Burlington Northern, Missouri Pacific, Southern Pacific, Union Pacific

Item Spot Indexes

A Laspeyres index weighting system is used to compute an index for each of the 65 items using the following formula:

$$I_{tjr} = \frac{\sum_{i_r=1}^{n_r} P_{i_r tj}\, Q_{i_r 74j}}{\sum_{i_r=1}^{n_r} P_{i_r 75j}\, Q_{i_r 74j}}$$

Where:

I_{tjr} = the index of item j, at time t, for region r with base January 1, 1975,

P_{irtj} = the price of item j for the ith railroad in region r at time t,

P_{ir75j} = the price of item j for the ith railroad in region r for January 1, 1975,

Q_{ir74j} = the quantity of item j purchased by the ith railroad in region r in 1974 as measured in units purchased (gallons, no. of ties, etc. but not dollars),

n_r = number of railroads in region r,

$n_1 = 2$ for the Eastern Region,

$n_2 = 3$ for the Southern Region,

$n_3 = 5$ for the Western Region.

The 65 spot price indexes computed in this manner for each of the three regions (195 indexes) are then combined into four general groups, as follows:

1. Fuel (1 item),
2. Forest products (8 items),
3. Iron and steel products (23 items),
4. Miscellaneous products (33 items).

The following formula is used to combine item spot indexes into group spot indexes:

$$I_{tk} = \frac{\sum_{j_k=1}^{m_k} W_{74j_kr} I_{tj_kr}}{\sum_{j_k=1}^{m_k} W_{74j_kr}}$$

Where:

I_{tkr}=the spot index for time t, group k, and region r,

W_{74jkr}=dollars spend in region r for item j in group k in 1974 for all Class I railroads as computed from data collected on the AAR's Purchases of Fuel, Material and Supplies, Calendar year 1974, (see Attachment B)

m_r=number of items in group k,

m_1=1 for fuel,

m_2=8 for forest products,

m_3=23 for iron and steel products,

m_4=33 for miscellaneous products.

Similarly the national spot index for each group k at time t would be:

$$I_{tk} = \frac{\sum_{r=1}^{3} \sum_{j_k=1}^{m_k} W_{74j_kr} I_{tj_kr}}{\sum_{r=1}^{3} \sum_{j_k=1}^{m_k} W_{74j_kr}}$$

The total materials & supplies spot price index for time t and region r is:

$$I_{tr} = \frac{\sum_{k=a}^{4} \sum_{j_k=1}^{m_k} W_{74j_kr} I_{tj_kr}}{\sum_{k=a}^{4} \sum_{j_k=1}^{m_k} W_{74j_kr}}$$

Where:

a=1 when computing materials & supplies index including fuel,

a=2 when computing materials & supplies index excluding fuel.

It should be noted that the item spot indexes (I_{tjkr}) were computed by using January 1, 1975 as a base. Therefore in order to publish indexes with 1967 as a base year, each of the indexes was multiplied by its respective 1967 base year index for January 1, 1975.

For example:

$I_{t67}=(I_t'\gamma)(I_{75\ 67})$

Where:

I_{t67}=an index for time t using base year 1967.

Attachment C contains an example of these group spot indexes by region and for the United States.

Item Chargeout Indexes

So far we have described the computation of spot price indexes which reflect the price of items at the time of purchase. Charge-out indexes are computed to reflect the approximate purchase price of items as they are used. This is done by allowing the charge-out index to lag behind the spot price index by the average length of time fuel, or materials and supplies are held in stock or on hand before being used.

Inventory turnover and advice from purchasing officers have been used to determine that fuels were generally kept on hand in one month's supply and all other materials and supplies in about three month's supply. The lag time for materials and supplies other than fuel was found by dividing the inventory value by the amount purchased in one year (both from the Annual Reports Form R-1, ICC) and multiplying this quotient by 12 months. Since the inventory for fuel is not known, the lag time for fuel was a subjective estimate based upon the advice of purchasing officers.

Because of the three month lag time a quarterly charge-out index for all material and supplies except fuel is equal to its spot price index for the prior quarter.

The quarterly charge-out indexes for fuel need to be interpolated since their lag is only one month. This is done by adding two thirds of the current quarter's spot price index to one third of the prior quarter's spot price index to get the current charge out index for fuel. For example, April's charge-out index for fuel is equal to ⅔ of April's spot price index for fuel ⅓ of January's spot price index for fuel. These computations are made on the January 1, 1975 base indexes which are combined where desired and then changed to reflect 1967 as a base year just as in the spot price index. Attachment D shows these charge-out indexes for fuel, and materials & supplies.

Wage Index

The average annual straight-time rates of pay are computed by dividing the latest annual straight-time compensation by straight-time hours paid for from the Interstate Commerce Commission Statement A-300, "Wage Statistics of Class I Railroads in the United States." Each average is then divided by the corresponding average straight-time rate of pay in 1967 (and multiplied by 100) to get a straight-time wage rate index using base year 1967.

Quarterly updates to the straight-time wage rate index are computed by checking the union contracts. There are over 20 unions serving railroad workers. However in recent history they have always had the same pattern of increases. Also although the unions do not represent all railroad employees (management being the major exception), they do represent approximately 95 percent and the other 5 percent are assumed to receive similar pay changes as union workers.

Another set of indexes is developed which reflects wages and supplements. The annual total of wages and supplements is computed by adding straight-time compensation to payroll taxes and health and welfare benefits (Annual Report Form R-1, ICC) plus other allowances (ICC Wage Statistics Forms A & B). Payroll taxes include retirement, medicare, unemployment insurance, and supplemental annuities. Other allowances includes holiday and vacation pay. This total of wages and supplements is divided by annual straight-time hours paid for (ICC Wage Statistics Forms A & B) and the result is changed into index form with 1967 as the base year.

These supplements are updated quarterly by information from the National Railway Labor Conference and the Railroad Retirement Board.

Attachment D contains quarterly Wage Rate Indexes and Wages and Supplements as well as indexes showing the combined effect of these with materials and supplies, and/or fuel. Weighting factors used to combine these indexes are based upon the total dollars spent by all Class I railroads in 1974 in each of these four categories by region or for the United States (as reported in the ICC's Wage Statistics Forms A&B, the Annual Reports Form R-1, and the AAR's special study Form MS-74.)

Annual Indexes

Attachment E contains a table of AAR's Annual Indexes of Chargeout Prices and Wage Rates. The annual indexes of wage rates, and wages and supplements are developed as described in the prior section "Wage Index".

The annual indexes for fuel, and materials and supplies are developed from the quarterly spot price index with weighting factors to allow for the lag times. The annual charge-out index for fuel for year n is computed by using the following formula:

$$I_{nf}=(5/6)(.25)(I_{jn})+.25(I_{an}+I_{yn}+I_{on})+(1/6)(.25)(I_j(n+1))$$

Where:

I_{nf}=charge-out fuel index for year n,

I_{jn}=spot price index for January during year n,

I_{an}=spot price index for April during year n,

I_{yn}=spot price index for July during year n,

I_{on}=spot price index for October during year n,

$I_j(n+1)$=spot price index for January during year n+1.

The annual charge-out index for materials and supplies other than fuel for year n is computed by using the following formula:

$$I_{nm\&s}=.125(I_o(_{n-1})+I_{on})+.25(I_{jn}+I_{an}+I_{yn})$$

Where:

$I_{nm\&s}$=chargeout material & supplies index for year n, and the other indexes in the above equation use the same notation as in the fuel index equation but now refer to the material & supplies indexes.

The same weighting techniques are used to combine these indexes as are used in the quarterly indexes. (The weighting factors are based upon total dollars spent by all Class I railroads in 1974 in each category.)

Unit Adjustments

The specifications used to describe each of the 65 items in the materials & supplies indexes are not always the same from one railroad to the next. For example one railroad might use 115 lb. rail and another might use 135 lb. rail. Normally, these differences do not affect the validity of the indexes. However, if one railroad switches from 115 to 135 lb. rail the result would be quite noticeable if an adjustment weren't made.

When a different unit is used by a railroad for one of the 65 items the new unit price is multiplied by the ratio of the prior quarter's unit price to the new units price in the prior quarters. For example:

$$\text{Adjusted April unit price} = (\text{new units April Price}) \times \frac{(\text{old units January, price})}{(\text{new units January price})}$$

This adjustment factor (for January in this example) would need to be used until after the next special study.

Retroactive Pay Increases

Occasionally union wage contracts are not finalized until after the old contracts have expired. In such cases the increase in pay must be paid retroactively. No projections are made for retroactive pay increases. However, these increases do represent a cost to the railroads which is for the most part accrued over the time period prior to the actual payment of retroactive pay. To display more stability in a gradually changing index, the indexes are revised (after publication if necessary) to reflect retroactive pay increases during the period over which they were earned rather than when they were paid.

New Elements

The following sections describe additions to the present indexes which will create an all-inclusive rail cost index.

Equipment Rents

The average mileage, per diem, and private care rates for interchanged cars and equipment will be computed for each of the 17 car types as well as auto racks, and trailers and containers which are listed in schedule 414 of the R-1. The actual computations will be based entirely on data found in the AAR's UMLER file (Universal Machine Language Equipment Register) for the applicable time period.

The lease rentals portion of equipment rents is not directly associated with car hire rates or other specific railroad costs. Therefore, the assumption will be made that the change in the unit costs for lease rentals is measured by the Railroad Equipment component of the Producers Price Index (PPI).

The interchange components of equipment rents are changed into index form by dividing by their respective base year averages. Then the PPI (lease rentals) is combined with the interchange indexes using a weighting factor for each component which represents its proportion of total equipment rent expense during the weighting year as found in schedules 410 and 414 of the R-1.

Purchase Services

The assumption will be made that changes in the unit costs of purchased services are measured by the AAR index of material prices, wages and supplements combined (excluding fuel).

Interest

The average interest rate for each period will be computed by dividing the total interest charges by the average of the principle to which they are applicable at the beginning and ending of the period. The index of this average interest rate will be multiplied by an index of changes in the asset base to obtain the total increase in interest charges.

Depreciation

A special survey of all class I carriers will be conducted every quarter to collect data on depreciation as well as interest, and taxes other than payroll and income. (The proposed survey form is found in Attachment F.)

An index of depreciation will be computed for each of the following accounts: roadway, locomotives, freight cars, and other equipment. The roadway index will be an index of the average roadway depreciation per mile of track.

The locomotive index will be an index of the approximate average locomotive depreciation per horsepower. The average is approximate because the calculations assume that the average horsepower per locomotive is the same for diesel locomotives which are owned and used, or leased, as it is for diesel and electric locomotives which are owned and used but not leased.

The index for frieght cars will be an approximate average of depreciation per ton of freight car capacity. This index is approximate because the calculations assume that the average capacity is the same for all freight cars in service (including leased cars) as it is for just those cars which are owned and used.

The depreciation index for other equipment will not be measured directly. Rather, the assumption will be made that the change in depreciation per unit of other equipment is measured by a weighted average of the depreciation indexes for locomotives and for freight cars. The weights used will be the relative amount in their respective expense accounts.

Taxes Other Than Payroll and Income

The index for taxes other than payroll and income which includes property

taxes will be an index of the average of these taxes per mile of road.

Other Operating Expenses

The assumption will be made that changes in other operating expenses per unit are measured by the Producers Price Index.

Weighting Factors

We have described the computation of indexes on a number of individual components of cost. These components may be combined into whatever groupings are desired by simply taking a weighted average of the individual indexes. Each weight is computed by finding the total for all class I railroads of all costs applicable to the respective index for a given period of time. Attachment G contains a reference to the sources for each of the weights. It can be noted that the ICC Annual Report Form R-1 is the source document for all weights.

Statistical Evaluation

The Commission is fully aware that caution should be exercised in the use of the analytical method for computing portions of the AAR's Cost Indexes which are based on judgment rather than a more scientific process. An example of problems which can occur as a result of this method can be developed from data found in Mary Maher's verified statement No. 71. On page 17 are listed the U.S. Average QMPW Fuel Prices from ten selected roads and average Ex Parte 311 Fuel Prices for all class I roads for a series of dates which are reproduced below.

Average U.S. Fuel Prices

Reporting date	QMPW-10 Roads	Ex Parte 311-All Class I Roads
January 1, 1979	38.20	38.20
April 1, 1979	44.16	45.64
July 1, 1979	59.22	61.11
October 1, 1979	70.09	70.81
January 1, 1980	75.21	77.15
April 1, 1980	81.84	82.57

As can be seen, the two sets of figures correlate very well. The fact that the 10 roads account for approximately ⅔ of all class I road's fuel costs helps to provide robustness. In addition, the assumption that the smaller class I railroads fuel costs are changing at the same rate as the 10 large railroads costs, seems to be reasonable.

However, consider the table below which compares the quarter to quarter percent increases for the 10 roads with the increases for all class I roads.

Percent Increases in Average U.S. Fuel Prices

Reporting date	QMPM-10 Roads	Ex parte 311—All class I roads
Jan. 1, 1979	15.6	19.5
Apr. 1, 1979	34.1	33.9
July 1, 1979	18.4	15.9
Oct. 1, 1979	7.3	9.0
Jan. 1, 1980	8.8	7.0
Apr. 1, 1980		

Although both series track reasonably well over time it can be seen that the individual increases in this example vary by as much as 25 percent (19.5 is 25 percent more than 15.6). The AAR seems to have solved the specific problem displayed in this example through their plans to incorporate the Ex Parte 311 fuel prices into their index. However, the problem which exists in fuel now, i.e., approximately one third of class I road's total fuel dollars are not directly represented in the index, is similar to the most serious problem of validity in the new index, i.e., approximately one fourth of all applicable Class I roads' total costs are not directly represented in the AAR's All-Inclusive Rail Cost Index. This approximate one fourth is analytically constructed in the index through assumptions which are described throughout this report.

The assumptions which are made in the AAR's Indexes do not appear to be unreasonable. Furthermore, the fact that such a high percentage of all costs are measured for all class I railroads assures that the indexes are reasonably robust. In other words, a deviation in any assumption would produce only a relatively small deviation in the All-Inclusive Index. For example, if the AAR index indicated that each of the costs had increased by 10 percent over a given period of time, and by chance every assumption was incorrect by 4 percentiles and all errors were underestimated rather than overestimated (the true value was 14 rather than 10 percent) then the true increase would have been 11 percent rather than 10 percent.

A minor problem which can be corrected prior to implimentation of the new index is the use of an index of changes in the asset base when computing the interest index. The AAR index was designed to measure changes in input prices. The result should be independent of any changes in level of activity. The use of any type of external adjustment is statistically invalid and is equivalent to a change in the weighting factors.

BILLING CODE 7035-01-M

ATTACHMENT A

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1

Sheet 1 of 7

Section 1: Quantities of fuel and materials of general use and description of items to be reported.

Name of Railroad _____

Item No.	Item and AAR Standard Material Classification Number	Quantity used or purchased in 1974 (all sizes and kinds)	Description of specific item on which prices will be reported.
	(a)	(b)	(c)
1	**Fuel** Diesel fuel oil (27 & 39)		
2	**Forest Products** Bridge ties (4)		
3	Piling (4)		
4	Stringers (4)		
5	Cross ties (treated) (5)		
6	Switch ties (5)		
7	Flooring, car (30)		
8	Lining, car (30)		
9	Plywood, for freight car lining (30)		
10	**Iron & Steel Products** Rail anchors (1)		
11b	Rail joint, insulated (1)		
12b	Tie plates (1)		
13	Track bolts (1)		
14	Track frogs (1)		
15	Track spikes (1)		
16b	Rail, new (8)		
17	Springs, coil, freight car (12)		
18b	Steel, bar (15)		
19b	Steel plates (15)		
20b	Steel sheets (15)		

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1
Sheet 2 of 7

Section 1 (continued)

RR _____

Item No.	(a)	(b)	(c)
	Iron & Steel Prods. (cont.)		
21b	Steel, struct. shapes, unfabricated (15)		
22	Beams, brake, freight (20)		
23	Brake shoes, freight car, composition (20)		
24	Couplers, freight car (20)		
25	Draft gears, freight car (20)		
26	Roller bearings, freight car (20)		
27 b	Axles, freight car (29)		
28	Wheels, steel, freight car (29)		
29	Wheels, steel, loco., mult.-wear rolled (29)		
30	Pipe, steel (24)		
31	Fasteners with collar (45)		
32	Welding rod and wire (45)		
	Miscellaneous Products		
33	Batteries, signal (2)		
34	Rail signal bonds (2)		
35	Signal cable, underground (2)		
36	Signal relays (2)		
37 c	Cement, Portland (3)		
38	Culvert pipe, corrugated metal (3)		
39	Ballast (7)		
40	Truck tires (10)		
41	Journal bearings (21) (conversion cost)		
42	Traction motor support bearing (21) (conv. cost)		
43	Coupling, airbrake hose, w/o gasket (22)		

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1

Section 1 (continued)

Sheet 3 of 7

RR _____

Item No.	(a)	(b)	(c)
	Miscellaneous Prods.(cont.)		
44	Batteries, storage, diesel loco. (25)		
45	Hand lantern batteries (25)		
46d	Traction motor armature rewinding kits (or unit exchange (25)		
47	Traction motor brushes (25)		
48d	Traction motor roller bearings, commutator end (new) (25)		
49	Cylinder liners for diesel locos. (26)		
50	Cylinder heads for diesel locos. (new) (26)		
51	Diesel engine lub'g. oil filters (26)		
52	Pistons for diesel locomotives (new) (26)		
53	Fusees (36)		
54	Grain doors, paper (36)		
55e	Car oil (37)		
56	Lubricator pads, frt. car journ. box (37)		
57e	Oil diesel lubricating (incl. tax) (37)		
58	Traction motor gear lubricant (37)		
59	Hose, airbrake, unmounted (46)		
60	Cleaners, locomotive (47)		
61	Creosote oil (47)		
62	Gas, acetylene (47)		
63	Gas, oxygen (47)		
64	Paint, freight car (47)		
65	Computer paper, continuous manifold (47)		

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1
Sheet 4 of 7

Section 2: Prices paid or quoted.

Name of Railroad _____

Item No.	Item and AAR Standard Material Classification Number	Unit of Measure	Price per unit a			
			Jan 1 19__	Apr 1 19__	July 1 19__	Oct 1 19__
	(a)	(d)	(e)	(f)	(g)	(h)
1	**Fuel** Diesel fuel oil (27 & 39)	Gallon				
2	**Forest Products** Bridge ties (4)	M.B.F.				
3	Piling (4)	Linear ft.				
4	Stringers (4)	M.B.F.				
5	Cross ties (treated) (5)	Each				
6	Switch ties (5)	M.B.F.				
7	Flooring, car (30)	M.B.F.				
8	Lining, car (30)	M.B.F.				
9	Plywood, for freight car lining (30)	Sheet				
10	**Iron & Steel Products** Rail anchors (1)	Each				
11b	Rail joint, insulated (1)	Pair				
12b	Tie plates (1)	Ton				
13	Track bolts (1)	Pound				
14	Track frogs (1)	Each				
15	Track spikes (1)	Pound				
16b	Rail, new (8)	Net ton				
17	Springs, coil, freight car (12)	Each				
18b	Steel, bar (15)	Pound				
19b	Steel plates (15)	Pound				
20b	Steel sheets (15)	Pound				

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1
Sheet 5 of 7

Section 2 (Continued) RR _____

Item No.	(a)	(d)	Jan 1 (e)	Apr 1 (f)	July 1 (g)	Oct 1 (h)
	Iron & Steel Prods.(cont.)					
21b	Steel, struct. shapes, unfabricated (15)	Pound				
22	Beams, brake, freight (20)	Each				
23	Brake shoes, freight car, composition (20)	Each				
24	Couplers, freight car (20)	Each				
25	Draft gears, freight car (20)	Each				
26	Roller bearings, freight car (20)	Each				
27 b	Axles, freight car (29)	Each				
28	Wheels, steel, freight car (29)	Each				
29	Wheels, steel, loco., mult.-wear rolled (29)	Each				
30	Pipe, steel (24)	Foot				
31	Fasteners with collar (45)	Each				
32	Welding rod and wire (45)	Pound				
	Miscellaneous Products					
33	Batteries, signal (2)	Each				
34	Rail signal bonds (2)	Each				
35	Signal cable, underground (2)	M. ft.				
36	Signal relays (2)	Each				
37	Cement, Portland (3)	Barrel				
38	Culvert pipe, corrugated metal (3)	Foot				
39	Ballast (7)	Ton				
40	Truck tires (10)	Each				
41	Journal bearings (21) (conversion cost)	Pound				
42	Traction motor support bearing (21) (conv. cost)	Each				
43	Coupling, airbrake hose, w/o gasket (22)	Each				

AAR MATERIAL PRICE QUESTIONNAIRE

Form P-74-1
Sheet 6 of 7

Section 2 (Continued) RR_____

Item No.	(a)	(d)	Jan 1 (e)	Apr 1 (f)	July 1 (g)	Oct 1 (h)
	Miscellaneous Prods.(cont.)					
44	Batteries, storage, diesel loco. (25)	Set				
45	Hand lantern batteries (25)	Each				
46d	Traction motor armature rewinding kits (or unit exchange (25)	Each				
47	Traction motor brushes (25)	Each				
48d	Traction motor roller bearings, commutator end (new) (25)	Each				
49	Cylinder liners for diesel locos. (26)	Each				
50	Cylinder heads for diesel locos. (new) (26)	Each				
51	Diesel engine lub'g. oil filters (26)	Each				
52	Pistons for diesel locomotives (new) (26)	Each				
53	Fusees (36)	Gross				
54	Grain doors, paper (36)	Car set				
55e	Car oil (37)	Gallon				
56	Lubricator pads, frt. car journ. box (37)	Car set				
57e	Oil diesel lubricating (incl. tax) (37)	Gallon				
58	Traction motor gear lubricant (37)	Pound				
59	Hose, airbrake, unmounted (46)	Each				
60	Cleaners, locomotive (47)	Gallon				
61	Creosote oil (47)	Gallon				
62	Gas, acetylene (47)	Cubic ft.				
63	Gas, oxygen (47)	Cubic ft.				
64	Paint, freight car (47)	Gallon				
65	Computer paper, continuous manifold (47)	1000 sheets				

BILLING CODE 7035-01-C

AAR Material Price Questionnaire

Form P-74-1—Sheet 7 of 7

Notes

a Unit price should be the actual invoice price, based on actual purchases. If no purchases were made on reporting date and a quantity is shown in Col. (b), a quoted price should be reported. All prices reported should be f.o.b. producing points, except where it is the trade practice to name a delivered price or make allowance for freight equalization purposes. Sales, use, or inspection taxes should be excluded from unit prices reported. When a change in the "unit price" is due to a cause other than an actual price change, e.g., a change in specification, volume discounts, etc., attach a memorandum of explanation and *furnish a unit price for the prior reporting period* comparable with the new unit price reported.

b Iron and Steel Products—Items 11, 12, 16, 18, 19, 20, 21, and 27. In reporting prices for these steel products, select a typical item in each of those categories and furnish a price for that item, including all extras paid when purchased. For example, in the case of Item 18, Bar Steel, a typical size might be ¾" round, 18-22' Grade 1015. The current price may be $5.00 per 100#, but including extras applied for size and special bar quality, the actual price of this item may be $5.45 per 100#. The price of $5.45 should be reported. For Item 16, Rail, price reported should *exclude* inspection fees and use taxes, but should *include* controlled cooling charges.

c Cement, Portland—Item 37. Amounts used in ready-mixed concrete should be included in quantities shown in Col. (b).

d Traction motor armature rewinding kits—Item 46; Traction motor roller bearings—Item 48. Roads sending traction motors or roller bearings to manufacturers for repair should develop a price on rewinding kits or roller bearings and report the developed price for appropriate period or report a price on a unit exchange basis. Report in Col. (b) the number of traction motors and roller bearings returned to manufacturers and/or repaired in own shops.

e Car oil—Item 55; Oil, diesel lubricating—Item 57. Prices reported for these items should include Federal excise tax only—other taxes should be excluded.

Sheets 4, 5 and 6 to be submitted as promptly as possible after each pricing date to: Association of American Railroads, Economics and Finance Department, American Railroads Bldg., 1920 L Street, N.W., Washington, D.C. 20036.

Attachment B

The attached Form MS-74 Purchases of Fuel, Material and Supplies, Calendar Year 1974 was completed by all Class I railroads for 1974 as a special study to update the weighting factors for combining the item indexes for materials and supplies. A similar special study will be conducted for 1980.

It should be noted that there are only 32 items on Form MS-74 compared with 65 items on Form P-74-1 (Appendix A) which is completed by the ten selected railroads. Each of the list of 32 items is the sum of one or more items from the list of 65 items and each of the 65 items is contained in one of the 32 items. Therefore, to develop an estimate of the total purchases for each of the 65 items it is sometimes necessary to estimate its proportion of the total cost of one of the 32 items. This is done by using information collected from the ten railroads on Form P-74-1. For example if 10% of the cost of wooden cross ties for the ten railroads is for bridge ties then it is assumed that 10% of all Class I railroad's cost of wooden cross ties is for bridge ties.

BILLING CODE 7035-01-M

Form MS - 74

Sheet 1 of 2

(Railroads included)

PURCHASES OF FUEL, MATERIAL AND SUPPLIES CALENDAR YEAR 1974

Item and AAR Standard Material Classification Number	Total cost
FUEL:	
1. Fuel, Diesel and residual fuel oil (Class 39)	
2. All other fuel	
3. Total fuel	
FOREST PRODUCTS:	
4. Cross ties, wooden (Class 5)	
5. Switch ties, wooden (Class 5)	
6. All other forest products	
7. Total forest products	
IRON AND STEEL PRODUCTS:	
8. Rail (new and second hand except scrap) (Class 8)	
9. Axles and wheels for cars and locomotives (Class 29)	
10. Track and switch material (Class 1)	
11. Iron and steel (bars, shapes, sheet, tubing, chain and wire) (Class 15)	
12. Locomotive and car forgings, castings, and specialties, and bolts, nuts, washers, rivets, screws, pins and studs (Classes 11, 19 and 20)	
13. Springs for cars and locomotives (Class 12)	
14. Pipe, iron and steel, fittings, and plumbing fixtures (Class 42)	
15. Track and roadway tools, small hand and machine tools, and parts (Classes 10 and 45)	
16. All other iron and steel products	
17. Total iron and steel products	

Form MS - 74

Sheet 2 of 2

Item and AAR Standard Material Classification Number	Total cost
MISCELLANEOUS PRODUCTS:	
18. Building materials (brick, cement, gravel, lime, sand, stone, roofing, siding, fencing, cast iron water pipe and culvert pipe) (Class 3)	
19. Lubricating oil and greases (Class 37)	
20. Non-ferrous metal and products (Class 21)	
21. Ballast and riprap (Class 7)	
22. Electrical materials (excluding electrical material for Diesel locomotives) (Class 25)	
23. Stationery, printing and office supplies (Class 48)	
24. Chemicals, compounds, drugs, glass, laboratory equipment, paints, lacquers, varnishes and painters, supplies (Class 47)	
25. Locomotive, train and station supplies (Class 36)	
26. Communication and signal material (Class 2)	
27. Air brake material (including air brake hose) (Class 22)	
28. Automotive vehicles, aircraft and parts (Class 10)	
29. Diesel locomotive material, (including electrical) (Classes 23 and 26)	
30. All other miscellaneous products	
31. Total miscellaneous products	
32. Total purchases of fuel, material and supplies	

Signature _____

Title _____

Date _____

To be returned by March 1, 1975
ASSOCIATION OF AMERICAN RAILROADS
Economics and Finance Department
American Railroads Building
Washington, D. C. 20036

BILLING CODE 7035-01-C

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Attachment C.—*2. Quarterly Indexes of Spot Prices of Railroad Fuel, Material, and Supplies*

[Average 1967 = 100]

District and group	January 1979	April 1979	July 1979	October 1979	January 1980	April 1980
United States:						
Fuel (diesel oil)	425.4	491.6	659.1	780.2	837.3	911.0
Forest products	264.5	272.3	286.2	297.2	321.6	333.9
Iron and steel products	263.0	268.7	277.5	286.9	305.3	310.0
Miscellaneous products	231.1	234.3	243.7	250.4	261.1	275.0
Total, excluding fuel	245.7	250.4	260.2	286.3	283.6	293.4
Total, including fuel	296.3	316.9	367.3	404.7	430.9	457.6
Eastern District:						
Fuel (diesel oil)	426.2	541.4	760.9	760.9	813.3	881.7
Forest products	251.0	254.6	276.8	274.8	280.9	282.3
Iron and steel products	251.6	257.1	266.0	274.0	290.6	294.0
Miscellaneous products	231.0	232.4	242.8	250.6	257.4	265.9
Total, excluding fuel	239.6	243.0	251.3	260.8	271.4	276.7
Total, including fuel	291.2	350.9	350.9	393.0	414.4	436.0
Southern District:						
Fuel (diesel oil)	395.9	444.8	541.6	663.4	711.8	794.4
Forest products	266.5	276.9	288.4	299.7	309.7	315.8
Iron and steel products	263.1	269.3	277.4	288.0	304.5	308.5
Miscellaneous products	219.9	224.0	230.2	235.9	247.1	261.7
Total, excluding fuel	240.4	246.3	254.0	262.4	275.3	284.1
Total, including fuel	282.0	299.4	331.3	370.2	392.7	421.2
Western District:						
Fuel (diesel oil)	434.9	503.6	723.0	833.2	895.5	968.4
Forest products	279.0	288.0	304.2	317.5	357.2	378.6
Iron and steel products	260.4	265.3	274.9	283.4	304.9	310.4
Miscellaneous products	236.9	240.8	250.5	257.3	269.5	285.8
Total, excluding fuel	251.6	256.3	266.8	274.8	293.3	306.6
Total, including fuel	305.9	327.3	391.5	426.0	456.2	484.9

NOTE.—Based on prices reported as of 1 day of months shown.

Attachment D.—*3. Quarterly Indexes of Chargeout Prices and Wage Rates*

[Average 1967 = 100]

District and group	Jan. 1976	Apr. 1976	July 1976	Oct. 1976	Jan. 1977	Apr. 1977	July 1977	Oct. 1977	Jan. 1978[1]	Apr. 1978[1]	July 1978[1]	Oct. 1978[1]	Jan. 1979	Apr. 1979	July 1979	Oct. 1979	Jan. 1980	Apr. 1980
United States:																		
Fuel	345.4	346.6	347.3	352.6	360.4	381.1	395.3	399.0	403.1	405.9	405.0	407.2	419.7	469.6	603.2	739.7	810.1	886.5
Other materials and supplies	196.6	199.3	202.7	207.6	209.6	213.8	216.8	221.3	224.4	227.0	230.2	233.4	239.1	245.7	250.4	260.2	268.3	283.8
All material including fuel	238.2	240.7	243.4	248.5	252.1	260.6	266.5	270.9	274.3	277.0	279.2	282.1	289.8	307.5	345.6	387.9	414.4	443.5
Wage rates	201.7	209.2	212.5	213.8	219.4	220.0	231.3	232.8	240.8	248.2	254.8	259.7	267.5	267.5	285.6	285.6	294.0	294.0
Material prices and wages (and fuel)	213.1	219.1	222.2	224.7	229.6	232.7	242.3	244.7	251.3	257.2	262.4	266.7	274.5	280.0	304.4	317.6	331.7	340.8
Wages and supplements	223.2	229.9	232.5	233.5	241.6	243.1	253.6	254.7	267.2	272.9	278.1	281.9	294.1	294.1	311.4	311.4	321.6	321.6
Material prices, wages and supplements (excluding fuel)	218.0	223.9	226.7	228.4	235.4	237.4	246.4	248.2	258.9	263.9	268.8	272.4	283.4	184.7	299.5	301.4	311.2	314.2
Material prices, wages and supplements (including fuel)	227.3	232.9	235.5	237.6	244.5	247.9	257.1	259.2	269.2	274.0	278.4	282.0	292.9	297.8	320.8	332.4	347.1	355.1
Eastern District:																		
Fuel	350.8	349.1	346.3	351.4	361.4	386.7	405.0	407.6	411.1	416.3	413.4	413.1	422.1	476.3	580.1	713.7	795.9	858.9
Other materials and supplies	191.6	193.5	197.8	202.3	204.4	208.5	210.2	213.4	216.2	217.2	221.5	226.0	230.2	239.6	243.0	252.9	260.8	271.4
All material including fuel	235.3	236.5	238.9	243.7	247.7	257.4	263.5	266.4	269.6	271.6	274.1	277.4	282.9	304.0	333.1	374.7	402.0	420.1
Wage rates	202.0	209.7	212.7	213.7	220.1	220.6	229.9	232.8	242.6	249.5	257.7	262.6	270.4	270.4	288.5	288.5	297.0	297.0
Material prices and wages (and fuel)	210.9	216.9	219.7	221.7	227.5	230.4	238.9	241.8	249.8	255.4	262.1	266.6	273.7	279.4	300.4	311.5	325.0	331.5
Wages and supplements	223.2	230.1	232.4	233.2	242.4	243.9	252.8	255.1	270.3	275.8	282.1	285.9	298.2	298.2	315.7	315.7	326.7	326.7
Material prices, wages and supplements (excluding fuel)	218.1	224.2	226.8	228.2	236.2	238.2	246.0	248.3	261.5	266.3	272.3	276.2	287.2	288.7	303.9	305.5	316.0	317.7
Material prices, wages and supplements (including fuel)	226.0	231.6	233.9	235.6	243.6	247.0	255.3	257.7	270.1	274.8	280.2	283.0	294.6	299.6	319.8	329.4	344.2	349.9
Southern District:																		
Fuel	320.7	321.0	319.0	324.1	332.0	354.3	369.3	372.2	375.6	375.3	373.0	374.7	389.1	428.4	590.3	622.7	695.7	767.0
Other materials and supplies	195.7	196.8	198.7	202.4	206.2	209.9	213.3	217.9	220.0	223.3	226.1	229.5	234.7	240.4	246.3	254.0	262.4	275.3
All material including fuel	229.1	229.9	230.8	235.0	239.7	248.6	255.0	259.2	261.6	263.9	265.4	268.4	276.0	290.7	316.8	353.2	378.9	407.8
Wage rates	201.3	209.2	214.0	213.9	218.9	219.4	233.6	233.2	239.6	248.9	255.5	260.4	268.3	268.3	286.5	286.5	295.0	295.0
Material prices and wages (and fuel)	210.8	216.3	219.7	221.1	226.0	229.4	240.9	242.1	247.1	254.0	258.9	263.1	270.9	275.9	290.8	309.2	232.6	333.4
Wages and supplements	224.2	231.3	235.1	235.0	241.9	243.5	256.3	255.9	265.9	273.2	278.5	282.4	294.3	294.3	311.8	311.8	324.3	324.3
Material prices, wages and supplements (excluding fuel)	218.0	223.8	227.2	228.0	234.2	236.2	247.0	247.7	256.0	262.4	267.2	271.0	281.4	282.7	297.7	299.3	310.9	313.7
Material prices, wages and supplements (including fuel)	225.7	230.9	233.8	235.0	241.2	245.0	255.9	256.9	264.6	270.4	274.6	278.2	288.8	293.2	313.3	324.3	340.7	349.4
Western District:																		
Fuel	351.1	354.3	358.1	363.6	370.0	387.7	399.6	404.1	409.2	411.5	412.1	416.0	429.1	480.8	650.1	796.6	874.6	944.0
Other materials and supplies	200.2	203.1	206.9	212.6	213.9	218.5	321.9	227.2	230.8	233.7	236.5	239.2	244.7	251.6	256.3	266.8	274.8	293.3
All material including fuel	244.9	247.9	251.8	257.5	260.3	268.3	274.0	279.3	283.4	286.2	288.5	291.7	299.3	317.9	264.7	410.3	436.5	468.4
Wage rates	201.8	209.0	212.1	214.0	219.4	220.0	231.9	232.8	240.3	247.1	253.0	257.9	265.8	265.8	283.7	283.7	292.2	292.2
Material prices and wages (and fuel)	216.3	222.1	225.5	228.7	233.2	236.3	246.1	248.5	254.8	260.3	265.0	269.3	277.1	283.4	311.0	326.4	340.8	351.8
Wages and supplements	223.2	229.7	232.0	233.5	243.7	243.7	253.7	254.4	265.9	271.2	275.8	279.6	291.7	291.7	309.0	309.0	318.6	318.6
Material prices, wages and supplements (excluding fuel)	218.3	224.0	226.6	229.0	235.4	237.6	246.9	248.6	258.4	263.2	267.4	271.0	281.6	283.1	297.7	300.0	309.2	313.2
Material prices, wages and supplements (including fuel)	229.6	235.1	237.9	240.6	246.9	250.4	259.7	261.8	271.1	275.7	279.6	283.2	294.0	299.5	325.5	339.1	353.6	363.1

[1] Wage rates in 1978 relect the effects of retroactive pay increases applicable to time worked in 1978 but paid in 1979.

Attachment E.—*Indexes of Railroad Material Prices and Wage Rates*—[*Railroads of Class 1*]

1. Annual Indexes of Chargeout Prices and Wage Rates

[Average 1967=100]

District and group	1967	1968	1969	1970[1]	1971[1]	1972	1973	1974	1975[1]	1976	1977	1978[1]	1979[2]
United States:													
Fuel	100.0	103.5	106.7	110.5	114.6	117.1	136.5	272.0	321.9	350.1	389.6	406.9	606.4
Other material and supplies	100.0	102.6	105.5	109.4	113.5	118.7	122.9	142.1	190.2	203.2	217.2	230.6	252.5
All material including fuel	100.0	102.7	105.8	109.7	113.7	118.1	126.7	178.9	227.2	244.5	265.3	279.9	347.8
Wage rates	100.0	105.1	112.2	122.7	136.8	149.5	164.4	173.4	190.8	210.7	227.3	250.0	275.1
Material prices and wage rates combined	100.0	104.7	110.9	120.2	131.2	141.8	155.2	174.7	202.2	221.3	239.2	259.4	297.9
Wage rates and supplements[3]	100.0	106.3	113.6	125.6	133.4	153.4	173.9	183.1	207.1	232.0	251.6	276.5	302.8
Material prices, wage rates and supplements combined (excluding fuel)[3]	100.0	105.7	112.3	122.9	134.9	147.4	165.1	181.0	203.8	226.4	244.9	267.5	293.0
Material prices, wage rates and supplements combined (including fuel)[3]	100.0	105.7	112.3	123.0	133.7	145.6	163.5	186.8	212.6	235.4	155.4	277.4	315.2
Eastern District:													
Fuel	100.0	103.3	106.0	109.2	115.3	117.7	137.3	271.4	323.8	350.8	396.7	414.7	593.3
Other material and supplies	100.0	102.7	105.5	109.4	113.2	118.5	122.2	140.1	183.0	198.0	210.6	222.1	245.2
All material including fuel	100.0	102.8	105.6	109.4	113.8	118.3	126.4	176.6	225.7	240.3	261.5	275.0	338.3
Wage rates	100.0	105.9	113.2	122.9	136.6	150.0	165.5	175.2	191.3	212.1	230.9	255.5	280.9
Material prices and wage rates combined	100.0	105.4	111.9	120.7	131.8	143.3	157.2	175.5	200.5	219.6	239.1	260.7	296.2
Wage rates and supplements[3]	100.0	107.0	114.6	126.0	133.2	154.3	175.1	191.4	207.5	233.2	255.6	283.8	310.1
Material prices, wage rates and supplements combined (excluding fuel)[3]	100.0	106.4	113.3	123.6	135.3	149.0	167.2	183.8	204.3	227.5	248.3	273.8	299.6
Material prices, wage rates and supplements combined (including fuel)[3]	100.0	106.4	113.3	123.6	134.3	147.4	165.7	188.6	211.7	234.9	257.0	281.7	316.7
Southern District:													
Fuel	100.0	104.4	104.6	106.4	110.0	112.9	129.7	251.1	298.1	322.7	362.5	375.8	524.6
Other material and supplies	100.0	102.5	105.0	109.0	112.7	118.1	122.1	140.2	188.6	199.8	213.4	226.5	247.3
All material including fuel	100.0	102.9	104.9	109.3	111.9	116.6	124.1	169.9	217.8	232.7	253.3	266.5	321.7
Wage rates	100.0	104.6	111.4	122.4	135.3	149.1	163.7	173.1	189.9	210.4	226.0	248.8	274.0
Material prices and wage rates combined	100.0	104.2	110.0	119.3	127.6	139.5	155.8	172.1	199.4	218.0	235.3	254.8	290.3
Wage rates and supplements[3]	100.0	106.4	113.4	125.5	139.2	153.0	172.6	183.5	206.7	232.4	251.1	275.9	302.4
Material prices, wage rates and supplements combined (excluding fuel)[3]	100.0	105.6	111.7	122.2	131.9	144.4	160.1	178.6	202.8	225.4	243.0	265.2	290.5
Material prices, wage rates and supplements combined (including fuel)[3]	100.0	105.6	111.7	122.1	130.3	142.1	159.1	182.9	210.0	232.5	251.8	273.1	308.2
Western District:													
Fuel	100.0	103.2	103.1	113.4	116.2	118.7	133.6	231.1	328.9	359.1	395.4	414.0	643.0
Other material and supplies	100.0	102.5	105.9	109.4	114.1	118.1	123.5	145.0	192.8	207.4	222.5	236.7	258.6
All Material including fuel	100.0	102.7	106.6	110.6	114.7	118.2	128.0	185.8	233.4	252.5	273.3	289.2	361.7
Wage rates	100.0	104.6	111.5	122.7	137.6	149.3	163.7	172.3	190.8	210.0	225.3	246.8	271.7
Material prices and wage rates combined	100.0	104.3	110.6	120.4	132.1	141.7	155.0	175.6	205.2	224.3	241.5	261.1	303.0
Wage rates and supplements[3]	100.0	105.7	112.7	125.4	140.1	153.2	173.6	187.9	207.2	231.1	249.0	272.3	298.5
Material prices, wage rates and supplements combined (excluding fuel)[3]	100.0	105.1	111.5	122.6	135.7	147.2	165.1	180.6	204.1	226.0	243.3	264.7	290.0
Material prices, wage rates and supplements combined (including fuel)[3]	100.0	105.1	111.6	122.8	134.4	145.5	163.6	187.4	215.0	237.5	256.2	277.3	318.2

[1] Wage indices for 1970, 1971, 1975 and 1978 include retroactive wage increases paid in 1971, 1972, 1976, and 1979 respectively.

[2] Wage rates and wages and supplements indexes, and combinations including them, are preliminary. Indexes for fuel and materials and supplies are final.

[3] Includes payroll taxes, health and welfare benefits and other allowances.

Attachment F

Railroad _____

Reporting Period _____

Item	Source from 1979 R-1—use comparable period data	Period data
1. Depreciation—road:		
a. Depreciation expense	Sch. 410, 1. 136+137+138, col. f	
b. Miles of track operated	Sch. 700, 1. 57, col. j, *less* trackage rights	
2. Depreciation—locomotives:		
a. Depreciation expense	Sch. 410, 1. 213, col. f	
b. Horsepower per unit	Sch. 710, 1. 9—3—4, col. k÷j	
c. Freight units owned and used	Sch. 710, 1. 14—3—4, col. h	
d. Aggregate horsepower	2b×2c	
3. Depreciation—freight cars:		
a. Depreciation expense	Sch. 410, 1. 232, col. f	
b. Capacity per car	Sch. 710, 1. 58, col. m÷col's (k+l)	
c. Freight units owned and used	Sch. 710, 1. 58, col. i	
d. Aggregate capacity	3b×3c	
4. Taxes other than payroll:		
a. Tax expense	Sch. 410, 1. 614+615, col. f	
b. Miles of track operated	Same as 1b	
5. Interest:		
a. Fixed and contingent charges	Sch. 210, 1. 44+46, col. b	
b. Principal to which interest is applicable	Sch. 200, 1. 34+36+37+38+39+40+41, average beginning and end of period	
c. Net investment	Working capital (Rail Form A)+net investment in road and equipment (Sch. 352A, 1. 39, col. d-e)+interest during construction (Sch. 352B, 1. 43, col. b+c+d+e)+other elements of investment *if total debt* (Sch. 352B 1. 47, col. b+c+d+e); average beginning and end of period.	

Attachment G.—*Distribution of Freight Service Operating Expenses and Interest for Development of Weighting Factors*

1978 freight service expenses and interest (000)	United States	East	South	West	Source schedules from 1978 R-1
1a. Compensation charged to operating expenses	$8,760,411	$2,920,306	$1,420,555	$4,419,550	Sch. 410, col. b, line 620.
1b. Fringe benefits: payroll taxes, health and welfare benefits, and pensions.	2,049,841	691,157	336,717	1,021,967	Sch. 410, col. f, lines 112-4, 205, 224, 309, 414, 430, 505, 512, 522, 611.
2. Fuel	1,478,892	382,835	272,345	823,712	Sch. 410, col. c+col. d, lines 409-10, 425-6.
3. Materials and supplies	2,632,392	814,358	428,237	1,389,797	Sch. 410, col. c, line 620 less lines 409-10, 425-6.
4. Equipment rents	1,405,682	587,122	220,108	598,452	Sch. 410, col. f, lines 207-8, 211-2, 226-7, 230-1, 311-2, 315-6.
5. Purchased services	1,278,146	594,342	206,353	477,451	Sch. 410, col. d, line 620, less lines 409-10, 425-6, 207-8, 211-2, 226-7, 230-1, 311-2, 315-6.
6a. Depreciation—road	160,529	41,959	29,945	88,625	Sch. 410, col. f, lines 136-8.
6b. Depreciation—equipment	800,910	197,325	162,507	441,078	Sch. 410, col. f, lines 213, 232, 317.
7. Taxes other than payroll and income	402,774	94,736	83,777	224,261	Sch. 410, col. f, lines 614+615.
8. All other operating expenses	1,274,690	351,462	226,335	696,893	Residual (total line 10 less lines 1 through 7 and 9).
9. Fixed and contingent charges	775,430	199,796	185,846	389,788	Sch. 210, col. b, lines 44+46, adjusted for freight service portion.[1]
10. Total operating expenses and interest	21,019,697	6,875,398	3,572,725	10,571,574	Line 9 above *plus* Sch. 410, col. f, line 620.

[1] Adjusted by ratio of freight service to total operating expenses, Sch. 410, line 620, col. f divided by col. h.

[FR Doc. 80-37439 Filed 12-9-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 239
Wednesday, December 10, 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

Soil Conservation Service

Goose Creek Watershed, Wash.

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of deauthorization of federal funding.

FOR FURTHER INFORMATION CONTACT: Buell M. Ferguson, Director, Project Development and Maintenance, Soil Conservation Service, Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3587).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Goose Creek Watershed project, Lincoln County, Washington, Effective on November 3, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention 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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38261 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Batesville Regional Airport Critical Area Treatment RC&D Measure, Arkansas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Max A. Mull, Acting State Conservationist, Soil Conservation Service, 5029 Federal Building, 700 West Capitol Avenue, Little Rock, Arkansas 72201, telephone 501-378-5445.

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 Batesville Regional Airport Critical Area Treatment RC&D Measure, Independence County, Arkansas.

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. Max A. Mull, Acting 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 testing critically eroding areas. The planned works of improvement include, shaping, grading, topsoiling, seeding, sodding, and terracing.

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. Max A. Mull. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38262 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Buckeye Park Land Drainage RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

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 (7CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Buckeye Park Land Drainage RC&D Measure, Washington County, Ohio.

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. Robert R. Shaw, 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 land drainage on a park expansion near the city of Marietta. The planned works of improvement include the installation of subsurface drains, open drains, and grading and shaping of open space recreation areas. A pond and shallow wetland area will be created to mitigate wetland destroyed during the installation of the drainage practices. All disturbed areas will be seeded following construction.

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. Robert R. Shaw. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

[FR Doc. 80-38263 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Dunnville Critical Area Treatment RC&D Measure, Wisconsin; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Cliffton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608-264-5341.

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 Dunnville Critical Area Treatment RC&D Measure, Dunn County, Wisconsin.

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. Cliffton A. Maguire, 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 stabilization and seeding.

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. Cliffton A. Maguire. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38255 Filed 12-9-80 8:45 am]

BILLING CODE 3410-16-M

East Edenton Land Drainage RC&D Measure, North Carolina; Finding of No Significant Impact

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 East Edenton Land Drainage RC&D Measure, Chowan County, North Carolina.

The environmental assessment of this federally assisted action indicated 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 wet conditions caused by heavy rains and the resulting ponding water. The planned works of improvement include installing a sump pump, discharge pipe, tide gate, a low level dike, and underground plastic drainage tubing. 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 January 9, 1981.

(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)

Dated: November 28, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38266 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Headwaters RC&D Area, Critical Area Treatment RC&D Measures; Minnesota; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, Room 200, U.S. Courthouse and Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612-725-7675.

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 Critical Area Treatment RC&D Measures in the Headwaters RC&D Area, in Betrami, Clearwater, Hubbard, Lake of the Woods, and Mahnomen Counties, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause signifant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, 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 erosion of county and township road rights of way, streambanks,

lakeshores, gullies, and the resulting sediment (sediment pollution). The planned works of improvement include erosion control practices such as critical area plantings, Streambank and lakeshore protection, grade stabilization structures, diversions, grassed waterways, debris basins, and fencing.

The Notices 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. Harry M. Major. 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 January 9, 1981.

(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)

[FR Doc. 80-38264 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Iuka Flood Protection and Drainage RC&D Measure, Kansas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

for further information contact: Mr. John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, P.O. Box 600, Salina, Kansas 67401, telephone 913-825-9535.

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 Iuka Flood Protection and Drainage RC&D Measure, Pratt County, Kansas.

The enrivonmental 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. John W. Tippie, 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 flood protection and drainage. The planned works of improvement include 10.1 miles of open channels to be constructed either in cropland fields or adjacent to rural roads.

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. John W. Tippie. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38267 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Mill Creek Reservoir Recreation Facility RC&D Measure, Louisiana; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

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 Mill Creek Reservoir Recreation Facility RC&D Measure, Bienville Parish, Louisiana.

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. Alton Mangum, 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 recreation facilities on 23 acres on the north shore of Mill Creek Reservoir. The planned works of improvement include a boat launching ramp, a parking area, picnic tables, grills, trash receptacles, an addition to an existing fishing pier, two group pavilions, restrooms, a swimming beach, and a playground.

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. Alton Mangum. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38258 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Waynesburg Borough Critical Area Treatment RC&D Measure, Pennsylvania; Finding of No Significant Impact

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, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, telephone 717-782-2202.

NOTICE: Puusuant 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 Waynesburg Borough Critical Area Treatment RC&D Measure, Greene 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 soil and water conservation practices to stabilize approximately 4.5 acres of an abandoned refuse area. Practices include rock and grass lined waterways, diversions, vegetated seeding with mulch and protective fencing.

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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38269 filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

G. R. Whitfield School Flood Prevention and Land Drainage RC&D Measure, North Carolina; Finding of No Significant Impact

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 G. R. Whitfield School Flood Prevention and Land Drainage RC&D Measure, Pitt 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 basin, 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 January 9, 1981.

(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)

Dated: November 28, 1980.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38270 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

Wolf Run Critical Area Treatment RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone 614-469-6962.

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 Wolf Run Critical Area Treatment RC&D Measure, Noble County, Ohio.

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. Robert R. Shaw, State Conservationaist, 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 along Noble County Road 115 near Wolf Run Reservoir. The planned works of improvement include the installation of two erosion control structures, a diversion, grading, and reseeding of a gullied road bank. Approximately 1 acre of severely eroded land will be stabilized by these conservation practices.

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. Robert R. Shaw. 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 January 9, 1981.

(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)

Dated: December 4, 1980.

James W. Mitchell,

Associate Deputy Chief for Natural Resource Projects.

[FR Doc. 80-38271 Filed 12-9-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Assistant Secretary for Administration

[Dept. Organization Order 20-7]

Office of Organization and Management Systems; Statement of Organization and Functions and Delegations of Authority

Correction

In FR Doc. 80-35565, at page 75266, in the issue of Friday, November 14, 1980, the bracket number in the heading is corrected to read as above.

BILLING CODE 1505-01-M

International Trade Administration

Latchet Hook Kits From the United Kingdom; Dismissal of Antidumping Petition

AGENCY: U.S. Department of Commerce.

ACTION: Dismissal of petition.

SUMMARY: The Department of Commerce advises the public that the A & H Shillman Co., Inc., filed a petition alleging that latchet hook kits from the United Kingdom are being, or likely to be, sold in the United States at less than fair value and below the cost of production. As the petition was not filed by an interested party properly entitled to do so, the petition is being dismissed, and the proceeding terminated.

EFFECTIVE DATE: December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Steve Garment, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-1756).

SUPPLEMENTARY INFORMATION: On November 13, 1980, the A & H Shillman Co., Inc., of Baltimore, Md., filed a petition pursuant to section 732 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673a) ("The Act") alleging that latchet hook kits from the United Kingdom are being, or likely to be, sold in the United States at less than fair value and less than the cost of production.

According to section 732, the petition must be filed on behalf of an industry, defined in section 771(4)(A) of the Act (93 Stat. 176, 19 U.S.C. 1677) as:

The domestic producers as a whole of a like product, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product.

The petitioner is an assembler of latchet hook kits from components, almost all of which are purchased domestically. The kits are used in hobby craft production of rugs and other items. In his petition he alleges that the three component parts of a latchet hook kit; 1) latchet hooks, 2) stencilled cotton canvas, and 3) yarn less than 3" in length of 100% wool or of a wool blend in which the wool is the chief value, are being imported into the United States where they are assembled into kits. The petition further alleges material injury from the sales of these kits at less than fair value and below the cost of production. In a letter of advice on the issue of material injury to an industry, the staff of the International Trade Commission stated its opinion that the industry or industries being affected by the sales in question would consist of manufacturers either of latchet hooks, stencilled canvas, or the particular type of wool used in the rugs, not the assemblers of the kits themselves. The letter stated that:

Any investigation undertaken by the Commission pursuant to its authority under Title VII would focus on the effects of the importation of such yarns, hooks, and canvas on the industries producing these items in the U.S., not upon their effects on the latchet hook kits assemblers.

It appears that even if the Commission were to investigate the effects of alleged less than fair value sales on the alleged material injury to the domestic latchet hook kit industry, any relief which the Commission might authorize would be purely illusory as latchet hook kits, as such, are not being imported; any antidumping duty imposed on kits would not reach yarns, canvas or hooks.

Since the petition is filed on behalf of the latchet hook kit assemblers rather than the domestic producers of either the latchet hooks, or stencilled cotton canvas, or the specific wool yarn, we have determined that the petitioner is not an interested party under section 771(9) of the Act, properly entitled to file for relief under section 732 of the Act. Notice is hereby given that the petition is dismissed, and the proceeding terminated. A copy of this determination is being furnished to the U.S. International Trade Commission in accordance with section 732(d)(1) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)(1)).

This notice is published pursuant to section 732(c)(3) of the Act (93 Stat. 163, 19 U.S.C. 1673a(c)(3)).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-38323 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket S-663]

Application; American Heavy Lift Shipping Co.; Merchant Marine Act; Show Cause Notice

Notice was given in the Federal Register on March 6, 1980 (45 FR 14616), Docket No. S-663, that American Heavy Lift Shipping Co. (AHL) filed an application dated January 11, 1980, with the Maritime Subsidy Board (Board), pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a 20-year, long-term operating-differential subsidy agreement (ODSA) covering the worldwide operation of two C1-MT-123a heavy lift, Ro/Ro vessels. AHL intends to lift cargoes of 100 tons or more weight per single piece or those whose measurements exceed either 80 feet in length or 15 feet in width, plus ancillary cargoes outbound and any class of cargo available to it inbound. AHL has agreed to limit the scope of its operations as follows:

- No more than four shippers on any voyage leg;
- No movement of cargo in containers, barges, or lighters;
- No more than two vessels to be operated;
- Maximum of 28 sailings per year; and
- No subsidized carriage of cargoes subject to the cargo preference statutes of the United States.

If awarded, the contract will run for 20 years from the date of such award.

AHL's Notice of Application stated that, "Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate to the Secretary, Maritime Subsidy Board, by the close of business on March 17, 1980." Timely Petitions for Leave to Intervene were received from Lykes Bros. Steamship Co., Inc. (Lykes), Moore McCormack Lines, Incorporated (MorMac), Apex Marine Corp. (Apex) on behalf of the Berger Group, Trailer Marine Transport Corp. (Trailer Marine), Gulf Caribbean Lines, Inc. (Gulf Caribbean), Crowley Towing and

Transportation Company (Crowley), Puget Sound Tug & Barge Co. (Puget Sound), Waterman Steamship Corporation (Waterman) and Sea-Land Service, Inc. (Sea-Land). Subsequently, due to the above referenced limitation of the scope of AHL's operations, the interventions filed by Apex and Sea-Land were withdrawn.

Each of the intervenors operates all water services as follows:

Lykes: TRs 13, 15B, 17, 21, 22, 29 and 31. Lykes operates a fleet of 44 vessels including Seabee and Ro/Ro vessels and claims the capability to lift single cargo pieces of up to 176 long tons with ships' gear and heavier pieces with off-ship assistance.

MorMac: TRs 1 and 15A. MorMac operates a fleet of ten C4 and C6 vessels. MorMac claims that it carries the cargo AHL seeks on these routes and has the ability to lift pieces up to 75 long tons with ships' gear and claims lifts of up to 300 long tons with off ship assistance.

Waterman: TRs 5-7-8-9, 21, 18, 12 and 22. Waterman currently operates 2 C4 vessels and 7 LASH barge carries on these trade routes. Waterman will introduce into service one additional LASH vessel in the near future. Waterman claims that it can and has lifted the cargoes AHL intends to carry.

Trailer Marine: Provides unsubsidized liner service between U.S. ports in Florida and the Gulf of Mexico, and other domestic ports and foreign ports utilizing Ro/Ro barges and towboats.

Gulf Caribbean: Provides unsubsidized liner service between U.S. ports in the western Gulf of Mexico and other domestic ports, and foreign ports in the Caribbean using Pass On/Pass Off barges and towboats.

Crowley: Operates towboats and barges in unsubsidized worldwide contract carriage. Claims single piece lifts of several hundred tons as a specialty.

Puget Sound: Operates towboats and barges in unsubsidized worldwide contract carriage. Claims single lifts of several hundred tons as a specialty.

While all of the above listed operators operate all water services which reach areas AHL serves, none is presently believed to serve the entire worldwide range which AHL serves. While the intervening operators have in the past lifted some of the cargoes which AHL intends to lift, most do it as an adjunct to their services. The primary difference between the service provided by AHL and that presently provided by the above-named operators lies in the character of the services to be rendered by AHL.

The character of AHL's service is delineated by its vessels, which are purpose built. These vessels conform to the world norm for special purpose, heavy lift vessels, i.e., they are small, slow, shallow draft, and specifically suited to the carriage of oversized and high weight cargoes. These characteristics give these vessels the ability and flexibility to serve areas which the line haul vessels of liner operators cannot reach. The AHL vessels are approximately 2,700 DWT each with a service speed of 13 knots and a draft of 16 feet. They are equipped with two 216 ton cranes, a bow ramp of 1,000 tons capacity and a stern ramp of 80 tons capacity. Each vessel has a main hatch opening 133 feet long and 30 feet wide.

When vessel characteristics are compared it is evident that the AHL vessels are not competitive with liner vessels. First, while the capacity of these vessels is adequate for heavy lift consignments, it is extremely limited compared to modern line haul cargo vessels. In addition the shallow draft permits the AHL vessels to navigate either directly to landing sites or to points which are closer to project sites than are generally accessible to line haul vessels. Second, the average liner cargo vessel's lift capacity is generally limited to 100 tons, with the exception of Seabee and LASH barge carriers. However, the flexibility of barge carriers for heavy lift operations is limited by the fact that the barges are not self unloading. The heavy lift ability of barge carriers is also limited by large capacity. Finally, in comparing the speed of the vessels, modern line haul vessels generally have service speeds approaching 20 knots.

In that the line haul vessels cannot serve the range of ports the AHL vessels can and cannot provide the same service, they are not directly competitive with the AHL vessels. Likewise, the barge operations of several of the intervenors, which are possibly capable of operating in the same port areas as the heavy lift vessels, generally lack self-contained discharge capabilities, except for Ro/Ro type operations and are, therefore, not fully comparable. The AHL vessels are the only vessels in the U.S.-flag fleet totally designed and built for the heavy lift trade.

Available data indicates that in 1978, the last full year available, a substantial portion of heavy lift cargo in U.S. foreign trade moved on non-liner, foreign-flag vessels. In that year, 99.8 percent of imports carried on non-liner vessels and 91.8 percent of the exports carried non-liner, went on foreign vessels. It is estimated that heavy lift cargo represented approximately 130,000 long tons of those cargoes outbound and 30,000 long tons inbound. These figures are representative of the state of heavy lift carriage by U.S.-flag vessels. An additional review of 44 commodities carried in the non-liner trades which contain significant portions of heavy lift cargoes, revealed that in 1978 U.S.-flag vessels carried only 15 percent, overall, of those commodities. A survey of heavy lift shippers done in 1975 indicated that there is a general unavailability of U.S.-flag heavy lift capacity.

The criteria for determining existing service is actual operating experience and the time period for measuring such experience depends on relevant circumstances. The first of AHL's vessels entered service in December 1978 and the second in July 1979. During 1979 a total of 12 voyages were completed. Twelve voyages were also completed in 1980, and a total of 17 voyages are projected for 1981. For the 24 voyages made in the 1979-80 period AHL carried a total of 75 pieces of cargo classifiable as heavy lift, as described in Docket A-144, and 238 pieces of ancillary cargo related to the heavy lifts. The combined tonnage of these carryings totaled 21,450 tons, or an average of approximately 894 tons per voyage. A total of 17 shippers used AHL's service in 1979, including four foreign-to-foreign movements and one coastwise move, and 22 used the service in 1980, including two foreign-to-foreign movements.

Interested parties are hereby given an opportunity to show cause why the Board should not find, under section 605(c) of the Act, that the effect of awarding a contract to AHL, for an existing service to the extent of a minimum of 14 and a maximum of 28 sailings annually with two C1-MT-123a heavy lift, Ro/Ro type vessels for a period of 20 years, would not be unduly prejudicial or give undue advantage as between citizens of the United States operating heavy lift services in worldwide operation. Any person, firm or corporation having an interest in the application and who desires to submit such showing of cause, is invited to file a written statement, by January 2, 1981.

Any party desiring an evidentiary hearing on the application should set forth his interest in the application and should, with particularity, articulate any or all of the facts upon which he desires to adduce evidence. Any allegation of undue prejudice or unfair advantage shall be accompanied by a statement describing in detail the undue prejudice or unfair advantage.

Allegations of other factual issues which the party wishes the Board to consider in a hearing on the application shall include: (1) a clear and concise statement of the issues upon which a hearing is desired; and (2) the grounds upon which such allegations rest, in

such detail as to permit the Board to determine their exact nature.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS)

By Order of the Maritime Subsidy Board.

Dated: December 2, 1980.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 80-38221 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-15-M

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning April 1, 1981 in the Baltimore, Maryland SMSA. The cost of the project is estimated to be $240,000. The Project No. is 03-10-67003-00.

CLOSING DATE: January 16, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K St., NW, Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this annoucement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. Capability of Firm.

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. Staffing Capability

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. Credentials

A. Submit examples of work: speciment packages acceptable (Case Histories/Business Plans)

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. Techniques and Methods Proposed to Implement the work requirement (Applicant's Work Plan)

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the proceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on December 30, 1980 at 9 A.M.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

Dated: December 5, 1980.

Luis G. Encinias,

Regional Director.

[FR Doc. 80-38237 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its General Business Services Program (GBS) to operate one project for a 12 month period beginning April 1, 1981 in the Pittsburgh, Pennsylvania SMSA. The cost of the project is estimated to be $110,000. The Project No. is 03-10-67004-00.

CLOSING DATE: January 16, 1981.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1730 K St., NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grant/Cooperative Agreement Specialist, telephone 202/634-7883.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The General Business Services Program (GBS) is specifically designed to assist those minority businesses that have the

highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either non-profit or for profit) which must be capable of providing such services as the preparation of business plans, financial packaging, industrial management assistance, personnel management services, marketing planning, and a broad range of other business services excluding legal services.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation of proposals will employ the following criteria:

1. *Capability of Firm*

A. Experience in providing management consulting services and other technical assistance to businesses, at the level and of the nature described in the work requirements.

B. Internal resources available to the project (e.g., administrative, technical, capability statement, business references).

2. *Staffing Capability*

A. Staffing Pattern (who is accountable to whom, for what).

B. Experience of key personnel in providing management consulting services that are at the level and the nature described in the work requirements. (Submit resumes). (Project manager must be designated).

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials*

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans)

B. Unique abilities or resources of the applicant which provide leverage for clients.

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the work requirement (Applicant's Work Plan)*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in the solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A Pre-Application conference to assist all interested applicants will be held at the above address on December 30, 1980 at 10:30 a.m.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 5, 1980.

Luis G. Encinias,

Regional Director.

[FR Doc. 80-38298 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

Senior Executive Service Performance Awards

Pursuant to the authority set out under section 5384 of title 5 of the United States Code and in implementation of Office of Personnel Management instructions as set out in its memorandum of July 21, 1980, to Heads of Departments and Agencies, the National Bureau of Standards hereby announces that the individuals named below will receive Senior Executive Service performance awards on December 24, 1980.

Name and title	Amount
Thomas A. Dillon*, Deputy Director, National Bureau of Standards	$10,022.50
Richard D. Deslattes, Senior Research Fellow, Center for Absolute Physical Quantities	10,022.50
John W. Lyons, Director, National Engineering Laboratory	9,020.25
Robert A. Kamper, Chief, Electromagnetic Technology Division	8,018.00
Joan R. Rosenblatt, Deputy Director, Center for Applied Mathematics	7,516.88
Donald R. Johnson, Deputy Director for Resources and Operations, National Measurement Laboratory	7,015.75
Karl G. Kessler, Director, Center for Absolute Physical Quantities	6,514.63
Samuel Kramer, Associate Director for Program Coordination, National Engineering Laboratory	5,512.38
Wolfgang L. Wiese, Chief, Atomic and Plasma Radiation Division	5,512.38
Edward L. Brady, Associate Director for International Affairs	5,512.38
Howard T. Yolken, Chief, Office of Measurements for Nuclear Technology	5,011.25
Thomas N. Pyke, Director, Center for Computer Systems Engineering	5,011.25
Edward O. Pirang, Chief, Structures and Materials Division	5,011.25
Harold Berger, Chief, Office of Nondestructive Evaluation	4,510.13
Morris Kraus, Group Leader for Quantum Chemistry	4,510.13
Robert P. Madden, Group Leader for Ultraviolet Physics	4,510.13
Ronald K. Eby, Chief, Polymer Science and Standards Division	4,009.00
Jack E. Snell, Director, Office of Energy Programs	4,009.00
Samuel Penner, Chief, Radiation Source and Instrumentation Division	4,009.00
Alvin H. Sher, Deputy Director, Center for Electronics and Electrical Engineering	3,507.88
James E. Faller, Senior Scientist and Fellow of JILA, Center for Absolute Physical Quantities	3,507.88

*Dr. Dillon is currently Deputy Assistant Secretary for Nuclear Reactor Programs, Department of Energy.

Dated: December 5, 1980.

Ernest Ambler,

Director.

[FR Doc. 80-38259 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Issuance of General Permits to Incidentally Take Marine Mammals

On December 3, 1980, general permits to take marine mammals incidental to commercial fishing operations in Categories 1, 3, 4, and 5 were issued to the Pacific Coast Federation of Fishermen's Association, P.O. Box 1626, Sausalito, California 94965. These permits authorize the taking of 1,300 phocid seals, 1,140 otariid seals and 40 cetaceans within the U.S. fishery conservation zone (FCZ), pursuant to 50 CFR 216.24. These general permits which cover the remainder of calendar 1980 are valid through December 31, 1981.

The issuance of these general permits is based on information developed for and covered in the "Report Based on the Workshop on Stock Assessment and Incidental Take of Marine Mammals Involved in Commercial Fishing Operations" and other relevant prior studies and reviews. This report was made available to the general public on April 17, 1980. Both the general permits and the supporting documentation are available for public review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries

Service, (Room 412), 3300 Whitehaven Street, NW, Washington, D.C. General permit applications for the 1982 fishing season in these four categories will be accepted after July 1, 1981.

This notice also includes a section on simplified procedures that Regional Directors may implement in administering these general permits. They cover applications, reports and fees for certificate of inclusion holders and the retention of marine mammals for scientific research.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service, Washington, D.C. 20235.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) (MMPA) established a moratorium on the taking of marine mammals. A two-year exemption from that moratorium was provided for commercial fishermen. Regulations governing the take of marine mammals incidental to commercial fishing operations were established at the conclusion of the exemption period to allow incidental taking under a permit.

Five General Permit categories were established by regulation (50 CFR 216.24(b)) as follows:

Category 1: Towed or Dragged Gear. Commercial fishing operations utilizing towed or dragged gear such as bottom otter trawls, bottom pair trawls, multi-rig trawls, and dredging gear;

Category 2: Encircling Gear, Purse Seining Involving the Intentional Taking of Marine Mammals. Commercial fishing operations utilizing purse seines to capture tuna by intentionally encircling marine mammals;

Category 3: Encircling Gear, Purse Seining not Involving the Intentional Taking of Marine Mammals. Commercial fishing operations utilizing purse seining, which do not intentionally encircle marine mammals;

Category 4: Stationary Gear. Commercial fishing operations utilizing stationary gear such as traps, pots, weirs, and pound nets; and

Category 5: Other Gear. Commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified in the categories above.

General Permit Issuance

This section of the notice addresses the issuance of general permits in Categories 1, 3, 4, and 5. Category 2 general permits are the subject of a separate action (see 45 FR 72178, October 31, 1980). National Environmental Policy Act reviews on the issuance of general permits to commercial fishermen to take marine mammals incidentally were conducted in 1975 (November 18), 1976 (October 14), and 1977 (August 12). General permits and certificates of inclusion have been issued by the National Marine Fisheries Service, (NMFS) each year since 1974 to domestic fishermen. Since 1977 when the Fishery Conservation and Management Act of 1976 (FCMA) extended MMPA jurisdiction to include the 200-mile fishery conservation zone (FCZ), general permits have been issued also to foreign fishermen who fish within the FCZ.

On april 2, 1980, a Notice was published in the Federal Register (45 FR 21672) that applications had been received from Mr. Douglas Chipman and from the Pacific Coast Federation of Fishermen's Associations for General Permits under Categories 1, 3, 4, and 5. A 30-day public review period on these applications began on April 14, 1980 (45 FR 26115, April 17, 1980) with an announcement of the availability of "A Report Based on the Workshop on Stock Assessment and Incidential Take of Marine Mammals Involed in Commercial Fishing Operations" (workshop report) held in Seattle, Washington in 1979. No public comments were received. Table 1 summarizes the domestic and foreign applications received in 1980 for general permits.

Population estimates and the anticipated impact of regulations on affected marine mammal stocks were made when the general permit system was developed in 1974 (39 FR 32317, September 5, 1974). A workshop convened by the NMFS in Seattle, Washington on January 30–31, and February 1, 1979 updated that information. Participants in the workshop reviewed the best information available and identified research needs relating to the abundance, distribution and population trends of marine mammals. The workshop also addressed the interactions between marine mammals and commercial fishing operations other than purse seining for tuna (Category 2). The report of the workshop was released for public review on april 14, 1980, and is available upon request. The information provided in the following sections is abstracted principally from the workshop report, but other source material is used as well. Tables of estimated population size and assessments of the anticipated impact on affected marine mammal species are included.

Table 1.— *General Permits—Commercial Fishing Incidental Take* [1]

[1980–81 domestic, 1980–81 foreign]

Permits	Pinnipedia				Cetacea		Total	
	Otariidae		*Phocidae*					
	Requested	Authorized	Requested	Authorized	Requested	Authorized	Requested	Authorized
Category 1—Towed or dragged gear:								
Domestic (PCFFA)	350	350	250	250	0	0	600	600
Japan (deep sea)	70	70	0	5	2	2	72	77
Japan (medium) [2]	0	0	0	0	0	0	0	0
U.S.S.R. (Sovrybflot)	200	200	10	10	10	10	220	220
Poland (Odra/Dalmor)	55	50	55	50	37	30	147	130
Domestic (Chipman)	10	0	10	0	0	0	20	0
West Germany (Hochsee fisher)	40	5	40	5	40	2	120	12
Subtotal	725	675	365	320	89	44	1,179	1,039
Category 3—Encircling gear, not involving intentional taking:								
Domestic (PCFFA)	300	300	400	400	40	40	740	740
Domestic (Chipman)	10	0	10	0	0	0	20	0
Subtotal	310	300	410	400	40	40	760	740
Category 4—Stationary gear:								
Domestic (PCFFA)	40	40	50	50	0	0	90	90
Domestic (Chipman)	10	0	10	0	0	0	20	0
Subtotal	50	40	60	50	0	0	110	90

Table 1.— *General Permits—Commercial Fishing Incidental Take* [1]

Permits	Pinnipedia				Cetaces		Total	
	Otariidae		*Phocidae*					
	Requested	Authorized	Requested	Authorized	Requested	Authorized	Requested	Authorized
Category 5—Other gear:								
Domestic (PCFFA)	450	450	600	600	40	40	1,090	1,090
Japan (longline) [2]	0	0	0	0	0	0	0	0
Domestic (Chipman)	10	0	10	0	0	0	20	0
Subtotal	460	450	610	600	40	40	1,110	1,090
Total	1,545	1,465	1,445	1,370	169	124	3,159	2,959

[1] Except category 2; encircling gear, involving the intentional taking of marine mammals.
[2] Requested permit for harassment only, no mortality or serious injury intended.

Population Estimates/Anticipated Impact of Take

Pinnipedia (Sea Lions and Seals). The following summarizes the estimated populations of involved species:

Species	Location	Estimated population size
Otariidae:		
Northern sea lion (*Eumetopias jubatus*)	Alaska	214,000
	California	2,000
	Washington	500
	Oregon	3,000
California sea lion (*Zalophus californianus*)	California	45,000
	Mexico	45,000
Northern fur seal (*Callorhinus ursinus*)	Eastern Bering Sea	1,391,000
Phocidae:		
Harbor seal (*Phoca vitulina*)	Alaska	270,000
	California	6,100
	Washington	7,000
	Oregon	4,000
	U.S. east coast	7,000
Northern elephant seal (*Mirounga angustirostris*)	Baja California	35,356
	California	24,644
Ribbon seal (*Phoca fasciata*)	Bering/Chukchi Sea	100,000

The impact on these populations of the additional take of pinnipeds authorized by this permit is expected to be as follows:

Sea Lions and Fur Seals (*Otariidae*)—Most of the incidental take of otariid seals is expected to be from the northern sea lion stocks in the Bering Sea, Aleutian Islands, and the Gulf of Alaska. Some lesser number of animals is expected to be taken from the Pribilof Island fur seal stock as well as northern and California sea lion stocks off the coasts of Washington, Oregon and California.

The northern sea lion population in Alaskan waters appears stable. Data indicate that approximately 1,000 sea lions are killed annually by domestic fishermen, while information from the U.S. observer program which monitors foreign fishing vessels indicates that the foreign incidental take is 800 to 1,600 sea lions annually. Based on information submitted in the Alaska Waiver proceedings (44 FR 2547–2554, January 11, 1979), a take of this level is not expected to disadvantage the northern sea lion population in Alaskan waters. The workshop report also indicated that the annual mortality and injury by commercial fishing operations is not expected to adversely affect the population sizes of either the northern seal lion in California, Oregon, or Washington waters, the California sea lion, or the northern fur seal since the level of take is believed to be low in comparison to the population size.

Seals (*Phocidae*)—The workshop report indicates that most of the phocid seal take will be harbor seals, with an occasional take of northern elephant and ribbon seals. The estimated take of harbor seals incidental to commercial fisheries off Alaska is estimated to be 1,440 in domestic fisheries and 289 in foreign fisheries. As this estimate is less than one percent of the Alaskan population size, no effect on the Alaska population is anticipated. Regarding harbor seals in Washington, Oregon, and California, there is no indication that the relatively small man-induced take is adversely affecting the population which appears to be growing and extending its range. No take of Atlantic harbor seals will be allowed under the domestic general permit because of inadequate population data. The indicental mortality from commercial fishing operations on the northern elephant seal in Pacific waters is infrequent and is not thought to have a significant impact on population size. Finally, there has been only one reported take of a ribbon seal incidental to commercial fishing. Since this species concentrates in the northern Bering Sea, where little commercial fishing takes place, the issuance of general permits is not expected to disadvantage this species.

CETACEA (dolphins, porpoises and whales)—The following summarizes the species involved in commercial fishing activities and their estimated population sizes:

Species	Location	Estimated population size
Beluga (white whale) (*Delphinapterus leucas*)	Cook Inlet	500
	Bristol Bay	2,000
	Bering/Chukchi/Beaufort Seas	15,000
Bottlenose dolphin (*Tursiops truncatus*)	U.S. coasts	20,000–30,000
Common dolphin (*Delphinus delphis*)	California	243,000
Dall porpoise (*Phocoenoides dalli*)	North Pacific Ocean	5,000,000
	Califorina	250,000
Harbor porpoise (*Phocoena phocoena*		Unknown

Species	Location	Estimated population size
Minke whale (*Balaenoptera acutorostrata*)	North Atlantic	60,000
Pacific whitesided dolphin (*Lagenorhynchus obliquidens*)	Baja and Alta California	24,000
	California current system	200,000
Longfin pilot whale (*Globicephala melaena*)		Unknown
Shortfin pilot whale (*Globicephala macrorhynchus*)		Unknown
False killer whale (*Pseudorca crassidens*)		Unknown
Rough-toothed dolphin (*Steno bredanensis*)		Unknown

The taking of beluga and minke whales is estimated to be rare. Bottlenose dolphin, common dolphin, Pacific whitesided dolphin and both the longfin and shortfin pilot whales are taken infrequently.

The Dall porpoise is believed to be taken more frequently than other cetacean species in commercial fishing operations; however, the numbers taken are not expected to adversely affect or disadvantage the species. Dall porpoise are taken in the Japanese mothership and land-based salmon gill net fisheries which are covered by international convention. The average annual take of Dall porpoise in those fisheries was 3,220 for the period 1955 to 1975, including a high of nearly 20,000 in 1966. The Government of Japan was exempted from the provisions of the MMPA in the high seas salmon fishery beginning in 1978 while cooperatively conducting research with the United States on the incidental taking of marine mammals in those fisheries. The exemption and the research program terminate in June 1981. The general permit authorized by this notice does not pertain to those fisheries.

Since information on the population size and the impact on taking is lacking or unknown it has been determined that no taking will be authorized under the domestic general permit for the following species: harbor porpoise, bottlenose dolphin, shortfin pilot whale, longfin pilot whale, false killer whale, and rough-toothed dolphin.

The workshop report as well as data available from previous studies and reviews supports the conclusion that a take of 1,300 phocid seals, 1,140 otariid seals and 80 cetaceans as requested in the application from the Pacific Coast Federation of Fishermen's Association (PCFFA) will not adversely impact or disadvantage the affected species or stocks. Accordingly, general permits were issued on December 3, 1980, for the four gear categories listed in Table 1. No take is authorized for species whose estimated population size is unknown, for which the impact on the species is unknown, or for which the species is considered depleted under the MMPA, or listed as threatened or endangered under the Endangered Species Act of 1973.

The permit application from Mr. Douglas Chipman has been denied because it duplicated the requests in the permits granted to the PCFFA. These cover the same gear categories and include a more representative geographic area and a greater number of fishermen. Table 1 includes take authorized by general permits issued to fishing corporations in Japan and Poland on April 4, 1980 (45 FR 24907), April 11, 1980), the USSR on July 17, 1980 (45 FR 49631, July 25, 1980) and West Germany on October 31, 1980 (45 FR 73529, November 5, 1980). The Table provides a summary of the total take authorized under both domestic and foreign general permits.

General Permit Implementation

In order to improve administration of these general permits, the Assistant Administrator for Fisheries has directed Regional Directors of the National Marine Fisheries Service to adopt where appropriate the following programs for fishing gear categories 1, 3, 4, and 5. These changes simplify application and reporting requirements for holders of certificates of inclusion issued under general permits, eliminate the application fee, and increase the potential for obtaining data relevant to the incidental catch of marine mammals in commercial fishing operations.

Authority for these changes is provided in the following paragraphs of 50 CFR 216.24—Taking and related acts incidental to commercial fishing operations.

Applications—50 CFR 216.24(c)(5)—As authorized by 50 CFR 216.24(c)(7), Regional Offices determine whether applications are adequate and complete. If information required for these certificates is available from other sources, such as applications for state and local licenses or existing Federal, fishing association, or tribal organization forms or records, separate applications from fishermen need not be required by the Regional Office. Further, Regional Offices may authorize state or local authorities, fishing associations, tribal organizations, or other Federal agencies to act as agents to issue certificates. These may be issued in conjunction with or as a part of other currently required licenses. If the required information is available in part, a simplified application may be used.

Fees—50 CFR 216.24(c)(6)—The Assistant Administrator, on recommendation of NMFS Regional Directors, has determined under 50 CFR 216.24(c)(6)(v) that no fee be charged for certificates of inclusion issued under these permits.

Reports—50 CFR 216.24(d)(1)(v), (d)(3)(v), (d)(4)(v) and (d)(5)(v)—These sections require that the death or injury of marine mammals incidental to commercial fishing operations be reported within five days or within 48 hours of arrival in port for vessels who remain at sea for a period longer than five days after such incidents occur. Regional Directors are empowered to designate agents to receive such reports. Designated agents may be state or local authorities, fishing associations, tribal organizations, or other Federal agencies who are involved in processing applications. The Assistant Administrator, on recommendation of a Regional Director, can prescribe log forms and reports consistent with the regulations that require only essential information relative to the gear and incidental catch of marine mammals.

Retaining marine mammals—50 CFR 216.24(d)(1)(iv), (d)(3)(iv), (d)(4)(iv) and (d)(5)(iv)—These sections prohibit retaining marine mammals taken in the course of commercial fisheries except where a specific permit authorizing retention for scientific research has been obtained. The holder of a valid scientific research permit, which provides for the retention of marine mammals at sea, can request vessel owners possessing certificates of inclusion to retain marine mammals taken in the course of commercial fishing for authorized research use. If a vessel owner agrees, copies of the research permit must be provided to the vessel owner to accompany the retained specimens.

Regional Directors can help permit holders in obtaining assistance of vessel owners by insuring that copies of relevant permits are provided and, if desired, by stipulating in certificates of inclusion that specimen retention arrangements have been authorized.

Dated: December 3, 1980.

Terry L. Leitzell,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 80-38313 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Applications for General Permits

Notice is hereby given that the following applications have been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1981 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

1. Japan Deep Sea Trawlers Association, Daito Building, 61F, Ogawa-cho, 3–6 Kanda, Chiyodaka, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 phocid seals and 20 otarid seals in the Bering Sea and one seal and one cetacean in the North Atlantic.
2. The National Federation of Medium Trawlers, Showa Kaikan, 3–2, Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit for harassment taking only.
3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2–7–2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 5; "Other Gear" general permit to take marine mammals by harassment only.
4. *Odra,* Swinoujscie, Poland, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 40 otarid seals, 40 phocid seals and 24 small cetaceans in the Bering Sea and Gulf of Alaska.
5. *Dalmor,* Gdynia, Poland, has applied for a general permit to take 48 otarid seals, 48 harbor seals, and 30 small cetaceans in the Bering Sea and Gulf of Alaska.
6. *Gryf,* Swinoujscie, Poland, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 24 otarid seals, 24 phocid seals, and 15 small cetaceans in the Bering Sea and Gulf of Alaska.

The applications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.

Interested parties may submit written views on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: December 4, 1980.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species National Marine Fisheries Service.

[FR Doc. 80-38314 filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Marine Mammals Permit

On September 8, 1980, notice was published in the Federal Register (45 FR 59187), that an application had been filed with the National Marine Fisheries Service by Mr. Randall Davis, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, California 92093, to take fifty (50) Weddell seals (*Leptonychotes weddelli*) for the purpose of scientific research.

Notice is hereby given that on December 2, 1980, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Scientific Research Permit for the above taking to Mr. Randall Davis, subject to certain conditions set forth therein.

The Permit is available for review in the following office: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: December 2, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-38317 Filed 12-9-80 8:45 am]

BILLING CODE 3510-22-M

Issuance of Marine Mammals Permit

On February 13, 1980, Notice was published in the Federal Register (45 FR 9762) that an application had been filed with the National Marine Fisheries Service by U.S. Air Force–HQ Space Division, Los Angeles Air Force Station, P.O. Box 92960, Worldway Postal Center, Los Angeles, California 90009 for a Permit to take sixteen hundred (1600) California sea lions (*Zalophus californianus*) and three hundred (300) Northern elephant seals (*Mirounga angustirostris*) for scientific research.

Notice is hereby given that on December 3, 1980, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) the National Marine Fisheries Service issued a Permit for the above taking to USAF–HQ Space Division, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 3, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-38315 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fisheries Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), status of other FMP's foreign fishing applications, and other fishery management and administrative matter.

DATES: The meetings, which are open to the public, will convene on Wednesday, January 14, 1981, at approximately 1 p.m., and will adjourn on Friday, January 16, 1981, at approximately noon. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The meetings will take place at the Sheraton-Fountainebleau Inn and Spa, 10100 Ocean Highway, Ocean City, Maryland.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: December 5, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-38310 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel and Its Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), has established a Surf Clam/Ocean Quahog Resources Subpanel and a Scientific and Statistical Committee, which will meet separately to discuss amendment #3 to the Surf Clam/Ocean Quahog Fishery Management Plan, as well as other fishery matters. The meetings may be lengthened or shortened, or agenda items rearranged, depending upon progress on the agenda.

DATES: The Scientific and Statistical Committee meeting will convene on Wednesday, January 7, 1981, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m., and will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania. The Surf Clam/Ocean Quahog Resources Subpanel meeting will convene on Friday, January 9, 1981, at approximately 10 a.m., and will adjourn at approximately 4 p.m., and will take place at the Sheraton Inn, Route 13, Dover, Delaware. These meetings ae open to the public.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware, 19901. Telephone: 302-674-2331.

Dated: December 5, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-38309 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council, Its Scientific and Statistical Committee and Its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, Established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), its Scientific and Statistical Committee (SSC) and its Advisory Panel (AP) will hold joint and separate meetings. The Council will also meet jointly with the Alaska Board of Fisheries.

DATES: The Council meeting will convene on Wednesday, January 7, 1981, at approximately 9 a.m., and adjourn on Friday, January 9, 1981, at approximately 5 p.m. The Council and Alaska Board of Fisheries will meet jointly on Monday, January 5, 1981, at approximately 9 a.m., to hear technical reports on the status of fishery resources; on Tuesday, January 6, 1981, reconvene at approximately 9 a.m., to hear public testimony, and adjourn both days at approximately 5 p.m. The SSC and AP meetings will convene on Monday, January 5, 1981, at approximately 9 a.m., and will adjourn at approximately 5 pm., These public meetings will be held in the Baranof Hotel, Juneau, Alaska. The meetings may be lengthened or shortened depending upon progress on the agenda items.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska, Telephone: (907) 274-4563.

PROPOSED AGENDA:

Council

SPECIAL NOTE: Preregistration (except in special or unusual cases) will be required for all public comments which pertain to a specific agenda topic. Preregistration is accomplished by informing the Agenda Clerk as early as possible of the agenda item(s) to be addressed and the time requested. Preregistration and public comments may be scheduled for agenda items concerning old and new business, and fishery management plans (FMP's).

A detailed agenda will be sent to the public around December 22, 1980. The Council will consider the 1981 amendment package for the troll salmon fishery off Alaska. Regulatory proposals for the 1981 salmon fishery include alternatives regarding optimum yield, limited entry, time and area closures, gear restrictions on numbers of gurdies and types of hooks; reporting requirements, and heads-on requirements., The Council may approve the salmon amendments to go to the Secretary of Commerce to commence the formal Secretarial reveiw period. Though no formal actions are anticipated, the Council may discuss FMP's for herring, tanner crab, king crab, Gulf of Alaska groundfish, and Bering Sea-Aleutian groundfish. The Council may also consider various contracts.

The SSC and AP will have the same agenda as the Council.

Dated: December 4, 1980

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-38311 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

National Voluntary Laboratory Accreditation Program; Accepting Applications for Accreditation

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Announcing a new policy for accepting applications from testing laboratories that seek accreditation under the National Voluntary Laboratory Accreditation Program (NVLAP).

SUMMARY: Testing laboratories seeking accreditation under NVLAP may now make application at any time during the year for initial entry into NVLAP, for additional laboratory accreditation programs (LAPs), and for additional test methods within LAPs. NVLAP will review applications and will initiate laboratory assessments on a continual basis.

EFFECTIVE DATE: As of December 1, 1980, a NVLAP application package will be sent to any testing laboratory upon request. Requests received since the previous deadline date of April 1980 will be processed at this time.

FOR FURTHER INFORMATION CONTACT: Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards Policy, Room 3876, Department of Commerce, Washington, D.C. 20230 (202) 377-3221; or John W. Locke, NVLAP Coordinator, at the same address, (202) 377-2054.

SUPPLEMENTARY INFORMATION:

Background

The National Voluntary Laboratory Accreditation Program (NVLAP) was established by notice in the Federal Register on February 25, 1976 (41 FR 8163-8168, 15 CFR Part 7, which has been amended and redesignated 15 CFR Parts 7a, 7b, and 7c). Final criteria to accredit laboratories testing thermal insulation materials and an invitation to laboratories to request an application package were published on January 18, 1979 (44 FR 3886-3906). On October 17, 1979 (44 FR 60052-60054), the Department of Commerce (DoC) announced the accreditation of 30 laboratories testing thermal insulation materials effective October 12, 1979. The criteria were revised and published on January 23, 1980 (45 FR 5572-5600), and

testing laboratories were invited to request an application package for laboratory accreditation programs (LAPs) in thermal insulation materials, freshly mixed field concrete, and carpet. A total of 99 completed applications were received by the deadline date of April 1980. Accreditation of 72 of the applicants was announced on November 14, 1980. Completion of the assessment process and announcement of accreditation decisions for the other applicants is expected by January 1981. Since April 1980, about 40 requests for an application package have been received.

From its inception until the present, NVLAP accepted applications for each LAP on a once yearly basis. A date was set by which applications have to be filed, failing which the applications would not be accepted until the next period was set for receipt of new applications, usually a year later.

New Policy

Based on the operational maturity of NVLAP, DOC has concluded that it is now appropriate to accept applications for accreditation at any time. This new application policy is being implemented to make NVLAP more responsive to the needs of the testing laboratories by shortening the periods in which application for accreditation will be accepted.

Upon receipt of a request for an application, DOC will send an application package to the requestor. Making such a request does not commit a laboratory to apply for accreditation. The contents of each application package are tailored to the requirements of the LAPs and the test methods of interest to the requestor. The application package provides detailed information about the assessment procedures so that a laboratory can judge if it wishes to proceed with a formal application. DoC will take no further action unless the formal application form, which is included in the application package, is completed and returned by the laboratory.

Upon receipt of a completed application form, the National Bureau of Standards (NBS) will initiate the laboratory assessment process. Laboratory assessments will be conducted as expeditiously as possible, subject to minimizing the travel expenses incurred for site visits to the applicant laboratories. NBS will prepare and forward recommendations for granting or denying accreditation to DoC on a quarterly basis.

Also, laboratories, which are already accredited, may at any time request to be accredited for additional test methods and for additional LAPs. Requests from the accredited laboratories and from all new laboratories should be addressed to: NVLAP Coordinator, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-2054.

Application Packages

An application package includes the following information:

(a) Instructions describing the steps to follow for becoming accredited;

(b) Application form including a test method selection list;

(c) Fee schedule;

(d) Laboratory accreditation criteria; and

(e) Supplemental information relevant to each test method or group of test methods for which the laboratory seeks accreditation.

Because the application package contains detailed guidance relative to each test method for which accreditation is sought, requestors are encouraged to identify those test methods for which they seek accreditation. The criteria and list of test methods for which accreditation is available are contained in the Federal Register notice of January 23, 1980 (45 FR 5572-5600) which is available upon request from John W. Locke, NVLAP Coordinator, Room 3876, Department of Commerce, Washington, D.C. 20230, (202) 377-2054.

Dated: December 4, 1980.

Jordan J. Baruch,

Assistant Secretary for Productivity, Technology and Innovation.

(FR Doc. 80-38275 Filed 12-9-80; 8:45 am)

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Additional Import Controls on Certain Cotton Textile Products From India

December 4, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling other yarn-dyed cotton fabrics in Category 318 at the agreed consultation level of 1,000,000 square yards during the twelve-month period which began on January 1, 1980. (A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506).)

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the United States Government has decided to control imports of cotton textile products in Category 318, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1980, in addition to those categories previously designated.

EFFECTIVE DATE: December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 28, 1979, there was published in the Federal Register (44 FR 76840) a letter dated December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of cotton textile products in Category 318, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1980, at the agreed consultation level of 1,000,000 square yards. The level of restraint for Category 318 has not been adjusted to account for any imports after December 31, 1979. Imports during the period which began on January 1, 1980 and extended through October 31, 1980 amounted to 880,843 square yards, and will be charged. Imports in the Category from November 1, 1980 through the effective date of this action will also be charged.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce; International Trade Administration

Washington, D.C.

December 4, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive

further amends, but does not cancel, the directive issued to you on December 21, 1979 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 10, 1980, and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 318, produced or manufactured in India, in excess of 1,000,000 square yards.[1]

Cotton textile products in Category 318, which have been exported to the United States prior to January 1, 1980 shall not be subject to this directive.

Cotton textile products in Category 318 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of TSUSA numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 52506).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-38322 Filed 12-9-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1979. Imports during the January-October 1980 period have amounted to 880,843 square yards.

Adjusting the Level of Restraint for Certain Cotton Apparel From Taiwan

December 9, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing charges to the level of restraint established for cotton textile products in Category 347/348 (cotton trousers), produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1980, by 73,942 dozen. Charges to the sublimit for Category 347 are being reduced by 40,165 dozen and for Category 348, by 33,777 dozen. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), and August 12, 1980 (45 FR 53506)).

SUMMARY: Under the terms of the Bilateral Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan, agreement has been reached pending a reconciliation of statistical data concerning cotton textile products in Category 347/348 exported from Taiwan in 1979, to reduce the charges to the 1980 levels for this category by 73,942 dozen to account for outstanding differences in the data.

EFFECTIVE DATE: December 11, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 28, 1979, there was published in the Federal Register (44 FR 76839) a letter dated December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain cotton, wool and man-made fiber textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce charges to the level of restraint established during that period for cotton textile products in Category 347/348 by the designated amount.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

December 9, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Textile Agreement concerning cotton, wool and man-made fiber textile products from Taiwan, it would be appreciated if you would deduct the following amounts from the charges recorded against the levels of restraint established for Category 347/348 and its sublimits during the agreement year which began on January 1, 1980:

Category	Amount of reduction in charges (dozen)
347/348	73,942
347	40,165
348	33,777

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-38470 Filed 12-9-80; 10:11 am]

BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 80-10]

Lorenzo Pucillo and Son, Inc. et al.; Publication of a Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a complaint under the Consumer Product Safety Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Consumer Product Safety Commission must

publish in the Federal Register complaints which it issues under the Consumer Product Safety Act. Published below is a Complaint in the matter of Lorenzo Pucillo and Son, Inc. and Chester Pucillo, individually and as an officer of the corporation, issued December 1, 1980.

In the matter of Lorenzo Pucillo and Son, Inc., a corporation, and Chester Pucillo, individually and as an officer of the corporation, CPSC Docket No. 80-10; complaint.

Jurisdiction

1. This proceeding is based on sections 15, 19, and 20 of the Consumer Product Safety Act (CPSA)—15 U.S.C. 2064, 2068, and 2069—and is governed by 16 CFR Part 1025—Rules of Practice for Adjudicative Proceedings.

The Respondents

2. Respondent Lorenzo Pucillo and Son, Inc. is a New Jersey corporation with its corporate office at Route 46, Lodi, New Jersey 07644; it was incorporated April 2, 1963.

3. Respondent Chester Pucillo is president and chief executive officer of the respondent corporation. As such, he controls the acts, practices, and policies of the respondent corporation.

4. Whenever this complaint refers to any act of the respondents, the reference shall be deemed to mean that the directors, officers, employees, or agents of the respondents authorized such act while actively engaged in the management, direction, or control of the affairs of the respondents and while acting within the scope of their employment or official duties.

The Consumer Product

5. From June 13, 1978, to the present, respondents engaged in the collection of solid waste or refuse for both private and public customers. In that trade, they "distributed in commerce," as that term is defined in subsections 3(a)(11) and (12) of the CPSA, 15 U.S.C. 2052(a) (11) and (12), approximately 142 metal refuse bins, as defined in 16 CFR 1301.4(b).

6. Those approximately 142 refuse bins distributed in commerce by the respondents are subject to the Ban of Unstable Refuse Bins, 16 CFR Part 1301 (Ban), pursuant to § 1301.1 thereof and must not tip over when tested under the conditions of § 1301.6 and by the procedures of § 1301.7 of the Ban.

7. The respondents are distributors, as that term is defined in section 3(a)(5) of the CPSA, 15 U.S.C. 2052(a)(5), and in § 1301.1(c) of the Ban, or metal refuse bins that are subject to the Ban.

8. The slant-sided metal refuse bins described in paragraphs five through seven were distributed in commerce by the respondents for sale to, or for the personal use, consumption or enjoyment of, consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, and are therefore "consumer products" as that term is defined in section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

The Banned Hazardous Product

9. Paragraphs one through eight are hereby realleged.

10. The Ban was promulgated and published in the Federal Register, 42 FR 30,300, on June 13, 1977; it provided for an effective date of June 13, 1978, to allow the solid waste collection trade a year in which to retrofit unstable refuse bins that present an unreasonable risk of injury due to tip-over. The Commission extended the date for enforcement of the Ban to August 13, 1978, to give that industry additional time in which to bring unstable refuse bins into conformity.

11. The Ban is the consumer product safety rule that, under sections 8 and 9 of the CPSA (15 U.S.C. 2057 and 2058), declares that certain unstable refuse bins are banned hazardous products, that is, those refuse bins of metal construction, having an internal volume one cubic yard or greater by actual measurement, that are in commerce or being distributed in commerce after June 13, 1978, which tip over when tested under the conditions of § 1301.6 and by the procedures of § 1301.7 of the Ban and which are produced or distributed for sale to, or for the personal use, consumption or enjoyment of, consumers in or around a permanent or temporary household or residence, a school, in recreation, or otherwise.

12. By certified letters, dated September 14, 1978, the Commission's New York Area Office warned the respondents that their continued violations of section 19 of the CPSA (15 U.S.C. 2068) by knowingly distributing unstable refuse bins in commerce and by knowingly failing to inform the Commission of such distribution could result in civil and criminal penalties and, further, requested the respondents to report in writing the actions taken by them to determine whether their bins conformed to the stability requirements of the Ban.

13. On October 18, 1978, investigators from the New York Area Office examined and tested, under the conditions of § 1301.6 and using the procedures in § 1301.7, two of the respondents' two-cubic yard slant-sided refuse bins located at Riverside Gardens in Belleville, New Jersey; the test results showed that Sample Nos. E-805-3362 and 3363 failed the vertical test, that No. E-805-3362 failed the horizontal test, and that both bins were therefore banned hazardous products.

14. By Notice of Noncompliance dated November 3, 1978, the respondents were advised that their violations of sections 19(a)(2) and 19(a)(4) of the CPSA could result in civil and criminal penalties and they were requested to furnish written information on the number of unstable bins and their locations, together with a schedule for retrofitting such bins.

15. The respondents did not respond in any way until they met with New York Area Office personnel on January 18, 1979, at which time, after estimating that they had 72 noncomplying refuse bins in their inventory (more than 50%), the respondents agreed to test and retrofit those bins within 2 weeks, to confirm their retrofitting program in writing, and to report in writing when that program was completed.

16. With no response from the respondents, Commission investigators on March 13, 1979, examined and tested, under the conditions of § 1301.6 and using the procedures in § 1301.7, 4 of the respondents' 17 slant-sided refuse bins (ranging in size from 1 to 1.5 cubic yards) located at Franklin Square Apartments in Ramsey, New Jersey; the test results showed that Sample Nos. E-805-7781, 7782, 7783, and 7784 each failed the horizontal test, that No. E-805-7783 failed the vertical test, and that each of the 4 was a banned hazardous product; and later observation disclosed that, as late as March 29, none of those 17 bins had been retrofitted.

17. When the respondents did not reply to the Area Office's letter of May 23, 1979, Commission investigators on June 13 and 18, 1979, examined and tested, under the conditions of § 1301.6 and using the procedures in § 1301.7, three of the respondents' slant-sided refuse bins located at Essex Housing in Bloomfield, New Jersey, and one of their bins at Kielb's Quality Bakery, 919 Franklin Avenue, Newark, New Jersey; and the test results showed that Sample Nos. E-805-6608, 6609, 6611, and 6613 failed the vertical test, that Nos. 6608 and 611 failed the horizontal test, and that each of the four bins was a banned hazardous product.

18. Therefore, between June 13, 1978 and June 18, 1979, the respondents distributed in commece a minimum of 10 unstable metal refuse bins that are banned hazardous products within the meaning of 16 CFR Part 1301, Ban of Unstable Refuse Bins, in that such bins, when tested under the conditions of § 1301.6 and by the procedures of § 1301.7 thereof, tip over and, consequently, present an unreasonable

risk of injury due to tip-over that could result in serious injury or death from crushing.

19. The findings of the Commission as to the degree and nature of the risks of injury tha this Ban was promulgated to eliminate or reduce are contained in 16 CFR 1301.3 which is incorporated by reference and made a part hereof as Exhibit A.

Count I—Distribution of Banned Hazardous Products

20. Paragraphs one through nineteen are hereby realleged.

21. Between June 13, 1978 and June 18, 1979, respondents distributed in commerce a minimum of 10 unstable metal refuse bins which had been declared to be banned hazardous products by 16 CFR Part 1301—Ban of Unstable Refuse Bins—a consumer product safety rule under section 8 and 9 of the CPSA, 15 U.S.C. 2057 and 2058.

22. Respondents, while being aware of the Ban, distributed in commerce consumer products which had been declared banned hazardous products by a rule under the CPSA, 16 CFR Part 1301, and thereby knowingly committed unlawful acts prohibited by section 19(a)(2) of the CPSA, 15 U.S.C. 2068(a)(2), each violation of which represents a separate offense with respect to each consumer product involved.

Count II—Failure To Inform

23. Paragraphs one through nineteen are hereby realleged.

24. Between June 13, 1978, and June 18, 1979, respondents distributed in commerce certain banned hazardous products—a minimum of 10 unstable refuse bins—that failed to comply with the applicable consumer product safety rule, 16 CFR Part 1301—Ban of Unstable Refuse Bins.

25. Respondents failed to inform the Commission of such failure to comply as required by section 15(b)(1) of the CPSA, 15 U.S.C. 2064(b)(1).

26. By failing to inform the Commission when they obtained, or could have obtained upon the exercise of due care, information which reasonably supported the conclusion that such unstable refuse bins failed to comply with the applicable consumer product safety rule of which they were aware, respondents knowingly committed unlawful acts prohibited by section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), each violation of which represents a separate offense with respect to each consumer product involved.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission, after affording interested persons an opportunity for a hearing in accordance with subsection (f) of section 15, 15 U.S.C. 2064(f):

1. Determine that respondents' unstable refuse bins, described in paragraphs five through nineteen above, fail to comply with the applicable consumer product safety rule and are banned hazardous products.

2. Pursuant to section 20(a) of the CPSA, 15 U.S.C. 2069(a), assess a civil penalty of $2,000 per violation up to the maximum amount allowable under law and consistent with the facts as established in this proceeding against the respondents for knowingly violating:

(a) Section 19(a)(2) of the CPSA, 15 U.S.C. 2068(a)(2), by distributing in commerce consumer products which have been declared banned hazardous products by a rule, 16 CFR Part 1301—Ban of Unstable Refuse Bins, under the CPSA, as alleged in Count I; and

(b) Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), by failing to furnish information required by section 15(b)(1) of the CPSA, 15 U.S.C. 2064(b)(1), as alleged in Count II.

Issued by Order of the Commission.

Dated: December 1, 1980.

Edwin F. Tinsworth,

Acting Association Executive Director for Compliance and Administrative Litigation, Consumer Product Safety Commission.

Dated: December 4, 1980.

Sheldon D. Butts,

Deputy Secretary, Consumer Product Safety Commission.

[FR Doc. 80-38255 Filed 12-9-80; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Candidate Army Realignment; Fort Indiantown Gap, Annville, PA; Filing of Draft Environmental Impact Statement

Pursuant to Sec. 805(c) of Pub. L. 96-125, Military Construction Authorization Act, 1980, the Army, on 5 December 1980 provided the Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for the candidate realignment action at Fort Indiantown Gap, Annville, Pennsylvania.

The proposed action would terminate Army occupancy of Fort Indiantown Gap and transfer Reserve Component training support activities to the Department of Military Affairs, Commonwealth of Pennsylvania. Alternatives considered are no action, and making the installation a sub-post of Fort Meade, MD. Impacts range from moderate positive effects on the natural environment to slight decreases in area socio-economic indicators.

Copies of the DEIS have been forwarded to concerned Federal, state and local agencies. Interested organizations or individuals may obtain copies from Mr. C. Gregory, ATTN: AFOP-FSS, Headquarters, US Army Forces Command, Fort McPherson, Georgia 30330. Interested personnel in the Fort Indiantown Gap area can review the DEIS at Building T-01, Post Headquarters, Fort Indiantown Gap.

In the Washington area, copies may be seen during normal duty hours in the Army Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone (202) 694-3434.

The review period for this Draft Environmental Impact Statement ends 26 January 1981.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 80-38223 Filed 12-9-80; 8:45 am]
BILLING CODE 3710-08-M

New Cumberland Army Depot, PA; Candidate Army Realignment: Consolidation of Army Aircraft Depot Maintenance Mission and Function, Filing of Draft Environmental Impact Statement

Pursuant to Sec. 805(d) of Pub. L. 96-125, Military Construction Authorization Act, 1980, the Army, on December 5, 1980, provided the Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for Candidate Army Realignment: Consolidation of Army Aircraft Depot Maintenance Mission and Function. The preferred course of action is the mission realignment of aircraft maintenance from New Cumberland Army Depot, Fairview Township, York County, Pennsylvania, to Corpus Christi Army Depot, Texas. Alternatives to the proposed action considered include: (1) the status quo, (2) consolidation of aircraft maintenance at New Cumberland Army Depot, and (3) consolidation of aircraft maintenance at Harrisburg International Airport. There are no significant environmental consequences identified for any course of action considered except an economic impact in the Corpus Christi region for alternatives 2 and 3 above.

Copies of the statement have been forwarded to concerned Federal, state, and local agencies. Interested organizations or individuals may obtain copies from Mr. Robert R. Jameson, Directorate for Plans and Analysis, U.S. Army Materiel Development and Readiness Command, 5001 Eisenhower Avenue, Alexandria, VA 22333, (202) 274-8155.

The review period of this draft Environmental Impact statement ends January 26, 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 80-38224 Filed 12-9-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Proposed Subsequent Arrangements With Taiwan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

The subsequent arrangements to be carried out under the above mentioned authority involve the approval of contractual arrangements for supply of the following materials:

Contract Number S-CI-18, 80 milligrams of uranium, enriched to 98.22% in U-233, to be used for burn-up analyses of General Electric test fuel rods.

Contract Number S-CI-19, 30 milligrams of plutonium, enriched to greater than 90% in Pu-242, to be used for burn-up analyses of General Electric test fuel rods.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than December 26, 1980.

For the Department of Energy.

Dated: December 4, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-38304 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Final Environmental Impact Statement Proposed Fiscal Year 1981 Program; Availability

Notice is hereby given that the Bonneville Power Administration (BPA), in compliance with the National Environmental Policy Act of 1969, has prepared and is distributing the Final Environmental Impact Statement (EIS), Proposed Fiscal Year 1981 Program. This statement was prepared to generically and cumulatively evaluate environmental impacts associated with the construction and maintenance programs proposed by BPA for fiscal year 1981. Included in the proposal is the control of tall-growing vegetation within BPA transmission line rights-of-way. The EIS evaluates and compares alternative methods of vegetation control, including use of herbicides, hand and mechanical cutting, and a combination of these methods. The final EIS has been revised in respone to comments received on the draft, issued December 6, 1979.

Copies of the Final Fiscal Year 1981 Program EIS are available for public inspection at designated Federal depositories (for locations, contact the Environmental Manager, Bonneville Power Administration) and at Department of Energy public document rooms located at:

Library, FOI—Public Reading Room 1E190, Forrestal Building, 1000 Independence Avenue, NW., Washington, D.C.; and in the following BPA Area Offices:

BPA, Washington, D.C., Office, Room 3352, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C.;

Eugene District, Room 206, U.S. Federal Building, 211 East 7th Street, Eugene, Oregon;

Idaho Falls District, 531 Lomax Street, Idaho Falls, Idaho;

Kalispell District, Highway 2 (East of Kalispell), Kalispell, Montana;

Portland Area, Room 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon;

Seattle Area, Room 250, 415 First Avenue North, Seattle, Washington;

Spokane Area, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington;

Walla Walla Area, West 101 Poplar, Walla Walla, Washington;

Wenatchee District, Room 314, U.S. Federal Building, 301 Yakima Street, Wenatchee, Washington.

Copies have also been furnished to those who commented on the draft EIS.

Single copies are available upon request to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208, phone (503) 234-3361, extension 5136, or one of the BPA Areas or Districts listed above.

Dated at Portland, Oregon, this 5th day of November 1980.

Ray Foleen,

Acting Administrator.

[FR Doc. 80-38301 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

PGP Gas Products, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action Taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearing and Appeals: December 3, 1980.

FOR FURTHER INFORMATION CONTACT: Charles L. Croxton, Program Manager for Natural Gas Liquids, Program Operations Division, Office of Enforcement, 2000, M Street NW., Room 5204, Washington, D.C. 20461, (202) 653-3541.

SUPPLEMENTARY INFORMATION: On October 24, 1979, the Office of Enforcement of the ERA published notification in the Federal Register that it executed a proposed Consent Order with PGP Gas Products, Inc., (PGP) of Midland, Texas on August 13, 1979, 44 FR 61242 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the proposed Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by PGP pursuant to the proposed Consent Order were requested to submit notice of their claims to the ERA.

Although interested persons were invited to submit comments regarding the proposed Consent Order to the DOE, no comments were received. The proposed Consent Order has therefore been finalized. 44 FR 73141 (1979)

Pursuant to the Consent Order, PGP refunded the sum of $33,437.28 (interest included) by certified check made payable to the United States Department of Energy on January 16, 1980. This sum has been received by

DOE and it has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to ERA:

Scurlock Oil Company.

ACTION TAKEN: The ERA is unable readily to identify the persons entitled to receive the $33,437.28 or to ascertain the amounts of refunds that such persons are entitled to receive. The ERA has therefore petitioned the Office of Hearings and Appeals (OHA) on December 3, 1980 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 280 *et seq.* to determine the identify of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 4th day of December, 1980.

Robert Gerring,

Director, Program Operations Division.

[FR Doc. 80-38300 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-R-79-32E]

Resellers and Reseller-Retailers Electing To Compute Maximum Lawful Selling Prices for Gasoline Pursuant to the Price Rules in Effect on April 30, 1980

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of election.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby lists those Resellers and Reseller-Retailers who have elected to continue to compute maximum lawful selling prices for gasoline pursuant to the price rules in effect on April 30, 1980.

On May 2, 1980, the ERA published its final rules regarding the pricing of gasoline by resellers and reseller-retailers (45 FR 29546). The rules, effective May 1, 1980, provided for alternative methods of computing maximum lawful selling prices (MLSP) either under the fixed margins set forth in those final rules (new rules) or under the rules in effect on April 30, 1980 (old rules). The Federal Register notice required a reseller or reseller-retailer to submit a notice of election in writing on or before July 1, 1980 in the event it desired to compute its MLSP under the rules in effect on April 30, 1980. As the preamble stated at 45 FR 29546 (May 2, 1980), that election had to be made on the basis of the entire firm and is applicable to all sales of gasoline. A particluar division or part of a firm could not elect to be subject to the new rules while another division or part of the firm continued to be subject to the old rules. In such a case, the firm would be subject to the new rules.

We have received notice from fifty-two (52) firms who have elected to use the reseller/reseller-retailer pricing rules in effect on April 30, 1980. The names and addresses of those firms are listed below by ERA Enforcement Districts.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, (Office of Public Information), Economic Regulatory Administration, Room 110-B, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4055

Adna S. Day, (Office of Enforcement), Economic Regulatory Administration, Room 5212, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3511.

Issued in Washington, D.C., on December 4, 1980.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Northeast District

American Refining Group, Villanova, Pennsylvania
Cantwell Oil, Belfast, Maine
Gasoline Marketers of America, Inc., Chatham, New Jersey
Gibbs Oil Company, Revere, Massachusetts
Harbor Supply Oil Co., Inc., Portland, Maine
Northville Industries Corp., Melville, New York
Pennsylvania Oil & Lubricating Company, Pittsburgh, Pennsylvania
Ringer Petroleum Co., Marklesburg, Pennsylvania
George A. Rossi Oil Inc., Vineland, New Jersey
Schwalb Coal & Oil Company, Inc., Rochester, New York
M. Spiegel & Sons Oil Corp., Hewlett, New York
Supreme Petroleum Co. of New Jersey, Inc., Somerville, New Jersey
Weston Petroleum, Inc., Weston, Massachusetts

Southeast District

B-T Energy Corporation, Lebanon, Kentucky
Dion Oil Company, Key West, Florida
Fornell Oil Company, Holly Hill, Florida
GNC Energy Corporation, Lebanon, Kentucky
Radiant Oil Company of Tampa, Inc., Tampa, Florida
Southern Oil Service, Chattanooga, Tennessee

Central District

I. V. Cole Petroleum Co., Inc., Des Moines, Iowa
Enterprise Oil and Gas Company, Detroit, Michigan
Highway Oil, Inc., Topeka, Kansas
Hi-Lo Oil Co., Inc., Topeka, Kansas
Home Oil Co., Wamego, Kansas
Koon & Bowman Oil Co., Maquoketa, Iowa
Missouri Terminal Oil Company, St. Louis, Missouri
Naph-Sol Refining Company, Muskegon, Michigan
Redenbaugh Oil Company, Ottawa, Kansas
Rollet Bros. Oil Co., Inc., Perryville, Missouri
Snapp Oil Company, Wamego, Kansas
Tommy Oil Company, Inc., Topeka, Kansas
Torco Oil Company, Chicago, Illinois
Warelubco, Inc., Jacksonville, Illinois
Wokingman's Friend Oil, Inc., Topeka, Kansas
Xcel Products Company of Ohio, Westerville, Ohio

Southwest District

Aminoil USA, Inc., Houston, Texas
Bruin Corporation, Houston, Texas
Dial Coberg Oil Co., Stillwater, Oklahoma
Enterprise Products Company, Houston, Texas
Haworth Oil Company, Duncan, Oklahoma
Kent Oil & Trading Company, Houston, Texas
Luttrell Oil Co., Inc., Tulsa, Oklahoma
NGL Supply Inc., Tulsa, Oklahoma
Petroleum Trading & Transport Co., Tulsa, Oklahoma
Questor Products Marketing, Inc., Houston, Texas
Thomas P. Reidy, Inc., Houston, Texas
Sergeant Oil & Gas Co., Inc., Houston, Texas
Shaw's Gulf Inc., Stillwater, Oklahoma
Tipco Marketing Company, Houston, Texas

Rocky Mountain District

Schaeffer Oil, Inc., Winner, South Dakota

Western District

Leathers Oil Co., Gresham, Oregon
Pro Sales, Inc., Gresham, Oregon

[FR Doc. 80-38335 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

Earth Resources Co. (d.b.a. Delta Refining 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—First Notice.

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.

DATE: Comments by January 9, 1981.

ADDRESS: Send written comments to: James C. Easterday, District Manager of Enforcement, Southeast District, ERA, 1655 Peachtree Street, NE, Atlanta, Georgia 30367.

FOR FURTHER INFORMATION CONTACT: Robert Burch, Program Manager, Southeast District, ERA, 1655 Peachtree Street NE, Atlanta, Georgia 30367, telephone (404) 881-2396.

SUPPLEMENTARY INFORMATION: On November 26, 1980 the Southeast District, Office of Enforcement of the ERA executed a Consert Order with Earth Resources Company, Dallas, Texas. Under 10 CFR § 205.199 J(b), a Consent order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest becomes effective upon its execution only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order with Earth Resources Company.

I. The Consent Order

Earth Resources Company (ERC), located in Dallas, Texas, with a small refinery located in Memphis, Tennessée, doing busienss as Delta Refining Company, is a small refiner and marketer of refined petroleum products. ERC is subject to the jurisdiction of the DOE with regard to prices charged pursuant to 10 CFR Part 211, during the period August 19, 1973 through November 26, 1980, ("the period covered by this Consent Order"). 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 ERC, the Office of Enforcement, ERA, and ERC entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order relates to Sales of covered products by ERC during the period August 19, 1973 through November 26, 1980.

2. ERC was audited by the DOE to determine ERC's compliance with the DOE petroleum price regulations, entitlements program regulations and the mandatory petroleum allocation regulations. Matters reviewed during the audit included determination of ERC's classes of purchaser and May 15, 1973 selling prices to each; calculations of ERC's base period product and non-product costs; calculations of ERC's increased costs and cost allocations; calculations of ERC's unrecouped cost increased and recoveries of increased costs; and calculations of maximum allowable prices and prices actually charged.

3. The Consent Order recites that during the course of the audit, DOE has issued three Notices of Probable Violation (NOPV) and a Proposed Remedial Order (PRO).

4. ERC and the Office of Enforcement each believes that its legal positions concerning the matters resolved by this Consent Order are meritorious and are likely to be sustained if tried before a court. ERC, without admitting that it has violated any regulations or overcharged any customer, is willing to enter into this Consent Order as a means of settling all its outstanding disputes with DOE concerning the subject matter of this Consent Order, and thus avoiding further disruption of its orderly business functions and the expense of protracted, complex litigation.

5. ERC agrees to implement price reductions in sales of motor gasoline through company operated stations to accomplish a refund in the aggregate amount of $5,000,000, including interest to the effective date of the Consent Order.

6. With respect to its sales of JP-4 jet fuel to the Defense Fuel Supply Agency ("D.F.S.A."), ERC will, commencing as of the effective date of this Consent Order, issue credit memoranda to D.F.S.A. for JP-4 thereafter delivered by ERC and invoiced to D.F.S.A. in order to accomplish a refund in the aggregate amount of $1,674,000, subject to adjustment (which includes interest to the effective date of this Consent Order).

7. With respect to amounts pertaining to the "Entitlements Program", matters covered by this Consent Order ERC will pay to the U.S. Department of Energy the amount of $626,000.

8. With respect to all other issues relating to this Consent Order, ERC will, upon the effective date of this Consent Order, pay to the U.S. Department of Energy the sum of $7,875,000 (which includes interest to the effective date of this Consent Order).

9. With respect to civil penalties relating to this Consent Order, ERC will pay to the U.S. Department of Energy the amount of $125,000.

10. In addition, the Office of Enforcement and ERC have agreed that an appropriate method of avoiding potential pricing violations after the period covered by this Consent Order which might result from ERC's measurement or allocation of increased costs during the period covered by this Consent Order is to reduce to zero the amount of unrecouped banked costs available to ERC as of the end of the immediately preceding DOE motor gasoline reporting period prior to the signing of this Consent Order.

11. ERC agrees to the terms of the Consent Order, in full settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE for the time covered by this Consent Order. Any payments to DOE shall be by certified check made payable to the U.S. Department of Energy and delivered to the Assistant Administrator for Enforcement, Economic Regulatory Administration. The Assistant Administrator for Enforcement, ERA, shall direct that these monies be dposited in a suitable account in order that the monies in the fund may be distributed in a just and equitable manner in accordance with applicable laws and regulations.

12. 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, ERC agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enfrocement, ERA, arising out of the transactions specified in Item I, above the sum of $8,501,000.00. ERC may, at its discretion, pay this amount in monthly installments over a period not to exceed 36 months immediately following the effective date of this Consent Order. These refunded overcharges will be in the form of certified check(s) made payable to the U.S. Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67.

In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites 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 James C. Easterday, district Manager of Enforcement, 1655 Peachtree Street, NE, Atlanta, Georgia 30367. You may obtain a copy of this Consent Order, with proprietary information deleted, by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your enevelope and on the documents you submit with the designation, "Comments on ERC Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on January 9, 1981. 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 Atlanta, Georgia on the 26th day of November 1980.

James C. Easterday,

District Manager, Office of Enforcement.

Concurrence:

Leonard F. Bittner,

Chief Enforcement Counsel.

[FR Doc. 80-38305 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Pick-Sloan Missouri Basin Program; Final Post-1985 Marketing Plan—New Customers Eastern Division

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Announcement of final date for consideration of applications for power and energy from potential new customers.

SUMMARY: The Western Area Power Administration (Western) adopted a final post-1985 marketing plan for the Eastern Division, Pick-Sloan Missouri Basin Program, on October 29, 1980. A summary of the marketing plan was published in the Federal Register on October 30, 1980. The marketing plan was adopted after a long public involvement process that started in March 1979.

One element of the final marketing plan called for new commitments to be made to new customers within the existing marketing area who meet the criteria for new customers set forth in a June 1980 report that set forth Western's proposed marketing plan. Such commitments will total 35 MW in the summer season and 40 MW in the winter season.

DATE: The final post-1985 marketing study for the Eastern Division, Pick-Sloan Missouri Basin Program, calls for division of available additional hydropower (35 MW in the summer season and 40 MW in the winter season) among qualified applicants on the basis of actual loads experienced in the 1979 summer and the 1979-80 winter. It is necessary to have data from all qualified applicants prior to assigning power to each applicant.

The final date for consideration of applications for a portion of these new commitments is December 22, 1980.

ADDRESS: Inquiries regarding this matter should be addressed to Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box EGY, Billings, MT 59101, (406) 657-6532.

Issued at Golden, Colorado, December 2, 1980.

Robert L. McPhail,

Administrator.

[FR Doc. 80-38246 Filed 12-9-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AS-FRL-1695-2]

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule for awarding Senior Executive Service bonuses. The Environmental Protection Agency intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1979, through September 30, 1980, with payouts scheduled by December 31, 1980.

DATE: December 4, 1980.

FOR FURTHER INFORMATION CONTACT: Clarence Hardy, Personnel Management Division, PM-212, 401 M St., SW., Washington, D.C. 20460 (202-755-2922).

SUPPLEMENTARY INFORMATION: Office of Personnel Management guidelines require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Schedule for Awarding Senior Executive Service Bonuses. The Environmental Protection Agency intends to award Senior Executive Service bonuses for the performance rating cycle of October 1, 1979, through September 30, 1980, with payouts scheduled by December 31, 1980.

Richard Cocozza,

Acting Director of Personnel Management Division.

[FR Doc. 80-38122 Filed 12-9-80; 8:45 am]

BILLING CODE 6560-36-M

Interagency Testing Committee

[OPTS 41004B; TSH-FRL 1696-8]

Chemicals To Be Reviewed by the Toxic Substances Control Act Interagency Testing Committee; Extension of Comment Period

AGENCY: Toxic Substances Control Act (TSCA) Interagency Testing Committee.

ACTION: Notice.

SUMMARY: The Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC) is extending by ninety days, the period of time for submission of written comments on the 1980 list of chemicals selected for review by the ITC.

DATES: Written comments should be submitted in triplicate to the Executive Secretary, ITC, not later than April 6, 1981.

ADDRESS: Address comments to: Martin Greif, Executive Secretary, TSCA Interagency Testing Committee, TS-792, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Martin Greif (202-472-3316).

SUPPLEMENTARY INFORMATION:

I. Background

A notice was published in the Federal Register of October 7, 1980 (45 FR 66506) containing a list of 107 chemicals selected by the ITC in the latest scoring exercise to be reviewed for possible recommendation to the EPA Administrator for testing. Available information on these chemicals will be reviewed by the ITC during the next 18-24 months.

In the same notice the ITC announced that it would hold a public meeting to receive oral comments on the 1980 list. The public was also invited to submit, not later than January 5, 1981, written comments concerning chemicals on the list.

The public meeting was held in Washington, D.C. on November 6, 1980. Several persons, both at the meeting and following the meeting, stated that they intend to submit written comments on various chemicals among the 107 on the list; however, they requested additional time beyond the January 5, 1981 closing date. The reason given most frequently, for requesting an extension, was that additional time would enable the respondents to prepare more complete submissions, with data better organized for review by the ITC.

II. Extension of Time for Filing Comments

The ITC believes that a considerable body of information bearing on exposure and hazards associated with chemicals on the 1980 list may exist in files not accessible to the Committee or its technical support contractor. In order to facilitate the voluntary submission of comments concerning chemicals on the 1980 list, the ITC is extending for an additional ninety days, the deadline for submitting comments.

Written comments, together with any supporting data, should be submitted in triplicate to the Executive Secretary, TSCA Interagency Testing Committee, not later than April 6, 1981.

Dated: December 3, 1980.

Vera W. Hudson,

Chairperson, TSCA Interagency Testing Committee.

[FR Doc. 80-38258 Filed 12-9-80; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. A-20]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: November 28, 1980.

Cut-Off Date: January 5, 1981.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after January 5, 1981. An application, in order to be considered with any application appearing on the attached list or with any other on file by the close of Business on January 5, 1981, 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., not later than the close of business on January 5, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on January 5, 1981.

Appendix

BP-791031AA (WKLM), Leland, North Carolina, Thoms Broadcasting Companies, Inc., Has: 980 kHz, 5 kW, D, (Wilmington, N.C.), Req: 980 kHz, 5kW, DA-N, U (Leland).

BP-800226AM (NEW), Homer, Alaska, Peninsula Communications, Inc., Req: 620 kHz, 5 kW, U.

BP-800428AH (NEW), Reed City, Michigan, David A. Carmine, Req: 1500 kHz, 250 W, D.

BP-800515AF (KMMZ), Greybull, Wyoming, KMMZ Broadcasters, Inc., Has: 1140 kHz, 5 kW, D, Req: 1140 kHz, 10 kW, D.

BP-800516AK (KMAS), Shelton, Washington, ABT, Inc., Has: 1280 kHz, 2.5 kW, DA-D, Req: 1280 kHz, 5 kW, DA-D.

BP-800522AA (KBOI), Boise, Idaho, KBOI, Inc., Has: 670 kHz, 25 kW, 50 kW-LS, DA-N, U, Req: 670 kHz, 50 kW, DA-N, U.

BP-800606AH (WSJP), Murray, Kentucky, Jackson Purchase Broadcasting Company, Has: 1130 kHz, 250 W, D, Req: 1130 kHz, 1 kW, D.

BP-800613AD (WAYR), Orange Park, Florida, Daniel C. Richardson, Sr., Has: 550 kHz, 1 kW, D, Req: 550 kHz, 2.5 kW, D.

BP-800703AF (WIXC), Fayetteville, Tennessee, Lincoln County Broadcasting Co., Inc., Has: 1140 kHz, 5 kW-LS (2.5 kW-CH), Req: 1140 kHz, 25 kW-LS, DA-D (2.5 kW-CH).

BP-800707AA (KURL), Billings, Montana, Christian Enterprises, Inc., Has: 730 kHz, 500 W, D, Req: 730 kHz, 5 kW, D.

BP-801002AA (KARY), Prosser, Washington, Prosser Grandview Broadcasters, Inc., Has: 1310 kHz, 1kW, D, Req: 1310 kHz, 5 kW, D.

BP-801021AA (KHLO), Hilo, Hawaii, Mid Pacific Broadcasting Company, Has: 850 kHz, 1 kW, D, Req: 850 kHz, 5 kW, U.

BP-801105AB (KNCO), Grass Valley, California, Nevada County Broadcasters, Inc., Has: 1250 kHz, 1 kW, 500 W-LS, DA-2, U, Req: 1250 kHz, 1kW, DA-2.

BP-801105AC (New), Maywood-Chicago, Illinois, Midway Broadcasting Corp., Req: 1200 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-38295 Filed 12-9-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-21]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: December 9, 1980.

Cut-Off Date: January 14, 1981.

It has come to the Commission's attention that the following applications listed as accepted for filing on AM cut-off list A-19 (Mimeo No. 00887, released October 28, 1980) were inexplicably omitted from the notice published in the Federal Register on November 3, 1980.

Therefore, for these nine applications only, the December 5, 1980 cut-off date previously announced is hereby rescinded, and a new cut-off date is announced. An application, in order to be considered with any application appearing on this list or with any other application on file by the close of business on January 14, 1981 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., not later than the close of business on January 14, 1981.

Petitions to deny any application on this list must also be on file with the Commission not later than the close of business on January 14, 1981.

BP-20,497 (WKOX, Framingham, Massachusetts, Fairbanks Broadcasting Company of Massachusetts, Inc., Has: 1190 kHz, 1 kW, D, Req: 1200 kHz, 1 kW, 10 kW-LS, DA-N, U.

BP-790730AI (KLUF), Lufkin, Texas, Radio Lufkin, Inc., Has: 1420 kHz, 1 kW, DA-N, U, Req: 1420 kHz, 1 kW, 5 kW-LS, DA-N, U.
BP-791120AA (WUNA), Aguadilla, Puerto Rico, Noroeste Broadcasting Corporation, Has: 1340 kHz, 250 W, U, Req: 1340 kHz, 250 W, 1 kW-LS, U.
BP-791228AY (WLIS), Old Saybrook, Connecticut, Radio Connecticut, Inc., Has: 1420 kHz, 500 W, D, Req: 1420 kHz, 500 W, 5 kW-LS, DA-N, U.
BP-800205AF (WILK), Wilkes-Barre, Pennsylvania, Wyoming Valley Broadcasting Company, Has: 980 kHz, 1 kW, 5, kW-LS, DA-N, U, Req: 980 kHz, 5 kW, DA-N, U.
BP-800314AG (NEW), Kellogg, Idaho, George E. Flinn, Jr., Req: 1110 kHz, 5 kW, D.
BP-800423AB (WKJR), Muskegon, Heights, Michigan, Muskegon Heights Broadcasting Company, Inc., Has: 1520 kHz, 10 kW, DA, D, Req: 1520 kHz, 500 W, 10, kW-LS, DA-2, U.
BP-800509AA (KWCK), Searcy, Arkansas, KWCK, Inc., Has: 1300 kHz, 1 kW, D, Req: 1300 kHz, 5 kW, D.
BP-800514AF (KJCH), Cleveland, Texas, Cleveland Broadcasting Service, Has: 1410 kHz, 500 W, DA-2, U, Req: 1410 kHz, 1 kW, DA-2, U.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 80-58292 filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

[Report No. A-21]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: December 9, 1980.
Cut-off date: January 21, 1981.

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 January 21, 1981. 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 January 21, 1981, 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 the close of business on January 21, 1981.

Petitions to deny any application on this list must be on file with the Commission not later than the close of business on January 21, 1981.

Applications for new stations may not be filed against any application on the attached list which is designated by an asterisk (*).

Federal Communications Commission.
William J. Tricarico,
Secretary.

BPCT-800625KE (New), Chillicothe, Ohio, Triplett & Associates, Channel 53, ERP: Vis. 63 kW; HAAT: 328 feet.
BPCT-8001112KH (New), San Juan, Puerto Rico, Comark Television, Inc., Channel 18, ERP: Vis. 4384 kW; HAAT: 1159 feet.
BPCT-801103KG (New), Lawton, Oklahoma, Great Plains Country Television Broadcasting Corporation, Channel 45, ERP: Vis. 1600 kW; HAAT: 188.9 feet.
BPCT-801106KF (New), Iron Mountain, Michigan, TV-8, Incorporated, Channel 8, ERP: Vis. 70.10 kW; HAAT: 700.5 feet.
BPCT-801106KG (New), Manchester, New Hampshire, Channel 50, Inc., Channel 50, ERP: Vis. 2773.3 kW; HAAT: 616 feet.
*BPCT-801114KJ (KGOF(TV)), Anaheim, California, Golden Orange Broadcasting Co., Inc., Channel 56, Decrease ERP Vis. to 382 kW; increase HAAT to 2391 feet.

[FR Doc. 80-38290 Filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

[Report No. B-16]

TV Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: December 9, 1980.
Cut-Off Date: January 21, 1981.

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 any application 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 January 21, 1981. Any application previously accepted for filing and in conflict with any application listed in the attached appendix may also be amended as a matter of right not later than the close of business on January 21, 1981. Amendments filed pursuant to this notice are subject to the provisions of § 73.3572(b) of the Commission's Rules.

Federal Communications Commission.
William J. Tricarico,
Secretary.

BPCT-800514KE (New), Topeka, Kansas, Mid-America Broadcasting of Topeka, Inc., Channel 49, ERP: Vis. 5000 kW; HAAT: 1049 feet.
BPCT-801031KH (New), Tyler, Texas, East Texas Broadcasting, Inc., Channel 14, ERP: Vis. 839 kW; HAAT: 1124 feet.
BPCT-801031KI (New), Knoxville, Tennessee, Knoxville Family Television, Inc., Channel 43, ERP: Vis. 645.7 kW; HAAT: 1154 feet.

[FR Doc. 80-38291 Filed 12-9-80; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket No. 79-166]

ITU Radio Administrative Radio Conference for AM Broadcasting; Further Notice of Inquiry Issued in Preparation for Second Session

The Commission has issued a Further Notice of Inquiry in preparation for the 1981 Second Session of the International Telecommunication Union (ITU) Region 2 Administrative Radio Conference on AM broadcasting. (45 FR 8351)

(ITU Region 2 includes all 50 states, North, Central, and South America, the Caribbean and Greenland.)

On December 19, 1979, the FCC submitted its initial proposals to the first session of the ITU Region 2 Conference held in Buenos Aires, Argentina, last March. The proposals included bandwidth of emission, channel separation, adjacent channel protection ratio and limitation of maximum power of Class A (Class I) stations.

The Commission stated that in this further notice it would deal with matters covered in the appended report of the Region 2 First Session, noise standards in Puerto Rico and the Virgin Islands, the inter-relationship between this proceeding and other ongoing FCC inquiries and preparations for "sub-regional" agreements, such as the North American Regional Broadcasting Agreement (NARBA). Further comment will be welcomed on any matter raised previously.

In the March session the ITU Region 2 Conference adopted a report proposing to include Puerto Rico and the Virgin Islands, along with the entire island of Hispaniola, in Noise Zone 2 (see Appendix 1 of the inquiry notice for specific details).

The Commission said is was inviting comments on the appropriateness of including Puerto Rico and the Virgin Islands in Noise Zone 2; and on whether, in view of the considerable distance from the U.S. mainland and these islands and the potential intereference relationships between Puerto Rico and the Virgin Islands stations and those in the Caribbean and countries in northern South America which are closer to Puerto Rico and the Virgin Islands than the U.S. mainland, it would be appropriate to relieve Puerto Rican and Virgin Islands AM stations from some of the restrictions applying under FCC rules to stations on the mainland.

In continuing preparations for the second session, the Commission said it would make use of the data and analyses developed by the Government-Industry Advisory Committee, as well as that submitted in the proceedings on Clear Channels (Docket 20642), FM channel assignments (Docket 80-90) and, prominently, 9 kHz AM channel spacings (BC Docket No. 79-164). It added that it would be unnecessary for parties submitting material in those proceedings to resubmit it in this proceeding.

The Commission noted that the principal change expected from the most recent draft of the Region 2 agreement (see Appendix 2 of the inquiry notice) is discontinuance of the NARBA provision denominating certain channels for international purposes as "clear channels" on which priority of use is assigned to particular countries whose use of such clear channels is protected by prohibiting interference signals from foreign stations anywhere within the territories of the protected countries. It added that consideration would be given to such modifications as might be needed in the FCC's AM radio broadcast agreement with Mexico.

The Commission particularly requested comments regarding the needs for developing appropriate subregional agreements which could facilitate execution of a new regional agreement.

Comments are due December 31, 1980, replies January 15, 1980.

Action by the Commission November 6, 1980, by Further Notice of Inquiry (FCC 80-662). Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, Brown and Jones.

For additional information contact Louis Stephens (202) 632-7792.

Copies of the document in its entirety may be obtained from the Public Information Office, Rm. 202, 1919 M St. NW., Washington, D.C. 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-38294 Filed 12-9-80; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL LABOR RELATIONS AUTHORITY

SES Performance Review Board

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

DATE: December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Clyde B. Blanford, Jr., Director of Personnel, Federal Labor Relations Authority, 1900 E Street, NW, Washington, DC 20424 (202-632-6880).

SUPPLEMENTARY INFORMATION: Sec. 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations, to the appointing authority relative to the performance of the senior executive.

Federal Labor Relations Authority.

James J. Shepard,

Executive Director.

The Members of the Performance Review Board Are

1. James J. Shepard, Executive Director.
2. S. Jesse Reuben, Deputy General Counsel
3. Harold D. Kessler, Deputy Executive Director
4. Howard W. Solomon, Executive Director, Federal Service Impasses Panel
5. Brenda M. Robinson, Chief Counsel, Office of Case Handling
6. D. Randall Frye, Assistant General Counsel (Field Management)
7. Alvin H. Gandal, Assistant General Counsel (Field Management)
8. Richard Schwarz, Assistant General Counsel (Appeals)
9. Jerome P. Hardiman, Director, Office of Operations and Technical Assistance.

[FR Doc. 80-38260 Filed 12-9-80; 8:45 am]

BILLING CODE 6325-19-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 22, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 8410-8.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, NW, Washington, D.C. 20036.

Summary: Agreement No. 8410-8 cancels the Hawaii/Europe Rate Agreement in its entirety in compliance with the Commission's Order of October 23, 1980, conditionally approving Agreement No. 9902-12.

By Order of the Federal Maritime Commission.

Dated: December 4, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-38220 Filed 12-9-80; 8:45 a.m.]

BILLING CODE 6730-01-M

[Agreement No. 10406]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis has determined that the Commission's decision on the agreement (see 45 FR 78226 [November 25, 1980] for a description of the agreement) will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are avialable for inspection on request from the Office of the Secretary, Room 11101, Federal

Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 80-38219 Filed 12-9-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

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 January 5, 1981.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

NCNB Coporation, Charlotte, North Carolina (sale of money orders; Tennessee, South Carolina, Alabama, and North Carolina): to engage through its subsidiary, TranSouth Financial Corporation, in the sale at retail of money orders having a face value of not more than $1,000. These activities will be conducted from offices located in Elizabethton, Fayetteville, Brownsville, Waverly, and Lebanon, Tennessee; Marion, Loris, Greenville, and Newbury, South Carolina; Asheville and Laurinburg, North Carolina; and Enterprise and Talladega, Alabama. The areas to be served will be those areas within a 25 mile radius of each office.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Bankshares of Nebraska, Inc., Grand Island, Nebraska (industrial loan activities; Nebraska): to engage through its subsidiary, First Savings Company of Kearney, Kearney, Nebraska, in the activity of operating an industrial loan and investment company pursuant to the laws of the State of Nebraska. This activity will be conducted from an office in Kearney, Nebraska, serving Buffalo, Kearney, Phelps, Franklin, and Harlan Counties, plus surrounding portions of Custer, Dawson, Sherman, Hall, Adams, and Webster Counties, Nebraska.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, December 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38251 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Buffalo Bancorporation, Inc.; Formation of Bank Holding Company

Buffalo Bancorporation, Inc., Buffalo Grove, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 51 per cent or more of the voting shares of Buffalo Grove National Bank, Buffalo Grove, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1981. 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, December 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38243 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Elgin Bancshares, Inc.; Formation of Bank Holding Company

Elgin Bancshares, Inc., Kansas City, 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 per cent or more of the voting shares of Union National Bank and Trust Company of Elgin, Elgin, 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1981. 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, December 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38227 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Etowah Bancing Co.; Formation of Bank Holding Company

Etowah Bancing Company, Etowah, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Southern United Bank of McMinn County, Etowah, Tennessee. 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 January 2, 1981. 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, December 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38250 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

First City Bancorporation of Texas, Inc.; Acquisition of Bank, Correction

This notice corrects a previous Federal Register document (FR Doc. 80-36837) published at page 78804 of the issue for Wednesday, November 26, 1980. The name of the applicant in the heading is corrected to read as set forth above and the first sentence is corrected so that it reads as follows:

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 per cent of the voting shares less directors' qualifying shares of Windsor Park Bank, San Antonio, Texas.

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

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38229 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 per cent of the voting shares of Michigan National Bank-Grosse Pointes, Grosse Pointe Woods, Michigan. The factors that are considered in acting on the application are set foth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 2, 1981. 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, December 4, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38252 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Houston National Bank-Kingwood, Kingwood, 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 January 2, 1981. 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, December 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38253 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Houston National Bank West, Houston, Texas, a proposed new bank. 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 January 2, 1981. 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, December 3, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-38228 Filed 12-9-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group on Tuberculosis Therapy; Open Meeting

Correction

In FR Doc. 80-37978 appearing on page 80906 in the issue of Monday, December 8, 1980, first column, first paragraph, first line, "1980" should read "1981".

BILLING CODE 1505-01-M

Health Care Financing Administration

National Professional Standards Review Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: January 12, 1981 (10:00 a.m. to 5:00 p.m.), January 13, 1981 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), HHS North Building, 330 Independence Avenue, SW, Washington, D.C. 20201.

Purpose of Meeting: The Council was established to advise the Secretary of Health and Human Services on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On December 29, 1980 a tentative agenda will be available to the public.

The meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before,

during, or after the meeting. To the extent that time permits, the Council Chairperson will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services Building, 330 Independence Avenue, SW, Washington, D.C. 20201, (202) 245-6097.

Cleo E. Hancock, Jr.,

Staff Director, National Professional Standards Review Council.

[FR Doc. 80-38308 Filed 12-9-80; 8:45 am]

BILLING CODE 4110-35-M

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1981:

Name: National Advisory Council on Health Professions Education
Date and time: January 12-14, 1981, 8:45 a.m.
Place: Conference Room 10, 6th Floor, Building 31, C Wing, National Institutes of Health, Bethesda, Maryland 20205
Open January 12 and 14 all day
Closed January 13, 8:45 a.m.-12:30 p.m.
Open January 13 remainder of day

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance. This also involves advice in the preparation of regulations with respect to policy matters.

Agenda: The meeting will be closed to the public on January 13, from 8:45 a.m. to 12:30 p.m. for the review of applications for grants for Family Medicine Residency, Family Medicine Faculty Development and Health Professions Capitation. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463. The agenda for the open portion of the meeting will include; report of the Administrator; welcome and opening remarks; budget update; legislative update; health promotion and disease prevention; GMENAC; future agenda items; consideration of minutes of previous meeting; and discussion of future meeting dates.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact MR. ROBERT L. BELSLEY, Bureau of Health Professions, Health Resources Administration, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6564.

Agenda items are subject to change as priorities dictate.

Dated: December 5, 1980.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 80-38308 Filed 12-9-80; 8:45 am]

BILLING CODE 4110-83-M

National Advisory Council On Nurse Training; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1981:

Name: National Advisory Council on Nurse Training
Date and time: January 26-28, 1981, 9:00 a.m.
Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782
Open January 26, 9:00 a.m.-12:00 noon
Open January 27, 3:30 p.m.-5:00 p.m.
Closed remainder of meeting

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; discuss future meeting dates; and administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications for Federal assistance, and will therefore be closed to the public in accordance with provisions set forth in section 552b (c)(6), Title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact DR. MARY S. HILL, Bureau of Health Professions Health Resources Administration, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6681.

Agenda items are subject to change as priorities dictate.

Dated: December 4, 1980.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 80-38223 Filed 12-9-80; 8:45 am]

BILLING CODE 4110-83-M

National Advisory Council on Nurse Training Rechartering

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, (5 U.S.C. Appendix I), the Health Resources Administration announces the rechartering by the Secretary, HHS, on November 26, 1980, of the following advisory Council:

Council	Termination date
National Advisory Council on Nurse Training	Continuing.

Authority for this Council is continuing and a Charter will be filed no later than December 24, 1982, in accordance with section 14(b)(2) of Public Law 92-463.

Dated: December 4, 1980.

Irene D. Skinner,

Advisory Committee Management Officer, HRA.

[FR Doc. 80-38227 Filed 12-9-80; 8:45 am]

BILLING CODE 4110-M

Health Services Administration

National Advisory Council on the National Health Service Corps; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body schedule to meet during the month of January 1981:

Name: National Advisory Council on the National Health Service Corps
Date and Time: January 26-27, 1981, 9:00 a.m.
Place: Conference Rooms I-J, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857
Open for entire meeting

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: Agenda items include discussions of: criteria for designation of Health Manpower Shortage Areas; the

Graduate Medical Education National Advisory Committee's report on physician supply and distribution; and a report on the newly formed Bureau of Health Personnel Development and Service.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should write to or contact Ms. Charolotte Walch, National Health Service Corps, Health Services Administration, Parklawn Building, Room 6A-14, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-4046.

Agenda items are subject to change as priorities dictate.

Dated: December 1, 1980.

William H. Aspden, Jr.,

Associate Administrator for Management.

[FR Doc. 80-38285 Filed 12-9-80; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Child Custody Proceedings; Receipt of Petition for Reassumption of Jurisdiction; Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward, Wis.

November 26, 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 Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribues may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, for the tribal reassumption of jurisdiction over child custody proceedings. The petitioner is under review, and may be inspected and copied at the Great Lakes Agency Office, Bureau of Indian Affairs, Ashland, Wisconsin 54806.

William Hallett,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-38281 Filed 12-9-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Arizona; Public Land, Wilderness Intensive Inventory Final Decision Protest Period Extension Date

This notice extends the deadline for receiving written protests on the Arizona wilderness intensive inventory final decision from December 15, 1980 to December 30, 1980. The extension is necessary to assure that the public has had adequate time to review supporting documents and maps.

Protest and Appeal Procedures

The decision for each inventory unit is considered individually and separately from the decision for every other inventory unit. These decisions will become effective on December 30, 1980 unless timely protests are received by the Arizona State Director.

Persons wishing to protest any of the decisions announced herein must file a written protest with the State Director, Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoeniz, Arizona 85073 on or before 4:15 p.m., December 22, 1980. Only those protests received by the Arizona State Office by time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated.

At the conclusion of the protest period, the State Director will publish in the Federal Register a notice of those decisions that were not protested, and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The State Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the Federal Register of the action taken in response to the protest.

Any person adversely affected by the State Director's decision on a written protest, may appeal such decision under the provisions of 43 CFR Part 4.

Clair M. Whitlock,

State Director.

November 19, 1980.

[FR Doc. 80-38282 Filed 12-9-80; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

[Int Fes 80-52]

Availability of a Final Environmental Impact Statement (FEIS) on the Management of River Flows to Mitigate the Loss of the Anadromous Fishery of the Trinity River, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that a Final Environmental Impact Statement on the management of flow releases to the Trinity River to protect and restore declining fishery resources is available for public review.

The U.S. Department of the Interior proposes to increase flows on the Trinity River in northern California for the primary purpose of protecting and restoring chinook salmon and steelhead trout populations. Increasing flows for fishery conservation purposes would reduce economic benefits associated with agricultural irrigation and hydroelectric power generation; increase economic benefits associated with commercial, sport and Indian harvest of fish; improve water quality on the Trinity; reduce the availability of water for meeting other needs of the Central Valley of California; and improve water-dependent recreational opportunities on the Trinity.

Three agencies within the Interior Department are involved in the proposal—the U.S. Fish and Wildlife Service (FWS), the U.S. Water and Power Resources Service (WPRS), and the U.S. Bureau of Indian Affairs (BIA). The Secretary of the Interior designated FWS as the lead agency because the proposal directly addresses problems associated with declining populations of anadromous salmonid resources. Because the proposal would also impact operation of a Federal water resource project and Indian utilization of the fishery resource, both WPRS and BIA have been cooperating agencies in the preparation of the EIS.

Pre-project (and general restoration goals) versus post-project (present) runs of adult chinook salmon and steelhead trout into the Trinity River above the North Fork are estimated as follows:

	Preproject (goal)	Postproject (present)
Chinook salmon	59,000	11,000
Steelhead	24,000	10,000

The Secretary of the Interior has authority under the authorizing

legislation for the Trinity River Division (69 Stat. 719) to increase flow releases from Lewiston Dam. Under Section 2 of the Trinity River Act (Pub. L. 84-386) the Secretary is "* * * authorized and directed to adopt appropriate measures to insure the preservation and propogation of fish and wildlife, including, but not limited to, the maintenance of the flow of the Trinity River below the diversion point at not less than one hundred and fifty feet per second for the months of July through November * * *"

Eight flow release alternatives are presented in the EIS. They span a range of flows varying from a low of 120,500 acre-feet per year (the minimum release level established by prior agreement between WPRS and the California Department of Fish and Game) to a high of 340,000 acre-feet per year. The proposed course of action is:

340,000 acre-feet annual fishery release in normal years; 220,000 acre-feet fishery release in dry years; 140,000 acre-feet fishery release in critically dry years.

This proposed course of action reflects a recognition that although it would be desirable to sustain environmental values through high releases to the Trinity River in all years, there are compelling needs and uses outside of the basin for water and power which require a reasonable compromise between water export and instream releases—especially in water-short years. It is suspected that the flows to be released in dry and critically dry years may be insufficient to support desirable levels of salmon and steelhead habitat. However, the flows to be allocated for dry and critically dry years will help to allow habitat below Lewiston Dam to be maintained at levels at least comparable to those which would have existed during dry and critically dry years in the absence of the project.

FOR FURTHER INFORMATION CONTACT: Jody Hoffman, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E-2727, Sacramento, California 95825, (916) 484-4731.

Anyone requiring a copy of the FEIS for review should immediately contact the above individual.

Dated: December 5, 1980.
Approved:

James H. Rathlesberger,
Special Assistant to Assistant Secretary of the Interior.

Lynn A. Greenwalt,
Director, U.S. Fish and Wildlife.

(FR Doc. 80-38254 filed 12-9-80; 8:45 am)
BILLING CODE 4310-55-M

Office of the Secretary

Central Arizona Project; Allocations of Project Water to Indian Tribes

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of water allocations.

SUMMARY: The purpose of this action is to allocate Central Arizona Project (CAP) water to Indian tribes. This notice allocates 309,828 acre-feet of water to Indian reservations, with the stipulation that in times of shortages, the Indian supply will be reduced on a proportional basis with the municipal and industrial (M&I) supply. This proportion will be determined according to the amount of water used by each of two classes in the most recent year in which a full supply was available for both classes. This action adjusts allocations made previously by the Department.

FOR FURTHER INFORMATION CONTACT: Steve Lanich, Office of the Assistant Secretary, Land and Water Resources, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-4931.

SUPPLEMENTARY INFORMATION: On August 8, 1980, the Secretary of the Interior gave notice in the Federal Register (45 FR 52938) of proposed allocations of water from the Central Arizona Project (CAP) to Indian tribes in Arizona. The notice invited written comments, suggestions or objections from interested persons. Subsequently, the Secretary announced in the Federal Register on August 15, 1980, (45 FR 54452) that public hearings would be held in three locations in Arizona on the proposed allocations and that written comments on the proposal would be received and considered until October 7, 1980. In making his decision on allocations of project water to Indian tribes, the Secretary has considered the testimony of the 98 witnesses at the public hearings and the written comments. These decisions are made pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended, (32 Stat. 388, 43 U.S.C. 391) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501) and in recognition of the Secretary's trust responsibility to the central Arizona Indian tribes.

Summary of Comments Received on Proposed Allocations

The testimony at the public hearings and the written comments addressed the issues of substitute water, conservation of groundwater and priority of use of project water; suggested revisions to the proposed allocations; and presented options for the eventual completion of the full project. Statements summarizing those comments and testimony are presented below.

A. *Substitute water.* The notice of proposed allocations included a proposal to provide, through water service contracts with the Indian tribes, for the substitution of non-CAP water for Indian CAP allocations. This was to be accomplished under certain criteria which assured that there would be no diminution of the tribes' total allocation and no additional cost to the tribes. Commentators presented evidence in favor of and in opposition to this proposal, with most comments addressed to the use of treated municipal wastewater as the main source of substitute water. The tribes uniformly opposed the use of this effluent water. Concerns about this source included the effects of effluent water use on human and livestock health, long-term impacts of effluent water application on cropping patterns, soils and groundwater, and the legal and economic questions related to effluent water use. Other commentators urged that substitution be considered not only for sewage effluent but also for local water supplies whose chemical constituents are better suited to agriculture.

B. *Conservation of groundwater.* In authorizing the Central Arizona Project, Congress recognized the serious overdrafting of groundwater resources in Arizona. Section 304(c) of the Colorado River Basin Project Act (Pub. L. 90-537, 82 Stat. 887, 891) provides that each contract for CAP water service shall require that:

(1) There be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by irrigation in the contract service area; (2) the canals and distribution systems * * * (for delivery of CAP water have) * * * linings adequate in his judgment to prevent excesive conveyance losses; and (3) (no groundwater pumping may occur within the) * * * service area of a contractor receiving water from the Central Arizona Project for any use outside * * * the service area unless the Secretary and * * * contractor shall agree, or shall have previously agreed that * * * a surplus of groundwater exists and drainage is or was required.

The Secretary has regarded this provision as requiring the reform of groundwater management by the State prior to allocation of CAP water for non-Indian use. In response to this view, the State of Arizona enacted on June 12, 1980, a comprehensive groundwater law to manage the future use of most groundwater reserves. As State law, this statute is not applicable to activities on

Indian reservations, some of which lie in areas where acute overdrafting now occurs. Some commentators asked that Indian use of groundwater be controlled similar to non-Indian use. Others argued that Indian groundwater resources were being depleted by non-Indian pumping adjacent to the tribes' lands.

C. *Priority of use.* The proposed allocations address the problem of shortages of project water which will occur in times of drought and in the later years of the project as the Upper Basin States begin to use their full entitlement to water from the Colorado River. The notice proposed the concept of a shared first priority between Indian and municipal and industrial (M&I) users. In times of shortage, miscellaneous uses would first be reduced pro rata to zero, followed by similar pro-rata reductions for non-Indian agricultural uses. Deliveries to Indian tribes and M&I users would then concurrently be reduced in the same manner, in a proportion based on use of project water in the most recent year when no shortage occurred; that is the last year when the full amount of CAP water specified in water service contracts was delivered to the Indian and M&I allottees of CAP water. Commentators questioned this concept, suggesting that CAP water be committed first to domestic needs, both Indian and non-Indian, before any argicultural uses. Others proposed that all Indian CAP water supplies be of first priority, regardless of shortages.

D. *Suggested revisions.* Some commentators suggested that substantial reductions—or substantial increases—be made in the Indian allocations. The Secretary's method for computing the individual tribes' shares was questioned, and specific comments were made concerning Congressional action on the quantification of water rights of the Ak-Chin and Papago Reservations.

The notice of proposed allocations also proposed that CAP water be credited against the Indian water rights finally adjudicated under the *Winters* doctrine. Some Indian commentators objected to this. Several commentators proposed that, to achieve the greatest social benefit from the CAP at the least cost to Arizona, all project water be allocated to the tribes. Others proposed increases in project water allocations to non-Indian agriculture, mining and power generation facilities. Several potential M&I contractors presented requests for new or increased CAP allocations.

E. *Completion options.* The size and complexity of the CAP have required phased planning and construction stages, in addition to the planning still to be done for local distribution systems. Thus, there were comments on the value and advisability of constructing a dam at the confluence of the Salt and Verde Rivers; on the size, location and route of the aqueduct serving the Tucson area; and on the possible technique of making "block" allocations to large areas within the CAP service area rather than specific and separate allocations to water user organizations. While these issues are all important to the final configuration of the CAP, no decisions can be made at this time on matters other than the Indian allocation. Accordingly, the Department and the Water and Power Resources Service will continue the appropriate studies of these matters so that decisions can be made on the remaining issues in the future.

Analysis and Consideration of the Comments and Testimony Received

The Departmental decision making process included consideration of the administrative record of the 1976 allocations and information collected and up-dated in the period before the present proposed allocation, the collection of testimony at three public hearings in Arizona and the opportunity for public comment called for in the Federal Register on August 8, 1980, (45 FR 52938) and August 15, 1980, (45 FR 54452), analysis and consideration of testimony and comments received, evaluation of alternatives, evaluation of possible environmental impacts, and meetings with Indian and non-Indian interests.

A. *Substitute water.* The notice of proposed allocations included a proposal to provide, through water service contracts with the Indian tribes, for the substitution of non-CAP water for Indian CAP allocations. This was to be accomplished under criteria which assured that the quantity, quality, suitability and delivery facilities of the substitute water would be appropriate for the beneficial uses to which that water was to be put. All additional costs were to be borne by the Central Arizona Water Conservation District or the benefiting subcontractor, and any favorable cost differential was to inure to the benefit of the tribes or the Federal Government. Included in the proposal was a statement that the Secretary has discretion to require a substitution under specified conditions.

At present, the largest source of substitute water in the project area is effluent water. Among the potential advantages to using effluent water are expanding the flexibility of use of CAP water and reducing the need to pump groundwater. Moreover, it may afford the highest and best use of both CAP and effluent water. Substitute water would not be subject to the shared priority concept in times of shortage, so the Indian allocation could be considerably more reliable with a constant supply of substitute water than with the variable CAP allocation. Similarly, the use of some substitute water by Indian tribes would reduce the impact of shortages on M&I users. During the public comment period, many parties offered comments on the issue of substitute water. These are summarized below.

1. State of Arizona

a. The State believes the substitution of effluent water for CAP water is essential to its ability to meet future water demand from M&I users.

b. It believes that the affected tribes should be required to take effluent as substitute water as soon as the effluent becomes available.

c. It objected to the Department's position that substitutions be required only after the municipality has exhausted all other water resources available (including other CAP water, such as non-Indian agricultural water).

2. Indian Tribes

a. Without exception, the tribes are vigorously opposed to a mandatory substitute water concept, especially involving effluent.

b. They believe that effluent will restrict their choices of crops to be grown on the reservations, and they point out that the long-term effects of effluent use as irrigation water are unknown.

c. The tribes described several situations where the use of effluent water by Indians would be uneconomical (pumping effluent upstream from Tucson to the San Xavier Reservation when downstream users are available) or where requiring exchanges might affect ongoing negotiations for voluntary substitution (Chandler and Scottsdale exchanges with Gila and Salt River communities.)

3. Cities

a. Most of the cities recognize the value of their effluent as a water resource. They also believe that effluent will be a reliable source of water available in the future, and that planning for exchanges now makes good resource management sense.

b. The cities are generally supportive of the State's proposal that the tribes be required to accept effluent as soon as it becomes available.

c. The cities prefer that contractual terms for exchange agreements not be limited to effluent. Non-potable groundwater suitable for agricultural or industrial use could also be exchanged for CAP water. The cities also contend that any exchanges must be on an acre-foot for acre-foot basis. In addition, they note that exchanges solely between non-Indians should also be allowed.

There are potential constraints on the use of effluent water as the primary component of any large substitution of non-CAP water for CAP supplies. Many of these are technical in nature, relating to the long-term impact of effluent water on human and livestock health and cropping patterns and the absorptive capacity of soils and groundwater quality. Concern about these effects has led to a series of requirements by State and Federal authorities which restrict the use of effluent water to purposes which do not directly impinge on public health. An expanding body of research, however, and improved treatment techniques may lead to wider use of effluent water and general recognition of it as an important water resource. Many commentators who addressed this subject submitted technical information on these issues. After studying this, it has been determined that the use of effluent water for limited agricultural and industrial purposes is worth pursuing as a substitute for some CAP water. Given Central Arizona's arid climate, and its pressing need to manage *all* of its water resources wisely, some substitution of effluent water and other local water unfit for municipal uses, for CAP water, where appropriate, may be required of all contractors.

To allow for the possibility of water substitution the CAP allocations to Central Arizona Indians contain a provision for substitution and a similar provision will be included in their respective water service contracts.

The Department has developed, in consultation with all affected interests, contract language which provides that Indian tribes may be required to enter into substitute water agreeemnts with nearby cities, but only after a series of stringent conditions have been met. The conditions are designed to protect the tribes' interests by assuring that the water will be of a suitable quality and available at the time and place most beneficial to the tribes. Additionally, the conditions provide that the costs of the substitution (including treatment plant costs) will be borne by the beneficiaries of the exhange; i.e., the CAWCD or the M&I subcontractor needing the CAP water.

Representatives of some Phoenix area municipalities stated that twenty to thirty percent of their ground water supplies are unfit for municipal uses. They urged that substitution not be confined to sewage effluent but include these other sources as well. This suggestion underscores the need to assure that *all* water resources in Central Arizona be applied to compatible needs. Thus the substitute water concept appears appropriate not only to these Indian allocations but also to the non-Indian allocations which will be made in the near future.

B. *Conservation of groundwater.* In authorizing the Central Arizona Project in 1968, Congress recognized the serious problems associated with overdrafting of groundwater resources in Arizona. Currently, water demands in Arizona are such that the State relies on groundwater resources for more than sixty percent of its water supply, and water needs are met at the expense of overdrafting or "mining" groundwater. In some areas, there are reports that groundwater levels have fallen 4–8 feet in a single year. Land subsidence has occurred, and intensive use of surface water has reduced natural recharge of aquifers. Falling water tables have also resulted in significantly higher energy costs for pumping, with pump lifts exceeding 400 feet in parts of the project area. Given the limited rainfall and snowpack in Arizona and the present full utilization of surface waters, groundwater remains the State's only available water reserve. Its management, both in terms of quality and quantity, is a major purpose of the Central Arizona Project.

In response to this problem, the State of Arizona enacted on June 12, 1980, a comprehensive ground water management law. Uses of groundwater are sharply curtailed under the statute, and existing wells will be monitored to control pumping. The goal for most of Central Arizona is to reach a balance of pumping and natural recharge by the year 2025.

Many commentators proposed that the concepts in the State's groundwater law be applied to Indian groundwater pumping in order to ensure the eventual balance of pumping and natural recharge. Most of the Indian commentators, however, charged that Indian lands have systematically been depleted of groundwater by the pumping activities of adjacent non-Indian owners, both public and private. They argue that they have not been able to fully develop their groundwater resources and the aquifers under their reservations have been depleted by non/Indian users. Groundwater pumping on tribal lands is arguable less, proportionately, than pumping throughout the region as a whole for two reasons: the reservations do not have dense urban settlements, and they have less irrigated land. The tribes also have been severely restricted in their ability to tap underground water by their lack of financial resources and access to capital. Nonetheless, much of Central Arizona Indian agriculture depends on groundwater.

In response to these concerns, the Secretary has determined subsequent to the comment period and public hearings that Indian water service contracts shall contain provisions requiring the integrated management and control of surface and groundwater on Indian reservations receiving CAP water to the end that groundwater withdrawals are managed on a responsible basis.

C. *Priority of use.* The proposed allocations address the problem of shortages of project water which will occur in times of drought and in the later years of the project as the Upper Basin States begin to use their full entitlement to water from the Colorado River. The Central Arizona Project will alleviate only the most urgent water supply problems of the area, and shortages will be increasingly more frequent in the future. Under the best of circumstances, CAP could initially deliver as much as 2.1 million acre-feet, but the average yield is expected to be about 1.2 million acre-feet over the life of the project. More important, the assured yield will total only one-third to one-half of the average yield. Given the variable conditions affecting supply and the growing needs of Central Arizona, the Secretary has decided that Indian users and M&I users will share a first priority in project water deliveries during times of shortage, with the limitation that the Indians' participation in the shared priority will first be reduced by ten percent of the water allocated for Indian agricultural uses.

This revised priority is made because the 1976 decision was unfair, in part, to the Indians who received allocations. Moreover, the decision omitted several Indian reservations which were able to receive, and in need of, project water.

Under the 1976 allocation, Indian irrigation water would have been reduced drastically after the year 2005. From 257,000 acre-feet per year in the first 20 years of the project, Indian supplies would be decreased in the later years of the project to either 10 percent of the project supply or 20 percent of the agricultural supply, whichever was to the tribes' advantage. This abrupt reduction would have effectively worked against permanent investments in irrigation facilities and placed an inequitable burden on the Indians in order to make up for deficits in overall water supplies of Central Arizona. Under the post-2005 priority system used in the 1976 allocations, the water available to the tribes would not have been nearly enough to irrigate the lands previously subjugated. In other words, any economic growth stimulated in the early years of the project would have been only temporary, and achievement of a permanent tribal homeland would have bene only illusory.

The shared priority system intends to redress this inequity. Instead of the first, but temporary priority for the tribes proposed in the 1976 notice, the Indians will share a first priority with the non-Indian M&I allottees of CAP water for the life of the project. In times of shortage, the Indian allocation will be a percentage to the total supply that is based on the relation of the Indian allocation to the non-Indian M&I allocation.

For the limited purpose of establishing the relative Indian and non-Indian M&I percentages of the shared priority, non-Indian M&I allocations beyond 510,000 acre-feet, including conversions from agriculture to M&I, will not be permitted to be included in the calculations of the non-Indian portion of the shared priority. (This is not to say that future Secretarial allocations for M&I use, or agricultural conversions to M&I use might not take the total non-Indian allocations to a figure greater than 510,000 acre-feet is an absolute limit when calculating the shared priority between Indian and M&I use in times of shortage).

As discussed above, ten percent of the Indian *agricultural* allocation will be eliminated from the shared priority in times of shortage. That represents approximatly 26,000 acre-feet of the Indian allocation. Thus, assuming that full use of both the Indian and non-Indian M&I allocations occurred in a year when water was available, the Indian percentage of the shared priority in a subsequent year of short supply would be approximately thirty-six (36%) percent of the available supply. Such limits on non-Indian and Indian participation in the shared priority provide for relative stability and predictability for all allottees over the life of the project, a feature which was missing from the 1976 allocations.

In addition to the need to redress the inequity in the priority system of the 1976 allocation, the Federal Government has since that decision developed two policies which mandated reconsideration of the earlier allocation. First, the President's Water Policy Message to Congress on June 6, 1978, recognized the need to develop water resources on or near Indian reservations to serve as an important component in the development of permanent tribal homelands. It is clear that in an arid area like Central Arizona a relatively dependable, long-term supply of water for domestic and economic development activities is critical if these homelands are to exist. Second, the President also announced at that time his intent to settle Indian water claims through negotiation whenever possible. Pursuant to this policy, the Secretary has used CAP allocations to assist in the settlement of Indian claims to local water supplies.

D. *Suggested Revisions.* During the public review period, many comments were received which questioned the accuracy and/or equities of the proposed adjustments in comparison to the 1976 tribal allocations. These comments are summarized as follows:

1. *Gila River Pima-Maricopa Indian Reservation:* The Gila River Indian Community has requested that its proposed allocation of 173,100 acre-feet per year be increased by an additional 103,476 acre-feet per year, bringing the total requested annual allocation to 276,576 acre-feet. The Community asserts that the Secretary erred in calculating presently developed acreage (by underestimating), available surface water supplies (by overestimating), and available groundwater (by overestimating).

a. *Lands presently developed for irrigation:* The Community stated that more reservation lands are presently developed for irrigation than were included in the 1976 allocation. The Community also alleges that all Indian land in the San Carlos Irrigation Project, whether or not actually developed, should be included in the total of presently developed acreage.

b. *Surface Water:* The Community maintains that the surface water supply available to the reservation was overestimated by at least 9,300 acre-feet (3,400 acre-feet of water at Gila Crossing and 5,900 acre-feet of water at Maricopa Colony).

c. *Groundwater:* The Community states that the Department's estimate of effective groundwater yields on the reservation should be reduced by approximately 10,000 acre-feet annually because of salinity problems.

2. *Salt River Pima-Maricopa Indian Reservation:* The Salt River Indian Community claimed that the presently developed acreage on the reservation is 14,858 acres and not 13,061 acres as reported in the 1976 allocation.

3. *Fort McDowell Mohave Apache Indian Community:* Concern was expressed that the allocation to Fort McDowell was conditioned on the construction of Orme Dam and relocation of part of the reservation.

4. *Ak-Chin Indian Community:* The Community supported the proposed allocation but expressed concern that the shared priority concept would jeopardize the Secretary's ability to fulfill his responsibility to deliver water to the reservation as required in the Ak-Chin Water Rights Settlement Act (Pub. L. 95-328). The State of Arizona has objected to the proposed Ak-Chin allocation, claiming that most of the tribe's needs set forth in the Settlement Act should be met by sources other than the CAP, leaving the proposed 58,300 acre-feet for allocation to non-Indian users.

5. *Papago:* The tribe claimed that the 1976 allocation of 8,000 acre-feet to Chuichu is mistaken because it is insufficient to sustain an economic farm unit. The tribe also requested that any water that would have been allocated to the Gila Bend portion of the Papago Reservation be used to augment the allocations to San Xavier or Chuichu, if economically feasible.

6. *Camp Verde:* The tribe has requested that their allocation be increased from 1,200 to 1,800 acre-feet per year. It has also been requested that the allocation be based on the permanent tribal homeland concept.

7. *San Carlos Apache Tribe:* The Tribe requested more water but did not allege any error in the proposed allocation.

8. *Pascua Yaqui:* The Tribe has requested an additional allocation of 400 acre-feet per year, for maintenance of a permanent tribal homeland.

9. *Tonto Apache:* The Tribe has requested an additional allocation of 130 acre-feet per year, for maintenance of a permanent tribal homeland. In addition, a study by the Salt River Project indicates that the Tribe requires 18 acre-feet per year more than proposed in the August 8 *Notice.*

10. *Yavapai Prescott:* The Tribe has requested an additional allocation of 500 acre-feet per year, for maintenance of a permanent tribal homeland.

The tribes' comments would require allocation of approximately 117,000 acre-feet annually in addition to the 309,810 acre-feet in the proposed allocation. Most of that increment is attributable to alleged technical errors in the assessment of available water supplies and presently developed acreage on the five reservations which were allocated water in 1976. In addition, a proposed revision in the definition of lands described as "presently developed for irrigation" accounts for some of the claimed water. The remainder of the increase is requested by some tribes for more extensive development of their reservations as permanent tribal homelands. This latter portion of the requested increase is for reservations which were not included in the 1976 allocations.

The August 8 *Notice* proposed no adjustment in the quantity of CAP water allocated to the five tribes in 1976. The only objectives of the August 8 adjustment were: to provide project water to additional Central Arizona Indian reservations which have need of water and which can reasonably benefit from a CAP allocation; and to establish an equitable priority for Indian use of CAP water.

Because of the limited objectives in adjusting the allocation, and because Indian tribes are but one of an intended group of CAP beneficiaries, the Secretary has decided to make only a single numerical adjustment to the August 8 proposed allocations. Therefore, the final notice allocates an additional 18 acre-feet per year to the Tonto Apache, bringing their total allocation to 128 acre-feet per year.

The 1976 allocation did not take into account the ability to serve some of the Indian reservations located beyond the physical reach of CAP facilities by means of the exchange provisions in section 304 of the Act. (*See* Cong. Rec. H3819, May 15, 1968). In addition, some reservations able to receive a direct allocation of CAP water were not included in the 1976 allocation. The August 8 *Notice* proposed allocations to these reservations (Camp Verde, Tonto Apache, Yavapai Prescott, Pascua Yaqui, San Carlos, Shuk Toak, and San Xavier) primarily for the purpose of maintaining permanent tribal homelands. These allocations represent an increase of 52,810 acre-feet per year over the amount allocated in 1976. Water is allocated to these reservations in quantities sufficient to provide a minimum water resource for development and growth of municipal needs, as well as other uses necessary to sustain a permanent tribal homeland.

The final allocations to these tribes remain essentially the same as those proposed in the August *Notice* with two corrections. As mentioned above, the Tonto Apache will receive an additional 18 acre-feet per year, and the Camp Verde allocation is designated in the final notice as water supplied for the purpose of contributing to the maintenance of a permanent tibal homeland.

The proposed allocation to the Fort McDowell Reservation appeared to some commentators to be contingent on the construction of Orme Dam and the relocation of part of the reservation. This is not the case. The allocation to Fort McDowell is intended to contribute to the maintenance of the reservation as a permanent tribal homeland. Water for this purpose is needed whether or not Orme Dam is built.

The allocation to the Ak-Chin Community in 1976 was 58,300 acre-feet. The quantity of that allocation was not proposed to be increased although the Ak-Chin Water Rights Settlement Act requires the Secretary to deliver to the reservation an interim water supply of 58,300 acre-feet and a permanent water supply of 85,000 acre-feet beginning in 2003. The permanent supply to Ak-Chin probably will be comprised of groundwater underlying the public lands, the CAP allocation, and remaining groundwater under the reservation and such additional water from other sources as may be necessary.

It is clear that the CAP is intended to contribute to the permanent water supply to which Ak-Chin is entitled to under Pub. L. 95-328. To insure that the variable CAP supply or lack of reservation groundwater will not prevent full deliveries to Ak-Chin, the water delivery system from the well field will be designed to transport 85,000 acre-feet of water annually to the reservation from nearby Federal lands.

The State of Arizona has strongly objected to including Ak-Chin in the proposed adjustment to the 1976 allocation which creates the shared priority with non-Indian M&I users. The State believes that Ak-Chin should rely upon the development of well fields underlying Federal lands near the reservation, leaving the Ak-Chin CAP supply after the year 2005 available to non-Indians. After consideration of the alternatives, the Secretary has decided to affirm the August 8 allocation of 58,300 acre-feet of CAP water to Ak-Chin. Complete reliance on the proposed well fields would have several serious consequences, all of them detrimental to future water use. Preliminary analysis shows that underground water reserves capable of being tapped for Ak-Chin probably are not sufficient to support the pumping of such large quantities of water for a sustained period beyond 25 years. Moreover, conservation of groundwater, and not its depletion, is a primary purpose of the CAP. Finally, financial estimates of the relative cost of using the well field versus the use of CAP water argue for employing both sources to achieve the greatest cost-effectiveness.

The decision to make only limited adjustments in the Indian allocation is not intended to suggest that the Central Arizona Indian tribes may not need additional water. To the extent that the Indians have outstanding water rights or needs which need to be fulfilled, the Department will look to remedies other than the CAP to fulfill them.

E. *Other Issues.* The *Notice* of proposed allocations to Indian tribes dated August 8, 1980, contained proposals on several associated issues. These were credits against *Winters Rights,* possible additional water for the tribes, and non-Indian water use.

1. *Credits Against Winters Rights:* These proposed allocations to the tribes will be credited against the reservations' *Winters* rights as and when finally adjudicated, or as finally determined by Congressional action. This stipulation will be included in the contracts with the tribes for these allocated supplies.

To the extent that a CAP allocation is credited against *Winters* rights, the reservation being so credited will be able to use such water in any manner and for any uses permitted under its *Winters* rights.

In this context it should be added that the allocation of CAP water to the tribes will not constitute a taking, either directly or by implication, of any water rights of the tribes; no will it constitute the Department's opinion as to the legal rights of these tribes.

2. *Possible Additional Water For the Tribes:* Except as specifically provided in the allocations, the tribal allocations are limited to irrigation uses on the reservations. The tribes, however, are not precluded from contracting for project M&I water just as any other entity in central Arizona may so contract. As long as such water has not been contracted to other uses, such contracts may be made through the Secretary of the Interior. If the tribes do decide to contract for this M&I water, they should be prepared to execute a contract with the Secretary at the same time as other M&I users contract with the CAWCD and the Secretary.

3. *Non-Indian Water Use:* In 1976, the Arizona Water Commission, now the

Department of Water Resources, recommended water allocations for non-Indian M&I and agricultural users. In the four years since the recommendations various conditions have changed, including the proposed increased tribal allocation contained herein, and increased estimates of the potential cost of CAP water.

In light of these changed circumstances, I have asked the DWR to revise its original recommendations for both M&I and agricultural use. I have been advised by Governor Babbitt that the State's revised recommendations for the allocation of CAP non-Indian water supplies will be submitted promptly following the publication of this notice.

F. *Evaluation of Environmental Impacts.* The requirements of the National Environmental Policy Act have been integrated into all phases of the Central Arizona Project. A programmatic Environmental Impact Statement was completed in 1972 and site-specific statements have been or are in the process of being done on particular phases of the project. The Bureau of Reclamation (now the Water and Power Resources Service) prerpared an environmental assessment of the Indian allocations of CAP water as proposed on April 18, 1975—(40 FR 17927). Based on the assessment, the Bureau concluded in a "Negative Determination of Environmental Impact," dated June 4, 1976, that the proposed allocations did not significantly affect the quality of the human environment. The Solicitor's office reviewed and approved the assessment and negative finding.

Since the preparation of those documents, several other reports evaluating the potential environmental effects of possible CAP allocations have been written. These include:

An environmental evaluation of the AWC-recommended M&I allocations (March 1979);

A two-part conceptual and technical assumptions review of the AWC recommendations (November 9, 1979 and December 31, 1979);

A supplemental environmental evaluation analyzing the potential M&I users rejected by the AWC (December 1979);

A report on potential water use by non-Indian agriculture as recommended by the AWC (December 1979).

Finally, the Water and Power Resources Service has completed an environmental assessment on the Indian allocations as proposed in the August 8 *Notice.* Water and Power has concluded in a Finding of No Significant Impact (FONSI) dated October 15, 1980, that these allocations do not significantly affect the quality of the human environment and therefore preparation of an Environmental Impact Statement is not required. Copies of that assessment and subsequent FONSI are available to the public upon request.

Authority and Purpose for Allocations

I take this action in recognition of my trust responsibilities to the Indians, and pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended, (32 Stat. 388, 43 U.S.C. 391) and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501). In making these decisions, I have carefully considered many interrelated factors, the testimony given at the public hearings and comments received during the public comment period. I have met on many occasions with representatives of the central Arizona tribes, with other potential users of CAP water, and with Governor Bruce Babbitt and members of the Arizona Congressional delegation. Also, I have reviewed at length the voluminous data which this Department has compiled over many years in regard to the CAP.

In these decisions, I have adjusted the water-use priorities and allocation of water to Indians announced by Acting Secretary of the Interior, Kent Frizzell, on October 12, 1976, 40 FR 45883. I am making these adjustments to correct certain omissions in the 1976 notice and to accommodate certain supervening conditions.

Among the factors which have prompted me to make these adjustments are the following:

(1) Under the 1976 allocation, Indian irrigation water would have been reduced drastically after the year 2005. From 257,000 acre feet per year in the first 20 years of the project, it would be decreased in the later years of the project to either 10 percent of the project supply or 20 percent of the agricultural supply, whichever was to the tribes' advantage. It is my opinion that this abrupt reduction in Indian supply is unfair to the Indians. Under the post-2005 formula used in the 1976 allocations, the economic growth permitted on the reservations in the early years of CAP operation would be only temporary, and both the Government and the tribes would be faced with the costs of a return to depressed economic conditions. Therefore, I have tried to assure the tribes of a more dependable supply of water throughout the life of the project.

(2) The 1976 allocations did not provide project water to all the Indian tribes which could reasonably benefit from the project. For example, the San Carlos Apache Tribe, which was mentioned specifically in the legislative history of the project as an intended recipient of project water, did not receive an allocation.

Besides the factors listed above, there are other reasons for my adjustment of the 1976 allocations:

(1) Subsequent to the 1976 decision, Congress committed the United States Government to provide the Ak-Chin lands with a permanent water supply. Additionally, the Honorable Morris K. Udall has introduced a bill, H.R. 7640, which would similarly provide permanent water for lands of the Papago Tribe.

(2) President Carter, in his Water Policy Message to Congress of June 6, 1978, recognized that Indian reservations are intended to be maintained as permanent tribal homelands. In an arid region such as central Arizona, a relatively dependable long-term water supply is critical if these homelands are to exist.

(3) Also in his June 6, 1978 message, the President announced his Administration's intent to settle Indian water claims through negotiation, wherever possible. Several water claims are now being litigated in Arizona and others are likely to be filed. On several occasions, I have stated that, pursuant to the President's policy, CAP water will be used in the settlement of outstanding claims, where possible.

Projected Water Supply

Before describing the procedures used to determine the allocations set forth below, I will point out certain hydrologically related aspects of the CAP. This is arid country with a limited supply of surface and groundwater, and many agricultural and M&I water users rely exclusively on groundwater. This dependence has been so great that the groundwater table has been dropping at an alarming rate. The Arizona Water Commission has estimated that the annual overdraft in the counties of Maricopa, Pinal and Pima is 1.9 million acre-feet.

In response to this problem, the Arizona State Legislature, on June 11, 1980, enacted the Ground Water Management Act of 1980. This law is far-reaching and should help alleviate this serious drawdown of groundwater reserves. I commend the Governor, the Legislature, and the Arizona Groundwater Management Study Commission for their serious and sustained efforts to improve the management of Arizona's limited water resources.

Despite the virtues of this new law, however, no one expects it to "solve" Arizona's water problems; nor should any one expect the CAP to work

miracles. What the CAP will do is this: It will alleviate to some extent the agricultural drain on the groundwater supply in the early years of the project, and it will provide a supply of municipal and industrial water on a permanent basis.

In making my allocations, I have studied data prepared by the Arizona Water Commission (AWC) and by the Water and Power Resources Service. Both reports estimate the total CAP supply based on assumptions relating to the hydrology of the Colorado River Basin, local runoff, the way in which the mainstem Colorado River reservoirs are operated, the rate at which the Upper Basin States develop their supplies, and a variety of other factors. But while they are in general agreement as to the various factors involved in these calculations, the two reports make different predictions.

Based on its assumptions, the Water and Power Resources Service (WPRS) has assumed that the minimum amount of Colorado River water available for diversion into the CAP during the most critical drought years will be 400,000 acre-feet. Due to losses, less than that, perhaps as little as 300,000 acre-feet, would be *delivered* to users during drought years, according to WPRS.

However, the Executive Director of the Arizona Water Commission (now the Department of Water Resources) has referred to his agency's CAP projection of 550,000 acre-feet of supply for diversion in drought years and 500,000 acre-feet for actual delivery as "quite conservative." The AWC conclusion relies on the assumption that the rate of development in the Upper Colorado River Basin will be slower than that predicted by WPRS, and on different assumptions regarding the operation of Hoover Dam.

From these numbers, the disagreement between the two agencies is obvious. For the purpose of this decision, however, I am accepting neither of these projections as definitive. My allocations do not reduce the tribal amounts after 2005 as did the 1976 allocations. Instead, my allocations rely on the concept of a "shared priority" between Indian users and municipal and industrial users throughout the life of the project. This concept, which is discussed in more detail below, provides that these two classes of users will suffer together and proportionally in shortage years.

Although it is important to all parties involved to have accurate forecasts of Colorado River water supplies, these projections are not as important to my allocations—because of the shared priority concept—as they were to Acting Secretary Frizzell's. At this point, since only time will tell which agency made better predictions about the future, I have found it useful to consider both reports in calculating the possible long-term ramifications of various allocation scenarios.

Indian Allocations

I considered 14 reservations for allocations of CAP water. (I should explain and emphasize what I mean by an "allocation." It is an offer to contract for CAP water. By no means does the allocation, by itself, commit the Department to deliver water to the various potential users to whom water is allocated. In all cases, contracts or subcontracts must be made and executed with the Secretary of the Interior as a party to them. It is only through the contracting process that water is firmly committed to the users.) I have tried to consider the particular circumstances of each tribe in making my decisions. I have found that there is no single formula to be used in determining the allocations of all the tribes.

I first considered the five reservations allocated water in 1976. These reservations are the Ak-Chin, Gila River, Salt River, Papago (Chuichu) and Fort McDowell. The rationale used in making those allocations is explained in detail in the 1976 Federal Register notice.

Based on a review of the comments on the August 8 proposals and the record of the allocation, I have decided not to adjust the quantity of the original 257,000 acre-feet allocated to the five tribes:

	Acre-feet
Ak-Chin	58,300
Gila River	173,000
Salt River	13,300
Papago Chuichu	8,000
Fort McDowell	4,300

These allocations will, however, be subject to a revised priority system described below.

The August 8 proposals included allocations to seven tribes which were not allocated water in 1976. (Camp Verde, Tonto Apache, Yavapai Prescott, Pascua Yaqui, San Carlos, Shuk Toak, and San Xavier). The addition of these allocations represents an increase of 52,810 acre-feet in the total Indian share of CAP water. In general, the allocations were expected to contribute to the maintenance of permanent tribal homelands for these tribes; that is, they represent enough water to provide a minimum water resource for development and growth of reservation economies.

The proposed allocations are hereby affirmed, with two changes. The Tonto Apache allocation is increased by 18 acre-feet per year to a total of 128 acre-feet, and the Camp Verde allocation is designated as a water supply for the purpose of contributing to the maintenance of a permanent tribal homeland. Those allocations are displayed in the following table:

	Portion solely for irrigation (acre-feet)	Portion for tribal homeland (acre-feet)
Camp Verde		1,200
Tonto Apache		128
Yavapai Prescott		500
Pascua Yaqui		500
San Carlos	2,700	10,000
Shuk Toak		10,800
San Xavier		27,000

As in the 1976 decisions, the allocations to Ak-Chin, Gila River, Salt River, Fort McDowell, Chuichu, and 2,700 acre-feet of the San Carlos allocation are limited to irrigation uses on the reservation, except to the extent modified by the *Winters* rights credit discussed below.

The full allocation to San Xavier, Shuk Toak, Pascua Yaqui, Tonto Apache, Camp Verde, and Yavapai and 10,000 acre-feet of the San Carlos allocation may be used for domestic, irrigation and M&I purposes, consistent with the purpose of maintaining tribal homelands. All of these allocations are also limited to uses on the reservations, except to the extent modified below.

Priority of Use in Times of Shortage

While the non-Indian agricultural supply of water will vary from year to year, even under pessimistic projections of water supply, Indian agricultural users and M&I users will receive their full allocations of water in most years. However, it is likely that there will be some years, probably after the turn of the century, in which there will not be enough water to satisfy Indian and M&I users completely.

In these shortage years, Indian users and M&I users will *share* a first priority on water, with the limitation that the Indians' participation in the shared priority will first be reduced by ten percent of the water allocated for Indian agricultural uses.

Under this concept, the scheme for reducing water deliveries in times of shortage will work this way: First, miscellaneous uses will be reduced pro rata until exhausted; next, non-Indian agricultural uses will be reduced in the same way until exhausted. Then, ten percent of Indian agricultural uses will

be reduced. Thereafter, water for Indian and M&I uses will be reduced on a proportional basis, and within each class on a pro rata basis. The proportional basis between these two classes will be fixed as a ratio of the amount of water used by each class in the most recent year in which a full supply was available for both classes. (A year of "full supply" is one in which the total amounts of water specified in the M&I subcontracts and the Indian contracts are delivered, while the pro rata diminution within each class will be based on the actual use of water in the most recent year in which a full supply was available to the class).

For the limited purpose of establishing the relative Indian and non-Indian M&I percentages of the shared priority, non-Indian M&I allocations beyond 510,000 acre-feet, including conversions from agriculture to M&I, will not be permitted to be included in the calculations of the non-Indian portion of the shared priority. (This is not to say that future Secretarial allocations for M&I use, or agricultural conversions to M&I use might not take the total non-Indian allocations to a figure greater than 510,000, but that 510,000 acre-feet is an absolute limit when calculating the shared priority between Indian and M&I use in times of shortage).

As discussed above, the percent of the Indian *agricultural* allocation will be eliminated from the shared priority in times of shortage. That represents approximately 26,000 acre-feet of the Indian allocation. Thus, assuming that full use of both the Indian and non-Indian M&I allocations occurred in a year when water was available, the Indian percentage of the shared priority in a subsequent year of short supply would be approximately thirty-six (36%) percent of the available supply. Such limits on non-Indian and Indian participation in the shared priority provide for relative stability and predictability for all allottees over the life of the project, a feature which was missing from the 1976 allocations.

Summary of Allocations and Priorities to Indian Tribes

[Acre-feet per year]

Tribe	(C) (B) Portion for −10 pct maximum tribal homeland irrigation base in shortage year	(A) Allocation		(B) Portion solely for irrigation
Ak-Chin	58,300	58,300		52,470
Gila River	173,100	173,000		155,790
Salt River	13,300	13,300		11,970
Chuichu	8,000	8,000		7,200
Fort McDowell	4,300		4,300	
Camp Verde	1,200		1,200	
San Carlos	12,700	2,700	10,000	2,430
San Xavier	27,000		27,000	
Schuk Toak	10,800		10,800	
Pascua Yaqui	500		500	
Tonto Apache	128		128	
Yavapai	500		500	
Total	309,828	255,400	54,428	229,860

Possible Substitution of Non-Cap Water

By improving the Indian supply in the later project years, it is apparent that the position of the M&I users will be less favorable than under the 1976 notice. In an effort to make the M&I supply as dependable as possible, these allocations permit the substitution of non-CAP water for Indian CAP water, and provisions addressing such substitutions will be included in the Indian water service contracts. The Department has developed, in consultation with the affected interests, proposed contract language which provides that Indian tribes may be required to enter into substitute water agreements, but only after a series of stringent conditions are met. These include:

(1) The suitability of the substitute water will be determined by the Secretary on stated criteria: (a) that the delivery facilities are equivalent to CAP facilities, (b) that the supply is available in comparable quantities at the time and place of need, (c) that the quality of the water meets all appplicable regulatory requirements, including, but not limited to those relating to treatment and delivery, and (d) that the water shall be of suitable quality for the beneficial uses under a reasonably diversified cropping pattern customary for lands of like character in the region.

(2) All costs of substitution will be borne by the Central Arizona Water Conservation District or by the subcontractor securing the benefit of CAP water by substitution (however, this requirement will not preclude the use of Environmental Protection Agency grants, or non-federal financial assistance, to deliver effluent water to the reservations);

(3) Prior to December 31, 2005, exchanges may not exceed twenty percent of an individual tribe's CAP allocation and will be on the basis of delivery of not less than two acre-feet of subsitute water for each acre-foot of project water exchanged. Thereafter, exchanges will be limited to fifty percent of each tribe's allocation, will be on not less than an acre-foot for acre-foot basis, and the party proposing substitution must establish to the satisfaction of the Secretary that there is no reasonable or prudent alternative to the proposed substitution available to that party for current or reasonably anticipated M&I use.

(4) Negotiations for the proposed substitution of supply will be between the tribe and the party offering water. Under procedures to be developed by the Department, the Secretary will reserve the authority to approve a substitution if it is determined that tribal agreement is being withheld unreasonably.

No doubt, there are substantial legal, technical, and environmental aspects of this concept to be worked out. But there is also no doubt that if appropriate use is made of the effluent, shortages will fall less severely on all users served by the Central Arizona Project.

Also, in an effort to identify more water which could be made available to mitigate the adverse effects of shortage years, the August 8 *Notice* directed the Assistant Secretary for Land and Water Resources to review whether operating criteria for Lower Basin Colorado River reservoirs permit, or could be modified to permit, the use of additional water for CAP purposes. The State of Arizona's CAP water availability projections differ from those of the Water and Power Resources Service. One purpose of this review was to determine if these differences are significant, and if so, whether or not they can be resolved, thus making some additional water available to the project. This review has been completed and based on its findings, I have concluded that the facts do not presently justify any modification in the operating criteria for the reservoirs.

Conservation of Groundwater

This subject was not addressed in the august 8 *Notice*. However, many comments were received from the non-Indian community which suggested that

Indians who benefit from the CAP should be required to meet the same water conservation and groundwater requirements as non-Indians. Most of the Indian commentators, however, charged that Indian lands have been systematically depleted of groundwater by the pumping activities of their non-Indian neighbors. The Indians argue that they have not been able to develop their groundwater resources fully, and that the aquifiers under their reservations have been depleted by non-Indian users. Groundwater pumping on tribal lands is arguably less, proportionately, than pumping throughout the region as a whole for two reasons: The reservations lack dense urban settlements, and they have less irrigated agriculture. the tribes also have been severely restricted in their ability to tap underground water by their lack of financial resources and access to capital. Despite these concerns, a principal purpose of the CAP remains the conservation and management of groundwater. For this reason, Indian water service contracts will contain provisions requiring the integrated management and control of surface and groundwater on Indian reservations receiving CAP water to the end that groundwater withdrawals are managed on a responsible basis.

Credits Against Winters Rights

These allocations to the tribes will be credited against the reservations' *Winters* rights, as and when finally adjudicated or finally determined by Federal legislative action. This stipulation will be included in the contracts with the tribes for these allocated supplies.

Th the extent that a CAP allocation is credited against *Winters* rights, the reservation being so credited will be able to use such water in any manner and for any uses permitted under its *Winters* rights.

In this context it should be added that the allocation of CAP water to the tribes will not constitute a taking, either directly or by implication, of any water rights of the tribes; nor will it constitute the Department's opinion as to the legal rights of these tribes.

Possible Additional Water for the Tribes

Except as specifically provided in the above allocations, the tribal allocations are limited to irrigation uses on the reservations. The tribes, however, are not precluded from contracting for project M&I water just as any other entity in central Arizona may so contract. As long as such water has not been contracted to other users, such contracts may be made through the Secretary of the Interior. If the tribes do decide to contract for this M&I water, they should be prepared to execute a contract at the same time, and under the same conditions as other M&I users contract with the CAWCD and the Secretary.

In a related matter, the asserted needs for tribal irrigation water exceed the allocations. It is my view that tribal irrigation requests above and beyond these allocations should be treated in the same way as requests from others seeking irrigation water.

Non-Indian Water Use

In 1976, the Arizona Water Commission, now the Department of Water Resources, recommended water allocations for non-Indian M&I and agricultural users. In the four years since the recommendations various conditions have changed, including the proposed increased tribal allocation contained herein, and increased estimates of the potential cost of CAP water.

In light of these changed circumstances, I have asked the DWR to revise its original recommendations for both M&I and agricultural use. I have been advised by Governor Babbitt that the State's revised recommendations for the allocation of CAP non-Indian water supplies will be submitted promptly following the publication of this notice.

Evaluation of Environmental Impacts

The requirements of the National Environmental Policy Act have been integrated into all phases of the Central Arizona Project. A programmatic Environmental Impact Statement was completed in 1972 and site-specific statements have been or are in the process of being done on particular phases of the project. The Bureau of reclamation (now the Water and Power Resources Service) prepared an environmental assessment of the Indian allocations of CAP water as proposed on April 18, 1975—(40 FR 17927). Based on that assessment, the Bureau concluded in a "Negative Determination of Environmental Impact," dated June 4, 1976, that the proposed allocations did not significantly affect the quality of the human environment. The Solicitor's Office reviewed and approved the assessment and negative finding.

Since the preparation of those documents, several other reports evaluating the potential environmental effects of possible CAP allocations have been written. These include:

An environmental evaluation of the AWC-recommended M&I allocations (March, 1979);

A two-part conceptual and technical assumptions review of the AWC recommendations (November 9, 1979 and December 31, 1979);

A supplemental environmental evaluations analyzing the potential M&I users rejected by the AWC (December, 1979);

A report on potential water use by non-Indian agriculture as recommended by the AWC (December, 1979).

Finally, the Water and Power Resources Service has completed an environmental assessment on the Indian allocations as proposed in the August 8 *Notice*. Water and Power has concluded in a Finding of No Significant Impact (FONSI) dated October 15, 1980, that these allocations do not significantly affect the quality of the human environment and therefore preparation of an Environmental Impact Statement is not required. Copies of that assessment and subsequent FONSI are available to the public upon request.

Effect on Previous Decisions

The adjustments to the 1976 allocation have been made with the understanding that Secretarial decisions are precedent in the Department and are not generally revised without substantial reason. However, the temporary priority for Indian water use under the 1976 allocation is unreasonable and justifies a revision from a first, but temporary, priority in CAP water, to a shared priority with M&I users over the life of the project. In addition, we are aware of no decisions which have been made by the non-Indian community in reliance on the 1976 allocations which would restrict the Secretary from revising the allocation for good cause.

My final decisions on the allocations contained herein supersede the decisions published by Acting Secretary Frizzell on October 15, 1976 and by Secretary Morton on December 15, 1972, 37 FR 2802; and insofar as those decisions are inconsistent with these final decisions, they are rescinded.

Dated: December 5, 1980.

Cecil D. Andrus,

Secretary of the Interior.

[FR Doc. 80-38307 Filed 12-9-80; 8:45 am]

BILLING CODE 4310-10-M

Regional Oil Shale Coal Team; Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-163), notice is hereby given of a meeting of the Regional Oil Shale Team, composed of the Green River-Hams Fork and Uinta-Southwestern Utah Regional Coal Teams of the Federal-State Coal Advisory Board, to be held at 10:00 a.m., Tuesday, January 6, 1981, in Room 503, Federal Court House, 1921 Stout Street, Denver, Colorado 80202. The Team will meet to discuss a Memorandum of Understanding covering its

responsibilities relating to Federal oil shale leasing and the criteria to be used in delineating and ranking oil shale tracts for possible leasing.

Attendance is open to the interested public. There will be a public comment period. For further information concerning this meeting, contact Jack White, Bureau of Land Management, Room 5640, 18th and E Streets, NW., Washington, D.C. 20240; telephone: (202) 343-4437.

Dated: December 3, 1980.

James W. Curlin,

Deputy Assistant Secretary.

[FR Doc. 80-38240 Filed 12-9-80; 8:45 am]

BILLING CODE 4310-10-M

Water and Power Resources Service

Contract Negotiations With Yakima-Tieton Irrigation District, Washington; Intent to Begin Contract Negotiations for a Rehabilitation and Betterment Contract

The Department of the Interior, through the Water and Power Resources Service, intends to open negotiations with the Yakima-Tieton Irrigation District, Yakima, Washington, leading to a contract pursuant to the Rehabilitation and Betterment Act of 1949 (63 Stat. 724, 64 Stat. 11), as amended, for the repayment of funds to be used in improving the existing canal systems.

The proposed Rehabilitation and Betterment program will provide up to $62,133,000 to enable the district to replace the existing 320 miles of open canals, laterals, and low-head pipe with 210 miles of pressure pipelines. A regulating dam will also be constructed with the reservoir serving as the headworks for the pressure pipeline to serve district lands. The contract repayment schedule will provide for full repayment of funds, commensurate with water users' payment capacity, over a period not to exceed 40 years.

The terms and conditions of the proposed contract are dependent upon the Secretary of the Interior's approval of the form of the proposed contract, and a maximum 60-day congressional review period of the terms of repayment.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed Yakima-Tieton Irrigation District contract. Inquiries should be addressed to the Regional Director, Water and Power Resources Service, Attention Code 440, 550 West Fort Street, Box 043, Boise, Idaho 83724.

The availability of a proposed draft contract for public review will be announced in the local news media. Following that announcement, a 30-day period will be allowed for receipt of written comments. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Ms. Cathy Kent, Repayment Contracts Assistant, Repayment and Statistics Branch, Division of Water, Power, and Lands, Water and Power Resources Service, at the above address, or telephone (208) 334-1161.

Dated: December 4, 1980.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-38289 Filed 12-9-80; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-80F)]

Burlington Northern Inc., Abandonment Between Quincy and Mendon, IL; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided December 2, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91(1979), and further that BN shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period 120 days from the decided of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of its line of railroad known as the Quincy to Mendon line extending from railroad milepost 70.30 near Quincy, IL, to railroad milepost 55.77 at the end of the line near Mendon, IL, a distance of 14.53 miles, in Adams County, IL. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since the investigation has been completed, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-38278 Filed 12-9-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

Correction

In FR Doc. 80-32209 appearing at page 68762 in the issue for Thursday, October 16, 1980, make the following correction:

On page 68765, in the third column, in paragraph MC 116273 (Sub-256F), application of D&L Transport, Inc., in the eighth line, "MI, MO" should have read "MI, MN, MO".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

Correction

In FR Doc. 80-32883 appearing at page 70136 in the issue for Wednesday, October 22, 1980, make the following correction:

On page 70140, in the third column, in paragraph MC 119399 (Sub-5-28TA), application of Contract Freighters, Inc.,

in the ninth line, "FA" should have read "GA".

BILLING CODE 1505-01-M

Permanent Authority Decisions

Correction

In FR Doc. 80-21740 appearing at page 48953 in the issue for Tuesday, July 22, 1980, make the following correction:

On page 48955, in the second column, in paragraph MC 75320 (Sub-229F), application of Campbell Sixty-Six Express, Inc., in the fifteenth line, "Sadlia," should have read "Sedalia".

BILLING CODE 1505-01-M

Office of Proceedings

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before January 26, 1981 (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. OP4-137

Decided: December 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 152567F, filed October 28, 1980. Applicant: SECURITY COURIER SERVICE, INC., 224 No. Gaines, Little Rock, AR 72201. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. Transporting *shipments weighing 100 pounds or less* is transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP4-143

Decided: December 3, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones. Member Joyce not participating.

MC 150127 (Sub-2F), filed November 19, 1980. Applicant: COMMANCHE EXPRESS LINES, INC., P.O. Box 451, Jeffersonville, IN 67130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. 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 150987 (Sub-1F), filed November 18, 1980. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: R. Emery Clark, 366 Executive Bldg., 1030 15th St. NW., Washington, DC 20005. Transporting *general commodities* (except used household goods, hazardous or secret material, and sensitive weapons and munitions) for the United States Government, between points in the U.S. (Hearing site: Washington, D.C.)

Volume No. OP4-144

Decided: December 3, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 152667F, filed November 13, 1980. Applicant: DEAN L. HOCKETT AND MARJORIE W. HOCKETT, d.b.a. DEMAR ENTERPRISES, Route #5, Box 5249A, Wenatchee, WA 98801. Representative: Lawrence Marquette, P.O. Box 711, Pebble Beach CA 93953. 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, except in emergency situations, between points in the U.S.

Volume No. OP4-145

Decided: December 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 59247 (Sub-14F), filed November 7, 1980. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: William Biederman, 371 Seventh Ave., New York, NY 10001. 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 146226 (Sub-7F), filed November 7, 1980. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting — *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP4-146

Decided: December 3, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 93186 (Sub-11F), filed November 13, 1980. Applicant: EUDELL WATTS, III, d.b.a. Watts Transfer Co., 825 First Ave, Rock Island, IL 61201. Representative: William D. Brejcha, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in Bureau, Carroll, Hancock,

Henderson, Henry, Jo Daviess, Knox, LaSalle, Marshall, Mercer, Peoria, Rock Island, Stark, Stephenson, Warren, and Whiteside Counties, IL; Benton, Cedar, Clinton, Delaware, Des Moines, Dubuque, Iowa, Jackson, Jefferson, Johnson, Jones, Lee, Louisa, Muscatine, Scott, Washington and Van Buren Counties, IA; Crawford, Grant, Iowa, and Lafayette Counties, WI; and Clark, Louis, and Scotland Counties, MO, 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 102906 (Sub-13F), filed November 18, 1980. Applicant: McCONNELL HEAVY HAULING, INC., P.O. Box 463, Little Rock, AR 72203. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. 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 145026 (Sub-10F), filed November 12, 1980. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. 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. OP5–074

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 113658 (Sub-41F), filed November 13, 1980. Applicant: SCOTT TRUCKLINE, INC., 5280 Newport Street, Commerce City, CO 80022. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104 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 113678 (Sub-901F), filed November 17, 1980. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (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 116949 (Sub-20F), filed November 19, 1980. Applicant: BURNS TRUCKING, INC., RR 1, Box 304, South Sioux City, NE 68776. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. 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 138328 (Sub-125F), filed November 3, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and ammunitions), for the U.S. Government, between points in the U.S.

MC 142059 (Sub-146F), filed November 13, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joiliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *general commodities,* between Barneveld, Cobb, Cuba City, Dodgeville, Edmund, Fennimore, Ipswich, Lancaster, Lancaster Jct., Liberty, Livingston, Montfort, Montfort Jct., Platteville, Preston, Rewey, Ridgeway and Stitzer, WI, Deephaven, Excelsior, Manitou, Victoria, Waconia and Young America, MN, and Wyatt, MO, on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of rail carrier service.

MC 150448 (Sub-3F), filed November 18, 1980. Applicant: CHART TRANSPORTATION INC., P.O. Box 657, Union, NJ 07083. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. 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 150949 (Sub-6F), filed November 6, 1980. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Gerald S. Duzinski, 71 West Park Ave., Vineland, NJ 08360. 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 151768 (Sub-9F), filed November 18, 1980. Applicant: ARM TRANSPORTATION CORP., P.O. Box 9480, Amarillo, TX 79105. Representative: A. J. Swanson, 226 N. Phillips Ave., P.O. Box 1103, Sioux Falls, SD 57101. 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 152469F, filed October 28, 1980. Applicant: BILL WHITE, INC., 5959 W. Century Blvd., Los Angeles, CA 09945. Representative: Mildred D. Martin (same address as applicant). To engage in operations as a broker arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 152699F, filed November 17, 1980. Applicant: LARRY MORY, d.b.a. MORY TRUCKING COMPANY, 306 E. Mary, Black Creek, WI 54106. Applicant: Norman A. Cooper, 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,* when such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-38216 Filed 12-9-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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.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 January 26, 1981, (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. OP1-090

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Liberman not participating.

MC 531 (Sub-456F), filed November 18, 1980. Applicant YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant). Transporting *liquid chemicals* from points in Mason County, WV, to points in WA.

MC 8310 (Sub-16F), filed November 17, 1980. Applicant JEFF'S TRUCKING, INC., 408½ Main St., Waupun, WI 53963. Representative: Allan B. Torhorst, 217 East Jefferson St., P.O. Box 190, Burlington, WI 53105. Transporting *foodstuffs,* from points in WI to points in MN, ND, and SD.

MC 35320 (Sub-621F), filed November 12, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 47171 (Sub-190F), filed November 16, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. BOX 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between 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 facilities used by Bristol-Myers Products.

MC 63101 (Sub-9F), filed November 18, 1980. Applicant: KEENE'S TRANSFER, INC., 1019 East Ave., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting *malt beverages,* from St. Paul, MN, to Beloit, WI.

MC 75320 (Sub-234F), filed November 3, 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 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 AL, AR, GA, IA, IL, IN, KS, KY, LA, MO, MS, NE, NY, OH, OK, PA, TN, TX, and WI.

MC 111231 (Sub-327F), filed November 17, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Lloyd E. Foley (same address as applicant). Transporting (1) *plumbing fixtures and gas cocks,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between Sheidan, AR, on the one hand, and, on the other, points in AL, AR, CO, ID, KS, KY, LA, MO, MS, MT, NM, OK, TN, TX, UT, and WY.

MC 113651 (Sub-343F), filed November 19, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby, 7363 Pacific St., 210B Omaha, NE 68114. Transporting (1) *paper, paper products, and printed matter,* and (2) *materials, equipment, and supplies* used in the manufacture, warehousing, and distribution of the commodities in (1) above, between the facilities of DataCom, Inc., at points in Columbia County, PA, on the one hand, and, on the other, points in FL, GA, KS, MN, MO, TX, and WI.

MC 114211 (Sub-481F), filed November 18, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cast iron products, between points in the U.S. (except AK and HI).

MC 115841 (Sub-777F), filed November 12, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBirde Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (same address as applicant). Transporting *drugs and hospital supplies,* from North Chicago, IL, to points in AR, CA, CO, GA, KS, LA, MO, MS, OK, TN, TX, NC and VA.

MC 119700 (Sub-73F), filed November 21, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting *iron and steel articles,* between points in Clinton County, IA, on the one hand, and, on the other, points in AR, IL, IN, KS, KY, LA, MI, MN, MO, MS, NE, OH, OK, TN, TX, and WI.

MC 119791 (Sub-2F), filed November 14, 1980. Applicant: R. J. TRUCKING, INC., 1220 Roosevelt Ave., York, PA 17405. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K. St., N.W., Washington, DC 20005. Transporting (1) *paper and paper products,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (1) between points in York County, PA, on the one hand, and, on the other, points in CT, MA, NY, OH, VA, and WV, and (2) between Coshocton, OH, on the one hand, and, on the other, points in MD, NJ, NY, PA, and WV. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 C.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 121470 (Sub-70F), filed November 21, 1980. Applicant: TANKSLEY TRANSFER COMPANY, 801 Cowan St., Nashville, TN 37207. Representative: Roy L. Tanksley (same address as applicant). Transporting *lumber and wood products,* between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S.

MC 120761 (Sub-66F), filed November 11, 1980. Applicant: NEWMAN BROS. TRUCKING COMPANY, a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting *pipe*, between points in the U.S., restricted to traffic originating at or destined to the facilities of Misco United Supply, Inc.

MC 129631 (Sub-80F), filed November 16, 1980. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT 84107. Representative: C. S. Bate (same address as applicant). Transporting (1) *insulation, roofing, siding, and decking materials*, and (2) *materials, equipment and supplies* used in the manufacture, distribution, and erection of the commodities in (1) above, between those points in the U.S. in and west of MT, WY, CO, and NM (except AK and HI).

MC 129951 (Sub-8F), filed November 12, 1980. Applicant: HARLEY I. KEETER, Jr., 6379 Valmont Drive, Boulder, CO 80301. Representative: Harley I. Keeter, Jr. (same address as applicant). Transporting *coal, limestone, gypsum, and aggregates*, between points in CO, WY, SD, MT, UT, NE, KS, NM, ID, NV, and AZ.

MC 133590 (Sub-28F), filed November 21, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01123. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of telephones and telephone equipment, between points in the U.S., under continuing contract(s) with Western Electric Company, of Greensboro, NC.

MC 133590 (Sub-30F), filed November 18, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Springfield, MA 01103. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of (a) electrical products, and (b) electronic products, between points in the U.S., restricted to traffic originating at or destined to the facilities of GTE Electrical Products.

MC 134620 (Sub-1F), filed November 20, 1980. Applicant: WHITE CLOUD GRAIN COMPANY, INC., White Cloud, KS 66094. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, Kansas 66603. Transporting *dry fertilizer and feed ingredients*, in bulk, from the facilities of Kaiser Agricultural Chemicals at or near Pryor, OK, on the one hand, and, on the other, points in KS, on and east of U.S. Hwy 81 and MO, on and west of U.S. Hwy 63.

MC 134820 (Sub-9F), filed November 10, 1980. Applicant: R. S. ALBRIGHT, INC., P.O. Box 81025, Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of home improvement stores, between points in the U.S., under continuing contract(s) with Standard Brands Paint Co., Inc., of Torrance, CA.

MC 135070 (Sub-173F), filed November 12, 1980. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *malt beverages*, from points in Union County, NJ, and Webb County, TX, to points in the U.S.

MC 141740 (Sub-15F), filed November 21, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in or used by retail department stores and chain food business houses, between points in the U.S., under continuing contract(s) with Federated Department Stores, Inc., of Cincinnati, OH, and its subsidiaries.

MC 141740 (Sub-16F), filed November 14, 1980. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46012. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. 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 Central Ohio Shippers Coordinated Corporation, of Columbus, OH.

MC 143331 (Sub-17F), filed November 18, 1980. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 E. Compton Blvd., P.O. Box 817, Paramount, CA 90723. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *plastic products*, between points in AZ, CA, and TX.

MC 143701 (Sub-29F), filed November 13, 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 *such commodities* as are dealt in or used by manufacturers and convertors of paper and paper products, between points in the U.S., restricted to traffic originating at or destined to the facilities of Westvaco Corporation.

MC 145240 (Sub-9F), filed November 21, 1980. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *household appliances, television sets, and recorders*, (2) *parts* for household appliances, and (3) *accessories* for the commodities in (1) above, between points in the U.S., under continuing contract(s) with General Electric Company of Little Rock, AR.

MC 146821 (Sub-5F), filed November 18, 1980. Applicant: RON BESTEMAN TRANSPORT, INC., 2240 Byron Center Rd. SW., Wyoming, WI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting (1) *apple products* (except in bulk), and (2) *glass containers and paper containers*, between Belding and Grand Rapids, MI, and points in IA, IL, MN, and WI, restricted to traffic originating at or destined to the facilities of Indian Summer, Inc.

MC 147841 (Sub-5F), filed November 20, 1980. Applicant: CENTENNIAL TRUCK LINES, INC., 301 Broadway, Jersey City, NJ 07306. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting (1) *unfinished wooden industrial attache cases*, and (2) *materials and supplies* used in the manufacture of the commodity in (1) above, between New York, NY, on the one hand, and, on the other, Baltimore, MD, Los Angeles, CA, Denver, CO, Washington, MO, Chicago, IL, Richmond, VA, Orlando, FL, Columbus, OH, Utica, NY, Pittsburgh, PA, Indianapolis, IN, Portland, OR, Providence, RI, Norton, MA, Hartford, CT, Greensville, NC, Johnson City, TX, and Westville, NJ.

MC 149021 (Sub-1F), filed November 6, 1980. Applicant: HODGE TRUCKING CO., INC., P.O. Box 128, Axton, VA 24054. Representative: Earnest Hodge (same address as applicant). Transporting (1) *new furniture and furniture parts*, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in VA, on the one hand, and, on the other, those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 149190 (Sub-2F), filed November 13, 1980. Applicant: CALIFORNIA

TRANSPORT ENTERPRISES, INC., 10326 Aviation Blvd., Los Angeles, CA 90045. Representative: Donald S. Burris, 1801 Century Park East, Suite 1720, Los Angeles, CA 90067. Transporting *such commodities* as are dealt in or used by retail department stores, between points in Kings County, WA, Multnomah County, OR, and San Francisco and Los Angeles Counties, CA.

MC 149510 (Sub-2F), filed November 18, 1980. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, WV 26003. Representative: K. Edward Wolcott, 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 Borg Warner Corp., of Parkersburg, WV.

MC 151741 (Sub-1F), filed November 13, 1980. Applicant: D. E. WILLOUGHBY TRUCKING, R. R. No. 7, Box 393, Columbus, IN 47201. Representative: Sue Willoughby, R.R. No. 14, Box 2, Columbus, IN 47201. Transporting *plastic and metal hardware cabinets*, between points in the U.S., under continuing contracts with Raaco Corporation, of Columbus, IN.

MC 151860 (Sub-1F), filed November 11, 1980. Applicant: HETEM BROS., INC., 601 Commerce Rd., Linden, NJ 07036. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC. 20001. Transporting *chemicals, and petroleum and petroleum products*, in bulk, between points in NJ, and those in New Castle County, DE, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, OH, and DC.

MC 152021 (Sub-1F), filed November 6, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same address as applicant). Over *regular routes*, transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), (1) between Ft. Worth, TX, and Memphis, TN, from Ft. Worth over Interstate Hwy 20 to junction with Interstate Hwy 30, then over Interstate Hwy 30 to junction with Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route, (2) between Ft. Worth, TX, and New Orleans, LA, from Ft. Worth over Interstate Hwy 20 to junction with Interstate Hwy 45, then over Interstate Hwy 45 to junction with U.S. Hwy 175, then over U.S. Hwy 175 to junction with U.S. Hwy 69, then over U.S. Hwy 69 to junction with Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (3) between Ft. Worth, TX, and New Orleans, LA, from Ft. Worth over Interstate Hwy 20 to junction with U.S. Hwy 71, then over U.S. Hwy 71 to its junction with U.S. Hwy 190, then over U.S. Hwy 190 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (4) between Shreveport, LA, and Jackson, MS, over Interstate Hwy 20, (5) between Memphis, TN, and New Orleans, LA, from Memphis over Interstate Hwy 55 to junction with Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, and (6) between the junction of Interstate Hwy 55 and Interstate Hwy 12 at or near Hammond, LA, and Baton Rouge, LA, over Interstate Hwy 12, serving all intermediate points in routes (1) through (6).

MC 152360 (Sub-1F), filed November 16, 1980. Applicant: WILCO TRANSPORTATION, INC., Route 16, Box 73, Springfield, MO 65803. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *malt beverages, wines and alcoholic liquors*, (except in bulk), between points in the U.S., under continuing contract(s) with Murray Distributing Company, of Springfield, MO.

MC 152761F, filed November 18, 1980. Applicant: I. L. SWANDER, d.b.a. AMERA TRAVEL, 6631 East Kellogg, Room 208, Wichita, KS 67207. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202. As a *broker*, at Wichita, KS, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in KS and OK, and extending to points in the U.S. (including AK and HI).

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Decided: November 20, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman. Member Eaton not participating.

MC 71593 (Sub-78F), filed November 10, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (same address as applicant). Transporting *such commodities* as are dealt in, manufactured, and distributed by manufacturers or converters of paper and paper products, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Westvaco Corporation.

MC 112893 (Sub-64F), filed November 7, 1980. Applicant: BULK TRANSPORT COMPANY, a corporation, 100 Waukegan Rd., P.O. Box 1000, Lake Bluff, IL 60044. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. Transporting *transformer oil*, between the facilities used by RTE-ASEA Corporation at (a) Waukesha, WI, (b) Sewaren and Bayonne, NJ, (c) Chicago and Wood River, IL, (d) St. Louis, MO, (e) Houston and Baytown, TX, and (f) Martinez, CA, on the one hand, and, on the other, points in the U.S.

MC 114273 (Sub-770F), filed November 11, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *corn starch, syrup, and soybean products* (except in bulk, in tank vehicles) between points in Scott County, IA, on the one hand, and, on the other, points in CT, DE, IL, IN, KS, KY, MN, MA, MI, MD, MO, NE, NJ, NY, NC, OH, PA, RI, SC, SD, TN, VA, WV, and WI.

MC 114273 (Sub-771F), filed November 13, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between points in the U.S., restricted to traffic originating at or destined to the facilities of The Eastman Kodak Company.

MC 115523 (Sub-205F), filed October 31, 1980. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck St., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in AR, AZ, CA, CO, ID, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 118142 (Sub-250F), filed November 7, 1980. Applicant: M. BRUENGER & CO., INC, 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202. Transporting (1) *frozen foods*, and (2) *materials and supplies* used in the manufacture and distribution of frozen foods, between Forest, MS, and Traverse City, MI, on the one hand, and, on the other, points in the U.S.

MC 118263 (Sub-106F), filed November 13, 1980. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses (except commodities in bulk), between those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 124003 (Sub-5F), filed October 31, 1980. Applicant: DAYS MOVING & STORAGE, INC., P.O. Box 668, Elkhart, IN 46515. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *materials, equipment, and supplies* used in the manufacture, distribution, installation, and furnishing of manufactured housing and recreational vehicles, between points in Elkhart County, IN, on the one hand, and, on the other, points in MN, WI, ND, SD, and IA.

MC 124692 (Sub-345F), filed November 6, 1980. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting *building materials, from points in Davis County, UT, to points in CA, CO, ID, MT, NV, OR, and WY.*

MC 128343 (Sub-66F), filed November 13, 1980. Applicant: C-LINE, INC., 340 Jefferson Boulevard, Warwick, RI 02888. Representative: Ronald N. Cobert, 1730 M Street, N.W., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Kennecott Minerals Company, a Division of Kennecott Corporation, of Salt Lake City, UT.

MC 138882 (Sub-274F), filed November 12, 1980. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: John J. Dykema (same address as applicant). Transporting (1) *sugar* (except in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of sugar, between points in LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139112 (Sub-22F), filed November 12, 1980. Applicant: CALEX EXPRESS, INC., Route 29, R.D. #2, Hunlock Creek, PA 18621. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *foodstuffs,* between points in Northampton and Cumberland Counties, PA, on the one hand, and, on the other, points in AZ, CA, CO, MO, NM, OK, and TX.

MC 143382 (Sub-3F), filed October 31, 1980. Applicant: KEVEN M. RYMAN, P.O. Box 366, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *plastic film, plastic sheeting, and plastic mats,* between points in the U.S., under continuing contract(s) with Harte & Company, Inc., of Mountaintop, PA.

MC 143562 (Sub-4F), filed November 3, 1980. Applicant: DONALD R. FORD, d.b.a. SERVICE TRANSPORT, 204 Poplar, Burbank, WA 99323. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting (1) *Meats, meat products, and meat byproducts and articles distributed by meat-packing houses,* as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and (2) *Materials, supplies and equipment* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contracts, with Iowa Beef Processors, Inc. of Dakota City, NE.

MC 143993 (Sub-8F), filed October 31, 1980. Applicant: BLACK HILLS TRUCKING, INC., 106 River Cross Rd., Casper, WY 82601. Representative: Manual A. Lojo (same address as applicant). Transporting *butane and natural gasoline mixture,* from points in Summit County, UT, to points in Albany, Campbell, Converse, Crook, Natrona, and Weston Counties, WY. Condition: this certificate shall be limited to a period of time to expire 5 years from its date of issuance.

MC 145042 (Sub-8F), filed November 6, 1980. Applicant: ZEELAND FARM SERVICES, INC., 2458 84th Street, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. (1) *Apple juice, cider and vinegar,* from Belding, Coloma and Grand Rapids, MI to points in IL, IN, KS, KY, MO, MN, OH, TN, and WI, and (2) *Materials, equipment and supplies used in the sale, manufacture and distribution of apple juice, cider and vinegar,* in the reverse direction.

MC 145072 (Sub-48F), filed November 3, 1980. Applicant: M. S. CARRIERS, INC., 1797 Florida St., Memphis, TN 38109. Representative: Michael S. Starnes (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), (1) between points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and WI, and (2) between points in AR, MS, and TN, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and WI.

MC 146313 (Sub-4F), filed November 12, 1980. Applicant: WILLIAM E. MULLENAX, d.b.a. MULLENAX REFRIGERATED TRANSPORT, Route 220 South, Petersburg, WV 26847. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk), between points in the U.S., under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 148283 (Sub-11F), filed November 12, 1980. Applicant: ABC TRANSPORTATION COMPANY, a corporation, State Docks Rd., Eufaula, AL 36027. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227. Transporting (1) *lumber, lumber products, wood products,* and *millwork,* and (2) *materials, 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 (a) Gilbert Manufacturing Company, Inc., and (b) Hardwood Dimensions and Moulding Company, both of Eufaula, AL.

MC 150393 (Sub-1F), filed November 6, 1980. Applicant AUGUSTA TRANSPORTATION, INC., P.O. Box 185, Augusta, GA 30903. Representative: Timothy S. Mirshak, 702 Georgia Railroad Bank Bldg., Augusta, GA 30902. 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 Oglethorpe, Clarke, Oconee, Wilkes, Morgan, Greene, Lincoln, Taliaferro, Columbia, McDuffie, Warren, Putnam, Hancock, Burke, Baldwin, Glascock, Washington, Wilkinson, Johnson, Laurens, Richmond, Jefferson, Screven, Jenkins, Bulloch, Emanuel, Elbert, Candler, and Madison Counties, GA, restricted to traffic having an immediate, prior, or subsequent movement by rail.

MC 150682 (Sub-1F), filed November 13, 1980. Applicant KEDESHAW, INC., P.O. Box 246, Kensington, KS, 66951. Representative: Erle W. Francis, Esq., Suite 719, 700 Kansas Avenue, Topeka, KS 66603. Transporting *Cheese, whey, whey protein and milk* from Ravenna, NE to points in AZ, CO, FL, IL, IA, KS, LA, MO, NY, UT and TX.

MC 150983 (Sub-1F), filed November 3, 1980. Applicant WALTER BENSON, d.b.a.,WALTRANS, 425 West "E" St., Ontario, CA 91762. Representative: Walt Benson (address same as applicant). Transporting *foodstuffs* from points in Los Angeles and Orange Counties, CA, to points in AZ, OR, and WA.

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Decided: November 20, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Eaton not participating.

MC 2253 (Sub-111F), filed November 13, 1980. Applicant CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Cuyahoga, Columbiana, Huron, Richland, and Wayne Counties, OH, Haywood County, TN, Hampden County, MA, and Sunflower County, MS on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 2962 (Sub-74F), filed November 11, 1980. Applicant A. & H. TRUCK LINE, INC., 1111 E. Louisiana St., Evansville, IN 47711. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. 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 Cincinnati, OH, and Louisville, KY over Interstate Hwy 71; (2) between Louisville, KY, and Nashville, TN, over Interstate Hwy 65; (3) between Terre Haute, IN, and St. Louis, MO, over Interstate Hwy 70; (4) between Indianapolis, IN, and Chicago, IL: from Indianapolis over Interstate Hwy 65 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, and return over the same route; (5) between St. Louis, MO, and Memphis, TN, over Interstate Hwy 55; and (6) serving no intermediate points on routes (1) through (5) above except those in IN, and serving all other points in IN.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 47583 (Sub-134F), filed November 11, 1980. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Rd., Kansas City, KS 66115. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044. Transporting *floor coverings and materals, equipment, and supplies* used in the installation of Floor coverings, between points in Lancaster and Lehigh Counties, PA, Catoosa County, GA, and Kankakee County, IL, on the one hand, and, on the other, points in KS, MO, and OK.

MC 107012 (Sub-603F), filed November 13, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *new furniture, and parts and accessories* for new furniture, from New Hope, MN, to Sacramento, CA.

MC 113362 (Sub-407F), filed November 12, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting (1) *ice machines* and *refrigerators*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Albert Lea, MN, and Fairfax, SC, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, WY, CO, and MN.

MC 119493 (Sub-402F), filed November 11, 1980. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. Condition: Upon issuance of a grant of authority herein, applicant requests that all of its outstanding, to be issued, and pending authorities, be cancelled.

MC 119573 (Sub-17F), filed November 11, 1980. Applicant: WATKINS TRUCKING, INC., 203-207 Trenton Ave., Uhrichsville, OH 44683. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1)(a) *truck chassis, mining equipment, railroad equipment*, and *industrial equipment*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1)(a) above, between points in Tuscarawas and Harrison Counties, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (2) *clay products and materials and supplies* used in the manufacture and distribution of clay products, between points in Perry Tuscarawas, Stark, and Carroll Counties, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 121453 (Sub-4F), filed November 6, 1980. Applicant: J. L. ROTHROCK, INC., P.O. Box 1230, High Point, NC 27261. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, DC 20006. Transporting: *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in NC, SC, and VA.

MC 121683 (Sub-9F), filed October 20, 1980. Applicant: JACKSON EXPRESS, INC., P.O. Box 3310, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Alcorn, Tishomingo, Itawamba, Lee, Pontotoc, Union, Prentiss and Tippah Counties, MS, Chester, McNairy, Hardeman, Madison, Henderson, Decatur, Hardin, Davidson, and Shelby Counties (except Memphis), TN, and Memphis, TN, on the one hand, and, on the other, points in OH, IN, MI, MS, IL, WI, IA, MO, OK, TN, TX, and those in KY on and west of U.S. Hwy 31-W. Condition. The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affadavit indicating why such approval is unnecessary.

MC 124402 (Sub-11F), filed November 12, 1980. Applicant: FLEET LINE, INC., P.O. box 2307, Chattanooga, TN 37410. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial chemicals (except commodities in bulk), between Chattanooga, TN, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, MO, AR, and LA, restricted to traffic originating at or destined to the facilities of Romro, Inc.

MC 124402 (Sub-12F), filed November 12, 1980. Applicant: FLEET LINE, INC., P.O. Box 2307, Chattanooga, TN 37410. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. 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 Bunge Edible Oil Corporation, of Kankakee, IL.

MC 127972 (Sub-3F), filed November 12, 1980. Applicant: CAMPAGNE TRUCKING CO., INC., P.O. Box 222, Bethpage, NY 11714. Representative: Douglas Miller, The Corporate Center, 35 Pinelawn Road, Melville, NY 1746, and Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *airplane parts and*

equipment, and materials, and supplies, used in the manufacture of airplanes (except commodities in bulk), between points in the U.S., under continuing contract(s) with Grumman Aerospace Corporation, of Bethpage, NY.

MC 133373 (Sub-2F), filed November 13, 1980. Applicant: A.G. BRIGGS, d.b.a BRIGGS TRUCK LINE, P.O. Box 274, Sidney, IA 51562. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Oak Park Office Bldg., Omaha, NE 68114. Transporting *residual oil,* in bulk, in tank vehicles, between points in the U.S., under continuing contract(s) with Carter-Waters Corporation, of Kansas City, MO.

MC 135803 (Sub-25F), filed November 12, 1980. Applicant: WALLACE TRANSPORT, 9290 E. Hwy 140 (P.O. Box 67), Planada, CA 95365. Representative: Donald M. Fennel (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in MT, CA, CO, OR, ID, UT, WY, NV, NM, WA, and AZ.

MC 142713 (Sub-1F), filed November 13, 1980. Applicant: PETER GOLDING, d.b.a. SEVEN BROTHERS TRUCKING CO., 1055 Highland Ave., Needham, MA 02194. Representative: Peter Golding (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, MA, ME, NH, and RI.

MC 144303 (Sub-23F), filed November 5, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, DC 20006. 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 Franklin Chemical Industries, Inc., of Columbus, OH.

MC 144393 (Sub-3F), filed November 12, 1980. Applicant: BORDER DISTRIBUTING COMPANY, a corporation, 7800 South Angora (P.O. Box 4423), El Paso, TX 79914. Representative: Mr. Gene Crutcher, P.O. Box 4423, El Paso, TX 79914. Transporting *copper sulphate,* in bags, from points in El Paso County, TX, to points in CA.

MC 144393 (Sub-4F), filed November 12, 1980. Applicant: BORDER DISTRIBUTING COMPANY, a corporation, 7800 South Angora, P.O. Box 4423, El Paso, TX 79914. Representative: Gene Crutcher (same address as applicant). Transporting *wood products* (except furniture), from El Paso, TX, to Phoenix, AZ, and Lodi and Los Angeles, CA.

MC 144603 (Sub-9F), filed November 12, 1980. Applicant: F.M.S. TRANSPORT, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Golden State Cooperative Shippers Association, Inc., at or near Oakland, CA to those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 146402 (Sub-27F), filed November 11, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant). Transporting (1) *copper products,* and (2) *equipment, materials,* and *supplies* used in the manufacture and distribution of the commodities in (1) above, between points in St. Clair County, IL, and Shelby County, MO, on the one hand, and, on the other, points in the U.S.

MC 148283 (Sub-9F), filed November 12, 1980. Applicant: ABC TRANSPORTATION COMPANY, State Docks Rd., Eufaula, AL 36027. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227. Transporting (1) *fabricated metal products and building materials,* (2) *parts and accessories* for the commodities in (1) above; and (3) *materials, equipment, and supplies* used in the manufacture, distribution and installation of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Mid-West American, Inc., of Houston, TX.

MC 148833 (Sub-4F), filed November 12, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacuture and distribution of foodstuffs, between the facilities used by George A. Hormel & Co., in MN and IA, on the one hand, and, on the other, points in CA.

MC 148903 (Sub-1F), filed November 13, 1980. Applicant: J & M TANK LINES, INC., P.O. Box 544, Americus, GA 31709. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *fly ash,* in bags, from Atlanta, GA, to points in AL, FL, MS, LA, TX, AR, TN, KY, NC, SC, and VA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 111343 or submit an affidavit indicating why such approval is unnecessary.

MC 151733 (Sub-1F) filed November 3, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203. 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 United Freight, Inc., of Morrow, GA.

MC 152572F, filed November 3, 1980. Applicant: BILL J. BILLINGS, d.b.a. BILLINGS TRUCKING COMPANY, P.O. Box 393, Nocona, TX 76255. Representative: James R. Boyd, 100 Perry Brooks Bldg., Austin, TX 78701. Transporting (1) *machinery equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *machinery, equipment, materials, and supplies,* used in, or in connection with, the construction, operation, repair, servicing maintenance and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes and wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes and wells, between points in LA, OK, NM, and TX.

MC 152603 (Sub-1F), filed November 11, 1980. Applicant: F. J. O'HARA & SONS, INC., 2-1 Northern Ave., Boston, MA 02210. Representative: John F. O'Donnell, P.O. Box 238-60 Adams St., Milton, MA 02187. Transporting *Marine petroleum products,* between points in the U.S., under continuing contract(s)

with Texaco USA, a division of Texaco, Inc. of Houston, TX.

Volume No. OP2-106

Decided: November 24, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 1222 (Sub-49F), filed November 10, 1980. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, Portsmouth, OH 45662. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *iron and steel articles* from points in Cuyahoga, Lorain, Mahoning, Richland, Stark, and Trumbull Counties, OH, and Allegheny, Beaver, Washington, and Westmoreland Counties, PA, to points in IL, IN, KY, OH, TN, and WV.

MC 2253 (Sub-112F), filed November 13, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Transporting *insecticides,* between Tunica, MS and Charleston, SC.

MC 2202 (Sub-641F), filed October 31, 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 classes A and B explosives and household goods as defined by the Commission), between Tyrone and Martinsburg, PA, from Tyrone over U.S. Hwy 220 to PA Hwy 164, the over PA Hwy 164 to Martinsburg, and return over the same route, serving all intermediate points.

MC 52473 (Sub-14F), filed November 6, 1980. Applicant: BEHNKE, INC., 77 South Monroe Street, Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. Transporting *plastic articles and iron and steel articles* between points in the U.S., under continuing contract(s) with United States & Wire Company, Division of Roblin Industries, of Battle Creek, MI.

MC 58852 (Sub-3F), filed November 7, 1980. Applicant: SALEM MOTOR TRANS., INC., 121 Webster Avenue, Chelsea, MA 02150. Representative: Wesley S. Chused, 15 Court Square, Boston, MAA 02108. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boston, MA, on the one hand, and, on the other, points in MA.

MC 98542 (Sub-11F), filed November 11, 1980. Applicant: COLLINS & SIMMONS, INC., Commerce Drive, Box 128, Dansville, NY 14437. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in Allegany, Livingston, Steuben and Wyoming Counties, NY, on the one hand, and, on the other hand, points in the U.S.

MC 104683 (Sub-52F), filed November 13, 1980. Applicant: TRANSPORT, INC., P.O. Box 1524, Hattiesburg, MS 39401. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, between points in MS, on the one hand, and, on the other, points in AL and LA and those in Phillips County, AR.

MC 107012 (Sub-602F), filed November 11, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (same address as applicant). Transporting (1) office supplies and equipment, and (2) *accessories* for the commodities in (1) above, from Florence, SC, to points in the U.S. (except AK, HI, and SC).

MC 107012 (Sub-604F), filed November 13, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, 5001 U.S. Highway 30 West, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting *recreational vehicle air conditioners,* from Woodbridge, NJ, to points in AZ, AR, CA, CO, ID, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

MC 107913 (Sub-20F), filed November 12, 1980. Applicant: F & W EXPRESS, INC., 165 South Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Over *regular routes,* transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) (1) between Memphis, TN and Fort Worth, TX: from Memphis over Interstate Hwy 40 to junction Interstate Hwy 30 at or near Little Rock, AR, then over Interstate Hwy 30 to Fort Worth, serving all intermediate points, (2) between Fort Worth and Houston, TX: from Fort Worth over Interstate Hwy 30 to junction Interstate Hwy 45, then over Interstate Hwy 45 to Houston, serving no intermediate points, (3) between Houston, TX and New Orleans, LA, over Interstate Hwy 10, serving all intermediate points, (4) between New Orleans, LA and Memphis, TN: from New Orleans over Interstate Hwy 10 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, serving all intermediate points, (5) between Jackson, MS and Dallas, TX, over Interstate Hwy 20, serving all intermediate points in MS and LA, (6) between Texarkana, TX and LaFayette, LA: from Texarkana over U.S. Hwy 71 to junction U.S. Hwy 167, then over U.S. Hwy 167 to LaFayette, serving all intermediate points, (7) between Monroe and Alexandria, LA, over U.S. Hwy 165, serving all intermediate points, (8) between Shreveport, LA and Houston, TX: from Shreveport over U.S. Hwy 79 to junction U.S. Hwy 59, then over U.S. Hwy 59 to Houston, serving no intermediate points, and (9) serving all points in AR South of a line beginning at the AR-TN State line and extending over Interstate Hwy 40 to junction Interstate Hwy 30, and then over Interstate Hwy 30 to the AR-TX State line; all points in LA on and north of Interstate Hwy 10; and all points in MS west of Interstate Hwy 55 as off-route points, in connection with applicant's regular-route operations. Applicant intends to tack this authority with its existing regular route authority.

MC 109633 (Sub-48F), filed November 14, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Transporting *general Commodities (except household goods as defined by the Commission and Classes A and B explosives)* between points in Jefferson County, KY on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, NY, OH, PA, TN and WI.

MC 115162 (Sub-546F), filed November 3, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *cement asbestos pipe and fittings* for cement asbestos pipe, from points in St. Clair County, AL, to points in AL, AR, IA, KS, MN, MO, NE, ND, OK, SC, and WI; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, to points in St. Clair County, AL.

MC 115603 (Sub-21F), filed November 5, 1980. Applicant: TURNER BROS. TRUCKING COMPANY, INC., 1501 S. Hattie, P.O. Box 94626, Oklahoma City,

OK 73143. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. Transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, and distribution of natural gas and petroleum and their products and by-products, (2) *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, and (3) *earth drilling machinery and equipment, and machinery, equipment, materials, and supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in AR, CO, IL, KS, LA, MS, MO, MT, NE, NM, ND, OK, SD, TX, and WY, on the one hand, and, on the other, points in IN, KY, MI, OH, PA, TN, and WV.

MC 115793 (Sub-34F), filed November 10, 1980. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant). Transporting *new furniture and furniture parts,* and materials and supplies used in the manufacture of new furniture and furniture parts (except commodities in bulk), between points in Beaufort, Lee, and Caldwell Counties, NC, points in Poinsett County, AR, and points in Roanoke County, VA.

MC 115793 (Sub-35F), filed November 13, 1980. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Lenoir, NC 28645. Representative: C. Douglas Woods (same address as applicant). *Iron and steel articles* from Alton, IL to points in AL, GA, KY, TN, NC, SC, and MS.

MC 124402 (Sub-13F), filed November 12, 1980. Applicant: FLEET LINE, INC., P.O. Box 2307, Chattanooga, TN 37410. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Transporting *petroleum* products, in containers, from points in FL, GA, IL, LA, SC, VA and WV to the facilities used by Hunter Oil CO., Inc., and the Tennessee Valley Authority.

MC 139483 (Sub-5F), filed November 18, 1980. Applicant: ALLEN MITCHEK, P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting *corn germ, corn gluten feed, and corn gluten meal,* from Johnstown, CO, to points in NM, OK, TX, KS, UT, AZ, and NE.

MC 140763 (Sub-9F), filed November 12, 1980. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 376, Oneida, TN 37841. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Suite 300, Washington, DC 20006. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission, and classes A and B explosives) between points in the U.S., under continuing contract(s) with B. F. Goodrich Company of Akron, OH.

MC 142913 (Sub-2F), filed November 12, 1980. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Road, Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *general commodities* (except household goods as defined by the Commission, and Classes A and B explosives), between points in the U.S., under a continuing contract(s) with Continental Warehouse Group, Ltd. of Des Moines, IA.

MC 144503 (Sub-33F), filed November 12, 1980. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting (1) *bags and paper* from the facilities of Dowling Bag Company, at Valdosta, GA to points in the U.S. (except AK and HI), and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above in the reverse direction.

MC 144603 (Sub-10F), filed November 18, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). Transporting *chemicals or allied products,* as described in Item 28 of the Standard Transportation Commodity Code Tariff, from points in Bexar County, TX, to points in CA, and to those points in the U.S., in and east of MN, IA, MO, AR, and LA (except FL).

MC 150512 (Sub-2F), filed October 31, 1980. Applicant: B & M TRANSIT, INC., Route 603, Plymouth, OH 44865. Representative: Lewis S. Witherspoon, 88 East Broad St., Columbus, OH 43215. 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 Lincoln Packing Company, Inc., of Boston, MA. Condition: The person or persons who appear to be engaged in common control of applicant and 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 150803 (Sub-1F), filed November 11, 1980. Applicant: T. W. KOEGER, P.O.B. 145, Williamsville, MO 63967. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Transporting (1) *steel forgings,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Missouri Forge, Inc., of Doniphan, MO.

MC 150913 (Sub-1F), filed November 12, 1980. Applicant: GOLD SEAL PRODUCTS COMPANY, INC., 2700 First Ave. North, Birmingham, AL 35203. Representative: D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, AL 35203. Transporting (1) *canned pet food,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of canned pet food, between points in the U.S., under continuing contract(s) with Vulcan Pet, Inc., of Alabaster, AL.

MC 151203 (Sub-1F), filed November 3, 1980. Applicant: AZTEC TRUCKING, INC., 102 N. Sentry Drive, Mansfield, TX 76063. Representative: E. Larry Wells, P.O. Box 45538, Dallas, TX 75245. Transporting: (1) *truck trailers,* (2) *truss manufacturing machinery and truss connector plates,* (3) *lumber and lumber products,* and (4) *materials, equipment and supplies used in the manufacture and distribution of the commodities in* (1), (2) and (3) above between points in Johnson and Tarrant Counties, TX, on the one hand, and, on the other, points in the U.S.

MC 151422 (Sub-1F), filed November 14, 1980. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *meats, meat products and meat by-products, and articles distributed by meat-packing houses,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Fargo, ND, on the one hand,

and, on the other, points in the U.S. (except AK and HI).

MC 151753 (Sub-1F), filed November 12, 1980. Applicant: M.W. CYCLE HAULER, INC., 11909 Santa Fe Drive, Lenexa, KS 66215. Representative: Clyde N. Christey, KS. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1)(a) *motorcycles and mopeds,* and (b) *accessories* for motorcycles and mopeds, and (2) *materials, equipment, and supplies* used in the repair, sale, and distribution of the commodities in (1)(a) above, between Baton Rouge, LA, Chicago, IL, Los Angeles, CA, Lincoln, NE, and Dallas and Houston, TX, on the one hand, and, on the other, points in KS, NE, OK, MO, and LA.

MC 152162 (Sub-1F), filed October 27, 1980. Applicant: MANHATTEN COACH LINES, Route 46, Elmwood Park, NJ 07407. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charger operations, between points in the U.S., under continuing contract(s) with Consolidated Terminal & Travel Bureau, Inc.

MC 152392 (Sub-1F), filed November 14, 1980. Applicant: DWIGHT CHRISTIAN AND STUART CHRISTIAN, a partnership, d.b.a. TDS FERTILIZER TRUCKING DIVISION, Fertile, MN 56540. Representative: Todd W. Foss, 502 First National Bank Bldg., Fargo, ND 58126. Transporting *anhydrous ammonia,* in bulk, in tank vehicles, (1) from points in Grand Forks, McHenry, and Foster Counties, ND, to points in MN, and (2) from points in Clay and Pope Counties, to points in ND.

MC 152472 (Sub-1F), filed October 16, 1980. Applicant: F.A.K., INC., 110 W. Ocean Blvd., Suite 523, Long Beach, CA 90802. Representative: Mary Lou Schmeltzer (same address as applicant). As a *broker,* to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 152552F, filed November 4, 1980. Applicant LIFSCHULTZ FAST FREIGHT, INC., 28 North Franklin St., Chicago, IL 60606. Representative: Peter R. Gilbert, 1000 Potomac St., NW., Washington, DC 20007. Transporting *general commodities,* between points in IA, IL, IN and WI, on the one hand, and, on the other, points in AL, AZ, CA, CT, DE, FL, GA, KY, MA, MD, ME, MN, MS, NC, NH, NJ, NV, NY, OR, PA, RI, SC, TN, TX, VA, VT, WA, WV, and DC. Applicant intends to interline. Conditions: Any authority granted, to the extent that it authorizes the transportation of classes A and B explosives, will be conditioned to expire 5 years from the date of issue. Prior to the issuance of authority in this proceeding and in No. MC 152597, the persons in control of the applicants must obtain approval of the common control which would result in an application filed pursuant to 49 U.S.C. 11343.

Note.—The purpose of this application is to convert applicant's outstanding authority as a freight forwarder under permit No. FF-95, to motor common carrier authority.

MC 152597F, filed November 7, 1980. Applicant ARROW-LIFSCHULTZ FREIGHT FORWARDERS, INC., 386 Park Ave. So., New York, NY 10016. Representative: Peter R. Gilbert, 1000 Potomac St., NW., Washington, DC 20007. Transporting *general commodities,* between points in AZ, CA, NV, OR, and WA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WV, and DC. Conditions: Any authority granted, to the extent that it authorizes the transportation of classes A and B explosives, will be conditioned to expire 5 years from the date of issue. Prior to the issuance of authority in this proceeding and in No. MC 152552, the persons in control of the persons in control of the applicant must obtain approval of the common control which would result in an application filed pursuant to 49 U.S.C. 11343.

Note.—The purpose of this application is to convert applicant's outstanding authority as a freight forwarder under permit No. FF-264 to motor common carrier authority.

MC 152623F, filed November 6, 1980. Applicant LARRY GAINES PHILLIPS d.b.a. U.S. TRAVELS, 1351 Tapoca Avenue, Maryville, TN 37801. Representative: Jess D. Campbell, 205 Clinch Avenue., Knoxville, TN 37902. To engage in operations, in interstate or foreign commerce, as a *broker,* at Maryville, TN, in arranging for the transportation by motor vehicle, of *passengers and their baggage, in the same vehicle with passengers,* in special and charter operations, beginning and ending at points in TN, and extending to points in the U.S. (except AK and HI).

MC 152632F, filed November 13, 1980. Applicant SAMUEL C. CAMPBELL, SAMUEL L. CAMPBELL, AND GARY W. CAMPBELL, a Partnership, d.b.a. CAMPBELL ENTERPRISES, P.O. Box 144, Greensburg, IN 47240. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. 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 (a) Greensburg Milling, Inc., and (b) Kova Fertilizer, Inc., both of Greensburg, IN.

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Decided: November 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 107012 (Sub-610F), filed November 12, 1980. Applicant NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Transporting (1) *kitchen cabinets, sink tops, molding, filler strips,* and (2) *parts and accessories* for the commodities in (1) above, from Bennettsville, SC, to points in CT, DE, MA, MD, NH, NJ, NY, PA, RI and VA.

MC 121673 (Sub-4F), filed October 28, 1980. Applicant: WESTERN MOTOR FREIGHT, INC., 1430 W. Sheridan, P.O. Box 82065, Oklahoma City, OK 73148. Representative: C.L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Over *regular routes,* transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) (I) between Oklahoma City, OK, and Vernon, TX: from Oklahoma City over H.E. Bailey Turnpike to junction OK Hwy 62, then over OK Hwy 62 to Altus, OK, then over U.S. Hwy 283 to Vernon, and return over the same route, (II)(a) between Oklahoma City and Madge, OK: from Oklahoma over U.S. Hwy 66 and Interstate Hwy 40 to Clinton, then over U.S. Hwy 183 to Hobart, then over OK Hwy 9 to Madge, and return over the same route, serving Mangum, Reed, Vinson, Lone Wolf, and Granite, as intermediate points, and Willow and Brinkman as off-route points, (b) between Oklahoma City and Altus, OK: from Oklahoma City over U.S. Hwy 66 and Interstate Hwy 40 to Clinton, then over U.S. Hwy 183 to Hobart, then over OK Hwy 9 to Lone Wolf, then over OK Hwy 44 to junction OK Hwy 6, then over OK Hwy 6 to Altus, and return over the same route, serving Lugert and Blair as intermediate points, (c) between Oklahoma City and Snyder, OK: from Oklahoma City over U.S. Hwy 66 and Interstate Hwy 40 to junction U.S. Hwy 183, then over U.S. Hwy 183 to Snyder, and return over the same route, serving all intermediate points between Snyder and Hobart, (d) between Oklahoma City and Hobart, OK: from Oklahoma City over U.S. Hwy 62 to junction H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to Lawton, then over U.S. Hwy 62 to Snyder, then over U.S. Hwy 183 to

Hobart, and return over the same route, serving all intermediate points, (e) between Oklahoma City and Madge, OK: from Oklahoma City over U.S. Hwy 62 to junction H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to Lawton, then over U.S. Hwy 62 to Altus, then over U.S. Hwy 283 to Mangum, then over OK Hwy 9 to Madge, and return over the same route, serving all intermediate points between Snyder and Madge, (f) between (a) Oklahoma City and Hollis, OK: from Oklahoma City over U.S. Hwy 62 to junction H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to Lawton, then over U.S. Hwy 62 to Hollis, and return over the same route, serving Duke and Gould as intermediate points, and (b) between Hollis and Madge, OK, over OK Hwy 30, serving all intermediate points, (g) between Oklahoma City and Eldorado, OK: from Oklahoma City over U.S. Hwy 62 to Junction H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to Lawton, then over U.S. Hwy 62 to junction OK Hwy 44, then over OK Hwy 44 to Eldorado, and return over the same route, serving Olustee as an intermediate point, and (h) between Oklahoma City and Hobart, OK: from Oklahoma City over U.S. Hwy 62 to H.E. Bailey Turnpike, then over H.E. Bailey Turnpike to junction OK Hwy 9, then over OK Hwy 9 to Hobart, and return over the same route, as an alternate route only, serving no intermediate points, and (III)(a) between Oklahoma City and Carnegie, OK: from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 281, then over U.S. Hwy 281 to junction OK Hwy 9, then over OK Hwy 9 to Carnegie, and return over the same route, serving, Hinton, Lookeba, Binger, Gracemont, Anadarko, and Fort Cobb, as intermediate points, and (b) between Oklahoma City and Altus, OK: from Oklahoma City over H.E. Bailey Turnpike to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 183, then over U.S. Hwy 183 to Frederick, then over OK Hwy 5 to Tipton, then over OK Hwy 5 to junction U.S. Hwy 283, then over U.S. Hwy 283 to Altus, and return over the same route, serving Manitou as an intermediate point. Condition: Issuance of this certificate is subject to prior or coincidental cancellation of applicant's written request of Certificates of Registration MC 121673, issued February 21, 1973, and MC 121673 (Sub-2), issued May 27, 1980.

MC 136212 (Sub-35F), filed November 3, 1980. Applicant: JENSEN TRUCKING COMPANY, INC., P.O. Box 349, Gothenburg, NE 69138. Representative: Scott T. Robertson, P.O. Box 81849, Lincoln, NE 68501. Over regular routes, transporting (1) *canned goods*, (a) between Denver, CO and Omaha, NE, from Denver over U.S. Hwy 6 to Sterling, CO, then over U.S. Hwy 138 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Fremont, NE, and then over U.S. Hwy 275 to Omaha, and return over the same route, serving all intermediate points and the off-route points of Hastings and Lincoln, NE, (b) between Nebraska City, NE, and Denver, CO, from Nebraska City over U.S. Hwy 73 to Omaha, NE, then over U.S. Hwy 6 to junction NE Hwy 92, then over NE Hwy 92 to junction U.S. Hwy 275, then over U.S. Hwy 275 to Fremont, NE, then over U.S. Hwy 30 to junction U.S. Hwy 138, then over U.S. Hwy 138 to Sterling, CO, and then over U.S. Hwy 6 to Denver, and return over the same route, serving all intermediate points, and the off-route points of Colorado Springs and Pueblo, CO, (2) *Flour*, between Denver, CO, and Norfolk, NE, from Denver over U.S. Hwy 6 to Sterling, CO, then over U.S. Hwy 138 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Columbia, NE, and then over U.S. Hwy 81 to Norfolk, and return over the same route, serving all intermediate points and the off-route point of Hastings, NE. Over irregular routes, transporting (1) *paper tubes, boxes, machinery parts and materials, supplies and equipment* used in the manufacture and distribution of paper tubes, boxes, and machinery parts, between points in Goshen County, NE, on the one hand, and, on the other, points in Geauga County, OH, Elkhart County, IN, and Dyer County, TN; (2) *all-terrain recreational vehicles, motorcycles and trailers* used for the distribution of the commodities in (1) above, between points in Allegheny, Washington, Westmoreland, Butler, Lawrence and Beaver Counties, PA, and Columbiana County, OH, on the one hand, and, on the other, points in Jefferson, Douglas, Arapahoe, Adams and Weld Counties, CO, Washington, Audubon, Fremont, Johnson, Pottawattamie, Clay and Blackhawk Counties, IA, Caribu County, ID, Wyandotte, Leavenworth, Johnson and Geary Counties, KS, Jackson, Clay and Platte Counties, MO, Deer Lodge, Missoula and Richland Counties, MT, Box Butte, Platte, Dodge, Buffalo and Cuming Counties, NE, Cass County, ND, Sanborn County, SD, Davis and Salt Lake Counties, UT, Converse and Laramie Counties, WY; (3) *meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs), and *materials, supplies and equipment* used in the manufacture and distribution of meats, meat products, meat byproducts and articles, (a) between points in Morgan County, CO, on the one hand, and, on the other points in IL, IN, IA, KY, MI, NE, OH, and WI, (b) between points in Shelby County, IA, on the one hand, and, on the other, points in NE, IA, IL, and MI, (c) between points in Moore and Sherman Counties, TX, on the one hand, and, on the other, points in CO, NE, KS, MO, IA, MN, WI, IL, IN, KY, MI, and OH, (d) between points in Saline County, NE, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MI, MN, MO, ND, OH, SD, and WI, (e) between points in Dawson County, NE, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, LA, MI, MN, MO, OH, TN, and WI, and (f) between points in Crawford, Carroll and Hardin Counties, IA, on the one hand, and, on the other, points in IL, KS, MI, MN, MO, NE, ND, OH, OK, SD, and TX, (4) *foodstuffs*, (a) between points in Ottawa and Allegan Counties, MI, and Lucas, Sandusky and Wood Counties, OH, on the one hand, and, on the other, points in Tarrant and Allas Counties, TX, and (b) between points in Muscatine and Johnson Counties, IA, on the one hand, and, on the other, points in Tarrant and Allas Counties, TX, those points in KS and NE on and west of U.S. Hwy 81, (5) *feed and feed ingredients*, (a) between points in Lubbock County, TX, on the one hand, and, on the other, points in AL, SD, AR, CO, GA, IA, IL, KS, MN, MS, MO, NE, NM, OK, and TN, and (b) between points in Dawson County, NE, on the one hand, and, on the other, points in SD and ND, and (6) *rubber, rubber products and materials, supplies and equipment* used in the manufacture, sale and distribution of rubber, and rubber products, (a) between points in Elkhart County, IN, on the one hand, and, on the other, points in CT, CO, IL, IA, KY, LA, MI, MO, NE, NJ, OH, OK, RI, TN, TX, UT, VT, WI, and Wilson County, NC, (b) between points in Wilson County, NC, on the one hand, and, on the other, points in CT, IL, IA, KY, LA, NJ, OH, PA, TN, TX, and VT, and (c) between points in Dawson County, NE, on the one hand, and, on the other, points in CO, IL, IN, IA, MO, OK, TX, UT, and Geauga County, OH. Condition: This grant of authority is conditioned upon cancellation of applicant's written request, of its certificates in MC 136212 Sub-1, 5–7, 9, 12–14, 17, 20–22, 28 and 34, issued May 18, 1973, August 1, 1974, September 26, 1974, November 4, 1975, April 5, 1977, June 1, 1977, May 25, 1976, September 26, 1976, October 5, 1977, December 9, 1977,

July 28, 1980, June 16, 1978, July 14, 1980, and August 28, 1980, and upon cancellation of outstanding authority to be issued under MC 136212 (Sub-24) purchased in MC-F-12855.

MC 138512 (Sub-35) (M2F), filed October 24, 1980. (Notice of petition for modification of permit), Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture of foodstuffs (except commodities in bulk), between Carthage and Monett, MO, Logan, UT, and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with L.D. Schreiber Cheese Co., Inc., of Green Bay, WI, and Topco Associates, Inc., of Skokie, IL.

MC 151972 (Sub-1F), filed November 20, 1980. Applicant: JOSEPH FORNINO d.b.a. PARAMOUNT FRUIT, 272 Tolland Street, East Hartford, CT 06108. Representative: John E. Fay, 660 Maple Avenue, Hartford, CT 06114. Transporting *bakery products* between points in the U.S., under continuing contract(s) with Hartford East Corp., of East Hartford, CT.

MC (152722F), filed November 19, 1980. Applicant: THE TRAVEL CENTER, LTD., 5661 Fleur Drive, Des Moines, IA 50321. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. To engage in operations, in interstate or foreign commerce, as a *broker*, at Des Moines, IA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage in the same vehicle with passenger*, in roundtrip special and charter operations, beginning and ending at points in Polk County, IA, and extending to points in the U.S. (Including AK but excluding HI.)

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Decided: November 28, 1980.

By the Commission, Review Board Number 3, Parker, Fortier and Hill. Member Hill not participating.

FF 533F, filed November 24, 1980. Applicant: BENNETT TRANSPORTATION SERVICES, INC., 10439 Brian Bend Drive, Creve, Coeur, MO 63141. Representative: Arthur L. Winn, 1511 K St., NW, Washington, DC 20005. *As a freight forwarder*, in connection with the transportation of *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 MO, on the one hand, and, on the other, points, in FL.

MC 2202 (Sub-643F), filed November 18, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7102 Wisconsin Ave., Suite 1010, Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A an B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S.

Note.—Applicant intends to take this authority with its existing authority.

MC 5603 (Sub-4F), filed November 5, 1980. Applicant: CHALMERS MOTOR FREIGHT, INC., 275 Langhorne-Yardley Rd., Langhorne, PA 19047. Representative: Raymond A. Thistle, Jr., Five Cottman Court, Homestead Road & Cottman St., Jenkintown, PA 19046. Transporting *such commodities* as are dealt in or used by wholesale, retail, chain grocery, and food business houses, between points in the U.S., under continuing contract(s) with Coca-Cola Company Foods Division, of Hightstown, NJ, and Stokes of Vincetown, Inc., of Vincetown, NJ.

MC 61592 (Sub-500F), filed November 12, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Elizabeth A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *lumber, wood products, and construction materials*, (except commodities in bulk), between points in OR, WA, ID, MT, WY, ND, SD, OK, TX, LA, and AR.

MC 105902 (Sub-25F), filed October 17, 1980. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Russell R. Sage, Suite 400 Overlook Office Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Over *regular routes*, transporting *General commodities* except household goods as defined by the Commission, and classes A and B explosives (1) between Buffalo, NY, and Akron, OH: from Buffalo over Interstate Hwy 190 to junction Interstate Hwy 90, then over Interstate 90 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Akron, and return over the same route; (2) between the junction of Interstate Hwy 90 and NY Hwy 17 and Akron, OH: from the junction of Interstate Hwy 90 and NY Hwy 17 over NY Hwy 17 to junction NY Hwy 60, then over NY Hwy 60 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction PA Hwy 8, then over PA Hwy 8 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Akron, and return over the same route: (3) between junction Interstate Hwys 90 and 79 and Pittsburgh, PA, over Interstate Hwy 79; (4) between Philadelphia, PA, and junction Interstate Hwy 76 and 80; from Philadelphia over Interstate Hwy 76 to junction Interstate Hwy 80 and return over the same route; (5) between Scranton, PA and junction Interstate Hwy 80 and PA Hwy 8: from Scranton over Interstate Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 8, and return over the same route; (6) between Pittsburgh, PA, and Parkersburg, WV: from Pittsburgh over U.S. Hwy 22 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction WV Hwy 2, then over WV Hwy 2 to Parkersburg, and return over the same route; (7) between Parkersburg, WV, and Akron, OH over Interstate Hwy 77; (8) between the junction of Interstate Hwys 76 and 376, and Pittsburgh, PA: from the junction of Interstate Hwys 76 and 376 over Interstate Hwy 376; (9) between the junction of Interstate Hwys 79 and 70 and Parkersburg, WV: from the junction of Interstate Hwys 79 and 70 over Interstate Hwy 79 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Parkersburg, and return over the same route: (1) between Pittsburgh, PA, and Columbus, OH: from Interstate Hwy 76 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Columbus, and return over the same route; (11) between Cleveland, OH, and Columbus, OH, over Interstate Hwy 71, serving all intermediate points in part (1) through (11), those points in OH bounded by a line beginning at Port Clinton, OH, at Lake Erie, and extending along OH HWY 53 to junction U.S. Hwy 23, then over U.S. Hwy 23 to Chillicothe, OH, then over U.S. Hwy 50 to the OH-WV state line, serving all off-route points; those points in WV on north and west of a line beginning at the OH-WV State line, at or near Parkersburg, WV, and extending over U.S. Hwy 50 to junction Interstate Hwy 79, then over Interstate Hwy 79 to the WV-PA State line, serving all-off-route points; and points in PA, serving all off-route points.

MC 111812 (Sub-744F), filed November 19, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting (1) *paint and paint products*, and (2) *materials and supplies* dealt in or used by

manufacturers and distributors of paint and paint products (except commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities, of Valspar Corp.

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Decided: November 26, 1980.
By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 37843 (Sub-3F), filed November 18, 1980. Applicant: CALORE-COOK TRANS., INC., 500 Moshassuck Valley Industrial Dr., Pawtucket, RI 02860. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, Commodities in bulk, and those requiring special equipment), between New York, NY, and points in CT, MA, NH, and RI.

MC 105702 (Sub-2F), filed October 20, 1980. Applicant: A & J FREIGHT SERVICE, INC., P.O. Box 896, Murphysboro, IL 62966. Representative: John Womick, 510 West Main St., Carbondale, IL 62901. Transporting *general commodities;* between Columbus, OH, Ft. Wayne, IN, Kansas City, KS, Atlanta, GA, Starkville, MS, Little Rock, AR, points in Madison, Bond, Fayette, Effingham, Cumberland, Clark, Monroe, Saint Clair, Clinton, Marion, Clay, Richland, Lawrence, Jasper, Crawford, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Jackson, Franklin, Kamilton, White, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, IL, Clay, Greene, Craighead, Mississippi, Ponsett, Cross and Crittenden, AR, Saint Charles, Saint Louis, Franklin, Jefferson, Washington, Saint Francois, Sainte Genevieve, Perry, Iron, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, Butler, Dunklin, New Madrid, and Pemiscot Counties, MO, Clay, Macon, Trousdale, Wilson, Davidson, Williamson, Maury, Lewis, Wayne, Hardin, McNairy, Hardeman, Fayette, Shelby, Tipton, Haywood, Madison, Chester, Henderson, Decatur, Perry, Hickman, Dickson, Cheatham, Sumner, Robertson, Montgomery, Stewart, Houston, Humphreys, Benton Henry, Carroll, Weakley, Obion, Gibson, Crockett, Lauderdale, Dyer, and Lake Counties, TN, Vermilion, Parke, Putnam, Hendricks, Marion, Hancock, Henry, Wayne, Fayette, Rush, Shelby, Johnson, Morgan, Owen, Clay, Vigo, Sullivan, Greene, Monroe, Brown, Bartholomew, Decatur, Ripley, Jennings, Jackson, Lawrence, Martin, Daviess, Knox, Gibson, Pike, DuBois, Orange, Washington, Scott, Jefferson, Ohio, Switzerland, Posey, Vanderburg, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, and Clark Counties, IN, and Carroll, Owen, Harrison, Bourbon, Clark, Madison, Garrard, Boyle, Marion, Taylor, Adair, Metcalfe, Barren, Allen, Trimble, Henry, Franklin, Scott, Fayette, Jessamine, Mercer, Washington, Larue, Hart, Edmonson, Warren, Simpson, Oldham, Shelby, Anderson, Woodfood, Bullitt, Nelson, Hardin, Meade, Breckinridge, Grayson, Hancock, Ohio, Butler, Logan, Daviess, McLean, Muhlenberg, Todd, Christian, Hopkins, Webster, Henderson, Union, Crittenden, Caldwell, Trigg, Calloway, Marshall, Livingston, McCracken, Graves, Ballard, Carlisle, Hickman, Fulton, Green, Lyon, and Spencer Counties, KY. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 112713 (Sub-317F), filed November 12, 1980. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Missions, KS 66207. Representative: John M. Records (same address as applicant). Transporting trailers designed to be drawn by motorcycles and small automobiles, between Arlington, TX, on the one hand, and, on the other, points in U.S.

MC 115352 (Sub-6F), filed November 13, 1980. Applicant: R. H. REDIKER TRANSPORT, LTD., P.O. Box 30, Beebe, Quebec, Canada JOB 1 E O. Representative: John P. Monte, P.O. Box 568, Barre, VT 05641. In foreign commerce only, transporting *stone,* from the facilities of (a) Rock of Ages Corporation and (b) Rock of Ages Building Granite Corporation, in NH, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada, at or near Highgate Springs and Derby Line, VT.

MC 117373 (Sub-62F), filed November 5, 1980. Applicant: NU-WAY TRUCKING INC., 101 E. Monroe, Owensville, MO 65066. Representative: Dennis D. Dunton (same address as applicant). Transporting *steel pipe and tubing,* between points in the U.S. under continuing contract(s) with Southern Metals Div. of MPL Industries of Dallas, TX.

MC 123063 (Sub-10F), filed November 12, 1980. Applicant: KIRBERY TRANSPORTATION, INC., 425 Main St., Woodbridge, NJ 07095. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Transporting (1) *building materials and petroleum products,* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, between points in NY, NJ, PA, CT, MA and RI.

MC 128122 (Sub-13F), filed October 15, 1980. Applicant: STATE TRANSPORT CO., a Corporation, P.O. Box 1022, Corvallis, OR 97330. Representative: Peter H. Glade, 1 SW Columbia, Suite 555, Portland, OR 97258. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) forest and wood products, (b) paper and paper products and (c) building and construction materials and equipment, between points in OR, WA, CA, NV, AZ, and ID.

MC 135652 (Sub-2F), filed November 19, 1980. Applicant: SERVICE TRANSFER, INC., 4557 Princess Anne Road, Virginia Beach, VA 23462. Representative: Jeffery A. Vogelman, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Transporting *general commodities* between Norfolk, Hampton, Newport News, Portsmouth, Virginia Beach, and Chesapeake, VA, on the one hand, and, on the other, New York, NY, Charleston, SC, and points in MD, NC, VA and DC, restricted to traffic having a prior or subsequent movement by water. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of Classes A and B explosives, it shall be limited to point of time to a period expiring 5 years from its date of issuance.

MC 144682 (Sub-47F), filed November 12, 1980. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting (1) *chemicals or allied products,* as described in Item 28 of the Standard Transportation Commodity Code Tariff, (2) *non-metallic minerals,* (except fuels), as described in Item 14 of the Standard Transportation Commodity Code Tariff, and (3) *petro-chemicals,* in containers, between points in CA, WY, CO, UT and NM, on the one hand, and, on the other, points in TX.

MC 145772 (Sub-14F), filed November 12, 1980. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in IL, IA, MN, WI, and the Upper Peninsula of MI.

MC 146703 (Sub-18F), filed November 17, 1980. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64133. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. Transporting *foodstuffs* between points in St John the Baptist, Orleans, and Jefferson Parishes, LA on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MI, MO, MN, MS, NE, NM, ND, OH, OK, SD, TN, TX and WI.

MC 149183 (Sub-2F), filed November 12, 1980. Applicant: MARION D. KELSO d.b.a. KELSO TRUCKING, 706 Upland Boulevard, Las Vegas, NV 89107. Representative: Marion D. Kelso (same as applicant). Transporting (1) *foodstuffs*, and (2) *such commodities* as are used by hospitals and restaurants, between points in the U.S., under a continuing contract(s) with International Foodservice/Las Vegas, Inc., of Las Vegas, NV.

MC 151342 (Sub-1F), filed November 18, 1980. Applicant: CITY-WIDE CARTAGE CONTRACT CARRIER, Inc., 3317 McKinley Avenue, Des Moines, IA 50265. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *confectionery* from Des Moines, IA to points in IA.

MC 151393 (Sub-1F), filed November 12, 1980. Applicant: MILLERS BEND CARRIERS, INC., U.S. Hwy 231 No., P.O. Box 197, Wetumpka, AL 36092. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), which are at the time moving on bills of lading issued by freight forwarders, under 49 U.S.C. 10102(8) between points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, WA, WV, WI, and DC.

MC 151533 (Sub-7F), filed November 21, 1980. Applicant: BESTWAY FREIGHT LINES LTD., a corporation, 1749 Wilbur Cross Highway, Berlin, CT 06037. Representative: Gerald A. Joseloff, 80 State St., P.O. Box 3258, Hartford, CT 06103. Transporting *(1) metal weldments, fabrications, machinery and electrical components and castings and (2) materials, equipment and supplies used in the manufacture, production and sale of the commodities in (1) above*, between the facilities of UOP, Inc., at South Norwalk, CT on the one hand, and, on the other, points in the U.S. including AK but excluding HI).

MC 152653F, filed November 13, 1980. Applicant: TRIP & TRAVEL, INC., 4050 Tuscarawas St. West, Canton, OH 44708. Representative: Frank L. Calvary, 3066 N. Star Rd., Columbus, OH 43221. As a *broker*, at Canton, OH, in arranging for the transportation of *passengers and their baggage*, in special or charter operations, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S. (including AK and HI).

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Decided: Nov. 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 44735 (Sub-55F), filed November 15, 1980. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th St., Kansas City, MO 64126. Representative: John E. Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting (1) *metal articles, pipe and pipe fittings*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in AR, CO IN, IA, IL, KS, LA, MO, MN, NE, OK, TX, and WI, restricted to traffic originating at and destined to the facilities of Armco, Inc.

MC 60014 (Sub-198F), filed November 13, 1980. Applicant: AERO TRUCKING, INC., Box, 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *lumber, lumber products, particleboard, forest products, and fencing materials*, from the facilities of Bendix Forest Products Corporation and California Cascade Industries, or their customers, or suppliers at points in CA, ID, MT, NV, OR, and WA, to points in the U.S. (except AK and HI).

MC 60014 (Sub-199F), filed November 13, 1980. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *iron and steel articles*, from the facilities of Raritan River Steel Company, at Perth Amboy, NJ, to points in the U.S. (except AK and HI); and *materials, equipment and supplies* used in the manufacture and distribution of metal articles, in the reverse direction.

MC 107295 (Sub-1005F), filed November 13, 1980. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). Transporting (1) *cabinets*, from points in Milwaukee County, WI, to points in the U.S. (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of cabinets, in the reverse direction.

MC 114015 (Sub-32F), filed November 12, 1980. Applicant: HUSS, INCORPORATED, Highway 47 West, P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Transporting (1) *construction materials*, and (2) *materials, equipment, and supplies* used in the manufacture, installation and distribution or application of construction materials, between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 123054 (Sub-30F), filed November 13, 1980. Applicant: R & H CORPORATION, 295 Grand Ave., P.O. Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds*, and *automotive accessories* (except in bulk), between points in McKean, Warren, and Venango Counties, PA, Erie and Niagara Counties, NY, and Hancock County, WV, on the one hand, and, on the other, points in IN, KY, MI, OH, PA, and WV; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities named in (1) (except commodities in bulk), from points in IN, KY, MI, OH, PA, and WV, to points in McKean, Warren and Venango Counties, PA, Erie and Niagara Counties, NY, and Hancock County, WV.

MC 123054 (Sub-31F), filed November 13, 1980. Applicant: R & H CORPORATION, 295 Grand Ave., P.O. Box 469, Clarion, PA 16214. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY, NC, OH, PA, RI, VA, WV, and DC, restricted to traffic originating at or destined to the facilities of SCM Corporation, its warehouses, customers, or suppliers.

MC 123685 (Sub-32F), filed November 13, 1980. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd., SW., Massillon, OH 44646. Representative: M. Diane Neal, 2230 Shepler Church Ave., SW., Canton, OH 44706. Transporting *general commodities* (except those of unusual value, and classes A and B explosives as defined by the Commission), between points in OH and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant states the purpose of this authority is to eliminate certain commodity restrictions and to substitute single-line movements for joint-line operations, thereby simplifying and consolidating its operating authority. Applicant relies on traffic studies as well as supporting shipper statements in support of this application.

MC 125254 (Sub-77F), filed November 12, 1980. Applicant: MORGAN TRUCKING CO., A Corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., restricted to traffic originating at or destined to the facilities of Grain Processing Corporation or Kent Feeds, Inc.

MC 138635 (Sub-121F), filed November 13, 1980. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same address as applicant). Transporting *wooden door frames, wooden screens, wooden blinds, compressed fire logs, and wood products,* between Fort Worth and Mt. Pleasant, TX, on the one hand, and, on the other, points in AL, GA, NC, and TN.

MC 147264 (Sub-9F), filed November 12, 1980. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Avenue, Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *bananas,* from Gulfport, MS, to points in AR, OK, and TX.

MC 150794 (Sub-1F), filed November 12, 1980. Applicant: ADVANCE TRANSPORTATION SYSTEMS, INC., 605 N. Wayne Ave., Cincinnati, OH 45215. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 150954 (Sub-4F), filed November 13, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting *lumber, particleboard, wood products, and building products,* from points in CA and OR, to points in the U.S.

MC 152524 (Sub-1F), filed November 12, 1980. Applicant: COLONIAL EXPRESS, INC., 4 Alger Street, S. Boston, MA 02127. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. 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 Colonial Terminals, Inc., of Boston, MA.

MC 152555F, filed November 3, 1980. Applicant: HALL'S FREIGHTWAY, INC., 4505 South Harding Street, Indianapolis, IN 46217. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *primary metal products,* (2) *fabricated metal products,* (3) *waste or scrap materials,* (4) *metallic ores,* and (5) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) through (4), between points in the U.S., under a continuing contract(s) with Bridgeport Brass, a Subsidiary of National Distillers & Chemical Corp., and its subsidiaries, Peidmont Manufacturing Company, Small Tube Products, H. B. Egan, Vincent Brass & Aluminum Co., and Amflor Corporation.

MC 152575F, filed November 11, 1980. Applicant: CARLTON TRUCKING CO., 83 Southgate Street, Worcester, MA 01603. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956. Transporting *iron and steel articles,* between Atco, NJ and Putnam, CT, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 152605F, filed November 7, 1980. Applicant: HENRY J. BERNIER, d.b.a. SERVICE TRANSPORT, 33 Danforth Street, Canton, MA 02780. Representative: (same as above). Transporting (1) *toilet preparations and packaging,* and (2) *wearing apparel,* between points in MA and RI.

MC 152624F, filed November 5, 1980. Applicant: TRAVEL SERVICE INTERNATIONAL, INC., 1515 North State Street, Jackson, MS 39202. Representative: David Ray (same address as applicant). As a *broker* at Jackson, MS, in arranging for the transportation of *passengers and their baggage,* between points in MS, on the one hand, and, on the other, points in the U.S., (including AK and HI).

MC 152655F, filed November 13, 1980. Applicant: WILLIE L. HILL, d.b.a. HILL'S TRUCKING, 1150 East 74th St., Chicago, IL 60619. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. Transporting (1) *containers, container closures, ends, and components,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), between points in IL, IN, WI, and MI.

Volume No. OP3-092

Decided: November 24, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 45764 (Sub-38F), filed November 13, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *machinery, machine parts, non-ferrous articles, and commodities* requiring the use of special equipment, between ports of entry on the international boundary line between the U.S. and Mexico, in TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic moving in foreign commerce only.

MC 111485 (Sub-29F), filed November 18, 1980. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *household appliances and accessories,* and *materials* used in the manufacture, sale, and distribution of household appliances, between the facilities of the Tappan Company at or near Mansfield, OH, Nashville, TN, and Dalton, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121815 (Sub-2F), filed November 13, 1980. Applicant: ALL SOUTH MOTOR FREIGHT, INC., 1220 Faydur Court, P.O. Box 100893, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Chattanooga and Memphis, TN, over U.S. Hwy 64; (2) between Nashville and Chattanooga, TN, over Interstate Hwy 24; and (3) between Nashville and Memphis, TN, over Interstate Hwy 40, as an alternate route for operating convenience only; in (1), (2), and (3) above, serving no intermediate points, and serving Rossville, GA as an off-route point. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Certificate of Registration MC 121815, at applicant's written request.

Note.—Applicant states that the purpose of this application is to convert its present certificate of registration to a certificate of public convenience and necessity.

MC 125894 (Sub-23F), filed November 12, 1980. Applicant: J & R SCHUGEL TRUCKING, INC., 301 North Water

Street, New Ulm, MN 56073. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting *salt and salt products,* from the facilities of Cargill, Inc., at Sioux City, IA to those points in MN on and east of U.S. Hwy 71 and on and south of U.S. Hwy 12, and those points in WS on and south of interstate Hwy 94.

MC 128804 (Sub-5F), filed November 12, 1980. Applicant: BLUE FLEET DISTRIBUTORS CORP., 920 East 149th Street, Bronx, NY 10455. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *such commodities* as are dealt in or used by wholesale and retail drug and grocery chain stores, restaurant supply houses, hospital supply businesses and institutional cleaning supply houses, between points in the U.S., under continuing contract(s) with The Procter & Gamble Distributing Co., of Cincinnati, OH.

MC 136315 (Sub-137F), filed November 13, 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 *primary metal products,* and *materials, equipment, and supplies* used in the manufacture, sale, and distribution of primary metal products, between points in New Castle County, DE, and Washington and Allegheny Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 138104 (Sub-102F), filed November 12, 1980. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Transporting *kiln dust,* in bulk, in tank vehicles, between points in TX, on the one hand, and, on the other, points in LA.

MC 140292 (Sub-18F), filed November 18, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, P.O. Box 1417, 1329 Pennsylvania Ave., Hagerstown, MD 21740. Over regular routes, transporting *general commodities* (except commodities of unusual value), serving points in Berkeley and Jefferson Counties, WV, and Franklin County, PA as off-route points in connection with carrier's otherwise-authorized regular route operations between Hagerstown and Baltimore, MD, in MC 140294 (Sub-17F).

Note.—To the extent the 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 141205 (Sub-51F), filed November 18, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, a corporation, 600 S. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. Transporting *crude oil, scrubber oil, and condensate;* between points in the U.S., under continuing contract(s) with Husky Oil Company, of Denver, CO.

MC 143044 (Sub-4F), filed November 18, 1980. Applicant: EQUIPMENT EXPRESS LIMITED, 8105 Woodbine Ave., Markham, Ontario, Canada L3R 2P1. Representative: Thomas E. Acey, Jr., Suite 1100, 1660 L St., NW., Washington, DC 20036. Transporting *architectural precast concrete products,* between ports of entry on the international boundary between the U.S. and Canada, on the Niagara and Detroit Rivers, on the one hand, and, on the other, points in NY, PA, OH, MI, IL, IN, MN, and WI, restricted to traffic moving in foreign commerce only.

MC 145394 (Sub-5F), filed November 12, 1980. Applicant: A & D FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. Transporting (1) *automobile parts* and (2) *supplies* used in the manufacture of automobiles, between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Belvidere, IL.

MC 145454 (Sub-10F), filed November 18, 1980. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting *foodstuffs,* from Peru, IN and Franklin Park, IL, to points in VA, NC, SC, GA, FL, TN, AL, MS, AR, LA, KY, and TX.

MC 151805 (Sub-1F), filed November 12, 1980. Applicant: JAMES W. POPE, 5900 Lyle Street, Orlando, FL 32807. Representative: (same as above). Transporting *exposed microfilm, hard copy records,* and *microfilm equipment,* between points in the U.S., under continuing contract(s) with Southern Vital Records Center, Inc., of Flora, MS.

MC 152504F, filed October 27, 1980. Applicant GRETCHEN PETERSEN TOURS, INC., 6325 Odana Road, Madison, WI 53719. Representive: Theodore C. Widder, III, 20 North Carroll Street, Madison, WI 53703. As a *Broker,* at Madison, WI, in arranging for the transportation of *passengers and their baggage,* in special and charter operations, in round-trip tours, beginning and ending at points in WI and extending to points in the U.S. and AK and HI.

MC 152634F, filed November 13, 1980. Applicant: ATLANTIC VAN LINES, INC., 1002 Wilso Dr., Baltimore, MD 21223. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. Transporting *prints, graphics, photographs, drawings, antiques, decorative art, textiles, porcelain, ceramics, glass, and art objects, and their display materials,* between points in the U.S.

MC 152644F, filed November 13, 1980. Applicant: WILLIAM J. CALL, d.b.a. WISCONSIN CARTAGE, 1121 W. Grange Avenue, Milwaukee, WI 53221. Representative: David Earl Tinker, 1000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. Transporting (1) *electrical equipment, appliances,* and accessories, and (2) *materials supplies, and equipment* used in the manufacture of the commodities in (1), between points in the U.S., under continuing contract(s) with Magnavox Consumer Electronics, of Greeneville, TN.

MC 152665F, filed November 14, 1980. Applicant: SISTERS TRUCKING COMPANY, INC., 100 Louisa St., South Amboy, NJ 08879. Representative: Thomas F.X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting *scrap metals, ores, turnings, ingots, solder, and ferroalloys,* between points in AL, GA, IL, IN, KY, MA, MD, ME, MI, MO, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, and WV.

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Decided: November 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2934 (Sub-89F), filed November 17, 1980. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting (1) *new furniture, and new kitchen cabinets,* and (2) *parts of the commodities in (1),* from Red Lion and Stewartstown, PA, to points in AL, AR, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX, and WI.

MC 65475 (Sub-41F), filed November 19, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box Box LL, McLean, VA 22101. Transporting *aluminum and aluminum products,* and *materials and supplies* used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the facilities of Eastalco Aluminum Co., at or near Frederick, MD,

on the one hand, and, on the other, those points in the U.S., west of WI, IL, MO, AR, and TX (except AK and HI).

MC 116544 (Sub-230F), filed November 13, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses (1) between points in AZ, CO, NV, OR, and UT, on the one hand, and, on the other, points in AZ, CO, ID, NV, NM, OR, TX, UT, and WA, and (2) between points in CA, on the one hand, and, on the other, points in NV, NM, and TX.

MC 120204 (Sub-2F), filed November 19, 1980. Applicant: BOCK TRANSFER & STORAGE CO., 1666 McMyer St., N.W., P.O. Box 3007, Warren, OH 44485. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in Mahoning and Trumbull Counties, OH, on the one hand, and, on the other, points in NY, OH, and PA.

MC 124735 (Sub-23F), filed November 10, 1980. Applicant: R. C. KERCHEVAL, JR., 2214 4th So., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, and those requiring special equipment), between points in the U.S., under continuing contracts with Bostrum Warren, Inc., Sea-Tac International Warehouse, Inc., and Puget Sound Shippers Association, of Seattle, WA.

MC 146055 (Sub-10F), filed November 19, 1980. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Omaha, NE 68114. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in Douglas County, NE, and points in OH, WI, MI, IA, NE, MO, and KS.

MC 146075 (Sub-5F), filed November 19, 1980. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheat Ridge, CO 80214. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203. Transporting *paint and paint products,* from points in Harris County, TX, to points in AR, LA, OK, and NM.

MC 152574F, filed November 6, 1980. Applicant: BELLOCCHIO SALT SERVICE, INC., 1240 N. Wells St., Chicago, IL 60610. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016. Transporting *salt and salt products, food seasoning compounds,* and *materials, equipment and supplies* used in the manufacture and distribution of salt and salt products, between points in IL, IN, MI, and WI.

MC 152594F, filed November 7, 1980. Applicant: MIDLANTIC TRANSFER, LTD., 215 Baltimore St., Hanover, PA 17331. Representative: Daniel M. Frey, 31 York St., Hanover, PA 17331. 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 Keystone Distribution Center, Inc., at points in Adams and York Counties, PA, and Carroll and Baltimore Counties, MD, to points in PA, MD, VA, NJ, NY, CT, MA, OH, DE, NC, WV, RI, IL, MI, FL, IN, TN, KY, GA, SC, ME, NH, VT, and DC, and in the reverse direction.

MC 152714F, filed November 19, 1980. Applicant: DEERFIELD TRANSPORTATION, INC., South Main St., South Deerfield, MA 01373. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *such commodities as are dealt in or used by manufacturers of plastic products,* between points in the U.S., under continuing contract(s) with Deerfield Plastics Co., Inc., and Deerfield Urethane, Inc., of South Deerfield, MA. Condition: (1) Applicant shall conduct separately its for-hire carriage and other business operations, and (2) it shall maintain separate accounts and records for each operation.

MC 152715F, filed November 19, 1980. Applicant: AMERICAN BUS LINES, INC., 3304 Powder Mill Rd., Adelphi, MD 20783. Representative: William J. Millar, Jr. (Same address as applicant). Transporting (1) *passengers and their baggage, express,* and *newspapers* in the same vehicle with passengers, in special or charter operations, between points in MD and VA, and DC, on the one hand, and, on the other, points in the U.S. (including AL but excluding HI), and (2) *passengers and their baggage,* in special or charter operations, in round trip sight seeing and pleasure tours, between points in MD and VA, and DC, on the one hand, and, on the other, points in the U.S. (including AL but excluding HI).

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Decided: November 25, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 149564 (Sub-1F), filed September 18, 1980, previously published in the Federal Register of October 17, 1980. Applicant: BOB HUBBARD HORSE TRANSPORTATION, INC., 20825 Currier Rd., P.O. Box 277, Walnut, CA 91789. Representative: William J. Monheim; P.O. Box 1756, Whittier, CA 90609. Transporting (1) *non-exempt livestock,* (2) *personal effects* of attendants, and (3) *supplies and equipment* used in the care, transportation, racing, and exhibition of non-exempt livestock, between points in the U.S.

Note.—This republication corrects the commodity description.

Volume No. OP4-135

Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 1977 (Sub-50F), filed November 12, 1980. Applicant: NORTHWEST TRANSPORT SERVICE, INC., 5601 Holly St., Commerce City, CO 80022. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Transporting *general commodities* (except household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with The Port of Seattle, of Seattle, WA. Condition: To the extent the permit to be issued in this proceeding authorizes the transportation of Classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 26396 (Sub-380F), filed November 18, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *railroad salvage materials,* and (2) *equipment and supplies* incidental to railroad assembly and dismantling, between those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 27817 (Sub-172F), filed November 13, 1980. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101. Transporting *such commodities* as are dealt in or distributed by pharmaceutical houses (except commodities in bulk), between Greenville, SC, on the one hand, and, on the other, Norwich and North Norwich, NY.

MC 42487 (Sub-1002F), filed November 14, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), serving the facilities of Organic Laboratories, Inc., at Willis, TX, as an off-route point in connection with carrier's otherwise authorized regular route operations.

Note.—Applicant intends to tack to its existing authority and any authority it may acquire in the future.

MC 50307 (Sub-102F), filed November 19, 1980. Applicant: INTERSTATE DRESS CARRIERS, INC., 215 County Ave., Secaucus, NJ 07094. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106. Transporting *wearing apparel and materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), between points in Braintree and Randolph, MA, on the one hand, and, on the other, points in PA.

MC 59457 (Sub-58F), filed November 13, 1980. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Rd., Bethany, CT 06525. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *printed matter,* and *materials, equipment, and supplies* used in the manufacture and distribution of printed matter, between points in IL, IN, OH, and KY on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, VA, WV, TN, MD, DE, NC, SC, GA, FL, and DC.

MC 99046 (Sub-2F), filed October 28, 1980. Applicant: TOTAL TRANSPORTATION, INC., 304A Oakwoods, Bellingham, MA 02019. Representative: Peter G. Baker (same address as applicant). Transporting *general commodities,* between points in MA, and RI. Conditions: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation of carrier's Certificate of Registration in MC 99046 (Sub-1); and to the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 105457 (Sub-104F), filed November 12, 1980. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John V. Luckadoo (same address as applicant). Over regular routes, transporting *general commodities* (except household goods, as defined by the Commission, (1) between Memphis, TN and N. Little Rock, AR, over U.S. Hwy 70, (2) between Memphis, TN and N. Little Rock, AR, over Interstate Hwy 40, (3) between N. Little Rock, AR and Ft. Smith, AR, over U.S. Hwy 64, (4) between N. Little Rock, AR and Fort Smith, AR, over Interstate Hwy 40, (5) between N. Little Rock, AR and Texarkana, TX, over U.S. Hwy 67, (6) between N. Little Rock, AR and Texarkana, TX, over Interstate Hwy 30, serving off-route points of Dumas, Gould, and Stuttgart, AR, and Conway, Crawford, Faulkner, Franklin, Grant, Jefferson, Lonoke, Pulaski, Saline, Sebastin, Washington, and White Counties, AR, in connection with routes (1) through (6) above, (7) between Fort Smith, AR and Oklahoma City, OK, over Interstate Hwy 40, (8) between Fort Smith, AR and Oklahoma City, OK, from Fort Smith, over U.S. Hwy 64 to Tulsa, OK, then over U.S. Hwy 66 to Oklahoma City, and return over the same route, (9) between Oklahoma City, OK and Denton, TX, over Interstate Hwy 35, (10) between Tulsa, OK and Dallas, TX, over U.S. Hwy 75, (11) between Muskogee, OK and junction U.S. Hwys 75 and 69, at or near McAlster, OK, over U.S. Hwy 69, serving all off-route points in Canadian, Cleveland, Creek, Gredy, Lincoln, Logan, Mayes, McClain, Muskogee, Okfuskee, Oklahoma, Okmulgee, Payne, Pottawatomie, Rogers, Seminole, Sequoyah, Tulsa, and Wagoner Counties, OK, in connection with routes (7) through (11) above, (12) between Denton, TX and Fort Worth, TX, over Interstate Hwy 35W, (13) between Denton, TX and Dallas, TX, over Interstate Hwy 35E, (14) between Texarkana, TX and Fort Worth, TX, over Interstate Hwy 30, (15) between Texarkana, TX and Galveston, TX, from Texarkana over U.S. Hwy 59 to Houston, then over U.S. Hwy 75 to Galveston, and return over the same route, (16) between Dallas, TX and Houston, TX, over U.S. Hwy 75, (17) between Dallas, TX and Houston, TX, over Interstate Hwy 45, (18) between Atlanta, GA and Dallas, TX, over Interstate Hwy 20, (19) between Atlanta, GA and Houston, TX, from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Mobile, AL, then over Interstate Hwy 10 to junction Interstate Hwy 12, then over Interstate Hwy 12 to Baton Rouge, LA, and then over Interstate Hwy 10 to Houston, and return over the same route, and (20) between Jackson, MS and junction Interstate Hwy 55 and Interstate Hwy 10, at or near Hammond, LA, over Interstate Hwy 55, serving off-route points of Tyler, TX, and Collin, Dallas, Denton, Ellis, Galeveston, Harris, Hunt, Jefferson, Johnson, Kaufman, Orange, Rockwall, and Tarrant Counties, TX, in connection with routes (12) through (20) above. Service in connection with the above specified routes (1) through (20) is authorized to serve all intermediate points. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes and A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—Applicant intends to tack with existing authority.

MC 105566 (Sub-237F), filed November 20, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Ball Corporation and its subsidiaries.

MC 108207 (Sub-561F), filed November 18, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 22588, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). Transporting (1) *human blood, blood plasma, blood derivatives,* and (2) *animal blood, sera, tissue, and vaccines,* between points in AL, AR, AZ, CA, CO, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, NV, NM, OK, OH, SD, TN, TX, UT, and WI.

MC 112107 (Sub-16F), filed Number 14, 1980. Applicant: NEW ENGLAND MOTOR FREIGHT, INC., 454 Main Ave., Wallington, NJ 07057. Representative: Gerald K. Himmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting (1) *footwear, and advertising displays,* and (2) *accessories and supplies* used in shoe stores, between Lebanon, NJ, on the one hand, and, on the other, points in MA, CT, and RI.

MC 118846 (Sub-22F), filed November 20, 1980. Applicant: DALE JESSUP, INC., R.R. 1, Box 252, Camby, IN 46113. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with

Bridgeport Brass Company, of Indianapolis, IN.

MC 121496 (Sub-47F), filed November 12, 1980. Applicant: CANGO CORPORATION, 2727 N. Loop West, Houston, TX 77008. Representative: E. Stephen Heisley, 805 McLachen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Transporting *commodities*, in bulk, between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Dow Chemical U.S.A.

MC 126436 (Sub-13F), filed November 11, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor, Lenox Toweres South, Atlanta, GA 30326. Transporting (1) *fiber glass products*, and (2) *materials, equipment, and supplies* used in their manufacture and distribution of fiber glass products (except commodities in bulk), between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 133676 (Sub-16F), filed November 6, 1980. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Dr., Baton Rouge, LA 70821. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. 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 Wilkinson and Amite Counties, MS, and those in LA beginning at the LA–TX State line, then north and eastward along the northern boundary lines of Vernon, Rapid, Avoyelles, and Concordia Parishes, LA to the Mississippi River, then southward along the Mississippi River the northern boundary of the LA–MS State line, then continuing along the northern boundary of the LA–MS State line in an easterly and southerly direction to its end.

MC 136077 (Sub-23F), filed November 14, 1980. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Roland Morris, 1600 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. Transporting *colorbond masonry cement*, from the facility of Centurion Products Co., in Wayne Township, PA to points in NY, NJ, CT, DE, MD, and VA.

MC 139206 (Sub-78F), filed November 18, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). Transporting (1) *metal and metal products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of metal and metal products, between points in the U.S., under continuing contract(s) with C. Hager & Sons Co., Inc., of St. Louis, MO.

MC 139207 (Sub-18F), filed November 13, 1980. Applicant: MCNABB-WADSWORTH TRUCKING CO., a corporation, 305 S. Wilcox Drive, Kingsport, TN 37667. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. Transporting *glass, and materials, supplies and equipment* used in the manufacture and distribution of glass, between the facilities of Fourco Glass Co., at or near Clarksburg and Jerry Run, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, SC, VA, TX, and TN.

MC 139207 (Sub-19F), filed November 13, 1980. Applicant: McNABB–WADSWORTH TRUCKING CO., a corporation, 305 S. Wilcox Drive, Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *glass and materials, supplies and equipment* used in the manufacture of glass, between points in Cumberland County, PA, Allegany County, MD and Jefferson County, MO, on the one hand, and, on the other, points in NC, SC, GA, FL, AL, and TN.

MC 141046 (Sub-17F), filed November 19, 1980. Applicant: MASON O. MITCHELL, d.b.a. M. MITCHELL TRUCKING, 1911 I St., LaPorte, IN 46350. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. 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 International Paper Company, of New York, NY.

MC 141426 (Sub-32F), filed November 14, 1980. Applicant: WHEATON CARTAGE CO., a corporation, 3rd and G St., Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 144117 (Sub-71F), filed November 19, 1980. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63062. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting (1) *dog and cat food* from Peoria, IL to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT and WA, and (2) *materials, equipment and supplies* used in the manufacture of dog and cat food, in the reverse direction.

MC 144407 (Sub-23F), filed November 14, 1980. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07457. Transporting *such commodities* as are dealt in or used by manufacturers of fluorescent lighting fixtures (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Universal Manufacturing Corporation.

MC 144407 (Sub-24F), filed November 14, 1980. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting such commodities as dealt in and used by a manufacturer of foodstuffs and pet foods (except commodities in bulk in tank vehicles), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Nabisco, Inc.

MC 144606 (Sub-17F), filed November 11, 1980. Applicant: DUNCAN & SON LINES, INC., 714 East Baseline Rd., Buckeye, AZ 85326. Representative: Donald W. Powell, 4150 North 12th St., Phoenix, AZ 85104. Transporting *textiles and textile products*, between Buckeye, AZ, on the one hand, and, on the other, points in Los Angeles County, CA.

MC 145237 (Sub-2F), filed November 19, 1980. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Watersaver Company, Inc. of Denver, CO. Condition: Issuance of a permit in this proceeding is subject to prior to coincidental cancellation at applicant's written requests of all contract carrier authority under MC 145237.

MC 146646 (Sub-130F), filed November 11, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting (1) *electrical appliances, and lighting fixtures*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of

the commodities in (1) above, between the facilities of Gibson-Metalux Corporation, at or near (a) Americus, GA, and (b) Eufaula, AL, on the one hand, and, on the other, points in the U.S.

MC 146937 (Sub-5F), filed November 20, 1980. Applicant: ALL STAR AIR FREIGHT, INC., 7001 West 20th Ave., Hialeah, FL 33014. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166. Transporting (1) *coin operated games*, and (2) *materials, equipment, and supplies* used in the manufacture of coin operated games, between points in the U.S., under continuing contract(s) with Centuri, Inc., of Hialeah, FL.

MC 150567 (Sub-11), filed November 12, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting (a) *lumber, particle board, wood products*, and (b) *building materials* (except those described in (a) above), between points in the U.S., under continuing contract(s) with AIFP Trading Group, Inc., and Ampac Forest Products, Inc., both of Portland, OR.

MC 150946 (Sub-1F), filed November 13, 1980. Applicant: PRINCETON INDUSTRIES CORP., P.I.C. Industrial Park, Princeton, IN 47670. Representative: Thomas J. Kimpel, 301 Union Federal Bldg., Evansville, IN 47708. Transporting malt beverages, in containers, between points in the U.S., under continuing contract(s) with Vanco Beverage, Inc., of Evansville, IN.

MC 151526 (Sub-1). Applicant: TRIAD TRANSPORTATION SERVICES, INC., P.O. Box 20714, Greensboro, N.C. 27420. Representative: Jerald A. Honeycutt (same address as applicant). *New furniture*, restricted to shipments consigned for residential delivery from points in Guildford, Davidson and Randolph Counties, NC, to points in VA, MI, OH, PA, NJ, NY, FL, SC, GA, TN, IN, CT, IL, MA, MD, RI, WV, TX, KY, LA, NH, MS, AR, MO, and WI. Application is supported by ten (10) shippers.

MC 152267 (Sub-1F), filed November 17, 1980. Applicant: JET-REST TRANSPORTATION COMPANY, INC., SC Hwy. 14 South, Greer, SC 29651. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), between points in the U.S., under continuing contract(s) with (a) Outlaw Industries, Inc., of Greer, SC (b) Brooks Transfer and Storage Corporation, of Greenville, SC, and (C) Rapco Foam, Inc., of Florence, SC.

MC 152617 (Sub-1F), filed November 14, 1980. Applicant: A. R. CARRIERS, INC., P.O. Box 793, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting: railroad safety equipment, between points in the U.S., under continuing contract(s) with Safetrans Systems Corp., of Louisville, KY.

MC 152697F, filed November 18, 1980. Applicant: AMERICAN TRUCK LINES, INC., 201 Laurel Lane, Broomall, PA 19008. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *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, and (2) *materials, equipment, and supplies* (except in bulk) used in their manufacture and distribution, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OP4-136

Decided: November 28, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 42487 (Sub-1005F), filed November 11, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Netcong and Newton, NJ, over U.S. Hwy 206, serving all intermediate points.

Note.—Applicant intends to tack with its existing authority and any authority it may acquire in the future.

MC 128917 (Sub-8F), filed November 12, 1980. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Transporting *cement, lime and pozzolana products* from points in ID and OR to points in UT, CO, and OR.

MC 129537 (Sub-48F), filed November 19, 1980. Applicant: REEVES TRANSPORTATION CO., a corporation, Rt. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Transporting *general commodities* (except those of unusual value, classes A and B explosives, hazardous materials and waste, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Shelbyville, KY, to points in GA and TX.

MC 133566 (Sub-170F), filed November 14, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of Eastman Kodak Company at (a) Windsor, CO, (b) Chamblee, GA, (c) Oakbrook, IL, (d) Dayton, NJ, (e) Rochester, NY, and (f) Dallas, TX.

MC 145836 (Sub-2F), filed November 21, 1980. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Rd., Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K St., N.W., Washington, DC 20005. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., restricted to traffic originating at or destined to the facilities of Belk Stores, Inc.

MC 150526 (Sub-1F), filed November 5, 1980. Applicant: YARMOUTH LUMBER, INC., North St., Box 46, Yarmouth, ME 04096. Representative: William H. Phipps (same address as applicant). Transporting *canned fish*, between points in the U.S. (a) continuing contract(s) with Stinson Canning Co., of Prospect Harbor, ME.

MC 151807F, filed November 12, 1980. Applicant: FWC, INCORPORTED, Route 2, Box 123, Rustsburg, VA 24588. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA. Transporting *furniture*, between points in Pulaski County, VA and points in FL.

MC 152506, filed October 21, 1980. Applicant: GENERAL PRODUCTS MANUFACTURING, INC., 9450 SW. Commerce Circle, Suite 400, Madisonville, OR 97070. Representative: Timothy H. Lee, Secretary (same as above). To arrange for the transportation of general commodities (except household goods) between points in the United States.

MC 152746F, filed November 13, 1980. Applicant: PLYWOOD COMPONENTS, INC., 6523 Old Salem Rd., Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *building materials*, between points in OR, WA,

CA, UT, ID, MT, WY, CO, NV, NM, and AZ.

MC 152747F, filed November 13, 1980. Applicant: LES MATHRE TRUCKING, INC., 417 8th Street, Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *such commodities* as are dealt in by grocery and food business houses, between points in the U.S., under continuing contracts(s) with Meat Requirements Coordination, Inc., of Ames, IA.

Volume No. OP4-138

Decided: November 28, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 144117 (Sub-10F), filed November 13, 1980. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Bemis Company, Inc., and its subsidiaries, of Chicago, IL.

MC 152606F filed November 10, 1980. Applicant: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02062. Representative: Robert G. Park, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. Transporting (1) *Brass and brass products, copper and copper products, aluminum and steel, and aluminum and steel products,* (except commodities in bulk, in dump vehicles and those requiring special equipment), between points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, VA, VT, and WV.

Volume No. OP4-139

Decided: November 28, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 150806 (Sub-3F), filed October 21, 1980. Applicant: WECO, INC., 500 Scott St., P.O. Box 5128, Kansas City, KS 66119. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603. Transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of foodstuffs, between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN.

MC 152505F, filed October 21, 1980. Applicant: KITCHEN CRANE AND EQUIPMENT COMPANY, INC., 1340 Roanoke Blvd., Salem, VA. Representative: Malinda L. Kitchen (same as applicant). Transporting *contractors equipment, material and supplies,* between points in DC, KY, MD, NC, OH, PA, TN, VA, WA.

MC 152507 (Sub-1F), filed October 31, 1980. Applicant: KITCHEN CRANE AND EQUIPMENT COMPANY, INC., 1340 Roanoke Blvd., Salem, VA 24153. Representative: Malinda L. Kitchen (same address as applicant). Transporting *contractors' equipment, material and supplies, heavy and industrial equipment, material and supplies,* between points in DC, KY, MD, NC, OH, PA, TN, VA, WA.

MC 152517F, filed October 30, 1980. Applicant: RO-MAR TERMINAL & WAREHOUSE CO., INC., 3356 South Ashland Ave., Chicago, IL 60608. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between points in CA, and (2) between points in OR and WA, restricted in (1) and (2) to traffic having a prior or subsequent movement by rail.

MC 152576F, filed November 6, 1980. Applicant: TERMINAL AND TRANSPORT SYSTEMS, INC., 130 Freight St., P.O. Box 4394, Waterbury, CT 06714. Representative: Albino A. Bruno (same address as applicant). Transporting (1) *small arms ammunition, component parts and ingredients* for small arms ammunition, and *class C explosives,* and (2) *materials, 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 The Remington Arms Co., Inc., of Bridgeport, CT.

MC 152586F, filed November 7, 1980. Applicant: REED MACHINERY AND TRANSPORTATION CO., INC., P.O. Box 1105, 712 N. Farnsworth Ave., Aurora, IL 60507. Representative: Edward D. McNamara, 907 So. Fourth St., Springfield, IL 62703. Transporting *paper products and recyclable waste paper,* between points in IL, on the one hand, and, on the other, points in WI, IN, MI, MO and IA.

MC 152636F, filed November 10, 1980. Applicant: FLOYD'S TRUCKING, INC., 2340 Bankhead Highway, Atlanta, GA 30318. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA. Transporting *electric storage batteries and electrolyte,* from the facilities of Prestolite Batteries at or near East Point, GA to points in AL, FL, KY, LA, MS, NC, SC, TN, VA, and WV.

MC 152646F, filed November 11, 1980. Applicant: JAMES OLIVA, d.b.a. PARK EXPRESS, 22 Blueberry Lane, Lexington, MA 02173. Representative: James Oliva (same address as applicant). Transporting *steel and steel products,* from the facilities of Central Steel at Somerville, MA to points in NH and RI.

Volume No. OP4-140

Decided: November 28, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones-Member Joyce not participating.

MC 35677 (Sub-5F), filed November 12, 1980. Applicant: H. J. RUSSELL'S, INC., 2276 Old Vestal Rd., Vestal, NY 13850. Representative: Donald C. Carmien, P.O. Box 1922, Binghamton, NY 13902. Transporting *transportation equipment* as described in Item 37 of the Standard Transportation Commodity Code, between points in the U.S., under continuing contract(s) with L. B. Smith, Inc., of Syracuse, NY.

MC 5086611 (Sub-11F), filed November 18, 1980. Applicant: BURLINGAME TRUCK LINE, INC., Rt. No. 2, Scranton, KS 66537. Representative: Frederick W. Godderz, First State Bank Bldg., Burlingame, KS 66413. Transporting *cottonseed meal,* from Clinton, Altus and Oklahoma City, OK to points in KS and NE.

MC 89617 (Sub-27F), filed November 14, 1980. Applicant: LEWIS TRUCK LINES, INC., P.O. Box 1494, Conway, SC 29526. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006. Transporting (1) *general commodities* (except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or trailers, having a prior or subsequent movement by water, and (2) *trailers and trailer chassis,* between points in Charleston County, SC, on the one hand, and, on the other, points in FL, GA, SC, NC, TN, VA, and AL.

MC 102376(Sub-21F), filed November 13, 1980. Applicant: ART BROCKMAN, INC., 14200 Joy Rd., Detroit, MI 48228. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 14202. Transporting *contractors' equipment, heavy machinery,* and *such commodities which because of size or weight require the use of special equipment,* between points in MI and Oh, on the one hand, and, on the other, points in AL, AR, GA, IA, LA, ME, MN, MS, MO, NE, NC, OK, SC, TN, TX, and VA.

MC 104896 (Sub-63F), filed November 3, 1980. Applicant: WOMELDORF, INC.,

Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. Transporting *such commodities* as are dealt in by chain and variety stores, between points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of G. C. Murphy Company.

MC 127047 (Sub-45F), filed November 12, 1980. Applicant: ED RACETTE & SON, INC., 6021 No. Broadway, Wichita, KS 67219. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting (1) *non-refrigerated dairy products* (except in bulk), from Wichita and Arkansas City, KS, to points in the U.S. (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of non-refrigerated dairy products (except in bulk), in the reverse direction.

MC 133566 (Sub-169F), filed November 19, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *printing, computer, audio and visual equipment and supplies*, and (2) *materials* used in the manufacture and distribution of the commodities in (1) above, between points in Middlesex County, MA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 144117 (Sub-69F), filed November 10, 1980. Applicant: T.L.C. LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Daniel O. Hnads, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting (1) *carpeting, floor covering, wall panels, ceiling panels and insulating materials*, (except commodities in bulk), and (2) *materials, equipment and supplies* used in the manufacture, distribution and installation of commodities in (1) above, (except commodities in bulk), between points in Lancaster County, PA, on the one hand, and, on the other, points in AZ, CA, CO, FL, ID, MT, NM, NV, OR, UT, WA and WY.

MC 145466 (Sub-6F), filed November 12, 1980. Applicant: BERYL WILLITS, d.b.a. WILLIE'S GRAIN, 1145 33rd Ave., Greeley, CO 80631. Representative: Richard S. Mandelson, Suite 1600, Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *meat, 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 Sterling Colorado Beef Co., of Sterling, CO.

MC 146517 (Sub-1F), filed November 18, 1980. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd St., Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Transporting *general commodities* (except 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 Dow Chemical, U.S.A., Texas Division, of Freeport, TX.

MC 150136 (Sub-1F), filed November 10, 1980. Applicant: JOE SILILIA, INC., North 5523 Julia, Spokane, WA. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting *building material and supplies*, between points in WA, OR, ID, MT, SD, ND, WY, CO, MN, WI, NE, KS, IL, and IA.

MC 150567 (Sub-13F), filed October 20, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting *building materials, and lumber and wood products*, between points in the U.S., under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 150567 (Sub-14F), filed October 21, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Dr., Suite 515, San Antonio, TX 78217. Transporting (1) *lumber, wood products, building materials, and plastic pipe*, and (2) *materials, 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 Simpson Timber Company, of Seattle, WA.

MC 151916 (Sub-1F), filed November 12, 1980. Applicant: BARON TRANSPORT, INC., One Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Bill R. Davis, Suite 101, Emerson Center, Atlanta, GA 30339. Transporting *frozen bakery products*, between points in Carroll County, GA on the one hand, and, on the other, points in Carroll County, TN.

MC 152256 (Sub-2F), filed November 10, 1980. Applicant: GRAMMER INDUSTRIES, INC., P.O. Box 51, Grammer, IN 47236. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 No. Meridian St., Indianapolis, IN 46204. Transporting (1) *fertilizer*, (a) from points in Jefferson County, KY, to points in IN, and (b) from points in Hamilton County, OH, to those points in IN on and south of U.S. Hwy 40, and (2) *empty bags, fertilizer materials, lime, and sulphate of ammonia*, from points in IN to points in Jefferson County, KY. Condition: By this application applicant seeks to convert the contract carrier authority acquired in decision of February 1, 1980 in MC-FC-78374, (Permit not yet issued), to that of common carrier authority; therefore issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of the authority acquired in MC-FC-78374.

MC 152616 (Sub-1F), filed November 18, 1980. Applicant: MORTEN TRUCKING, INC., 1341 Edgerton Ave., Saint Paul, MN 55101. Representative: Joseph J. Dudley, W-1260 First National Bank Bldg., Saint Paul, MN 55101. Transporting *bottled wine and liquor*, between points in the U.S., under continuing contract(s) with Midwest Wine, Inc., and Griggs Cooper & Co., both of St. Paul, MN.

MC 152666F, filed November 12, 1980. Applicant: ROBERT C. FOWLER, d.b.a. BOB FOWLER TRUCKING, 3423 Maple, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701. Transporting *plumbing, industrial, and heating materials and supplies*, between points in the U.S., under continuing contract(s) with Northwest Pipe Fittings, Inc., of Rapid City, SD.

Volume No. OP5-064

Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 2428 (Sub-33F), filed November 13, 1980. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn (Perth Amboy), NJ 08861. Representative: Morton E. Kiel, 2 World Trade Center, Suite 1832, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Amax, Inc., of Greenwich, CT.

MC 25869 (Sub-172F), filed November 3, 1980. Applicant: C.O.D.E., INC., 4800 North Colorado Blvd., Denver, CO 80216.

Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 42289 (Sub-16F), filed November 12, 1980. Applicant: LOMBARD BROTHERS, INC., 233 Mill Street, Waterbury, CT 06076. Representative: Hugh M. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in ME, NH, VT, RI, MA, CT, NY, NJ, PA, MD, DE, VA, WV, and DC.

MC 79758 (Sub-2F), filed October 27, 1980. Applicant: REYNOLDS TRANSFER AND STORAGE CO., INC., 725 E. Mifflin St., Madison, WI 53703. Representative: Norman, A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *machinery and supplies for machinery,* between points in Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock, and Sauk Counties, WI, on the one hand, and, on the other, points in IA, IL, and MN.

MC 98589 (Sub-3F), filed November 13, 1980. Applicant: WORLD TRANSPORT, INC., 56 Oak Hill Way, Brockton, MA 02403. Representative: John G. Downes (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the United States in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities used by Dolphin Forwarding, Inc.

MC 112049 (Sub-26F), filed November 6, 1980. Applicant: McBRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL 61938. Representative: Michael R. Solomon, 433 Thatcher Ave., St. Louis, MO 63147. Regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between St. Louis, MO, and Shawneetown, IL, from St. Louis over U.S. Hwy 50 to junction IL Hwy 3, then over IL Hwy 3 to junction IL Hwy 13, then over IL Hwy 13 to Shawneetown and return over the same route serving all intermediate points, and serving points in St. Clair, Monroe, Clinton, Jefferson, Wayne, Edwards, Wabash, Lawrence, White, Hamilton, Franklin, Washington, Randolph, Perry, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties, IL, as off-route points.

Note.—Applicant intends to tack with its existing authority.

MC 112989 (Sub-134F), filed November 3, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Transporting *aluminum and aluminum articles,* between points in AZ, on the one hand, and, on the other, points in the U.S.

MC 116949 (Sub-19F), filed October 23, 1980. Applicant: BURNS TRUCKING, INC., Rural Route 1, Box 304, So. Sioux City, NE 68776. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with Hansen Manufacturing Corp., of Hartford, SD.

MC 119399 (Sub-139F), filed November 3, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting *liquid resin solution and materials and supplies* used in the manufacture of resin solutions (except commodities in bulk) between points in Mayes County, OK and points in AL, CO, FL, GA, IL, IA, and TX.

MC 121568 (Sub-65F), filed November 12, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN. Representative: James G. Caldwell (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household gods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Brownsville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack with its existing authority.

MC 121598 (Sub-10F), filed November 13, 1980. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Greenville, MS and Waskom, TX (a) from Greenville over U.S. Hwy 82 to junction U.S. Hwy 165, then over U.S. Hwy 165 to junction Interstate Hwy 20, then over Interstate Hwy to Waskom and return over the same route, serving all intermediate points, (b) from Greenville over U.S. Hwy 61 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Waskom and return over the same route, serving all intermediate points and serving Sterling, LA as are off-route point in connection with routes (a) and (b).

Note.—Applicant intends to tack this authority with its existing authority in MC 121598.

MC 121658 (Sub-35F), filed November 7, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between Bastrop, LA and Crossett, AR, from Bastrop over LA Hwy 139 to junction LA Hwy 142, then over LA Hwy 142 to junction AR Hwy 133, then over AR Hwy 133 to Crossett, and return over the same route, serving all intermediate points.

MC 121658 (Sub-36F), filed November 7, 1980. Applicant: STEVE D. THOMPSON TRUCKING, INC., 710 Prairie St., Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Little Rock, AR and Shreveport, LA, from Little Rock over Interstate Hwy 30 to Texarkana, AR, then over U.S. Hwy 71 to Shreveport, and return over the same route, serving all intermediate points.

MC 123048 (Sub-487F), filed October 27, 1980. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cast iron products (except commodities in bulk), (1) between points in the U.S. (except AK, HI and IA), and (2) from points in the U.S. (except AK and HI) to points in IA.

Volume No. OP5-065

Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 133019 (Sub-3F), filed November 3, 1980. Applicant: TRIANGLE TRANSPORTATION, INC., 244 McCarty St., P.O. Box 15669, Houston, TX 77020.

Representative: Clint Oldham, 1108 Continental Life Bldg., Fort Worth, TX 76102. Transporting (1) *machinery, equipment, material and supplies* used in, or in connection with, the discovery, development, production, refining manufacture, processing, storage, transmission and distribution of natural gas, and petroleum and petroleum products and by-products, and (2) *machinery, equipment, materials 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, (3) *heavy and self-propelled machinery*, (4) *commodities* which because of size or weight require the use of special equipment, (5) *iron and steel articles*, and (6) *pipe*, between points in TX. NOTE: The purpose of this application is to convert applicant's Certificate of Registration in MC 133019 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 MC 133019.

MC 138469 (Sub-254F), filed November 13, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *general commodities* (except commodities in bulk, household goods as defined by the Commission and classes A and B explosives) between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of Pangburn Co.

MC 138469 (Sub-255F), filed November 11, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by business machine manufacturers (except commodities in bulk), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Victor Business Products.

MC 141458 (Sub-2F), filed November 5, 1980. Applicant: NORMAN L. COOK, d.b.a. COOK'S TRANSPORTATION, Route 5, Box 700, Dover, DE 19901. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Transporting (1) *feed, fertilizer, seed, lime, insecticides, herbicides, and pesticides* (except in bulk, in tank vehicles) between points in Chesapeake, Norfolk, and Hopewell, VA and points in NJ and PA, on the one hand, and, on the other, points in MD and DE, (2) *salt*, between White Marsh and Baltimore, MD, and Watkins Glen, NY, on the one hand, and, on the other, points in DE and MD, and (3) *pet food* between points in Cumberland and York Counties, PA, Tioga County, NY, and St. Mary's, OH, on the one hand, and, on the other, points in DE and MD.

MC 143218 (Sub-9F), filed October 28, 1980. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, P.O. Box 4145 Youngstown, OH 44515. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in by grocery and food business houses, and *materials, equipment, and supplies* used in the conduct of such business (except commodities in bulk), between points in the U.S., under continuing contract(s) with Santisi Produce Co., of Youngstown, OH.

MC 143708 (Sub-5F), filed November 7, 1980. Applicant: DUNES TRANSPORT, INC., 3965 North Meridian St., Indianapolis, IN 46208. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. Transporting *flour* (in bulk) between New Hampton, IA, Camden, NJ, Salisbury, MD and points in MI, IL, OH, and IN.

MC 144189 (Sub-11F), filed November 7, 1980. Applicant: CORPORATE TRANSPORT, INC., 107 7th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *such commodities* as are dealt in by manufacturers and distributors of furnaces and air conditioners (except in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in IL, MA, NY, PA, and VT, under continuing contract(s) with The Williamson Company of Cincinnati, OH.

MC 145119 (Sub-5F), filed November 3, 1980. Applicant: LINT TRANSFER, INC., 4549 Delaware, Des Moines, IA 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting (1) *tires, tire parts, and inner tubes*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) (except commodities in bulk), between points in the U.S., under continuing contract(s) with the The Firestone Tire & Rubber Company, of Des Moines, IA.

MC 145559 (Sub-6F), filed November 12, 1980. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Transporting *frozen vegetables*, from points in WA, OR, and ID, to points in TX, LA, AR, MS, AL, TN, GA, FL, and SC.

MC 145999 (Sub-7F), filed October 31, 1980. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same address as applicant). Transporting (1) (a) *dolomite, clay, talc, silica, in bags, and* (b) *drywall joint treatment and texture compounds*, from Newark and Vallejo, CA, to points in UT, (2) *ground limestone*, from Lucerne Valley, CA, to Clearfield, UT, and (3) *drywall joint treatment and texture compounds*, from Clearfield, UT, to Vallejo, CA.

MC 146108 (Sub-2F), filed November 13, 1980. Applicant: BIG T TRANSFER, INC., 1814 Gillett Ave., Louisville, KY 40216. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201. Transporting (1) *paint, paint products, wall coverings and adhesives*, and (2) *materials, 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 Devoe & Reynolds Co., Division of Grow Group, Inc., of Louisville, KY.

MC 146578 (Sub-19F), filed November 12, 1980. Applicant: PALMETTO MOTOR LINES, INC., P.O. Box 6445, Spartanburg, SC 29304. Representative: Donald E. Cross, 918 16th Street, N.W., Washington, DC 20006. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in GA, NC, SC, and TN.

MC 146979 (Sub-3F), filed November 7, 1980. Applicant: L. E. CAWOOD, d.b.a. L. E. CAWOOD PRODUCE, P.O. Box 83, Springdale, AR 72764. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between points in the U.S. under continuing contract(s) with The Kroger Co., of Cincinnati, OH.

MC 149148 (Sub-5F), filed November 6, 1980. Applicant: SOUND WAYS FREIGHT SYSTEMS, INC., 257 BURRETT ST., Southington, CT 06489. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting (1) *electrical wire, electrical cable, electrical conduits, electrical parts and electrical equipment*, and (2) *materials and supplies* used in the manufacture of the commodities in (1), between New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

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Decided: November 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 149308 (Sub-6F), filed October 31, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *bananas*, from Charleston, SC, Mobile, AL, Tampa, FL, Gulfport, MS, New Orleans, LA, and Houston and Galveston, TX, to Cincinnati, OH, and Louisville, KY.

MC 149539 (Sub-1), filed November 7, 1980. Applicant: LUCIUS, INC, 6075 E. 60th Ave., Commerce City, CO 80022. Representative: James P. Peck, 717 17th St., Suite 2600, Denver, CO 80202. Transportating *meats, meat products, meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between points in the U.S., under continuing contract(s) with Sterling Colorado Beef Company, of Sterling, CO.

MC 150058 (Sub-1F), filed November 10, 1980. Applicant: PHILPOTT CARTAGE CO., a corporation, 6658 West 99th St., Chicago Ridge, IL 60415. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting *such commodities* as are dealt in or used by manufacturers of railway equipment, between Chicago, IL, and Kenosha, WI, on the one hand, and, on the other, points in IA, IL, IN, MI, MO, NY, OH, PA, and WI.

MC 150339 (Sub-11F), filed October 31, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). Transporting *general commodities (except household goods as defined by the Commission and classes A & B explosives)*, between points in the U.S. under continuing contract(s) with Rose's Stores Inc., of Henderson, NC. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. § 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 150448 (Sub-2F), filed November 3, 1980. Applicant: CHART TRANSPORTATION, INC., P.O. Box 657, Union, NJ 07083. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and plastic products, between points in the U.S., under continuing contract(s) with Continental Group, Bondware Division, of Palatine, IL.

MC 150589 (Sub-1F), filed November 13, 1980. Applicant: J & K TRANSPORTATION, INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036. Transporting (1) *empty containers and lids and ends for empty containers, and* (2) *materials, equipment, and supplies* used in the manufacture and distribution of empty containers, lids and ends for empty containers, and soft drink products, between points in the U.S., under continuing contract(s) with Diversified Containers, Inc., and Pepsi Cola Metropolitan Bottling Co., both of Purchase, NY.

MC 150829 (Sub-1F), filed October 27, 1980. Applicant: AMERICAN TRUCKING COMPANY, INC., P.O. Box 286, Montgomery, AL 36101. Representative: John Patterson, Suite 725, Bell Building, Montgomery, AL 36104. Transporting (1) *meat and meat products*, from points in AL to points in FL, and (2) *citrus and citrus products* from points in FL to points in AL, GA, SC, NC, KY, LA, and TX.

MC 151329 (Sub-1F), filed October 26, 1980. Applicant: MIDWEST STORAGE & TRANSPORTATION, INC., 8701 East 8 Mile Rd., Warren, MI 48089. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. Transporting *iron and steel articles, and materials* used in the manufacture and distribution of iron and steel articles, between points in the U.S., under continuing contract(s) with (a) Commodity Steel & Processing, of Warren, MI, (b) Trevor Steel Company, of Roseville, MI, (c) Hanwa American, of New York, NY, (d) Steel & Wire Corp, of Utica, MI, (e) M. P. N. Manufacturing Co., of Utica, MI, (f) Minkin Metals Co., of Detroit, MI, and (f) Merrit International Corp., of Southfield, MI.

MC 151339 (Sub-1F), filed November 4, 1980. Applicant: LOCK TRUCK LEASING, INC., 122 Penn St., P.O. Box 274, Irving, TX 75060. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. Transporting *such commodities* as are dealt in by grocery and food business houses, between Denver, CO, on the one hand, and, on the other, points in TX.

MC 151539 (Sub-1F), filed November 5, 1980. Applicant: CARL CAPPARELLE, JOHN CAPPARELLE, AND ANGELO CAPPARELLE, a partnership, d.b.a. CAPPARELLE TRUCKING, 216 W. Beaver St., Bellfonte, PA 16823. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. Transporting *commodities in bulk*, between points in Centre County, PA, on the one hand, and, on the other, points in NY.

MC 152068 (Sub-1F), filed October 27, 1980. Representative: HOC-EXPRESS, INC., 125 N. Elizabeth, Wichita, KS 67203. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting (1) *air conditioning units and refrigeration units*, (2) *components* for the commodities in (1) and (3) *materials, equipment, and supplies* used in the repair of the commodities in (1) and (2), between points in Sedwick County, KS, on the one hand, and, on the other, points in WA, OR, CA, NV, ID, UT, MT, WY, CO, ND, SD, NE, MN, and LA.

MC 152128 (Sub-1F), filed October 17, 1980. Applicant: STATE TRANSPORT SERVICE, INC., 13209 Market St., Houston, TX 77015. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024. Transporting (1) (a) *prestressed concrete products* from points in Harris County, TX, to points in AR, LA, and OK, and (b) *materials, equipment, and supplies* used in the manufacture and distribution thereof, in the reverse direction and (2) *iron and steel articles*, between points in Harris and Galveston Counties, TX, on the one hand, and, on the other, points in AR, LA, MS, NM, OK, and TX.

MC 152319 (Sub-1F), filed November 13, 1980. Applicant: CAYMAN WEST CORPORATION, d.b.a. CAPROCK PIGGYBACK SERVICE, P.O. Box 4303, Odessa, TX 79761. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from points in Ector County, TX, to points in NM and TX, restricted to traffic having a prior or subsequent movement by rail.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-38217 Filed 12-9-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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.s., 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 January 26, 1984 (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. OP1-092

Decided: December 3, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill. Member Hill not participating.

MC 2860 (Sub-214F), filed November 25, 1980. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360.Representative: Gerald Duzinski (same address as applicant). Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in AZ, CA, CO, IA, ID, KS, MO, MT, ND, NE, NM, NV, OR, SD, UT, WA, and WY.

Note.—Applicant intends to tack this authority with its existing authority.

MC 22631 (Sub-1F), filed November 21, 1980. Applicant: DULLY & SON, INC., 557 Prospect Ave., West Hartford, CT 06105. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510. Transporting *household goods,* between points in CT, on the one hand, and, on the other, points in ME, NH, VT, VA, and NC.

MC 29910 (Sub-307F), filed November 14, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72910. Representative: Joseph K. Reber (same address as applicant). Transporting (1) *foodstuffs,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of foodstuffs, between Dixon and Chicago, IL, St. Louis, MO, Cincinnati, OH, and Dallas, Houston, Laredo, and San Antonio, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 29910 (Sub-308F), filed November 20, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72910. Representative: Joseph K. Reber (same address as applicant). Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses,* as described in sections A and C 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 Barton, Sedgwick, and Shawnee Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 29910 (Sub-309F), filed November 28, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72910. Representative: Joseph K. Reber (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fort Collins and Denver, CO, (a) over U.S. Hwy 287, and (b) from Fort Collins over U.S. Hwy 287 to Longmont, then over CO Hwy 119 to junction U.S. Hwy 36, then over U.S. Hwy 36 to Denver, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack to its existing authority.

MC 39140 (Sub-179F), filed November 18, 1980. Applicant: A. DUIE PYLE, INC., 200 Garfield Avenue, West Chester, PA 19380. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in PA, on the one hand, and, on the other, points in DE, MD, NJ, NY, and DC.

MC 47171 (Sub-191F), filed November 28, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *aluminum articles,* and *materials, equipment, and supplies* used in the manufacture and distribution of aluminum articles, 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 used by Alumax of South Carolina, its divisions and subsidiaries.

MC 52460 (Sub-295F), filed November 25, 1980. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant). Transporting *malt beverages,* between San Antonio, TX, on the one hand, and, on the other, Baton Rouge and Lake Charles, LA.

MC 84450 (Sub-6F), filed November 10, 1980. Applicant: S. R. T. MOTOR FREIGHT, INC., 1801 South Pennsylvania Ave., Morrisville, PA 19067. Representative: Stephen R. Tranovich (same address as applicant). Transporting (1) *steam turbines, speed reducing machines,* (2) *electric generator parts,* and *parts* for the commodities in (1), and (3) *materials, equipment,* and *supplies* used in the manufacture of the commodities in (1) and (2), between points in Essex County, MA, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, NC, WV, OH, IN, IL, and DC, restricted to traffic originating at or destined to the facilities of General Electric Co.

MC 85970 (Sub-42F), filed November 21, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook St., Dyersburg, TN 38024. Representative: Larry Kilzer (same address as applicant). Transporting *printed matter,*

and materials, equipment, and supplies used in the manufacture of printed matter, between points in the U.S., restricted to traffic originating at or destined to the facilities of Random House and its suppliers.

MC 94201 (Sub-200F), filed November 4, 1980. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA. 30316. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St. NW., Washington, DC 20006. *Over regular routes,* transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives, (1) between Birmingham, AL and Atlanta, GA, (a) over Interstate Hwy 20, and (b) over U.S. Hwy 78, (2) between Birmingham, AL and Knoxville, TN, (a) over U.S. Hwy 11, and (b) from Birmingham over Interstate Hwy 59 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Knoxville, and return over the same route, (3) between Birmingham, AL and Lake City, FL, from Birmingham over U.S. Hwy 280 to junction GA Hwy 55, then over GA Hwy 55 to junction U.S. Hwy 82, then over U.S. Hwy 82 to junction U.S. Hwy 41 and Interstate Hwy 75, then over U.S. Hwy 41 to Lake City (also from junction U.S. Hwy 41 and Interstate Hwy 75, over Interstate Hwy 75 to junction U.S. Hwy 90, then over U.S. Hwy 90 to Lake City), and return over the same route, (4) between Birmingham, AL and Memphis, TN, over U.S. Hwy 78, (5) between Birmingham, AL and Nashville, TN, (a) over Interstate Hwy 65, and (b) over U.S. Hwy 31, (6) between Birmingham, AL and New Orleans, LA, (a) over U.S. Hwy 11, and (b) from Birmingham over Interstate Hwy 59 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (7) between Birmingham, AL and Pensacola, FL, from Birmingham over U.S. Hwy 31 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Pensacola, and return over the same route, (8) between Mobile, AL and Corinth, MS, over U.S. Hwy 45, (9) between Mobile, AL and Houston, TX, (a) over Interstate Hwy 10, and (b) from Mobile over U.S. Hwy 90 to New Orleans, LA, then over U.S. Hwy 61 to Baton Rouge, LA, then over U.S. Hwy 190 to Kinder, LA, then over U.S. Hwy 165 to junction U.S. Hwy 90 (also over Interstate Hwy 10), then over U.S. Hwy 90 (also over Interstate Hwy 10) to Houston, and return over the same route, (10) between Mobile, AL and Jacksonville, FL, (a) over U.S. Hwy 90, and (b) over Interstate Hwy 10, (11) between Mobile, AL and Perry, FL, over U.S. Hwy 98, (12) between Montgomery, AL and Ft. Worth, TX, over U.S. Hwy 80, (13) between junction U.S. Hwy 80 and Interstate Hwy 20 and Fort Worth, TX, over Interstate Hwy 20, (14) between Montgomery, AL and Waycross, GA, over U.S. Hwy 82, (15) between Tuscaloosa, AL and Ft. Worth, TX, from Tuscaloosa over U.S. Hwy 82 to Texarkana, TX, then over U.S. Hwy 67 (also over Interstate Hwy 30) to Dallas, TX, then over U.S. Hwy 80 to Ft. Worth, and return over the same route, (16) between Little Rock, AR, and Abbeville, LA, over U.S. Hwy 167, (17) between Little Rock, AR and Rock Island, IL, over U.S. Hwy 67, (18) between Jacksonville FL and Florence, SC, over Interstate Hwy 95, (19) between Jacksonville and Miami, FL, (a) over U.S. Hwy 1, and (b) over Interstate Hwy 95, (20) between Lake City, FL and Franklin, NC, over U.S. Hwy 441, (21) between Tampa and Vero Beach, FL, over FL Hwy 60, (22) between Athens, GA and Charlotte, NC, from Athens over GA Hwy 72 to the GA-SC State line, then over SC Hwy 72 to junction U.S. Hwy 21, then over U.S. Hwy 21 to Charlotte, NC, and return over the same route, (23) between Atlanta, GA and Charlotte, NC, (a) over Interstate Hwy 85, and (b) over U.S. Hwy 29, (24) between Atlanta, GA and Chattanooga, TN, (a) over U.S. Hwy 41, and (b) over Interstate Hwy 75, (25) between Atlanta, GA and Columbia, SC, over Interstate Hwy 20, (26) between Atlanta, GA and Greenville, SC, from Atlanta over U.S. Hwy 23 to Cornelia, GA, then over U.S. Hwy 123 to Greenville, and return over the same route, (27) between Atlanta, GA and Memphis, TN, from Atlanta over U.S. Hwy 278 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Memphis, and return over the same route, (28) between junction U.S. Hwy 278 and 431 and Memphis, TN, from junction U.S. Hwys 278 and 431 over U.S. Hwy 431 to Huntsville, AL, then over U.S. Hwy 72 to Memphis (also from Corinth, MS over U.S. Hwy 45 to Jackson, TN, then over U.S. Hwy 70 to Memphis), and return over the same routes, (29) between junction U.S. Hwy 278 and 231 and Memphis, TN, from junction U.S. Hwys 278 and 231, over U.S. Hwy 231 to junction AL Hwy 67, then over AL Hwy 67 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Decatur, AL (also from junction U.S. Hwy 231 and AL Hwy 67 over U.S. Hwy 231 to Huntsville, AL, then over Alternate U.S. Hwy 72 to Decatur, AL), then over Alternate U.S. Hwy 72 to junction U.S. Hwy 72, then over U.S. Hwy 72 to Memphis, and return over the same route, (30) between Atlanta, GA and Orlando, FL, (a) from Atlanta over Interstate Hwy 75 to junction FL Hwy 44, then over FL Hwy 44 to junction U.S. Hwys 27 and 441, then over U.S. Hwy 441 to Orlando, and return over the same route and (b) from Atlanta over U.S. Hwy 23 to Jacksonville, FL, then over Interstate Hwy 95 to junction Interstate Hwy 4, then over Interstate Hwy 4 to Orlando, and return over the same route, (31) between Atlanta, GA and junction U.S. Hwy 341 and Interstate Hwy 75, from Atlanta over U.S. Hwy 41 to junction U.S. Hwy 341, then over U.S. Hwy 341 to junction Interstate Hwy 75, and return over the same route, (32) between junction U.S. Hwys 341 and 41 and junction U.S. Hwys 441 and 41, over U.S. Hwy 41, (33) between Jacksonville, FL and junction U.S. Hwy 17 and Interstate Hwy 4, over U.S. Hwy 17, (34) between Atlanta, GA and Tampa, FL, over Interstate Hwy 75, (35) between Orlando, FL and Tampa, FL, over Interstate Hwy 4, (36) between Atlanta, GA and Miami, FL, over U.S. Hwy 41, (37) between junction Interstate Hwy 75 and FL Hwy 44 and Miami, FL, from junction Interstate Hwy 75 and FL Hwy 44, over FL Hwy 44 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Miami, and return over the same route, (38) between junction U.S. Hwys 41 and 341 and junction U.S. Hwy 341 and Interstate Hwy 75, over Interstate Hwy 341, (39) between junction U.S. Hwys 41 and 441 and Miami, FL, over U.S. Hwy 441, (40) between Atlanta, GA and Panama City, FL, from Atlanta over U.S. Hwy 29 (also Interstate Hwy 85) to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Panama City, and return over the same route, (41) between Atlanta, GA and St. Petersburg, FL, over U.S. Hwy 19, (42) between Augusta, GA and Asheville, NC, over U.S. Hwy 25, (43) between Augusta, GA and Baltimore, MD, over U.S. Hwy 1,

(44) between junction U.S. Hwy 25 and Interstate Hwy 20 and Baltimore, MD, from junction U.S. Hwy 25 and Interstate Hwy 20, over Interstate Hwy 20 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Baltimore, and return over the same route, (45) between Augusta, GA and Charleston, SC, over U.S. Hwy 78, (46) between Savannah and Atlanta, GA, (a) from Savannah over U.S. Hwy 80 to Macon, GA, then over U.S. Hwy 41 (also over U.S. Hwy 23) to Atlanta, and return over the same route, and (b) from Savannah over Interstate Hwy 16 to Macon, then over Interstate Hwy 75 to Atlanta, and return over the same route, (47) between Savannah, GA and junction U.S. Hwy 321 and U.S. Hwy 21, over U.S. Hwy 321, (48) between Savannah, GA and

Philadelphia, PA, from Savannah over U.S. Hwy 321 to junction U.S. Hwy 301, at or near Ulmers, SC, then over U.S. Hwy 301 to Philadelphia, and return over the same route, (49) between Savannah, GA, and junction U.S. Hwy 17 and U.S. Hwy 301, over U.S. Hwy 17, (50) between Chicago, IL and Boston, MA, over Interstate Hwy 90, (51) between Chicago and East Dubuque, IL, over U.S. Hwy 20, (52) between Chicago and East Moline, IL, over IL Hwy 5, (53) between Chicago, IL and Milwaukee, WI, (a) over Interstate Hwy 94, (b) from Chicago over IL Hwy 43 to its junction with WI Hwy 32, at the IL–WI state line, then over WI Hwy 32 to Milwaukee, and return over the same route, and (c) over U.S. Hwy 41, (54) between Chicago, IL and Oklahoma City, OK, from Chicago over Interstate Hwy 55 to St. Louis, MO, then over Interstate Hwy 44 to Oklahoma City, and return over the same route, (55) between Toledo, OH and Topeka, KS, over U.S. Hwy 24, (56) between Indianapolis, IN and Cincinnati, OH, (a) over U.S. Hwy 52, and (b) over Interstate Hwy 74, (57) between Indianapolis, IN and Ft. Wayne, IN, over Interstate Hwy 69, (58) between Indianapolis, IN and the KS–CO state line, near St. Francis, KS, over U.S. Hwy 36, (59) between Indianapolis, IN and East Moline, IL, over Interstate Hwy 74, (60) between South Bend, IN and Indianapolis, IN, over U.S. Hwy 31, (61) between Frankfort, KY and Suffolk, VA, over U.S. Hwy 460, (62) between Louisville, KY and Kanorada, KS, from Louisville over Interstate Hwy 64 to St. Louis, MO, then over Interstate Hwy 70 to Kanorada, and return over the same route, (63) between Somerset and Mayfield, KY, over U.S. Hwy 68, (64) between Baton Rouge, LA and the MO-IA state line, near Lucerne, MO, from Baton Rouge over U.S. Hwy 61 to junction U.S. Hwy 65, near Natchez, MS, then over U.S. Hwy 65 to the MO-IA State line, and return over the same route, (65) between New Orleans, LA and Van Horn, TX, over U.S. Hwy 90, (66) between Ft. Worth, TX, and junction Interstate Hwys 10 and 20, at or near Kent, TX, over Interstate Hwy 20, (67) between Baltimore, MD and Atlantic City, NJ, over U.S. Hwy 40, (68) between Baltimore, MD and Harrisburg, PA, over Interstate Hwy 83, (69) between Baltimore, MD and Rouses Point, NY, from Baltimore over U.S. Hwy 1 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 87 and U.S. Hwy 9, then over Interstate Hwy 87 and U.S. Hwy 9 to Rouses point, and return over the same route, (70) between Macon, GA and Montgomery, AL, over U.S. Hwy 80, (71) between the MO/IA State line, at or near Tarkio, MO, and Texarkana, TX, over U.S. Hwy 59, (72) between St. Louis, MO and Garden City, KS, over U.S. Hwy 50, (73) between St. Louis, MO and Ocean City, MD, over U.S. Hwy 50, (74) between Binghamton, NY and Troy, NY, over NY Hwy 7, (75) between Buffalo, NY and Albany, NY, over U.S. Hwy 20, (76) between Hancock, NY and Malone, NY, over NY Hwy 30, (77) between New York, NY and Boston, MA (a) over Interstate Hwy 95, and (b) over U.S. Hwy 1, (78) between Greenfield, MA, and junction U.S. Hwy 1 and Interstate Hwy 95, (a) over U.S. Hwy 5, and (b) over Interstate Hwy 91, (79) between New York, NY and Wildwood, NJ, over U.S. Hwy 9, (80) between Williamstown, MA, and junction U.S. Hwy 1 and Interstate Hwy 95, over U.S. Hwy 7, (81) between Troy, NY and Boston, MA over MA Hwy 2, (82) between Asheville, NC and Kingsport, TN, over U.S. Hwy 23, (83) between Charlotte, NC and Buffalo, NY, from Charlotte over Interstate Hwy 77 to junction U.S. Hwy 219, then over U.S. Hwy 219 to Buffalo, and return over the same route, (84) between Charlotte, NC and Greensboro, NC, (a) over U.S. Hwy 29, and (b) over Interstate Hwy 85, (85) between Charlotte, NC and Wilmington, NC, over U.S. Hwy 74, (86) between Durham, NC and Culpepper, VA, over U.S. Hwy 15, (87) between Greensboro, NC and Beaufort, NC, over U.S. Hwy 70, (88) between Greensboro, NC and Huntington, WV, from Greensboro over U.S. Hwy 220 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Huntington, and return over the same route, (89) between Greensboro, NC and junction U.S. Hwys 29 and 15, over U.S. Hwy 29, (90) between Harrisburg, PA and Rochester, NY, over U.S. Hwy 16, (91) between Akron, OH and New York, NY, from Akron over Interstate Hwy 76 to junction Interstate Hwy 80, then over Interstate Hwy 80 to New York, and return over the same route, (92) between Akron, OH and Philadelphia, PA, over Interstate Hwy 76, (93) between Cincinnati, OH and Fort Wayne, IN, over U.S. Hwy 27, (94) between Cincinnati, OH and Toledo, OH, (a) over U.S. Hwy 25, and (b) over Interstate Hwy 75, (95) between Cleveland, OH and New Bedford, MA, over U.S. Hwy 6, (96) between Columbus, OH and Indianapolis, IN, (a) over U.S. Hwy 40, and (b) over Interstate Hwy 70, (97) between Columbus, OH and junction Interstate Hwys 70 and 76, over Interstate Hwy 70, (98) between Columbus, OH and Pittsburgh, PA, from Columbus over U.S. Hwy 40 to junction U.S. Hwy 22, then over U.S. Hwy 22 to Pittsburgh, and return over the same route, (99) between Sandusky, OH and Richmond, VA, over U.S. Hwy 250, (100) between Philadelphia, PA and Pittsburgh, PA, over U.S. Hwy 30, (101) between Philadelphia, PA and Scranton, PA, (a) over PA Hwy 9, and (b) from Philadelphia over PA Hwy 611 to junction Interstate Hwy 380, then over Interstate Hwy 380 to Scranton, and return over the same route, (102) between Pittsburgh, PA and Harrisburg, PA, over U.S. Hwy 22, (103) between Charleston, SC and junction U.S. Hwys 301 and 117, from Charleston over U.S. Hwy 701 to junction NC Hwy 403, then over NC Hwy 403 to junction U.S. Hwy 117, then over U.S. Hwy 117 to junction U.S. Hwy 301, and return over the same route, (104) between Charleston and Spartanburg, SC, (a) over U.S. Hwy 176, and (b) from Charleston over interstate Hwy. 26 to junction U.S. Hwy 221, then over U.S. Hwy 221 to Spartanburg, and return over the same route, (105) between Charleston SC and Winston-Salem, NC, over U.S. Hwy 52, (106) between Columbia, SC and Athens, GA, from Columbia over U.S. Hwy 378 to Washington, GA, then over U.S. Hwy 78 to Athens, and return over the same route, (107) between Columbia, SC and Greenville, SC, from Columbia over U.S. Hwy 76 to junction U.S. Hwy 221, then over U.S. Hwy 221 to junction U.S. Hwy 276, then over U.S. Hwy 276 to Greenville, and return over the same route, (108) between Columbia, SC and Hickory, NC, over U.S. Hwy 321, (109) between Bristol, TN and Chicago, IL, from Bristol over U.S. Hwy 421 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Chicago, and return over the same route, (110) between Bristol, TN and Cincinnati, OH, from Bristol over U.S. Hwy 421 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Cincinnati, and return over the same route, (111) between Bristol, TN and Cleveland, OH, from Bristol over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland, and return over the same route, (112) between Bristol, TN and Norfolk, VA, over U.S. Hwy 58, (113) between Toledo, OH and junction U.S. Hwys 23 and 52, over U.S. Hwy 23, (114) between Bristol, TN and Wilmington, NC, over U.S. Hwy 421, (115) between Chattanooga, TN and junction U.S. Hwys 72 and Alternate 72, from Chattanooga over U.S. Hwy 64 to junction U.S. Hwy 72, then over U.S. Hwy 72 to junction Alternate U.S. Hwy 72, and return over the same route, (116) between Chattanooga, TN and Chicago,

IL, from Chattanooga over U.S. Hwy 41 (also over Interstate Hwy 24) to Nashville, TN, then over Alternate U.S. Hwy 41 to Hopkinsville, KY, then over U.S. Hwy 41 to Chicago, and return over the same route, (117) between Nashville, TN and Cincinnati, OH, from Nashville over U.S. Hwy 31–W (also over Interstate Hwy 65) to Louisville, KY, then over Interstate Hwy 71 (also over U.S. Hwy 42) to Cincinnati, and return over the same route, (118) between Chattanooga, TN and Cleveland, OH, from Chattanooga over U.S. Hwy 27 to Lexington, KY, then over U.S. Hwy 25 to Cincinnati, then over U.S. Hwy 42 to Cleveland, and return over the same route, (119) between Knoxville, TN and Cleveland, OH, from Knoxville over Interstate Hwy 75 to Cincinnati, OH, then over Interstate Hwy 71 to Cleveland, OH, and return over the same route, (120) between Chattanooga, TN and Columbia, NC, over U.S. Hwy 64, (121) between Louisville, KY and Indianapolis, IN, (a) over U.S. Hwy 31 and (b) over Interstate Hwy 65, (122) between Chattanooga, TN and Mobile, AL, from Chattanooga over U.S. Hwy 27 to junction U.S. Hwy 278, then over U.S. Hwy 278 to junction AL Hwy 21, then over AL Hwy 21 to junction U.S. Hwys 231 and 231A, then over U.S. Hwys 231 and 231A to junction Interstate Hwy 65 and U.S. Hwy 31, then over Interstate Hwy 65 and U.S. Hwy 31 to Mobile, and return over the same route, (123) between Chattanooga, TN and Montgomery, AL, from Chattanooga over U.S. Hwy 27 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Montgomery and return over the same route, (124) between Jackson, TN and Evansville, IN, from Jackson over U.S. Hwy 45 to intersection U.S. Hwys 45E and 45W, then over U.S. Hwy 45E to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Evansville, and return over the same route, (125) between Jackson, TN and Rockford, IL, from Jackson over U.S. Hwy 45 to junction U.S. Hwys 45E and 45W, then over U.S. Hwy 45W to junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford, IL, and return over the same route, (126) between Knoxville, TN and Alexandria Bay, NY, over Interstate Hwy 81, (127) between junction Interstate Hwy 77 and U.S. Hwy 19 and Erie, PA, from junction Interstate Hwy 77 and U.S. Hwy 19, over U.S. Hwy 19 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, (128) between Knoxville, TN and Greensboro, NC, over Interstate Hwy 40, (129) between junction Interstate Hwy 81 and U.S. Hwy 220 and Rouses Point, NY, from junction Interstate Hwy 81 and U.S. Hwy 220, over U.S. Hwy 220 to junction NY Hwy 17, then over NY Hwy 17 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Rouses Point, NY, and return over the same route, (130) between Memphis, TN and junction U.S. Hwy 51 and Interstate Hwy 10 at Metairie, LA, (a) over U.S. Hwy 51 and (b) over Interstate Hwy 55, (131) between Memphis, TN and Bristol, TN, (a) from Memphis over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, and (b) from Memphis over U.S. Hwy 64 to junction U.S. Hwy 411, then over U.S. Hwy 411 to junction U.S. Hwy 11E, then over U.S. Hwy 11E to Bristol, and return over the same route, (132) between Memphis, TN and Chicago, IL, (a) from Memphis over U.S. Hwy 51 to junction U.S. Hwy 66, then over U.S. Hwy 66 to Chicago, and return over the same route, and (b) over Interstate Hwy 55,

(133) between junction Interstate Hwys 55 and 57 and Chicago, IL, over Interstate Hwy 57, (134) between Memphis, TN and El Paso, TX, (a) from Memphis over U.S. Hwy 64 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction U.S. Hwy 54, then over U.S. Hwy 54 to El Paso, and return over the same route, and (b) from Memphis over Interstate Hwy 40 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction U.S. Hwy 62, then over U.S. Hwy 62 to El Paso, and return over the same route, (135) between St. Louis, MO and Indianapolis, IN, (a) over Interstate Hwy 70, and (b) over U.S. Hwy 40, (136) between Memphis, TN and Lubbock, TX, from Memphis over U.S. Hwy 70 to junction U.S. Hwy 67, then over U.S. Hwy 67 to junction U.S. Hwy 82, then over U.S. Hwy 82 to Lubbock, and return over the same route, (137) between Memphis, TN and Texarkana, TX, from Memphis over Interstate Hwy 40 to Little Rock, AR, then over Interstate Hwy 30 to Texarkana, and return over the same route, (138) between Memphis, TN and Kansas City, KS, from Memphis over U.S. Hwy 70 (also over Interstate Hwy 55) to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60 at Cabool, MO, then over U.S. Hwy 60 to Springfield, MO, then over U.S. Hwy 66 to Carthage, MO, then over U.S. Hwy 71 to Kansas City, and return over the same route, (139) between Nashville, TN and Mobile, AL, from Nashville over U.S. Hwy 31 to junction U.S. Hwy 43, then over U.S. Hwy 43 to Mobile, and return over the same route, (140) between Beaumont, TX and Amarillo, TX, over U.S. Hwy 287, (141) between Brownsville and Dallas, TX, over U.S. Hwy 77, (142) between Dallas, TX and Laredo, TX, from Dallas over Interstate Hwy 35E to junction Interstate Hwy 35, then over Interstate Hwy 35 to Laredo, and return over the same route, (143) between Ft. Worth, TX and junction Interstate Hwys 35W and Interstate Hwy 35, over Interstate Hwy 35W, (144) between Dallas and Presidio, TX, over U.S. Hwy 67, (145) between Del Rio, Tx and Oklahoma City, OK, over U.S. Hwy 277, (146) between Galveston, TX and Belleville, KS, from Galveston over Interstate Hwy 45 to Dallas, then over Interstate Hwy 35 to Wichita, KS, then over U.S. Hwy 81 to Belleville, and return over the same route, (147) between Houston and El Paso, TX, over Interstate Hwy 10, (148) between Houston and Clovis, NM, from Houston over U.S. Hwy 290 to junction U.S. Hwy 183, then over U.S. Hwy 183 to junction U.S. Hwy 84, then over U.S. Hwy 84 to Clovis, and return over the same route, (149) between Laredo, TX and the KS-NE state line, near Oberlin, KS, over U.S. Hwy 83, (150) between Pharr, TX and Smith Center, KS, over U.S. Hwy 281, (151) between Texarkana, TX and Baton Rouge, LA, from Texarkana over U.S. Hwy 71 to junction U.S. Hwy 190, then over U.S. Hwy to Baton Rouge, and return over the same route, (152) between Texarkana, TX and Laredo, TX, over U.S. Hwy 59, (153) between Goldthwaite, TX, and Brunswick, GA, over U.S. Hwy 84, (154) between Norfolk, VA and Covington, VA, over U.S. Hwy 60, (155) between Norfolk, VA and Wilmington, DE, over U.S. Hwy 13, (156) between Burkeville, VA and Reedville, VA, over U.S. Hwy 360, (157) between Winchester and Gloucester, VA, from Winchester over U.S. Hwy 17 to junction VA Hwy 3, then over VA Hwy 3 to Gloucester, and return over the same route, (158) between Winchester, VA and junction Interstate Hwy 76 and U.S. Hwy 522, over U.S. Hwy 522, (159) between Charleston, WV and Louisville, KY, (a) over Interstate Hwy 64, and (b) over U.S. Hwy 60, serving all intermediate points and those in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, MO, MS, NC, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC as off-route points in connection with routes 1 through 159 above.

MC 111231 (Sub-328F), filed November 29, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902.

Transporting (1) *plastic pipe and fittings,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between Council Bluffs, IA, on the one hand, and, on the other, points in AR, CO, KS, MN, MO, NE, OK, SD, and TX.

MC 112801 (Sub-256F), filed November 25, 1980. Applicant: TRANSPORT SERVICE CO., 15 Salt Creek Lane, Hinsdale, IL 60521. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St., NW, Washington, DC 20001. Transporting *fruit juice, fruit juice concentrate, and wine,* in bulk, in tank vehicles, between points in NY, on the one hand, and, on the other, points in IL, NY, SC, and VA.

MC 114211 (Sub-483F), filed November 21, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers or distributors of iron and steel articles, between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, WA, and WY.

MC 114211 (Sub-484F), filed November 21, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr. (same address as applicant). *Such commodities* as are dealt in or used by manufacturers and dealers of agricultural, industrial, and construction equipment, between points in Hill County, MT, on the one hand, and, on the other, points in the U.S.

MC 114890 (Sub-109F), filed November 28, 1980. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting *commodities in bulk,* between points in the U.S.

MC 118370 (Sub-8F), filed November 25, 1980. Applicant: BANANA TRANSPORT, INC., 12712 North Oregon Ave., Tampa, FL 33612. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting (1) *heating and air conditioning units,* (2) *parts* for the commodities in (1) above, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between Nashville, TN, on the one hand, and, on the other, points in GA.

MC 119741 (Sub-286F), filed November 18, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave., N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). Transporting *automotive parts, agricultural implement parts, and home improvement items,* between Des Moines, IA, on the one hand, and, on the other, points in the U.S.

MC 120080 (Sub-5F), filed November 25, 1980. Applicant: MORGAN EXPRESS, INC., 10130 Monroe Drive, Dallas, TX 75229. Representative: Max G. Morgan P.O. Box 1540, Edmond, OK 73034. Over regular routes transporting *general commodities* (except classes A and B explosives) moving in express service, between Junction City, LA, and El Dorado, AR, over U.S. Hwy 167, serving all intermediate points.

MC 120910 (Sub-5F), filed November 19, 1980. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, AL 35401. Representative: Richard L. Davis (same address as applicant). Transporting (1) *iron and steel articles and rubber articles,* and (2) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (1), between points in Shelby and Talladega Counties, AL, on the one hand, and, on the other, points in the U.S.

MC 123091 (Sub-36F), filed November 18, 1980. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting (1) *machinery* and *iron and steel articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Cuyahoga County, OH, on the one hand, and, on the other, points in the U.S.

MC 124821 (Sub-111F), filed November 24, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. Transporting (1) *wood and wood products,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between Watsontown, PA, on the one hand and, on the other, points in the U.S.

MC 124821 (Sub-113F), filed November 25, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: Edward F. V. Pietrowski, 3300 Birney Ave. Moosic, PA 18507. Transporting (1) *salt and salt products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S.

MC 125420 (Sub-28F), filed November 20, 1980. Applicant: MERCURY TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *alcohol,* between points in the U.S., under continuing cantract(s) with Joseph E. Seagram & Sons, Inc., of New York, NY.

MC 125751 (Sub-10F), filed November 24, 1980. Applicant: H & W CARRIERS, INC., Box 130, Camargo, IL 61919. Representative: Robert T. Lawley, 300 Reisch Bldg. Springfield, IL 62701. Transporting *fertilizer,* between points in IL, IN, and MO.

MC 133590 (Sub-29F), filed November 18, 1980. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with United Freight Inc., of Marrow, GA.

MC 133591 (Sub-113F), filed November 24, 1980. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Transporting (1) *foodstuffs,* and (2) *materials and supplies* used in the manufacture and distribution of foodstuffs (except commodities in bulk), between points in Greene County, MO, and Hamilton County, OH.

MC 134501 (Sub-89F), filed November 17, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75601. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. Transporting *new furniture, fixtures, and equipment,* between points in the U.S. (except AK and HI). CONDITION: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of its certificates in (1) MC-134501 and Subs 10, 12G, 17, 18, 19, 20, 21, 22, 23, 24, 26F, 29F, 31F, 32F, 35F, 36F, 38F, 39F, 40F, 42F, 45F, 46F, 47F, 48F, 50F, 54F, 55F, 56F, 62F, 68F, 71F, 77F, and 78F, (2) MC-134501 and Sub E-1, and (3) the withdrawal, at applicant's written request, or any of the proceedings still pending in MC-134501 Subs 74, 83, 84, 85, 87, and 88.

MC 135410 (Sub-110F), filed November 19, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St., Rd., P.O. Box 266,

Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by bakeries (except commodities in bulk), between Wheeling, WV, on the one hand, and, on the other, points in FL, IA, IN, MI, MN, NE, and WI.

MC 135410 (Sub-111F), filed November 18, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th St., Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *such commodities* as are dealt in or used by foundry supply business houses (except commodities in bulk and those which because of size or weight require the use of special equipment), between Newton Falls and Solon, OH, and Pulaski, PA, on the one hand, and, on the other, points in IA, IL, IN, MN, MO, OH, and PA.

MC 135410 (Sub-113F), filed November 25, 1980. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. Transporting *chemicals* (except commodities in bulk), between points in Des Moines County, IA, on the one hand, and, on the other, points in IL, MA, NY, PA, and WV.

MC 135640 (Sub-11F) (Republication), filed November 25, 1980, previously noticed in the Federal Register issue of October 14, 1980. Applicant: STALEY EXPRESS, INCORPORATED, 2501 North Brush College Rd., Decatur, IL 62525. Representative: Charles Carnahan, Jr. (same address as applicant). Transporting (1) *paper and paper products,* and (2) *equipment, materials, and supplies* used in the manufacture of paper products, between points in Christian County, IL, on the one hand, and, on the other, points in GA, IN, KS, KY, MI, MO, OH, and TN.

Note.—The purpose of this republication is to indicate the correct radial destination state as TN in lieu of TX.

MC 135760 (Sub-24F), filed November 25, 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 *foodstuffs,* and *materials, equipment, and supplies* used in the manufacture of foodstuffs, between points in the U.S., under continuing contracts(s) with Vlasic Foods, Incorporated, of West Bloomfield, MI.

MC 135861 (Sub-87F), filed November 24, 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) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, between points in the U.S., under continuing contract(s) with Hershey Foods Corp., of Hershey, PA, and its subsidiaries.

MC 136720 (Sub-10F), filed November 14, 1980. Applicant: APPEX BULK COMMODITIES, a corporation, 11655 E. Washington Blvd., P.O. Box 872, Whittier, CA 90608. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *cement, sand, fluorspar, and coal,* between points in Kern, Los Angeles, and San Bernardino Counties, CA, and Clark, Esmeralda, Lincoln, and Nye Counties, NV, and points in UT.

MC 139360 (Sub-14F), filed November 21, 1980. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53403. Representative: William D. Brejcha, Ten South LaSalle St., No. 1600, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by fabricators of particleboard and hardboard, between points in the U.S., under continuing contract(s) with Harmeson Manufacturing Co., Inc., of Frankfort, IN.

MC 142011 (Sub-1F), filed November 11, 1980. Applicant: LEISURE TIME TOURS, INC., P.O. Box 587, Mahwah, NJ 07430. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022. Transporting *passengers and their baggage,* in the same vehicle with passengers, between points in the U.S., under continuing contract(s) with GNAC, Corp., of Atlantic City, NJ.

MC 142680 (Sub-14F), filed November 24, 1980. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, AL 36907. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *lumber,* from the facilities of Linden Lumber Co., at or near Linden, AL, to points in GA, FL, and LA.

MC 145011 (Sub-11F), filed November 25, 1980. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in the U.S., under continuing contract(s) with Wayn-Tex Inc., of Waynesboro, VA.

MC 145230 (Sub-5F), filed November 20, 1980. Applicant: H & S TRUCKING, INC., P.O. Box 127, Wesson, MS 39191. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. Transporting (1) *wood burning stoves* and *accessories* for wood burning stoves, and (2) *materials, 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 Bart Manufacturing Company, of Charlotte, NC.

MC 145421 (Sub-5F), filed November 1980. Applicant: ED BURNS d.b.a. ED. BURNS & SONS TRUCKING, Rural Route #1, Denver, IN 46926. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *screened and processed mill scale,* in dump vehicles, between points in the U.S., under continuing contract(s) with Paul Blum Company, Inc., of Buffalo, NY.

MC 145431 (Sub-2F), filed November 25, 1980. Applicant: DAN'S TRUCKING & LEASING, INC., P.O. Box 93, Allen Park, MI 48101. Representative: Richard A. Kerwin, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) L. B. Foster Company, of Pittsburgh, PA, and (2) Midwest Treating Corp., of Winslow, IN.

MC 145701 (Sub-16F), filed November 24, 1980. Applicant: D. C. TRANSPORT, INC., 916 S. Riverside Ave., St. Clair, MI 48079. Representative: James J. Sheehan (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), between the facilities of (a) Grand Trunk Western Railroad Co., at or near Ferndale, MI, and (b) the Detroit, Toledo, and Ironton Railroad Co., at or near Dearborn, MI, on the one hand, and, on the other, points in MI, restricted to traffic having a prior or subsequent movement by rail.

MC 145921 (Sub-3F), filed November 19, 1980. Applicant: AIR COURIERS, INC., 9470 Aerospace Dr., St. Louis, MO 63134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Adams, Brown, Schuyler, Pike, Cook, Lake,

DuPage, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaing, Vermilion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac Counties, IL, Warren, St. Louis, St. Charles, Franklin, Jefferson, Ste. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunkin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasconade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, and Clark Counties, MO, Des Moines and Lee Counties, IA, and Johnson and Wyandotte Counties, KS.

MC 146060 (Sub-5F), filed November 25, 1980. Applicant: S AND S TRUCKING COMPANY, a Corporation, 120 South Oakland Ave., Statesville, NC 28677. Representative: James M. Sample, Jr. (same address as applicant). Transporting *artist and office supplies and materials,* between points in the U.S., under continuing contract(s) with Hunt Manufactiring Company of Statesville, NC.

MC 146251 (Sub-8F), filed November 20, 1980. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye St., NW., Washington, DC 21096. Transporting (1) *molded plastic articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in Emanuel County, GA, on the one hand, and, on the other, 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.

MC 146281 (Sub-9F), filed November 18, 1980. Applicant: SILVER FLEET EXPRESS, INC., P.O. Box 6110, 4521 Rutledge Pike, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Penn. Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general commodities* (except classes A & B explosives, household goods as defined by the Commission, commodities in bulk, those of unusual value, and those requiring special equipment), serving points in Mobile County, AL, as an off-route point in connection with applicant's presently authorized regular-route operations.

MC 146510 (Sub-8F), filed November 24, 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 (1) *trailers and trailer chassis* (except trailers designed to be drawn by passenger automobiles), and (2) *materials, equipment, and supplies used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Great Dane Trailers Indiana, Inc., of Brazil, IN.*

MC 147210 (Sub-3F), filed November 25, 1980. Applicant: HOWARD DOUGHMAN, d.b.a. DOUGHMAN TRUCKING, 9317 Woodville Rd., Pleasant Plain, OH 45162. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Cincinnati, OH, and points in Warren, Clinton and Clermont Counties, OH, on the one hand, and, on the other points in the U.S.

MC 148370 (Sub-15F), filed November 20, 1980. Applicant: TRAFIK SERVICES, INC., 25 Esten Avenue, Pawtucket, RI 02860. Representative: A. Joseph Mega (same address as applicant). Transporting (1) *electrical wire and cable and electrical cord set,* and (2) *materials 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 ITT-Royal Electric Division, of Rumford, RI.

MC 148971 (Sub-3F), filed November 21, 1980. Applicant: YOUNG'S EXPRESS, INC., 1501 North Warwick Ave., Baltimore, MD 21216. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfiled, VA 22151. Transporting *frozen foods,* and *materials, equipment, and supplies* used in the manufacture and distribution of frozen foods, between points in DE, MD, and PA.

MC 150301 (Sub-8F), filed November 20, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Amway Corp., of Ada, MI.

MC 150311 (Sub-13F), filed November 29, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting (1) *alcoholic liquors* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of alcoholic liquors, between points in AR, KY, and NJ, on the one hand, and, on the other, points in the U.S.

MC 151960 (Sub-1F), filed November 25, 1980. Applicant: BERTRAND MOLTER, Route 1, Box 299, Eau Claire, MI 49111. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 2, Park Ridge, IL 60068. 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 California Products, Inc., Div. of Beatrice Foods, CO., of Chicago, IL.

MC 152600 (Sub-1F), filed November 24, 1980. Applicant: ROMUALD CHMURA, d.b.a. ALL CONTINENTS TRAVEL, 5717 North 7th Street, Phoenix AZ 85014. Representative: Romuald Chmura (same address as applicant). Transporting *passengers and their baggage,* in round-trip, charter and special operations, beginning and ending at points in AZ, and extending to points in the U.S. (including AK, but excluding HI).

MC 152830F, filed November 25, 1980. Applicant: GUY H. SHAFER, JR., d.b.a. S & S TRANSPORT SERVICE, R.R. 1, Box 296, Springport, IN 47386. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *paper products,* (2) *foodstuffs,* and (3) *materials and supplies* used in the manufacture of foodstuffs, between points in the U.S., under continuing contract(s) with Kraft, Inc., Dairy Group, of Huntington, IN.

MC 152841F, filed November 24, 1980. Applicant: FREEWAY EXPRESS, INC., 2930 Putnam Ave., Hurricane, WV 25526. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting (1) *iron and steel articles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, between points in the U.S., under continuing contract(s) with United States Steel Corporation of Pittsburgh, PA.

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Decided: Nov. 25, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 2934 (Sub-91F), filed November 7, 1980. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan, Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting (1) *kitchen cabinets, vanities, shelving units, hardwood flooring,* and (2) *materials, equipment, and supplies* used in the manufacturing of the commodities in (1) above, between the facilities of Triangle Pacific Corporation, at (a) Springfield, AL, Lakeland, FL, Nappanee and Union City, IN, and points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, ND, NE, NC, OH, OK, SC, SD, TN, TX, VT, VA, WV, WI, and DC (except points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, and RI), (b) Nashua, NH, Auburn NE, Elizabeth City, NC, and points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, ND, NE, MD, NC, OH, OK, SC, SD, TN, TX, VT, VA, WV, and WI (except points in New Castle County, DE, ME, NH, NY, MA, PA, CT, and DC), and (c) Carbondale and Thompsontown, PA, Jackson, Jefferson City, Morristown, and Nashville, TN, Center and McKinney, TX, and points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, ND, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

MC 8515 (Sub-41F), filed November 12, 1980. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in IL, MO, OH, and FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 30605 (Sub-170F), filed November 13, 1980. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 E. Waterman, Witchita, KS 67202. Representative: Kenneth A. Willhite (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (2) Between Dallas, TX, and Amarillo, TX, from Dallas over U.S. Hwy 80 to junction U.S. Hwy 377 at or near Ft. Worth, TX, then over U.S. Hwy 377 to junction U.S. Hwy 67 at or near Stephenville, TX, then over U.S. Hwy 67 to junction U.S. Hwy 84 at or near Brownwood, TX, then over U.S. Hwy 84 to junction U.S. Hwy 87 at or near Lubbock, TX, then over U.S. Hwy 87 to Amarillo, and return over the same route, serving all intermediate points except Abilene, TX; (4) Between Galveston, TX, and Gainesville, TX, from Galveston over Interstate Hwy 45 (U.S. Hwy 75) to junction U.S. Hwy 90 Alt. at or near Houston, TX, then over U.S. Hwy 90 Alt. to junction TX Hwy 36 at or near Rosenberg, TX, then over TX Hwy 36 to junction TX Hwy 317 near Temple, TX, then over TX Hwy 317 to junction TX Hwy 6 at or near Valley Mills, TX, then over TX Hwy 6 to junction TX Hwy 174 at or near Meridian, TX, then over TX Hwy 174 to junction U.S. Hwy 81, then over U.S. Hwy 81 to junction U.S. Hwy 377 at or near Ft. Worth, TX, then over U.S. Hwy 377 to junction U.S. Hwy 77 at or near Denton, TX, then over U.S. Hwy 77 to Gainesville, and return over the same route, serving all intermediate points and the off-route points of Kopperl, Blum, Crowley, Haslet, Justin, Ponder, and Krum, TX; (10) Between Houston, TX, and Dallas, TX, from Houston over U.S. Hwy 90 to junction U.S. Hwy 96, then over U.S. Hwy 96 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to Dallas, and return over the same route, serving Beaumont and Longview and all intermediate points between Beaumont and Longview; (11) Between Dallas, TX, and Ft. Smith, AR, from Dallas over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Ft. Smith, and return over the same route, serving no intermediate points; (13) Between Amarillo, TX, and Oklahoma City, OK, over U.S. Hwy 66 (Interstate Hwy 40) to Oklahoma City, serving no intermediate points; (14) Between Ft. Worth, TX, and the junction of Interstate Hwy 20 and U.S. Hwy 84, over Interstate Hwy 20, serving no intermediate points; (16) Between Houston, TX, and Dallas, TX, over Interstate Hwy 45 serving no intermediate points. Restrictions: (2) The authority granted in Routes 2, 4, 10, 14 and 16 is restricted against the transportation of traffic by carrier when the point where the shipment begins its journey on carrier's route and the point where the shipment ends its journey on carrier's route are both within Texas. (4) The authority granted in Route 11 is restricted against the transportation of traffic by carrier (a) originating at or received from connecting motor carriers at Dallas, TX, and points in its commercial zone, destined to Ft. Smith, AR, and points in its commercial zone and (b) originating at or received from connecting motor carriers at Ft. Smith, AR, and points in its commercial zone, destined to Dallas, TX, and points in its commercial zone. (5) The authority granted in Route 13 is restricted against the transportation of traffic by carrier (a) originating at or received from connecting motor carriers at Amarillo, TX, destined to Oklahoma City, OK, and (b) originating at or received from connecting motor carriers at Oklahoma City, OK, destined to Amarillo, TX. Applicant now has this authority under MC 30605, Sub-161, with restrictions shown herein. The sole purpose of this application is to remove those restrictions. For ready identification, the numbering of the routes and restrictions concerned are retained exactly as contained in Certificate No. MC 30605 Sub 161.

MC 98255 (Sub-5F), filed November 12, 1980. Applicant: LAWRENCEBURG TRANSFER, INC., U.S. Highway 127 North, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. 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 Louisville, KY and Lexington, KY, (a) over U.S. Hwy 60, and (b) and also Interstate Hwy 64, serving all intermediate points in Fayette, Franklin, and Woodford Counties, KY, (2) between Cincinnati, OH, and Stanford, KY, from Cincinnati over Interstate Hwy 75 to Lexington, KY, then over U.S. Hwy 27 to Stanford and return over the same route, serving all intermediate points; (3) between Versailles, KY, and Lawrenceburg, KY over U.S. Hwy 62; serving all intermediate points, (4) between junction U.S. Hwy 60 with Bluegrass Parkway and junction Bluegrass Parkway with U.S. Hwy 127 over Bluegrass Parkway serving all intermediate points, and (5) serving points in Anderson, Boyle, Fayette, Franklin, Jessamine, Marion, Mercer, Washington, and Woodford Counties, KY as off-route points in connection with carrier's regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-routes and

to interline with connecting carriers at gateway points.

MC 110325 (Sub-168F), filed November 11, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Over regular routes, transporting *general commodities* (except household goods as define by the Commission and classes A and B explosives), (1) between Oklahoma City, OK and junction U.S. Hwys 60 and 70: from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70, and return over the same route; (2) between Amarillo, TX and Bakersfield, CA: from Amarillo over Interstate Hwy 40 to junction CA Hwy 58, then over CA Hwy 58 to Bakersfield, and return over the same route; (3)(a) between junction U.S. Hwy 60 and AZ Hwy 71 near Aguila, AZ and junction Interstate Hwy 40 and Interstate U.S. Hwy 89: from junction U.S. Hwy 60 and AZ Hwy 71 over AZ Hwy 71 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction Interstate Hwy 40, and return over the same route; (b) between Entro, AZ, and Flagstaff, AZ, over Alternate U.S. Hwy 89; (4) between Lordsburg, NM and Mesa, AZ, over U.S. Hwy 70; (5) between Wichita, KS and Tucumcari, NM, over U.S. Hwy 54; (6) between Tulsa, OK and Chicago, IL: from Tulsa over U.S. Hwy 66 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction MO Hwy 73, then over MO Hwy 73 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Chicago, and return over the same route; (7) between Douglasville, and Atlanta, GA; from Douglasville over GA Hwy 92 to junction GA Hwy 166, then over GA Hwy 166 to junction GA Hwy 154, then over GA Hwy 154 to Atlanta, and return over the same route; (8) between Hamilton, AL and junction U.S. Hwy 78 and AL Hwy 5: from Hamilton over U.S. Hwy 278 to junction AL Hwy 4 then over AL Hwy 4 to junction AL Hwy 5, then over AL Hwy 5 to junction U.S. Hwy 78, and return over the same route; (9) between Dallas, TX and Atlanta, GA, (a) from Dallas over U.S. Hwy 80 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, and return over the same route; (b) from Dallas over Interstate Hwy 20 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same route; (10) between Memphis, TN and Corinth, MS over U.S. Hwy 72; (11) between Iuka, MS and Atlanta, GA: from Iuka over U.S. Hwy 72 to junction Alternate U.S. Hwy 72, then over Alternate U.S. Hwy 72 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction AL Hwy 67, then over AL Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, and return over same route; (12) between Joliet, IL and junction U.S. Hwys 30 and 41 over U.S. Hwy 30; (13) between Chicago, IL and junction U.S. Hwy 30 and IL Hwy 38 over IL Hwy 38; (14) between Joliet, IL and junction U.S. Hwys 52 and 45 over U.S. Hwy 52; (15) between Braidwood, IL and junction IL Hwys 17 and 1: from Baridwood over IL Hwy 113 to junction IL Hwy 17, then over IL Hwy 17 to junction IL Hwy 1, and return over the same route; (16) between Sring Valley and Varna, IL, over IL Hwy 89; (17) between Spring Valley, IL and junction IL Hwys 26 and 29, over IL Hwy 29; (18) between Metamora, IL and Sheldon, IL: from Metamora over IL Hwy 116 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Sheldon and return over the same route; (19) between Watseka, IL and Kentland, IN, over U.S. Hwy 24; (20) between Allen, IL and IN Hwy 28 and U.S. Hwy 41: from Allen over U.S. Hwy 136 to junction IL Hwy 119, then over IL Hwy 119 to IL-IN State line, then over IN Hwy 28 to junction U.S. Hwy 41, and return over the same route; (21) between Clinton, IL and junction IL Hwy 10 and U.S. Hwy 136, over IL Hwy 10; (22) between Clinton, and Springfield, IL, over IL Hwy 54; (23) between Seymour, and Cisco, IL: from Seymour over IL Hwy 10 to junction Interstate Hwy 72, then over Interstate Hwy 72 to junction IL Hwy 48, then over IL Hwy 48 to Cisco, and return over the same route; (24) between Taylorville, and Jacksonville, IL, over IL Hwy 104; (25) between Waverly, and Alton, IL, from Waverly over IL Hwy 111 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Alton, and return over the same route; (26) between Detroit, IL and junction IL Hwy 108 and U.S. Hwy 66: from Detroit over IL Hwy 100 to junction IL Hwy 108, then over IL Hwy 108 to junction U.S. Hwy 66, and return over the same route; (27) between Banner, and Lewistown, IL, over U.S. Hwy 24; (28) between junction IL Hwy 4 and Interstate Hwy 55, and junction IL Hwy 4 and U.S. Hwy 40, over IL Hwy 4; (29) between Ogden, and Casey, IL, over IL Hwy 49; (30) between Paris, IL and junction IN Hwy 63 and U.S. Hwy 41: from Paris over unnumbered Hwy to IL-IN State line, then over IN Hwy 163 to junction IN Hwy 63, then over IN Hwy 63 to junction U.S. Hwy 41, and return over the same route; (31) between Allerton, IL and junction IN Hwys 234 and 63, from Allerton over unnumbered Hwy to IL-IN State line, then over IN Hwy 234 to junction IN Hwy 63, and return over the same route; (32) between Rockville, IN, and junction U.S. Hwy 41 and 52, over U.S. Hwy 41; (33) between Havana, IL and junction U.S. Hwys 136 and 24 over U.S. Hwy 136;

(34) between Attica, and Muncie, IN: from Attica over IN Hwy 28 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction unnumbered Hwy near Anthony, IN then over unnumbered Hwy to Muncie, and return over the same route; (35) between Crawfordsville, IN and Richmond, IN: from Crawfordsville over IN Hwy 32 to junction IN Hwy 38, then over IN Hwy 38 to Richmond, and return over the same route; (36) between Plainfield, IL and junction IL Hwy 71 and U.S. Hwy 6: from Plainfield, over IL Hwy 126 to junction IL Hwy 71, then over IL Hwy 71 to junction U.S. Hwy 6, and return over the same route; (37) between Chicago Heights, IL and Lima, OH: from Chicago Heights over U.S. Hwy 30 to junction OH Hwy 309, then over OH Hwy 309 to Lima, and return over the same route; (38) between Kenton, and Columbus, OH: from Kenton over OH Hwy 31 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Columbus, and return over the same route; (39) between junction Interstate Hwy 55 and IL Hwy 48, and Decatur, IL, over IL Hwy 48; (40) between Cheyenne, WY and Council Bluffs, IA, over Interstate Hwy 80; (41) between Council Bluffs, IA and Princeton, IL, over Interstate Hwy 80; (42) between Lincoln, NE and junction IA Hwy 2 and U.S. Hwy 275: from Lincoln over U.S. Hwy 34 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction NE Hwy 2, then over NE Hwy 2 to NE-IA State line, then over IA Hwy 2 to junction U.S. Hwy 275, and return over the same route; (43) between Council Bluffs, IA and junction IA Hwy 2 and U.S. Hwy 275 over U.S. Hwy 275; (44) between junction IA Hwy 2 and U.S. Hwy 275 and Kansas City, MO: from junction IA Hwy 2 and 275 over U.S. Hwy 275 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Kansas City, and return over the same route; (45) between Detroit, MI and junction Interstate Hwy 94 and U.S. Hwy 20: from Detroit over Interstate Hwy 94 to junction MI Hwy 60, then over MI Hwy 60 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 20, and return over the same route; (46) between junction OH Hwys 51 and 163 and junction OH Hwy 51 and U.S.

Hwy 20, over OH Hwy 51; (47) between Oak Harbor, OH and Port Clinton, OH, over OH Hwy 163; (48) between Elkhart, IN and Cleveland, OH over U.S. Hwy 20; (49) between junction U.S. Hwy 224 and OH Hwy 21 near Akron, OH, and junction U.S. Hwys 224 and 422 near New Castle, PA, over U.S. Hwy 224; (50) between Fremont, and Bryan, OH: from Fremont over U.S. Hwy 6 to junction OH Hwy 34, then over OH Hwy 34 to Bryan, and return over the same route; (51) between Cleveland, and Ashtabula, OH, over U.S. Hwy 20; (52) between Lansing, and Flint, MI, over Interstate Hwy 69; (53) between Painted Post, NY and Mansfield, PA, over U.S. Hwy 15; (54) between junction U.S. Hwy 131 and MI Hwy 57, and junction MI Hwys 57 and 91, over MI Hwy 57; (55) between Belding, MI and junction MI Hwy 66 and Interstate Hwy 96, and return over the same route; (56) between Detroit, and Port Huron, MI, over Interstate Hwy 94; (57) between Nebraska City, NE and Rickport, MO, from Nebraska City over U.S. Hwy 75 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Rockport, and return over the same route; (58) between Aurora, IL and junction IL Hwys 2 and 92: from Aurora over U.S. Hwy 30 to junction unnumbered Hwy (formerly IL Hwy 2), then over unnumbered Hwy to junction IL Hwy 92, and return over the same route; (59) between Naperville, IL and junction U.S. Hwy 34 and IL Hwy 31, over U.S. Hwy 34; (60) between Des Moines, IA and junction IA Hwy 92 and U.S. Hwy 6: from Des Moines over IA Hwy 28 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 6, and return over the same route; (61) between Portland, OR and Pasco, WA: from Portland over Interstate Hwy 80N to junction U.S. Hwy 730, then over U.S. Hwy 730 to junction U.S. Hwy 395, then over U.S. Hwy 395 to Pasco, and return over the same route; (62) between Toppenish, and Buena, WA, over U.S. Hwy 97; (63) between junction Interstate Hwy 90 and WA Hwy 26, and Connel, WA: from junction Interstate Hwy 90 and WA Hwy 26 over WA Hwy 26 to junction WA Hwy 17, then over WA Hwy 17 to junction WA Hwy 260, then over WA Hwy 260 to Connel, and return over the same route; (64) between Chillicothe, and Cameron, MO over U.S. Hwy 36; (65) between South Bend, IN and St. Joseph, MI, over U.S. Hwy 33; (66) between Oklahoma City, OK and Wichita, KS, over Interstate Hwy 35; (67) between Wichita, KS and Omaha, NE: (a) from Wichita over U.S. Hwy 81 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Omaha, and return over the same route; (b) from Wichita over U.S. Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, and return over the same route; (68) between Barstow, and Riverside, CA, over Interstate Hwy 15; (69) between Flagstaff, and Phoenix, AZ, over Interstate Hwy 17; (70) between Dallas, TX and Kansas City, MO: from Dallas over U.S. Hwy 75 to junction U.S. Hwy 60, then over U.S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction KS Hwy 26, then over KS Hwy 26 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 435, then over Interstate Hwy 435 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route;

(71) between junction Interstate Hwy 44 and U.S. Hwy 166, and Kansas City, MO: from junction Interstate Hwy 44 and U.S. Hwy 166 over Interstate Hwy 44 to junction Alternate U.S. Hwy 71, then over Alternate U.S. Hwy 71 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route; (72) between Fort Worth, TX and junction Interstate Hwys 10 and 20 over Interstate Hwy 20 (U.S. Hwy 80); (73) between Houston, TX and junction Interstate Hwys 10 and 20, (a) over Interstate Hwy 10, and (b) from Houston over U.S. Hwy 290 to junction Interstate Hwy 10, then over Interstate Hwy 10 to junction Interstate Hwy 20, and return over the same route; (74) between junction Interstate Hwys 10 and 20 and Los Angeles, CA, over Interstate Hwy 10; (75) between junction Interstate Hwys 10 and 8, and San Diego, CA, over Interstate Hwy 8; (76) between Memphis, TN and Denver, CO, from Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction MO Hwy 13, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Denver, and return over the same route; (77) between Conover, and Salisbury, NC, over U.S. Hwy 70; (78) between Asheboro, NC and Wallace, SC: from Asheboro over U.S. Hwy 220 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Wallace and return over the same route; (79) between Monroe, NC and Pageland, SC, over U.S. Hwy 601; (80) between Sparta, and Nashville, TN, over U.S. Hwy 70; (81) between Chattanooga, and Nashville, TN, (a) from Chattanooga over U.S. Hwy 64 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville and return over the same route; and (b) over Interstate Hwy 24; (82) between Chattanooga and Knoxville, TN, over Interstate Hwy 75; (83) between Sparta, and Chattanooga, TN: from Sparta 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; (84) between junction TN Hwys 111 and 30 at Spercer, TN, and junction U.S. Hwy 127 and TN Hwy 8: from junction TN Hwys 111 and 30 over TN Hwy 30 to junction U.S. Hwy 127, then over U.S. Hwy 127 to junction TN Hwy 8, and return over the same route; (85) between McMinnville, TN, and junction TN Hwy 55 and Interstate Hwy 24, over TN Hwy 55; (86) between Cookeville, and Monterey, TN, over Interstate Hwy 40; (87) between Livingston, and Jamestown, TN, over TN Hwy 52; (88) between Livingston, and Monterey, TN: from Livingston over TN Hwy 42 to junction TN Hwy 84, then over TN Hwy 84 to Monterey, and return over the same route; (89) between Monterey, and Clarkrange, TN, over TN Hwy 62; (90) between Sparta, and Monterey, TN, over TN Hwy 84; (91) between Crossville, TN and junction U.S. Hwy 127 and TN Hwy 30, over U.S. Hwy 127; (92) between McMinnville, and Smithville, TN, over TN Hwy 56; (93) between McMinnville, and Spencer, TN, over TN Hwy 30; (94) between Nashville, and Knoxville, TN, over Interstate Hwy 40; (95) between Portland, OR and Tacoma, WA, over Interstate Hwy 5; (96) between Salt Lake City, UT and Prosser, WA, from Salt Lake City over Interstate Hwy 15 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to junction U.S. Hwy 395, then over U.S. Hwy 395 to Umatillo, OR, then across the Columbia River to WA Hwy 14, then over WA Hwy 14 to junction WA Hwy 271, then over WA Hwy 271 to Prosser, and return over the same route; (97) between junction Interstate Hwy 80N and U.S. Hwy 395 at or near Stanfield, OR, and Boardman, OR, over Interstate Hwy 80N; (98) between Rock Island, IL and Tulsa, OK: from Rock Island over U.S. Hwy 67 to junction Interstate Hwy 44, then over Interstate Hwy 44 to Tulsa, and return over the same route; (99) between Fort Worth, TX and Denver, CO: from Fort Worth over U.S. Hwy 81 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver, and return over the same route; (100) between Conway, and W.

Memphis, AR: from Conway over U.S. Hwy 64 to junction Interstate Hwy 55, then over Interstate Hwy 55 to W. Memphis, and return over the same roue; (101) between Little Rock, AR and W. Memphis, AR, over Interstate Hwy 40; (102) between Fort Smith, AR and Oklahoma City, OK: from Fort Smith over U.S. Hwy 71 to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction OK Hwy 9, then over OK Hwy 9 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route; (103) between Sayre, OK and Oklahoma City, OK, over OK Hwy 152; (104) between Columbus, OH and Greensburg, PA: from Columbus over Interstate Hwy 70 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Greensburg, and return over the same route; (105) between Columbus, OH and Indianapolis, IN, over Interstate Hwy 70; (106) between Cincinnati, OH and Indianapolis, IN, over Interstate Hwy 74; (107) between Youngstown, OH and junction Interstate Hwy 80 and U.S. Hwy 11, over Interstate Hwy 80; (108) between Dallas, TX and Harrisburg, PA: from Dallas over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Harrisburg, and return over the same route; (109) between Winston-Salem, NC and junction Interstate Hwys 40 and 81, over Interstate Hwy 40; (110) between Gastonia, NC and junction Interstate Hwys 40 and 26: from Gastonia over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, and return over the same route; (111) between junction U.S. Hwy 209 and Interstate Hwy 84, and junction Interstate Hwy 84 and U.S. Hwy 7 near Danbury, CT, over Interstate Hwy 84; (112) between junction Interstate Hwy 30 and U.S. Hwy 270 and junction Interstate Hwy 40 and AR Hwy 39 near Brinkley, AR: from junction Interstate Hwy 30 and U.S. Hwy 270 over U.S. Hwy 270 to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 49, then over U.S. Hwy 49 to junction AR Hwy 39, then over AR Hwy 39 to junction Interstate Hwy 40, and return over the same route; (113) between junction U.S. Hwy 72 and Alternate U.S. Hwy 72 near Tuscumbia, AL, and junction U.S. Hwys 431 and 278 at Gadsdon, AL: from junction U.S. Hwy 72 and Alternate U.S. Hwy 72 over U.S. Hwy 72 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 278, and return over the same route; (114) between Milwaukee, WI and Moline, IL: from Milwaukee over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to Moline, and return over the same route; (115) between Kansas City, MO and Indianapolis, IN, over Interstate Hwy 70; (116) between Oklahoma City, OK and Little Rock, AR, over Interstate Hwy 40; (117) between junction Interstate Hwys 81 and 64, and Richmond, VA, over Interstate Hwy 64; (118) between Indianapolis, IN and Toledo, OH: from Indianapolis, over U.S. Hwy 31 to junction IN Hwy 37, then over IN Hwy 37 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction OH Hwy 2, then over OH Hwy 2 to Toledo, and return over the same route; (119) between junction Interstate Hwy 80 and U.S. Hwy 322, and Lewistown, PA, over U.S. Hwy 322; (120) between Huntington and Charleston, WV, (a) over U.S. Hwy 60; and (b) Interstate Hwy 64; serving all intermediate points in routes 1 through 120 above, and the off-route point of Calexico, CA.

Note.—Applicant states that it presently operates over the various described routes as Alternate or Deviation Routes. Applicant intends to tack and interline this authority with its existing authority. Applicant relies on traffic studies in lieu of shipper support.

MC 143394 (Sub-15F), filed November 17, 1980. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 145914 (Sub-13F), filed November 14, 1980. Applicant: COASTAL TRUCK LINE, INC., How Lane, P.O. Box 600, New Brunswick, NJ 08903. Representative: Zoe Ann Pace, One World Trade Center, Suite 2373, New York, NY 10048. 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 Econocaribe Consolidators, Inc., of Miami, FL.

MC 145994 (Sub-3F), filed November 14, 1980. Applicant: PENGUIN POINT ENTERPRISES, INC., P.O. Box 975, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Little Crow Milling Co., Inc., d.b.a. Little Crow Foods, of Warsaw, IN.

MC 146985 (Sub-7F), filed November 12, 1980. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 South Main St., P.O. Box 1614, Elkhart, IN 46514. Representative: Phillip A. Renz, Suite 200 Metro Bldg., Fort Wayne, IN 46802. 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 Domestic Sales Corporation, of Elkhart, IN.

MC 150705 (Sub-5F), filed November 3, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *general commodities*, between points in the U.S., under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA. Condition: To the extent the authority granted herein authorizes the transportation of classes A and B explosives, it shall be limited in point of time 5 years from its date of issuance.

MC 151534 (Sub-3F), filed November 13, 1980. Applicant: R&D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, IA 50306. Representative: Craig D. Vermie, 1350 Financial Center, Des Moines, IA 50309. Transporting *agricultural and farm implements equipment and machinery, industrial machinery, equipment, attachments, and related parts, building products and components*, from points in IL, IN, OH, KS, MS, MN, IA, NE, WI, TX, OR and points in WA and OR.

MC 152744F, filed November 13, 1980. Applicant: CITADEL TRANSPORT, INC., 180 North Michigan Ave., Chicago, IL 60601. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *such commodities* as are dealt in or used by wholesale, retail, and chain grocery and food business houses, between points in the U.S., under continuing contract(s) with Kraft, Inc., of Chicago, IL.

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Decided: Nov. 28, 1980.

By the Commission Review Board Number 3, Members Parker, Fortier and Hill.

MC 19105 (Sub-65F), filed November 20, 1980. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box

3544, Wilson, NC 27893. Representative: Vance T. Forbes, Jr. (same address as applicant), Transporting (1) *glass containers* and *plastic containers*; and (2) a *accessories* for glass containers and plastic containers, between those points in and east of WI, IL, MO, OK, and TX.

MC 26825(Sub-52F), filed November 17, 1980. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *heating and air conditioning equipment, outdoor recreational equipment and accessories and parts* for outdoor recreational equipment, and (2) *materials, equipment and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, between points in the U.S., restricted (1) against the transportation of commodities in bulk, and those which because of size or weight require the use of special equipment, and (2) to traffic originating at or terminating at the facilities of The Coleman Company.

MC 59124 (Sub-21F), filed November 18, 1980. Applicant: MAIERS MOTOR FREIGHT COMPANY, a corporation, 875 East Huron Ave., Vassar, MI 48768. Representative: Wayne D. Fox (same address as applicant). Transporting *general commodities,* between points in the U.S., under continuing contract(s) with American Motors Corporation.

Note.—To the extent the permit granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 116544 (Sub-231F), filed November 19, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *such commodities as are dealt in or used by grocery or food business houses* (except commodities in bulk), between points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116544 (Sub-232F), filed November 19, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Finney County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121644 (Sub-4), filed November 20, 1980. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Rd., P.O. Box 667, Murfreesboro, TN 37130. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219. Over regular routes, transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Atlanta, GA and Bristol,VA, (1) from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, serving all intermediate points, and serving all points in Hawkins, Sullivan, Cocke, Hamblen, Jefferson, Greene, Washington, Knox and Carter Counties, TN, Harrison County, VA, and Anderson, Greenville and Spartanburg Counties, SC, Buncombe County, NC, and Dade, Walker, Catoosa, Fulton, DeKalb, Cobb, Clayton, Douglas, Henry, Rockdale, Fayette and Gwinnett Counties, GA, as off-route points; (2) from Atlanta over Interstate Hwy 75 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, serving the intermediate points of Chattanooga and Knoxville, TN, and serving all other points in Cocke, Hamblen, Jefferson, Greene, Washington, Knox, and Carter Counties, TN, and Fulton, DeKalb, Cobb, Clayton, Douglas, Henry, Rockdale, Fayette and Gwinnet Counties, GA, as off-route points. Common control may be involved.

MC 133655 (Sub-228F), filed November 20, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Charles W. Singer, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of chemicals (except commodities in bulk), from those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX to points in AR, LA, MS, OK, TN, and TX. Condition: Issuance of a certificate is subject to prior or coincidental cancellation of Permit No. MC 118159 Sub 296F, at applicant and applicant's affiliate written request.

MC 136234 (Sub-6F), filed November 20, 1980. Applicant: BURKHART ENTERPRISES, INC., P.O. Box 6131 Asbury Rd., Knoxville, TN 37914. Representative: Blaine Buchanan 1024 James Bldg., Chattanooga, TN 37402. Transporting *coal,* between points in AL, FL, GA, KY, MS, NC, OH, SC, TN, and VA.

MC 138304 (Sub-27F), filed November 19, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 90 Fisk St., Jersey City, NJ 07305. Representative: Craig B. Sherman, Barnett Bank Bldg., 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting (1) *grain flour, dry beverage preparations, breadcrumbs, non-medicated syrup, and bread cubes,* and (2) *materials* used in the manufacture of the commodities in (1), from points in Queens County, NY, Evansville, IN, and Ponchatoula, MS, to points in the U.S. (except AK and HI), restricted against transportation of commodities in bulk and restricted to traffic originating at the facilities of Modern Maid Food Products, Inc., and destined to the named destination points.

Volume No. OP4-142

Decided: December 3, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones. Member Joyce not participating.

MC 21866 (Sub-186F), filed November 21, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *packaging materials,* and *equipment and supplies* used in the manufacture and distribution of packaging materials (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 49567 (Sub-13F), filed November 21, 1980. Applicant: GOLDEN BROS., INC., 234 E. McClure St., Kewanee, IL 61443. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016. Transporting (1) *heating systems, power boilers, dust collectors, precipitators,* and incinerators, and (2) *parts* for the commodities named in (1) above, between points in the U.S. (except AK and HI), under continuing contract(s) with Kewanee Boiler Corporation, of Kewanee, IL. Condition: Issuance of Certificate in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of authority held in MC 49567 and Subs 6, 7, 9, and 11F.

MC 49567 (Sub-14F), filed November 19, 1980. Applicant: GOLDEN BROS, INC., 234 E. McClure St., Kewanee, IL 61447. Representative: Donald S. Mullins, 1033 Graceland Ave., DesPlaines, IL 60016. Transporting *iron and steel articles, and materials, supplies* equipment used in the manufacture and distribution of iron and steel articles, between points in the U.S., under continuing contract(s) with New

Process Steel Corporation, of Schaumburg, IL.

MC 61396 (Sub-386F), filed November 21, 1980. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68103. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68102. Transporting *cryogenic liquids*, in bulk, from Waukesha, WI, to points in IA, IL, IN, MI, MN, ND, and SD.

MC 99877 (Sub-2F), filed November 7, 1980. Applicant: RAPID FREIGHT-SYSTEMS, 824 S. Vail Ave., Montebello, CA 90640. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. 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 CA. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration No. MC-99877 (Sub-No. 1) authorized in No. MC-FC-76651.

MC 105566 (Sub-238F), filed November 19, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., restricted to traffic originating at or destined to the facilities used by Gulf Oil Company and its subsidiaries.

MC 114897 (Sub-137F), filed November 20, 1980. Applicant: WHITFIELD TANK LINES, INC., P.O. Box 7676, Phoenix, AZ 85011. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. Transporting *commodities in bulk*, (a) between points in TX, NM, CO, WY, OK, MT, ID, UT, AZ, CA, OR, NV, and WA, and (b) between points in TX, NM, CO, WY, OK, MT, ID, UT, AZ, CA, OR, NV, and WA, on the one hand, and, on the other, points in the U.S.

MC 145596 (Sub-7F), filed November 18, 1980. Applicant: A & M EXPRESS, INC., 1136 Haley Rd., Murfreesboro, TN 37130. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except household goods as defined by the Commission, and classes A & B explosives), between points in TN and GA, on the one hand, and, on the other, points in the U.S.

MC 150617 (Sub-1F), filed November 17, 1980. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 S. Archer, Chicago, IL 60608. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. Transporting (1) *non-alcoholic, and* (2) *material, equipment and supplies used in their manufacture or distribution* between points in the U.S., under a continuing contract (3) with Faygo Beverages, Inc., of Detroit, MI.

MC 146206 (Sub-3F), filed November 12, 1980. Applicant: RBR CORPORATION, d.b.a. CASINO LIMOUSINE, 14085 Broili Dr., Reno, NV 89511. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. Transporting *passengers and their baggage*, in special and charter operations, between Carson City, NV, and points in Washoe and Douglas Counties, NV, and El Dorado and Placer Counties, CA.

MC 152366 (Sub-1F), filed November 20, 1980. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th St., Suite 2600, Denver, CO 80202. Transporting (1) *machinery, equipment, and materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) *machinery, materials, and equipment and supplies* used in, or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (a) between those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX, and (b) between those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in AR, IL, and LA.

Volume No. OP4-147

Decided: December 4, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman. Member Liberman not participating.

MC 48286 (Sub-1F), filed November 21, 1980. Applicant: W. WAYNE LUKE, 5969 Station Rd., North East, PA 16428. Representative: Geraldine E. Luke (same address as applicant). Transporting *agricultural equipment and supplies* between points in NY and OH on the one hand, and, on the other, points in PA.

MC 59117 (Sub-78F), filed November 25, 1980. Applicant: ELLIOTT TRUCK LINE, INC., 101 E. Excelsior, P.O. Box 1, Vinita, OK 74301. Representative: Tom Kretsinger, 20 E. Franklin, Liberty, MO 64068. Transporting *dry commodities*, in bulk, between points in AL, AR, CO, GA, IL, IN, IA, KS, LA, MS, MO, NE, NM, OK, SD, TN, TX and WY.

MC 103397 (Sub-532F), filed November 21, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Transporting (1) *machinery and machinery parts*, (2) *metal products*, and, (3) *materials, equipment and supplies* used in the manufacture, operation, and installation of commodities named in (1) and (3) above, between points in Harrison County, MS, on the one hand, and, on the other, points in U.S.

MC 129537 (Sub-49F), filed November 19, 1980. Applicant: REEVES TRANSPORTATION CO., a corporation, RT. 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602. Transporting (1) *paper and paper products, plastic and plastic products, and chemicals* (except commodities in bulk), and (2) *materials, supplies and equipment used in the manufacture and distribution of commodities* in (1) above (except commodities in bulk), from the facilities of Union Camp Corporation, at or near Savannah, GA, to points in the U.S. (except AK and HI).

MC 146046 (Sub-3F), filed November 21, 1980. Applicant: INTERNATIONAL LINES, LTD., 200 Foxhunt Crescent, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Richter & Ratner Contracting Corporation, of Maspeth, NY.

MC 147567 (Sub-1F), filed November 20, 1980. Applicant: LANGE MOTOR EXPRESS, INC., 14510 Washington, St., Woodstock, IL 60098. Representative: Geoffrey F. Walkington (same address as applicant). Transporting *iron and steel articles, and materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles (except commodities in bulk), between points in the U.S., under continuing contracts(s) with Evans Products Company/Creco Division, of Woodstock, IN.

MC 149546 (Sub-1F), filed November 21, 1980. Applicant: D & T TRUCKING CO., INC., 498 First St. NW., 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 because of size or weight), between those points in the U.S. in and east of ND, SD, NE, KS, OK, AR and LA, restricted to traffic originating at or destined to the facilities by the Pillsbury Company and its subsidiaries: Burger King Corporation; Green Giant Company; Poppin Fresh Pies, Inc.; and Steak and Ale Restaurants of America, Inc.

MC 152706 (Sub-1F), filed November 19, 1980. Applicant: MIDWEST OIL TRANSIT, INC., 4902 West 86th St., P.O. Box 68123, Indianapolis, IN 46268. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46268. Transporting *asphalt flux,* and *fuel oil,* from points in Marion County, IN, to Points in Hamilton County, OH.

MC 152767F, filed November 16, 1980. Applicant: SALT LAKE AUTO AUCTION, a corporation, 460 Orange St., Salt Lake City, UT 84104. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *transportation equipment,* as described in item (37) of the Standard Transportation Commodity Code, between points in the U.S.

MC 152816F, filed November 24, 1980. Applicant: CLAIR M. FRANK, R.D. No. 1, New Providence, PA 17560. Representative: Clair M. Frank (same address as applicant). Transporting *clay targets,* between points in Hancock County, OH, on the one hand, and, on the other, points in Fairfield County, CT, Clarke County, GA, and Lackawanna and Lancaster Counties, PA.

MC 152827F, filed November 19, 1980. Applicant: YEAGER TRUCKING, INC., 1552 S. Pennsylvania Ave., Morrisville, PA 19067. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *iron and steel articles, and materials, supplies and equipment* used in the manufacture of iron and steel articles (except commodities in bulk), between points in Bucks County, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, NY, RI, VA, VT, and DC.

Volume No. OP5-068

Decided: Nov. 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 87379 (Sub-22F), filed November 12, 1980. Applicant: C. H. HOOKER TRUCKING CO., a corporation, 1475 Roanoke Ave., Uhrichsville, OH 44683. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of (a) ceramic and clay products, (b) pipe and pipe fittings, (c) building materials, (d) refractories and (e) plastic and rubber products, between points in the U.S. (except AK and HI).

MC 118468 (Sub-67F), filed November 12, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *plastic pipe, and materials and supplies* used in the manufacture, distribution, and installation of plastic pipe, between points in the U.S., under continuing contracts(s) with Johns-Manville Sales Corporation, of Oak Brook, IL.

MC 128279 (Sub-41F), filed November 12, 1980. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Road SE., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd, 7105 Edwina, Northeast, Albuquerque, NM 87110. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives) between points in AZ, CA, CO, GA, IN, KS, NE, NM, NV, OK, TX, UT, and WY.

MC 129908 (Sub-63F), filed November 19, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S. W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting *food and kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in the U. S.

MC 142909 (Sub-11F), filed November 12, 1980. Applicant: TIMBER TRUCKING, INC., 35 S. 6th W. St., Salt Lake City, UT 84101. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Transporting *metal products* between points in WA, OR, CA, NV, MT, ID, UT, AZ, NM, WY, CO, TX, and NE.

MC 144858 (Sub-39F), filed November 12, 1980. Applicant: DENVER SOUTWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam, Omaha, NE 68201. Transporting *confectionery* (except in bulk), from the facilities of E. J. Brach & Sons, Inc., at Chicago, IL, to points in AR, GA, KS, MD, MO, NJ, NM, NY, OH, OK, PA, and TX.

MC 144929 (Sub-5F), filed November 10, 1980. Applicant: B & J TRUCKING, INC., Frontage Rd. Rte. 3, Piedmont, SC 29673. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. Transporting (1) *agricultural chemicals* (except in bulk), and (2) *materials 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 Monsanto Company, of St. Louis, MO.

MC 145528 (Sub-3F), filed November 10, 1980. Applicant: TOMKO TRUCKING, INC., 1850 Enterprise Drive, P.O. Box 269, DePere, WI 54115. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *malt beverages, and materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, between Chicago, IL, on the one hand, and, on the other, points in Brown, Calumet, Door, Kewaunee, Manitowac, Marinette, Oconto, Outagamie, and Shawano Counties, WI.

MC 147738 (Sub-2F), filed November 12, 1980. Applicant: FALCON EXPRESS FORWARDERS, INC., 8 Lawrence Street, Belleville, NJ 07109. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722. Transporting (1) *malt beverages,* and (2) *materials and supplies* used in the processing of the commodities in (1) above, between points in the U.S., under continuing contract(s) with the F & M Schaefer Brewing Company, of Fogelsville, PA.

MC 148548 (Sub-4F), filed November 12, 1980. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *iron and steel articles,* between points in the U.S., under continuing contract(s) with Steel and Pipe Supply Co., Inc., of Manhatten, KS.

MC 149529 (Sub-1F), filed November 12, 1980. Applicant: ALL OHIO TRUCKING CO., INC., P.O. Box 6010, Wheeling, WV 26003. Representative: K. Edward Wolcott, 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 Volkswagen of America, Inc., of Warren, MI.

MC 151899 (Sub-1F), filed November 10, 1980. Applicant: BLACKHAWK EXPRESS, INC., 89 North Main, Fort Atkinson, WI 53538. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. Transporting (1) *medical products,* (2)

health care products and supplies, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with National Patent Development Corp., of Dayville, CT.

MC 152658F, filed November 12, 1980. Applicant: HUCKS PIGGYBACK SERVICE, INC., 1200 N. Tryon St., Charlotte, NC 28206. Representative: Eric Meierhoefer, Suite 423, 1511 K. St. NW., Washington, DC 20005. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in Gaston and Mecklenburg Counties, NC, on the one hand, and, on the other, points in NC and SC.

Volume No. OP5-069

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 31389 (Sub-313F), filed November 18, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. 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 Ennis, TX, as an intermediate point in connection with applicant's regular route operations between Galveston and Fort Worth, TX.

MC 55898 (Sub-62F), filed October 28, 1980. Applicant: DECATO BROS., INC., Heater Rd., Lebanon, NH 03766. Representative: R. Peter Decato, 23 Bank St., Lebanon, NH 03766. Transporting (1)(a) *buildings*, knocked down, and (b) *parts and attachments* for buildings, and (2) *materials and supplies* used in the installation of buildings, from the facilities of Traditional Log Homes at or near State Road, NC, to points in AR, and those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

Note.—The person or persons who appear to be in common control of applicant and other regulated carriers must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 59678 (Sub-2F), filed November 10, 1980. Applicant: TEXTILE TRANSPORTATION, INC., 226 South Cobb Ave., Burlington, NC 27215. Representative: Michael F. Morrone, 1150 17th St. NW., Suite 1000, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in VA, NC, SC, GA, AL, and TN.

MC 59909 (Sub-16F), filed November 12, 1980. Applicant: JACOBS TRANSFER, INC., 2300 Beaver Rd., Landover, MD 20785. Representative: Eric Meierhoefer, Suite 423, 1511 K. St. NW., Washington, DC 20005. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), betgween points in DC, on the one hand, and, on the other, points in VA, MD, WV, DE, PA, NC, and NJ.

MC 148589 (Sub-5F), filed November 19, 1980. Applicant: STOREY TRUCKING COMPANY, INC., P.O. Box 126, Henegar, AL 36978. Representative: Blaine Buchanan, 1024 James Bldg., Chattanooga, TN 37402. Transporting *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code, between points in the U.S. under continuing contract(s) with Iowa Beef Processors, Inc., of Dakota City, NE.

MC 149418 (Sub-2F), filed November 4, 1980. Applicant: BATESVILLE CASKET COMPANY, INC., Batesville, IN 47006. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW., Suite 400, Washington, DC 20036. Transporting (1) *metal fireplaces* and (2) *equipment and accessories* for metal fireplaces, under continuing contract(s) with Marco Manufacturing, Inc., of Louisville, KY.

MC 150339 (Sub-12F), filed November 6, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr., (same address as applicant). Transporting *filters*, and *materials, equipment, and supplies* used in the manufacture of filters, between points in the U.S., under continuing contract(s) with Facet Enterprises, Inc., of Henderson, NC.

MC 151288 (Sub-1F), filed November 5, 1980. Applicant: IOWA-ILLINOIS EXPRESS, LTD., 2371 34th St., Moline, IL 61265. Representative: Steven C. Schoenebaum, 1200 Register & Tribune Bldg., Des Moines, IA 50309. Transporting *general commodities* (except liquid commodities in bulk, classes A and B explosives, and motor vehicles requiring the use of special equipment), between points in Mercer and Rock Island Counties, IL, and Scott County, IA.

MC 151768 (Sub-6F), filed November 12, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting *inedible meat by-products* (except commodities in bulk, in tank vehicles), between the facilities of Consolidated Pet Foods, Inc., at (a) Amarillo, TX, (b) Denver, CO, and (c) Dodge City, KS, on the one hand, and, on the other, points in the U.S.

MC 151959 (Sub-2F), filed November 13, 1980. Applicant: JOHN SPINELLA AND PAUL MC DERMOTT, d.b.a. TRANS-COPPER EXPRESS, CO. 512-514 State Fair Blvd., Syracuse, NY 13204. Representative: Donald G. Hichman, R.D. #1, Box 7, Union Springs, NY 13160. Transporting (1) *aluminum, brass, bronze and copper articles*, (2) *accessories* for the commodities in (1), and (2) *materials and supplies* used in the manufacture, assembly, and distribution of the commodities in (a), (except commodities in bulk), between points in Oneida and Onondaga Counties, NY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 152208 (Sub-1), filed November 13, 1980. Applicant: GERALD J. GERIS, 1105 5th Ave. East, Alexandria, MN 56308. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *aluminum extrusions, aluminum billets* and *aluminum scrap*, and (2) *materials, 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 Alexandria Extrusion Company of Alexandria, MN.

MC 152508F, filed October 21, 1980. Applicant: DIXIE EXCURSIONS, a corporation, P.O. Box 4038, Opelika, AL 36801. Representative: David L. Elam, 503 Dumas Dr., Auburn, AL 36830. Transporting *passengers and their baggage*, in special or charter operations, between points in Lee and Macon Counties, AL, and Fulton, De Kalb, and Clayton Counties, GA.

MC 152558F, filed November 3, 1980. Applicant: WESTPHAL OIL CO., 826 Main St., Springfield, CO 81073. Representative: John H. Lewis, The 1650 Grant St. Bldg., Denver, CO 80203. Transporting *alcohol*, between points in Baca County, CO, on the one hand, and,

on the other, those points in TX on and north of Interstate Hwy 40.

MC 152568F, filed October 31, 1980. Applicant: KISTLER AMELING TRANSPORTATION CO., INC., 408 East Indiana St., Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Transporting *food or kindred products,* as described in Item 20 of the Standard Transportation Commodity Code, (a) between those points in he U.S. in and east of ND, SD, NE, CO, OK, and TX, and (b) between points in CA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 152628 (Sub-1), filed November 12, 1980. Applicant: TIMBERLINE SPORTS & TRAVEL, INC., d.b.a. THINK SNOW, 2109 East 69th Street, Tulsa, OK 74136. Representative: Richard D. Biggert (same address as above). To engage in operations as a broker arranging for the transportation of *passengers and their baggage,* between points in OK, on the one hand, and, on the other, points in U.S.

MC 152668F, filed November 12, 1980. Applicant: CHEM-NUCLEAR SYSTEMS, INC., P.O. Box 726, Barnwell, SC 29812. Representative: Michael W. Mattingly (same address as applicant. Transporting *radioactive waste materials, non-radioactive toxic materials,* and *chemical wastes,* between points in the U.S., under continuing contract(s) with Chem-Nuclear Systems, Inc. and Chem-Security Systems, Inc., both of Bellevue, WA. Conditions: Any permit issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issuance.

Volume No. OP5-070

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 113908 (Sub-518F), filed November 5, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: Jim G. Erickson (same address as applicant). Transporting *commodities,* in bulk, between points in AZ, AR, CA, CO, CT, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NJ, NY, NC, OK, OR, SC, TN, TX, WA, WI, and DC on the one hand, and, on the other, points in the U.S.

MC 116519 (Sub-89F), filed November 14, 1980. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, CD N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. In foreign commerce only, transporting (1) *glass and glass products* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except in bulk), from the facilities of Libbey-Owens-Ford Company in OH, NC, IL, PA, IA, TX, to ports of entry on the United States-Canada boundary line located in MI and NY.

MC 117068 (Sub-135F), filed November 4, 1980. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Hwy 63, Rochester, MN 55901. Representative: Paul D. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting *tanks and tank parts,* between Loganville, GA, and points in Luzerne County, PA, on the one hand, and, on the other, points in the U.S.

MC 118019 (Sub-9F), filed November 18, 1980. Applicant: PENN TRANSPORTATION CORP., 212 Beacham St., Everett, MA 02149. Representative: Frank J. Weiner 15 Court Square, Boston, MA 02108. Transporting *plastic articles,* and *caps and covers,* from points in Rockingham County, NH, to points in NJ.

MC 119789 (Sub-722F), filed November 18, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold Jr. (address same as applicant). Transporting *cooling and heating units* (except commodities which beacuse of size or weight require the use of special equipment), from New Orleans, LA, Mobile, AL and Houston, TX, to points in TX, AR, and OK.

MC 121568 (Sub-62F), filed November 13, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (address same as applicant). Transporting (1) *games and toys,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except in bulk), between Collierville, TN, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM.

MC 121568 (Sub-62F), filed November 12, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (address same as applicant).Transporting (1) *cloth* (except woven, knitted, or stitched), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except in bulk), between points in Davidson County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121568 (Sub-62F), filed November 13, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (address same as applicant). Transporting (1) *food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code, 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 Tipton County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 121568 (Sub-66F), filed November 20, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37210. Representative: James G. Caldwell (same address as applicant). Transporting (1) *iron and steel stampings, hardware, and unfinished metal products* (except commodities in bulk), 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. (except AK and HI).

MC 129908 (Sub-62F), filed November 19, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73147. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. Transporting (1) *such commodities* as are dealt in by grocery and food business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (a) between points in IN, on the one hand, and, on the other, points in CA, TX, and TN, and (b) between points in CA, ID, OR, and WA.

MC 133478 (Sub-24F), filed November 6, 1980. Applicant: DG TRANSPORT, INC., 8565 SW Beaverton-Hillsdale Hwy, P.O. Box 25448, Portland, OR 97225. Representative: Peter H. Glade, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. Transporting *doors, and lumber,* between points in the U.S., under continuing contract(s) with Nicolai Company, of Portland, OR.

MC 136268 (Sub-28F), filed November 13, 1980. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Ave., Monroe, WI 53566. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, MI 53703. Transporting *such commodities* as are dealt in or used by (a) retail gift and curio shops, (b) catalog distribution centers, and (c) manufacturers of foodstuffs, between

points in Green and Dane Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 139979 (Sub-9F), filed November 18, 1980. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: James P. Beck, 717 17th St., Ste. 2600, Denver, CO 80202. Transporting *general commodities* except classes A and B explosives) between points in the U.S., under continuing contract(s) with American Colloid Company and Colloid-Piepho, Inc., both of Skokie, IL.

MC 140608 (Sub-3F), filed November 7, 1980. Applicant: BENTLEY WARREN, d.b.a. BENTLEY WARREN TRUCKING, 89 Newburyport Turnpike, Ipswich, MA 01938. Representative: Ignatius C. Goode, 132 Harris Rd., Nashua, NH 03062. Transporting *hazardous waste*, in bulk, from points in CT, ME, MA, NH, NY, RI and VT, to points in CT, ME, MA, NH, NY, NJ, NC, OH, PA, RI, SC and VT. Condition: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 146078 (Sub-34F), filed November 13, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk and classes A and B explosives) between the facilities of Ralston Purina Company at (a) Clinton and Davenport, IA, (b) Sparks, NV, (c) Flagstaff, AZ, (d) Denver, CO, (e) Oklahoma City, OK, (f) Minneapolis, MN, (g) Lancaster and Sharonville, OH, (h) Union City, GA, (i) Dunkirk and Jersey City, NJ, (j) Mechanicsburg, PA, (k) San Diego, CA, (1) Louisville, KY and (m) Battle Creek, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147698 (Sub-3F), filed November 12, 1980. Applicant: JLMS, INC., 115 Moonachie Ave., Moonachie, NJ 07074. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Transporting *printing paper*, between points in the U.S., under continuing contract(s) with Beekman Paper Co., Inc., of New York, NY.

Volume No. OP5-071

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 16499 (Sub-3F), filed November 13, 1980. Applicant: ROHDE CARTAGE, INC., P.O. Box 475, Mundelein, IL 60060. Representative: Robert E. Rohde (same address as applicant) Transporting (1) *plastic articles and packaging materials* (except in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in IL, on the one hand, and, on the other, points in IN, IA, KY, MI, MO, TN, and WI.

MC 57239 (Sub-56F), filed November 13, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 South West St., Indianapolis, IN 46225. Representative: James R. Smith (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Posey County, IN as off-route points in connection with applicant's otherwise authorized regular-route operations.

MC 59678 (Sub-3F), filed November 5, 1980. Applicant: TEXTILE TRANSPORTATION, INC., 226 South Cobb Ave., Burlington, NC 27215. Representative: Michael F. Morrone, 1150 17th St. NW., Suite 1000, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), between points in the U.S., under continuing contract(s) with E. I. DuPont De Nemours & Company, Inc., of Wilmington. DE.

MC 113509 (Sub-12F), filed November 10, 1980. Applicant: DANTE GENTILINI TRUCKING, INC., P.O. Box 387, West Chicago, IL 60185. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. Transporting (1) *containers* (2) *paper and plastic products*, and (3) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between points in the U.S., under continuing contract(s) with Container Corporation of America, of Carol Stream, IL.

MC 113908 (Sub-517F), filed November 12, 1980. Applicant: ERICKSON TRANSPORT, CORP., 2255 North Packer Road, P.O. Box 10068 G. S., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Scott County, AR, on the one hand, and, on the other, points in Lehigh County, PA, Saline County, NE, Wyandette, Johnson and Shawnee Counties, KS, Kankakee County, IL, Coles County, IL, Buchanan County, MO and Jefferson County, WI.

MC 114608 (Sub-37F), filed November 18, 1980. Applicant: CAPITAL EXPRESS, INC., 5635 Clay SW., Grand Rapids, MI 49508. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. 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 White Consolidated Industries, Inc., of Cleveland, OH. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

MC 116519 (Sub-90F), filed November 14, 1980. Applicant: FREDERICK TRANSPORT LIMITED, R. R. 6, Chatham, Ontario, Canada N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005. In foreign commerce only, 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), from the facilities of Armstrong World Industries, Inc., in Lancaster County, PA, to the ports of entry on the United States-Canada international boundary line located in MI and NY.

MC 119399 (Sub-140F), filed November 3, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting (1) *copper rods, copper cathodes, copper bars, and molybdenum concentrates*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), between points in AZ, on the one hand, and, on the other, points in IL, KS, LA, and TX.

MC 121598 (Sub-11F), filed November 13, 1980. Applicant: SHELBYVILLE EXPRESS, INC., Old Railroad Ave., Shelbyville, TN 37160. Representative: James G. Caldwell, P.O. Box 100906, Nashville, TN 37210. Transporting *such commodities* as are dealt in or used by a manufacturer of agricultural chemicals and fertilizers (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 134369 (Sub-18F), filed November 18, 1980. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron,

IL 61010. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *mineral and industrial aggregates and foundry core compounds,* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), (a) between those points in the U.S. and east of MN, IA, MO, AR, and LA, and (b) between points named in (a), on the one hand, and, on the other, points in MT, ND, WY, SD, CO, NE, KS, NM, OK, and TX. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates.

MC 135909 (Sub-2F), filed November 6, 1980. Applicant: WALTER V. BAKER & ELLIS D. W. BAKER, d.b.a. BAKER BROS., 304 S. Main, Ellington, MO 63638. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Transporting (1) *lumber or wood products* (except furniture) and (2) *such commodities* as are dealt in or used by farm supply stores, between points in MO, on the one hand, and, on the other, points in the U.S.

MC 142559 (Sub-160F), filed November 12, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *such commodities* as are dealt in by manufacturers and distributors of audio and electronic systems, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), between Los Angeles, CA, and West Carrollton OH, on the one hand, and, on the other, points in KS, OK, and TX, and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 143988 (Sub-14F), filed November 12, 1980. Applicant: J. W. TATE, d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Popular Ave., Memphis, TN 38137. Transporting *plastic articles,* and *machinery, equipment, and supplies* used in the manufacture and distribution of plastic articles, between Bakersfield, CA, Covington, GA, Canandaigua, NY, Frankfort, IL, Jacksonville, IL, Lowell, MA, Macedon, NY, Shawnee, OK, Stratford, CT, Temple, TX, Washington, NJ, and Woodland, CA, on the one hand, and, on the other, points in U.S., restricted to traffic originating at or destined to facilities used by Mobil Chemical Company, Plastics Division.

MC 144188 (Sub-25F), filed November 13, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting (1) *pet foods,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of pet foods, between points in Columbia and Luzerne Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 146678 (Sub-5F), filed November 12, 1980. Applicant: SOUTHLAND TRANSPORTATION, INC., P.O. Box 7760, Washington, DC 20044. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting (1) *automotive parts and electric motors,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between Nashville and Memphis, TN, on the one hand, and, on the other, points in SC.

MC 150059 (Sub-1F), filed November 6, 1980. Applicant: ROBERTI-WHITE, INC., 38 Dike St., Providence, RI 02909. Representative: Morris J. Levin, 1050 17th St. NW., Washington, DC 20036. Transporting *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 The Pillsbury Company of Minneapolis, MN.

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Decided: November 28, 1980.

By the Commission, Review Board Nunber 2, Members Chandler, Eaton and Liberman.

MC 136899 (Sub-53F), filed November 13, 1980. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Ralston Purina Company.

MC 142429 (Sub-5F), filed November 11, 1980. Applicant: HORACE G. STROUD, d.b.a. STROUD TRUCK SERVICE, 11030 Weaver St., South El Monte, CA 91733. Representative: D. Gary Tyson, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017. Transporting *such commodities* as are dealt in by a manufacturer of wine and distilled spirits, between points in the U.S., under continuing contract(s) with A. Perilli-Minetti & Sons of Delano, CA.

MC 144208 (Sub-6F), filed November 11, 1980. Applicant: ART NORDANG TRUCKING, INC., P.O. Box 508, Methow, WA 98834. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. Transporting (1) *lubricating oil, antifreeze, and grease,* in containers, between Portland and St. Helens, OR, and points in Chelan, Douglas, Okanogan, and King Counties, WA, (2) *beverages,* between points in WA, OR, and ID, and (3) *iron and steel articles* between poins in Cheland County, WA, and points in WA, OR, ID, and MT.

MC 144399 (Sub-1F), filed November 6, 1980. Applicant: CRAWFORD TRUCKING, INC., P.O. Box 532, Montrose, AL 36559. Representative: George M. Boles, 717 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *paper and paper products,* between points in the U.S., under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 145579 (Sub-12F), filed October 31, 1980. Applicant: D. IRVING TRANSPORT LIMITED, Box 8, Station T, Calgary, Alberta, Canada T2H 2G7. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting (1) *aluminum beams,* (2) *steel scaffolding* and (3) *materials, equipment and supplies* used in the installation and erection of the commodities in (1) and (2) above, between ports of entry on the international boundary line between Canada and the U.S. located in WA, ID, MT, ND, MN, MI, NY, VT, NH, and ME, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) in the reverse direction.

MC 146728 (Sub-1F), filed November 18, 1980. Applicant: GOLDEN BROS., INC., 234 McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. Transporting *iron and steel articles,* between Hennepin, IL, on the one hand, and, on the other, points in MI.

MC 148629 (Sub-1F), filed November 6, 1980. Applicant: PARKHILL PIPE SERVICES COMPANY, P.O. Box 45388, Tulsa, OK 74145. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting (1) *pipe* and (2) *materials* incidental to and used in connection with the construction, repair, maintenance and dismantling of pipelines, between points in the U.S. (except HI).

MC 149568 (Sub-1F), filed November 13, 1980. Applicant: TRUCK SERVICE COMPANY, a corporation, 2169 E.

Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. Transporting *meats, meat products, and meat by-products, and articles distributed by meat packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), between points in Anderson County, TX, on the one hand, and on the other, points in the U.S.

MC 151218 (Sub-1F), filed October 28, 1980. Applicant: H & H TRANSPORTATION, INC., 1425 E. Main St., Neward, OH 43055. Representative: Paul F. Berry, 275 E. State St., Columbus, OH 43215. Transporting *such commodities* as are dealt in or used by a manufacturer of hair care products, toiletries, and health and beauty care products, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Clairol, Inc., of Stamford, CT.

MC 151768 (Sub-7F), filed November 18, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting (1) *such commodities* as are dealt in by hardware business houses, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) (except liquid commodities in bulk), between those points in the U.S. in and south of NY, IA, IN, IL, MO, KS, CO, UT, NV, and CA.

MC 151768 (Sub-8F), filed November 18, 1980. Applicant: ARM TRANSPORTATION CORPORATION, P.O. Drawer 9480, Amarillo, TX 79105. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. Transporting *plastic article, and materials, equipment, and supplies* used in the manufacture and distribution of plastic articles, between points in the U.S., restricted to traffic originating at or destined to the facilities of Mobil Chemical Co., Plastics Division.

MC 152458 (Sub-1), filed November 3, 1980. Applicant: KNOWLES TRUCKING COMPANY, a corporation, P.O. Box 81, Tyronne, GA 30290. Representative: Virgil H. Smith, 1587 Phonix Blvd., Suite 12, Atlanta, GA 30349. Transporting (1) *wire products,* from points in GA, to points in CA, (2) *art supplies,* between Lawrenceville, GA, on the one hand, and, on the other, points in CA and SC, and (3) *picture frame molding, and materials, equipment and supplies* used in the manufacture and distribution of picture frame molding, between Conyers, GA and Modesto, CA.

MC 152559F, filed November 4, 1980. Applicant: WILLIAM A. SPENCER, R.D. No. 3, Muncy, PA 17756. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Transporting *railway castings and railway car parts,* between points in the U.S., under continuing contract(s) with Dresser Industries, Inc., of Depew, NY.

MC 152578F, filed November 17, 1980. Applicant: E & E TRANSPORTATION, INC., d.b.a. WELLESLEY FREIGHT LINES, 32 Hinckley St., Somerville, MA 02145. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, in tank vehicles, and those requiring special equipment), between points in MA.

Note.—The purpose of this application is to convert applicant's Certificate of Registration in MC 13558 Sub No. 2 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 MC 13558 Sub No. 2.

MC 152578 (Sub-1F), filed November 17, 1980. Applicant: E & E TRANSPORTATION, INC., d.b.a. WELLESLEY FREIGHT LINES, 32 Hinckley St., Somerville, MA 02145. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment), from points in Essex and Middlesex Counties, MA, to Albany, NY, and points in NH, RI, and CT. Conditions: Issuance of a certificate is conditioned upon receipt from applicant of a written request for prior or coincidental cancellation of its certificate of registration in MC 13558 (Sub-No. 2).

MC 152659F, filed November 12, 1980. Applicant: LOGAN TRUCKING, INC., Route 1, Box 185, Green Forest, AR 72638. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. Transporting (1) *lumber or wood products* (except furniture), (2) *forest products,* (3) *particle board,* (4) *building materials,* and (5) *unassembled log homes,* between points in Carrol, Boone, Madison and Newton Counties, AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP5-073

Decided: November 28, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 57239 (Sub-55F), filed November 10, 1980. Applicant: RENNER'S EXPRESS, INC., 1350 South West St., Indianapolis, IN 46225. Representative: James R. Smith (same address as applicant). Transporting *printed matter,* between points in Barren County, KY, on the one hand, and, on the other, points in the lower peninsula of MI.

MC 60709 (Sub-9F), filed November 11, 1980. Applicant: G & P TRUCKING COMPANY, INC., P.O. Box 338, Greenwood, SC 29646. Representative: John H. Caldwell, 1776 F St. NW., Suite 400, Washington, DC 20006. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (a) between points in Chatham County, GA, on the one hand, and, on the other, points in SC, and (b) between points in SC. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of its Certificate of Registration No. MC 60709 (Sub-7).

MC 107839 (Sub-193F), filed November 12, 1980. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers, Suite 1600, Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting (1) *floor coverings, and* (2) *materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk), between points in GA, SC, and TN, on the one hand, and, on the other, points in CO, NM, OK, and TX.

MC 117519 (Sub-9F), filed November 12, 1980. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottumwa, KS 66067. Representative: Bruce C. Harrington, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *shale aggregate* in bulk, between points in the U.S., under continuing contract(s) with Buildex, Inc. of Ottawa, KS.

MC 119399 (Sub-141F), filed November 6, 1980. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Blvd., Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities used by Ralston Purina Company.

MC 12364 (Sub-11F), filed November 12, 1980. Applicant: MAGILL TRUCK LINES, INC., 211 West 53rd North,

Wichita, Kansas 67204. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Transporting *iron and steel articles,* from Granite City, IL, to points in the U.S.

MC 124679 (Sub-130F), filed November 13, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same address as applicant). Transporting *paper and paper products,* between Idaho Falls, ID and points in UT, on the one hand, and, on the other, points in the U.S.

MC 126428 (Sub-11F), filed November 12, 1980. Applicant: ZIBERT TRANSPORT CO., a Corporation, P.O. Box 65, Peru, IL 61354. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *dry plastics,* and (2) *materials and supplies* used in the manufacture and distribution of dry plastics, between points in La Salle County, IL, on the one hand, and, on the other, points in the U.S.

MC 128648 (Sub-30F), filed November 12, 1980. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities* as are dealt in or used by manufacturers of building materials and supplies, between points in the U.S. (except AK and HI), under continuing contract(s) with Chicago Metallic Corporation, of Chicago, IL, Chicago Finished Metals, Inc., of Bridgeview, IL, Chesapeake Finished Metals, Inc., of Baltimore, MD, and California Finished Metals, Inc., of Cucamonga, CA.

MC 134009 (Sub-2F), filed November 12, 1980. Applicant: SECURITY ARMORED CAR SERVICE, INC., 1022 So. 9th St., St. Louis, MO 63104. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *coin, currency, bullion, precious metals and stones, jewelry, stamps, negotiable and non-negotiable instruments, and securities,* between points in Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson Counties, IL; Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Jackson, Jefferson, Knox, Lawrence, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Switzerland, Sullivan, Vanderburgh, Warrick, and Washington Counties, IN; Adair, Audrain, Barry, Bollinger, Boone, Butler, Callaway, Camden, Cape Girardeau, Carter, Christian, Clark, Cole, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Franklin, Gasconade, Greene, Howell, Iron, Jefferson, Knox, Laclede, Lawrence, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Taney, Texas, Warren, Washington, Wayne, Webster, and Wright Counties, MO; Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalf, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster Counties, KY; Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, and Yalobusha Counties, MS; and Benton, Carroll, Chester, Crockett, Decautur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Shelby, Tipton, and Weakley Counties, TN; and points in AR.

MC 134029 (Sub-8F), filed November 12, 1980. Applicant: SIGEL'S HAULING, INC., P.O. Box 286, Rd. #5, Cadiz, OH 43907. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Transporting *quarry equipment,* between points in OH, KY, WV, PA, and NY.

MC 135208 (Sub-5F), filed November 12, 1980. Applicant: GEORGE L. BIGELOW TRUCKING, INC., 135 Wright Street, Delavan, WI 53115. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives) between points in Walworth County, WI, on the one hand, and, on the other, points in the U.S.

MC 136819 (Sub-8F), filed October 31, 1980. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting (1) (a) *lumber,* (b) *building materials,* (c) *electrical appliances* and (d) *equipment and parts* for electrical appliances between points in the U.S., under continuing contract(s) with Roper Bros. Lumber Co., Inc., of Petersburg, VA, and (2) (a) *lumber, lumber mill products, building materials, and forest products,* and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (2)(a) (except commodities in bulk, in tank vehicles), between points in the U.S., under continuing contract(s) with Madison Wood Preservers, Inc., of Madison, VA.

MC 136828 (Sub-37F), filed November 12, 1980. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362-A, Birmingham, AL 35217. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. Transporting *clay products, concrete products, glass products, and stone products,* between points in Tuscarawas County, OH, on the one hand, and, on the other, points in the U.S.

MC 140389 (Sub-94F), filed November 13, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsen, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. 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, on the one hand, and, on the other, Jeffersonville, IN, and points in AL, FL, KY, LA, MS, NC, SC, and TN.

MC 141548 (Sub-20F), filed November 12, 1980. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347 TA, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Transporting (1) *iron and steel articles,* and (2) *non-ferrous metal articles,* in mixed loads with iron and steel articles, between those points in

the U.S. in and west of WI, IL, MO, AR, and TX.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-38279 Filed 12-9-80; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-78

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St. Room 620, Philadephia, PA 19106.

MC 146174 (Sub-II-1TA), filed November 28, 1980. Applicant: PD EXPRESS, INC., 817 W. Fifth Ave., Columbus, Ohio 43212. Representative: David H. Rowe, 817 W. Fifth Ave., Columbus, Ohio 43212. *General commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in OH, IN, IL, WV, KY, PA, MI, and NY for 270 days. Supporting shipper(s): There are 6 supporting shippers. Their statements may be examined at the ICC Regional Office in Philadelphia, PA.

MC 150339 (Sub-2-24TA), filed November 28, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant). *Contract; irregular; (1) Steel wool, and (2) materials, equipment and supplies used in the manufacture of steel wool,* (a) from Chicago, IL to Los Angeles, CA, Ft. Wayne, IN, Milford, CT, York, PA, and Atlanta, GA, and (b) from Johnstown, PA to Chicago, IL, under a continuing contract(s) with The Rhodes Co., 825 West 31st St., Chicago, IL 60623. Supporting shipper(s): The Rhodes Co., 2825 West 31st St., Chicago, IL 60623.

MC 152235 (Sub-II-1TA), filed November 28, 1980. Applicant: PFI TRANSPORT, INC., 1218 Lime St., Fremont, OH 43420. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of mobile home parts and/or accessories, except in bulk,* between Fremont, Portsmouth, and Norwalk, OH, and Peoria, IL, on the one hand, and, on the other, pts. in OH, MI, IN, IL, WI, KY, WV, PA, NJ, NY, MD and VA for 270 days. Restricted to the transportation of shipments originating at or destined to the facilities of Style Crest Products and Tops Distributors, Inc. An underlying ETA seeks 120 day authority. Supporting shipper(s): Style Crest Products, 1218 Lime St., Fremont, OH 43420.

MC 107403 (Sub-II-37TA), filed November 28, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Commodities, in bulk, in tank vehicles,* between Genesee County, MI on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR and LA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): N. L. Kimes Associates, Inc., P.O. Box 21, 4088 Alpha Dr., Allison Park, PA 15101.

MC 107012 (Sub-II-111TA), filed November 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Such merchandise as is dealt in by retail drug and variety stores* from the facilities of New York Merchandising at Los Angeles and San Diego, CA to the facilities of Superx Drugs, Inc. at Phoenix, AZ; Melbourne, FL; Atlanta, GA; Peoria, IL; Indianapolis, IN; Louisville, KY; Grand Rapids, MI; St. Louis, MO; New York, NY; Cincinnati and Columbus, OH; Nashville, TN; Houston, Tex; Roanoke, VA; and Charleston, WV for 270 days. Supporting shipper(s): Superx Drugs, Inc., 175 Tri-County Parkway, Cincinnati, OH 45246.

Note.—Common control may be involved.

MC 107012 (Sub-II-112TA), filed November 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such merchandise as is dealt in, or used by, retail department stores* from points in the US (except AK and HI) to points in CT, MA, NJ, NY, PA, and MD for 270 days. Supporting Shipper: Vornado, Inc., 97 Murray Rd., E. Hanover, NJ 37936.

Note.—Common control may be involved.

MC 1335 (Sub-II-1TA), filed November 26, 1980. Applicant: MOTEK TRANSPORT, INC., 345 Main St., Box 123, Harleysville, PA 19438. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 1420. *Flour and bakery mix products, except in bulk in tank vehicles,* between Buffalo and Lockport, NY, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, OH, PA, RI, VT, VA, and DC, for 270 days. Supporting Shipper: International Multifoods Corp., 120 Childs St., Buffalo, NY 14203.

MC 107403 (Sub-II-36TA), filed November 26, 1980. Applicant: MATLACK, INC., 10W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Dry talc, in bulk, in tank vehicles,* from Dillon, MT to Warren, MI for 270 days. Supporting Shipper: Pfizer, Inc., 235 East 42 St., New York, NY 10017.

MC 152390(Sub-II-1TA), filed November 26, 1980. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, E. Liverpool, OH 43920. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Building and construction materials,* between points in Hancock County, WV, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of The Celotex Corp. Supporting Shipper: The Celotex Corp., 1500 N. Dale Mabry, P.O Box 22601, Tampa, FL 33622.

MC 119401 (Sub-II-1TA), filed November 26, 1980. Applicant: SPENCER TRANSFER, INC., P.O. Box 621, Petersburg, VA 23803. Representative: Calvin F. Major, 200 W. Grace St., Richmond, VA 23220. *Malt beverages and equipment and/or supplies used in the manufacture of malt beverages,* (1) From VA to DE, & (2) From MD and PA to VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Coury Distributors, Inc., 1605 E. Washington St., Petersburg, VA 23803; N-K-S Dist., Inc., New Churchman's Rd., New Castle, DE 19720.

MC 21866 (Sub-II-32TA), filed November 26, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Washington, D.C. 20036. *(1) Plastic products, (2) rubber products, (3) steel products, and (4) aluminum products,* between the facilities of Kingston-Warren, Corp., located at or near Newfields, NH, on the one hand, and, on the other, points in SC, OH, PA and MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kingston-Warren Corp., Route 85, Newfields, NH 03856.

MC 50069 (Sub-II-7TA), filed December 1, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (same as applicant). *Petroleum oil, in bulk, in tank vehicles* from Fairfield County, CT to Cuyahoga County, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Koppers Co., Inc., 850 Koppers Bldg., Pittsburgh, PA 15219.

MC 128902 (Sub-II-1TA), filed November 28, 1980. Applicant: SCHOENEGGE, INC., P.O. Box 525, Rt. 20 E., Norwalk, OH 44857. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. Contract: Irregular: *Fibre-glass Motor Vehicle Hoods* from Jackson, OH to O'Bannan, KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ford Motor Company, 1 Parklane Blvd., Dearborn, MI 48126.

MC 50069TA (Sub-II-8TA), filed December 1, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: William P. Fromm (address same as applicant). Commodities in bulk, in tank vehicles between Flint, MI and states in and east of MN, IA, MO, AR and LA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: N. L. Kimes Associates, Inc., P.O. Box 21, 4088 Alpha Dr., Allison Pk., PA 15101.

MC 45760 (Sub-II-5TA), filed December 1, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, PA 19013. Representative: Edward Kells, Industrial Highway and Saville Ave., Eddystone, PA 19013. Electrical generating equipment and parts thereof, and articles which because of size or weight requires special handling or equipment, on American trailers to final destination in Mexico. Between Tulsa, OK; on one hand, and on the other, points in Mexico via ports of entry at Nogales, AR; Del Rio, Eagle Pass, El Paso, Hedalgo, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): United Technologies, 10 Farm Springs, Farmington, CT. 06032.

MC 107654 (Sub-II-5TA), filed December 1, 1980. Applicant: SPECIAL SERVICE TRANSPORTATION, INC., 1100 W. Smith, Medina, OH 44256. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. *Sand, except in bulk,* from Aurora, IL, and its commercial zone, to points in OH, PA, and WV, for 270 days. Supporting shipper: Shell's Inc., 350 State St., Wadsworth, OH 44281.

MC 45764 (Sub-II-4TA), filed December 1, 1980. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway & Saville Ave., Eddystone, PA 19013. Representative: Edward Kells, Industrial Highway & Saville Ave., Eddystone, PA 19013. Can machinery and plant equipment, from Hayworth and Tiburon, CA, Denver, CO, Chicago and Rockford, IL, Minneapolis, MN, Rutherford, NJ, Cincinnati, Cleveland, and Dayton, OH, Philadelphia, PA, Providence, RI, Lynchburg and Richmond, VA, to Laredo, TX for 270 days. An underlying ETA seeks 120 authority. Supporting shipper: Container Systems International, Inc., 2021 Hennepin Ave., Minneapolis, MN.

MC 150954 (Sub-II-8TA), filed December 1, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515, San Antonio, TX 78217. Common carrier, irregular routes: *(1) Equipment used in the loading, unloading and maintenance of aircraft and (2) Materials, equipment and supplies incidential to the manufacture, distribution and sales thereof,* between Monterey, Los Angeles and Santa Clara, CA Counties on the one hand, and, on the other, points in the United States, 270 days. Underlying ETA seeks 120 days operating authority. Supporting shippers: H. Bruce Boyd, Cochran-Western Corporation, 1215 Hansen Street, Salina, CA 93901, and Ronald L. Johnson, Cochran Airport Systems, Inc., P.O. Box 1336, Castroville, CA 95012.

MC 152273 (Sub-II-1TA), filed November 25, 1980. Applicant: VITO ALOISIO, d.b.a., CARRIER DELIVERY SERVICE, 9994 Cincinnati/Dayton Rd., West Chester, OH 45069. Representative: Vito Aloisio, 7119 Windwood Dr., Cincinnati, OH 45241. Contract, irregular: *paper products to be used in restaurant operation,* from the facilities of the Buehler Co. located at or near Cincinnati, OH, to points in KY, MI, PA, IN, IL, FL, TN, NC, SC and GA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Buehler Paper Co., 4699 Malsbary Rd., Cincinnati, OH 45242.

MC 14252 (Sub-II-10TA), filed November 24, 1980. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham (same as applicant). Contract, irregular: *General commodities (except household goods as defined by the Commission and classes A and B explosives),* between points in the U.S. and GTE Products Corp. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: GTE, 1 Stamford Forum, Stamford, CT 06904.

MC 147210 (Sub-II-1TA), filed November 26, 1980. Applicant: HOWARD DOUGHMAN, dba, DOUGHMAN TRUCKING, 9317 Woodville Rd., Pleasant Plain, OH 45162. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of electrical fittings and connectors, and ice buckets,* between Cincinnati and Blanchester, OH, on the one hand, and, on the other, points in NJ and AL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Connector Mangf. Co., 1940 Losantiville Rd., Cincinnati, OH 45237, and Perspectives, Inc., 712 E. Dudley, Blanchester, OH 45107.

MC 143374 (Sub-II-2TA), filed November 24, 1980. Applicant: DENNIS J. DURBIN, dba DURBIN TRANSPORT, 17684 Oakmont Ave., Gaithersburg, MD 20760. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030. Contract, irregular: *Pizzas* from Montgomery, AL to points in DE, FL, GA, MD, NJ, NY, NC, PA, SC, VA and the DC for 270 days. An underlying ETA seeks 120 days authority. Supporting

shipper: Saluto Food Corp., P.O. Box 967, Benton Harbor, MI 49022.

MC 145235 (Sub-II-2TA), filed November 24, 1980. Applicant: DUTCH MAID PRODUCE, INC., RD #2, Willard, OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Printed matter and (2) materials, equipment and supplies used in the manufacture and distribution of printed matter (except commodities in bulk)* between Willard, OH, on the one hand, and, on the other, pts. in the U.S. (except AK and HI) for 270 days. Supporting shipper: R. R. Donnelly & Sons Co., 1145 Conwell Ave., Willard, OH 44890.

MC 146225 (Sub-II-1TA), filed November 21, 1980. Applicant: BECKER TRUCKING COMPANY, P.O. Box 217, Newton Falls, OH 44444. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Scrap metal,* in dump vehicles from Portage County, OH to points in MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Windham Alloy Metal Co., 9215 Windham-Hudson Rd., Windham, OH 44288.

MC 152703 (Sub-II-1TA), filed November 17, 1980. Applicant: WEST VIRGINIA PLASTICS, INC., P.O. Box 219, Pike St., Grafton, WV 26354. Representative: Terry Shriver (Same as applicant). *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): between points in Taylor, Harrison, Marion, Monongalia, and Preston Counties, WV; points in PA south of Interstate Highway 76, Garret, Allegany, and Washington, MD; points in NJ north of Interstate Highway 70, and points in New York City, NY, for 270 days. Supporting shipper: Sterling Box Co., Thomas & Lafferty Sts., Jeannette, PA 16544.

MC 152740 (Sub-II-1TA), filed November 20, 1980. Applicant: BRADCO TRUCKING SERVICE, INC., 5330 Cincinnati-Dayton Rd., Middletown, OH 45042. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *(1) paper and paper products and (2) equipment, material and supplies used in the manufacture, sale and distribution of the commodities named in (1) above (except commodities in bulk)* between the facilities of Union Camp Corporation at or near Centerville, OH, on the one hand, and, on the other, points in KY, TN, IN, IL, PA and MI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Camp Corporation, 1600 Valley Rd., Wayne, NJ 07470.

MC 124333 (Sub-II-5TA), filed November 20, 1980. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract, Irregular: Fuel Oil, in bulk, in tank vehichles,* from Philadelphia, PA to Newark, DE, for 180 days. An underlying ETA seeks 120 days authority. Supporting shipper: Enterprise Oil and Gas Co., 14445 Linwood, Detroit, MI 48238.

MC 152741 (Sub-II-1TA), filed November 20, 1980. Applicant: APPALACHIAN FREIGHT CARRIERS, INC., P.O. Box 307, Edinburg, VA 22824. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., N.W., Washington, DC 20004. *Building materials and supplies,* between points in Rockingham, Shenandoah, Augusta, Page, and Frederick Ctys, VA, on the one hand, and, on the other, points in CT, NY, NJ, PA, OH, MD, DE, NC, and DC, for 270 days. Supporting shipper: Rocco Building Supply, P.O. Box 669, Harrisonburg, VA.

MC 63417 (Sub-II-14TA), filed November 20, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (Same as Applicant). *Containers, container parts, and materials, supplies, and equipment used in the manufacture and distribution of containers and container parts* between Los Angeles, CA; Kent, WA; and Phoenix, AZ, on the one hand, and on the other, Denver, CO. and West Memphis, AR, and points in their respective commercial zones, for 270 days. Supporting shipper: National Can Corp., 1657 Rollins Rd., Burlingame, CA 94010.

MC 152739 (Sub-II-1TA), filed November 20, 1980. Applicant: FRED B. HALL, d.b.a. WORTHINGTON GULF SERVICE, 923 High St., Worthington, OH 43085. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Wrecked and disabled motor vehicles and freight trailers, and replacement motor vehicles and freight trailers,* between Franklin Co., OH on the one hand, and, on the other, IL, IN, IA, KY, MI, PA and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting parties: Ryder Truck Rental, Inc., 775 Schrock Rd., Columbus, OH 43229, Signal Delivery Service, Inc., 3800 Lacon Rd., Hilliard, OH 43026, Smith's Transfer Corp., 2625 Westbelt Dr., Columbus; OH 43228, and Lend Lease, 3710 Lacon Rd., Hilliard, OH 43206.

MC 124333 (Sub-II-4TA), filed November 20, 1980. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20005. *Contract, Irregular: Petroleum and petroleum products, in bulk, in tank vehicles,* from Cloucester, NJ to Newark, DE for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Enterprise Oil & Gas Co., 14445 Linwood, Detroit, MI 48238.

MC 152726 (Sub-2-1TA), filed November 19, 1980. Applicant: CENTRAL VALLEY TRANSPORTION, INC., P.O. Box 125, Howard, PA 16841. Representative: Andrew D. Lipman, 1776 F St., N.W., Washington, D.C. 20006. *Contract; Irregular: Coal* from pts. in Centre County and Clearfield County, PA to pts. in the state of NY for 270 days. Supporting shipper: Power Operating Co., Inc., P.O. Box 684, Philipsburg, PA 16866.

The following protests were filed in Region 4. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 152121 (Sub-4-1TA), filed November 21, 1980. Applicant: JERRY J. POLI, d.b.a. KAM MESSENGER SERVICE, 7772 Elmgrove Drive, Elmwood Park, IL 60635. Representative: Michael F. Sheehan, Jr., 29 South La-Salle St., Suite 830, Chicago, Illinois 60603. *Power tools, Fishing tackle and Engineered Materials, Beryllium, Copper Strip and Rod,* between Chicago Commercial Zone and Fort Wayne, IN., Cedar Rapids, IA., Holland, MI., Wilmot and Beloit, WI. Supporting shippers: Brush Wellman, Inc., 930 N. Oaklawn Ave., Elmhurst, IL 60126; Ryobi America Corp., 1555 Carmon Dr., Elk Grove Village, IL.

MC 6031 (Sub-4-5TA), filed November 21, 1980. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 E. National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular; *Coke,* from Milwaukee, WI, to Michigan City, Muncie, and Warsaw, IN. Under a continuing contract(s) with Milwaukee Solvay Coke Co. a division of Pickands Mather Co. An underlying ETA seeks 120 day authority. Supporting shipper: Solvay Coke Co., a division of Pickands Mather Co., P.O. Box 04546, Milwaukee, WI. 53204.

MC 127550 (Sub-4-2TA), filed November 21, 1980. Applicant: BOSCH

TRUCKING COMPANY, INC., 5600 South Washington St., Bartonville, IL 61607. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. *Contract:* Irregular: *Heavy equipment, machinery, machines, and raw materials and parts* for use in the manufacture and distribution of the aforenamed commodities; and *office and maintenance supplies,* between the facilities of Caterpillar Tractor Co. located in York, PA, and Mentor, OH, on the one hand, and, on the other, East Peoria and Morton, IL, restricted against the transportation of commodities in bulk, for 270 days under a contract with Caterpillar Tractor Co. and underlying ETA seeks 120 days authority. Supporting shipper: Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL. 61629.

MC 109633 (Sub-4-4TA), filed November 21, 1980. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL. 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Pulp, paper or allied products,* from Cook County, IL to points in CT, DE, GA, KY, MD, MA, NJ, NY, NC, OH, PA, RI, SC, TN, MI, VA, WV, and D.C. Supporting shipper: Boise Cascade Corporation, P.O. Box 2885, Portland, OR 97208.

MC 144753 (Sub-4-TA), filed November 21, 1980. Applicant: OFFUTT TRUCKING CO., P.O. Box 126, Glyndon, MN 56547. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. *Frozen potato products,* from Clark, SD to points in FL, AL, SC, VA, NC, TN, MD, LA, MS and GA,. An underlying ETA seeks 120 days authority. Supporting shipper: Potato Processing Co., 1015 Boulevard, S.E., Atlanta, GA.

MC 139796 (Sub-1-1TA), filed November 21, 1980. Applicant: CHARLES OTTO, d.b.a. OTTO, TRANSFER, 417 Elm Street, Delano, MN 55328. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Insulation and materials, equipment and supplies used in the manufacture and distribution of insulation,* between points in the U.S. under a continuing contract with insulation Sales Company, Shelter Shield Products Division, Supporting shipper: Insulation Sales Company, Shelter Shield Products Division, 2705 West Highway 55, P.O. Box 188, Hamel, MN 55340.

MC 142888 (Sub-4-3), filed November 21, 1980. Applicant: COX TRANSFER, INC., Box 168, Eureka, IL 61530. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Paper and paper products,* between Terre Haute, IN on the one hand, and on the other, points in IL. An underlying ETA seeks 120 days authority. Supporting shipper: Weston Paper Company, P.O. Box 539, Terre Haute, IN 47808.

MC 152730 (Sub-54-1TA), filed November 19, 1980. Applicant: DEPENDABLE TRANSIT, INC., 211 N. High Street, Hartford City, IN 47348. Representative: William E. Ervin, 211 N. High Street, Hartford City, IN 47348. (1) *Mineral Wool Insulation, and Products, Fiber, Glass Insulation, and products, products produced from Rock, Slag, or Glass,* (2) *Materials, equipment, and supplies utilized in the manufacture, sale, and distribution of insulation products,* (except commodities in bulk) between Huntington County, IN, Calhoun County, MI on the one hand, and, on the other all points in and East of the States of ND, SD, NE, KS, OK, and TX. Supporting shipper: Guardian Insulation, Division Guardian Industries, Inc., 701 N. Broadway, Huntington, IN 46750.

MC 152710 (Sub-4-1TA), filed November 19, 1980. Applicant: WAUSAU TRANSIT, LTD., P.O. Box 1520, Hwy 51 S., Wausau, WI 54401. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract* irregular. *General commodities* with the usual exceptions between points in the U.S. except AK and HI, under contract to Wausau Tile Co., Inc. Supporting shipper: Wausau Tile Co., Inc., P.O. Box 1520, Wausau, WI 54401.

MC 146751 (Sub-4-1TA), filed November 20, 1980. Applicant: J. C. LAWRENCE TRUCKING, INC., 1519 Ripley Street, Lake Station, IN 46405. Representative: Fred H. Daly, Esq., 2550 M Street, N.W., Washington, D.C. 20037. *Coke (except in bulk), pipe, fittings, valves, hydrants, castings and accessories thereto,* between Jefferson County, AL on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK and TX. Supporting shipper: American Cast Iron Pipe Co., P.O. Box 2727, Birmingham, AL 35202.

MC 125777 (Sub-4-10), filed November 20, 1980. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Ave., Gary, IN 46403. Representative: Duane C. O'Donnell (address same as above). *Ground Carbon Mixture, Unbaked, consisting of Ground Coke, Coal or Coal Tar Pitch,* from Calvert City, KY to Ashtabula, OH. An underlying ETA seeks 120 days authority. Supporting shipper: ARICO Carbide Co., Calvert City, KY 42029.

MC 105159 (Sub-4-7TA), filed November 20, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Foodstuffs,* from Northfield, MN to points CO, IA, IN, FL, GA, KY, MA, ME, NC, NE, NJ, NY, OH, PA, SC, TN, VA and WV. Supporting shipper: Malt-O-Meal Company, 319 So. Water St., Northfield, MN 55057.

MC 105159 (Sub-4-6TA), filed November 21, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Ceiling tile and materials, equipment and supplies used in the installation thereof,* from Macon, GA to points in IA, MN, ND, SD, and WI. Supporting Shipper: White's, Inc., 4700 Quebec Ave. No., New Hope, MN 55428. An underlying ETA seeks 120 days authority.

MC 105159 (Sub-4-5TA), filed November 21, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Tires, tubes and materials, equipment and supplies used in the manufacture and installation thereof,* from points in IA, IL, KY, MO, OH, and TX to Mendota, MN. An underlying ETA seeks 120 days authority. Supporting Shipper: Midwest Wholesale Tire, 1454 Sibley Hwy., Mendota, MN 55150.

MC 105159 (Sub-4-4TA), filed November 21, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Wool and materials and supplies* used in the manufacture of wool products, from points in MA, NH, PA, and RI to Faribault, MN. An underlying ETA seeks 120 days authority. Supporting Shipper: Faribault Woolen Mill Company, 1500 NW 2nd Ave., Faribault, MN 55021.

MC 138144 (Sub-4-5TA), filed November 19, 1980. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, Esq., Ten South LaSalle Street, No. 1600, Chicago, IL 60603. *General commodities (except classes A and B explosives),* between points in Milwaukee, Ozaukee, Racine, Washington & Waukesha Counties, WI, on the one hand, and, on the other, points in IA, IL, IN, KS, MN, MO, ND, NE, SD, WI, and the Upper Peninsula of MI. (There are six supporting shippers.)

MC 138144 (Sub-4-4TA), filed November 19, 1980. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, Esq., Ten South LaSalle Street, No. 1600, Chicago, IL 60603. *Such commodities as are manufactured or distributed by manufacturers of buildings and building sections and panels; and materials, equipment and supplies* (A) Between points in IL, IN, OH, and WI, on the one hand, and, on the other, points in the U.S.; and (B) Between points in CA, ID, MT, OR, WA, and Buchanon County, MO, on the one hand, and, on the other, points in IA, KS, MI, MN, MO, ND, NE, PA, and SD. (There are twelve supporting shippers.)

MC 145505 (Sub-4-1TA), filed November 19, 1980. Applicant: IRISH TRANSPORTATION, INC., 8007 South Meridian Street, Indianapolis, IN 46227. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. *Motor vehicles over ¾ ton gross weight,* in driveaway, Truckaway or towaway movement (except for automobiles, truck-mounted and self-propelled mine, well and quarry-drilling equipment), between points in Jefferson County, KY, Richland County, SC, and Denton County, TX, on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Tripak, Division of K & R Corporation, P.O. Box 21199 (7100 Grade Lane), Louisville, KY 40221.

MC 151365 (Sub-4-2TA), filed November 20, 1980. Applicant: MAC OF WISCONSIN, INC., 26 Lake View Drive, Sullivan, WI 53178. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Food processing equipment consisting of power drive units, track, chain and stacking equipment,* from Lake Mills, WI to Murfreesboro, TN. Supporting shipper: CrePace, Inc., 100 CP Ave., Lake Mills, WI 53553.

MC 145045 (Sub-4-5TA), filed November 19, 1980. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 7712 South Vernon, Chicago, IL 60619. Representative: Preston O'Connor (same address as applicant). *Machinery equipment, materials and supplies used in the manufacture, sale and distribution of machinery,* between the Chicago, IL, commercial zone on the one hand and, on the other hand, points in the U.S. (except AK and HI). Supporting shipper: Starks Bros., Inc., 777 South Tripp Avenue, Chicago, IL 60624.

MC 145045 (Sub-4-4TA), filed November 19, 1980. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 7712 South Vernon, Chicago, IL 60619. Representative: Preston O'Connor (same address as applicant). *Iron or steel articles finished or unfinished and materials, equipment and supplies used in manufacture, sales and distribution of Iron or Steel articles finished* between the Chicago, IL, commercial zone, on the one hand, and on the other hand points in IN, IA, KS, KY, MI, MN, MO, OH, WI. Supporting shipper: Anderson Metals, Inc., 10835 South Michigan Avenue, Chicago, IL 60628.

MC 145045 (Sub-4-3TA), filed November 19, 1980. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 7712 South Vernon, Chicago, IL 60619. Representative: Preston O'Connor (same address as applicant). *Non-exempt food or Kindred Products and materials, equipment and supplies used in the manufacture, sale and distribution of Non-exempt Food or Kindred Products.* Between the Chicago, IL, commercial zone on the one hand, and on the other points in IA, KS, MI, MN, MO, NE, Camden, NJ, Maxton, NC, ND, OH, SD, TX, and WI. Supporting shipper: Campbell Soup Company, 2550 West 35th Street, Chicago, IL 60632.

MC 145045 (Sub-4-2TA), filed November 19, 1980. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 7712 South Vernon, Chicago, IL 60619. Representative: Preston O'Connor (same address as applicant). *Meat, meat products and meat by-products and packing house products and materials, equipment and supplies* between the Chicago, IL, commercial zone on the one hand and on the other hand, points in CA, CO, IN, IA, KS, MA, MI, MN, MS, OH, NJ, NY, PA, TN, TX, and DC. Supporting shipper: American Meat Packers Corp., 3940 South Normal Avenue, Chicago, IL 60609.

MC 145045 (Sub-4-1TA), filed November 20, 1980. Applicant: INTERNATIONAL FREIGHTWAYS, INC., 7712 South Vernon, Chicago, IL 60619. Representative: Preston O'Connor (same address as applicant). *Iron or steel articles finished or unfinished and materials, equipment and supplies used in manufacture, sales and distribution of Iron or Steel* between the Chicago, IL, commercial zone on the one hand and on the other hand, points in IN, MO, MI, OH, NY, PA, and WV. Supporting shipper: Pre-Finish Metal, 2111 East Pratt Blvd., Elk Grove Village, IL 60007.

MC 149234 (Sub-4-5TA), filed November 20, 1980. Applicant: RIVER VALLEY OIL CO., P.O. Box 526, Spring Green, WI 53588. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *(1) Glass, insulated glass units and parts and accessories for insulated glass units (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above,* (1) from Spring Green, WI to points in FL, GA, and NC and (2) from points in FL, GA, IA, IL, IN, KY, MN, NE, NC, and TN to Spring Green, WI. Supporting shipper: Cardinal Insulated Glass Co., 1011 E. Madison St., Spring Green, WI 53588.

MC 29886 (Sub-4-6TA), filed November 14, 1980. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant). *Motor Vehicles,* in secondary movements, in truckaway service, from Chicago, IL, to points in the States of IA, MN, ND, SD, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, NJ 07632.

MC 125708 (Sub-4-17TA), filed November 20, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Wood, wood products, and building materials,* from points in CA, ID, OR, and WA to points in the U.S. Supporting shippers: The Nikkel Corporation, Rt. 1, Box 440, Roseville, CA 95678, Mouldings & Millwork, Inc., P.O. Box 986, Fair Oaks, CA 95628, and Bohemia, Inc., P.O. Box 2027, Grass Valley, CA 95945.

MC 125708 (Sub-4-16TA), filed November 20, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Road, P.O. Box 5216, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 330 Birney Avenue, Moosic, PA 18507. *Non-ferrous metals, non-ferrous metal products, and materials and supplies used in the manufacture and distribution of non-ferrous metals and non-ferrous metal products,* between Bedford, OH and points in PA, WV, IN, IL, NI, MO, TN, NY, CT, OK, TX, NH, NC, and WI. Supporting shipper(s): I. Schumann & Company, 22500 Alexander Road, Bedford, OH 44146.

MC 143002 (Sub-4-15TA), filed November 20, 1980. Applicant: C.D.B., INC., 155 Spaulding, S.E., Grand Rapids, MI 49506. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Contract irregular foods and foodstuffs (except in bulk) and materials and supplies used in the manufacture, sale and distribution thereof, between points in the U.S. (except AK and HI) under contract to

Fearn International, Inc. Supporting shipper: Fearn International, Inc., 9353 Belmont Ave., Franklin Park, IL 60131.

MC 151299 (Sub-4-3TA), filed November 20, 1980. Applicant: DEPPE LUMBER CO., INC., d.b.a. DEPPE ENTERPRISES, 300 Water Street, Baraboo, WI 53913. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Outdoor furniture and related accessories,* From the facilities of Almet, Inc., at or near Baraboo WI, Wisconsin Dells, and Prairie du Sac, WI to the facilities of Almet, Inc., at or near Memphis, TN. Corresponding ETA seeks 120 days authority. Supporting shipper: Almet, Inc., 902 Sauk Avenue, P.O. Box L, Baraboo, WI 53913.

MC 133689 (Sub-4-50), filed November 20, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Rail cars, and locomotive wheels, power pumps, castings, brake shoes, rail car adaptors,* between the plantsites of Abex Corporation located in IL, IN, DE, MO, OH, NJ, NY, PA, NC, VA, MD, MN, AL and WI on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Abex Corporation, 530 5th Ave., New York, NY 10036.

MC 133689 (Sub-4-49), filed November 20, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale and retail food business houses,* From Chicago, IL to points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Plochman, Inc., 2743 W. 36th Place, Chicago, IL 60632.

MC 133689 (Sub-4-48TA), filed November 20, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Marshallows,* from Elk Grove Village, IL to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Doumak Illinois, Inc., 2491 Estes Ave., Elk Grove Village, IL 60007.

MC 138493 (Sub-4-1 TA), filed November 14, 1980. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract;* irregular; *Foodstuffs* from Plymouth, WI to points in GA, LA, and TN under a continuing contract(s) with Sargento Cheese Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Sargento Cheese Co., Inc., P.O. Box 360, Plymouth, WI 53073.

MC 114829 (Sub-4-5TA), filed November 19, 1980. Applicant: GENERAL CARTAGE COMPANY, P.O. Box 417, Sterling IL 61081. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract,* Irregular: *such commodities* as are dealt in or used by manufacturers of paper, paper products and containers, between points in the U.S., under contract with Weyerhaeuser Company. Underlying ETA seeks 120 days authority. Supporting shipper: Weyerhaeuser Company, 100 S. Wacker Dr., Chicago, IL, 60606.

MC 152706 (Sub-4-2TA), filed November 19, 1980. Applicant: MIDWEST OIL TRANSIT, INC., 4902 West 86th St., Indianapolis, IN 46268. Representative: Robert B. Hebert, 777 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204. *Asphalt flux* (also known as vacuum tower bottoms), from Marion County, IN to St. Louis County, MO. Supporting shipper: Rock Island Refining Corp., Indianapolis, IN.

MC 152727 (Sub-4-1TA), filed November 19, 1980. Applicant: PRIORITY SERVICES, INC., 5936 W. 124th St., Alsip, IL 60658. Representative: William E. Norton, 5936 W. 124 St., Alsip, IL 60658. *General Commodities,* between points in the counties of Boone, Cook, De Kalb, Du Page, Kane, Kendall, Lake, McHenry, Will, Winnebago, IL; Lake, La Porte, Porter, IN; Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington and Waukesha, WI. Restricted to shipments having a prior or subsequent movement by air, rail, water and/or foreign commerce. An underlying ETA seeks 120 days authority. There are 11 supporting shippers.

MC 76266 (Sub-4-14TA), filed November 21, 1980. Applicant: ADMIRAL MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, MN 55114. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Common; regular; *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* (1) *Between Cleveland, OH and Boston, MA:* From Cleveland, OH over Interstate 90 and return over the same route. *Between Cleveland, OH and Philadelphia, PA:* From Cleveland, OH over Interstate Hwy 77 to the junction of Interstate Hwy 80 thence over Interstate Hwy 80 to the junction of Interstate Hwy 76, thence over Interstate Hwy 76 to Philadelphia, PA and return over the same route. *Between Cleveland, OH and New York, NY:* From Cleveland, OH over Interstate Hwy 77 to junction of Interstate Hwy 80, thence over Interstate Hwy 80 to the junction of I-280, thence over I-280 to the junction of I-95, thence over I-95 to the junction of Interstate Hwy 495, thence over Hwy 495 to New York City, NY and return over the same route. (2) *Between Denver, CO and San Francisco, CA.* From Denver, CO over U.S. Hwy 40 to the junction of I-80 near Salt Lake City, UT, thence over I-80 to San Francisco, CA serving all intermediate points and return over the same route. *Between Denver, CO and Los Angeles, CA.* From Denver, CO over Interstate Hwy 70 and U.S. Hwy 6, to the junction of Interstate Hwy 15, thence over Interstate Hwy 15 to the junction of Interstate Hwy 10, thence over Interstate Hwy 10 to Los Angeles, CA serving all intermediate points and return over the same route. From Denver, CO over Interstate Hwy 25 to the junction of Interstate Hwy 40, thence over Interstate Hwy 40 to the junction of I-15, to the junction of Interstate Hwy 10, thence over Interstate Hwy 10 to Los Angeles, CA serving all intermediate points and return over the same route. *Between Denver, CO and Seattle, WA.* From Denver, CO over U.S. Hwy 40 to the junction of I-80 near Salt Lake City, UT, thence over I-80 to Portland, OR, thence over I-5 to Seattle, WA and return over the same route serving all intermediate points. (3) *Between Minneapolis/St. Paul, MN and Seattle, WA and between Minneapolis/St. Paul, MN and Portland, OR and their Commercial Zones serving no intermediate points.* From Minneapolis/St. Paul, MN over Interstate Hwy 94 to its junction with Interstate Hwy 90, thence over Interstate Hwy 90 to Seattle, WA and return over the same route. From Minneapolis/St. Paul, MN over Interstate Hwy 94 to its junction with Interstate Hwy 90, thence over Interstate Hwy 90 to its junction with U.S. Hwy 395 at or near Ritzville, WA, thence over U.S. Hwy 395, to its junction with Washington Hwy 14 at or near Pasco, WA, thence over Washington Hwy 14 to its junction with U.S. Hwy 730 at or near Washington/Oregon State Line, thence over U.S. Hwy 730 to its junction with Interstate Hwy 80N at or near Boardman, OR, thence over Interstate Hwy 80N to Portland, OR, and return over the same route. Applicant intends to tack authority sought with its

existing authorities. *An underlying ETA seeks 120 days authority.* There are 126 supporting shippers.

MC 114680 (Sub-4-3TA), filed November 25, 1980. Applicant: CAPITAL EXPRESS, INC., 5635 Clay, Grand Rapids, MI 49508. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Commercial and household appliances and home equipment and materials, equipment and supplies used in the manufacture, sale, or distribution thereof* (except commodities in bulk) between points and places in NC, SC, GA, AL and MS. Supporting shipper: GR Manufacturing Company, a Division of White Consolidated Industries, Inc., 1545 Clyde Park S.W., Grand Rapids, MI 49509.

MC 152828 (Sub-4-1TA), filed November 26, 1980. Applicant: DWAN'S MOVING & STORAGE, INC., 207 Hawthorne Avenue, St. Joseph, MI 49085. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Electric motors* from points in Berrien County, MI to points in La Porte County, IN. Supporting shipper: The General Electric Company, 1900 East Pleasant, De Kalb, IL 60115.

MC 152826 (Sub-4-1TA), filed November 26, 1980. Applicant: HAROLD MYERSCOUGH, d.b.a. MYERSCOUGH TRUCKING, RR #1, Box 32, Seymour, IL 61875. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular: Magnesium fluxing and purifying compounds (except in bulk)* from Cleveland, OH to pts in IL and IN for the account of SRC, Inc. for 170 days. Supporting shipper: SRC, Inc., 3425 Service Rd., Cleveland, OH 44111.

MC 152568 (Sub-4-1TA), filed November 26, 1980. Applicant: KISTLER-AMELING TRANSPORTATION CO., INC., 408 East Indiana Street, Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* Irregular: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A & C of Appendix I to the report in Descriptions on 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 Denison, Ft. Dodge, and Sioux City, IA; Luverne, MN; Dakota City and West Point, NE, to points in IA, MN, MO, IL, WI, IN, KY, OH, CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV under a continuing contract(s) with Iowa Beef Processors, Inc. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 117940 (Sub-4-1TA), filed November 26, 1980. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain MN 55359. *Scrap material* from all points in the U.S. (except AK and HI) to the facilities of All Metal Processors at Addison IL. Supporting shipper: All Metal Processors, 1775 Armitage Court, Addison IL 60101.

MC 125708 (Sub-4-18TA), filed November 26, 1980. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley Rd. P.O. Box 5216, Lake Station, IN 46405. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Ferrous and non-ferrous metals and ferrous and non-ferrous metal products, and materials and supplies,* between points in TX, NM, AZ, CO, AR, LA. Supporting Shipper(s): Co-Met Steel, 4846 Singleton Blvd., Dallas, TX 75247, and American Iron & Metal, 2215 S. Good Latimer, Dallas, TX 75212.

MC 150846 (Sub-4-2TA), filed November 26, 1980. Applicant: MACPHIL, INC., 1619 Silver Street, Anderson, IN 46012. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. (1) *Doors, partitions, panels, and related accessories,* from New Castle, IN to all points in the U.S.; and (2) *Materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in part (1) above, in the reverse direction. Supporting shipper: Modernfold, 1711 "I" Avenue, New Castle, IN 47362.

MC 44288 (Sub-4-1TA), filed November 26, 1980. Applicant: LA GROU MOTOR SERVICE, INC., 4400 S. Kolmar Ave., Chicago, IL 60632. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W. Washington DC 20036. *General commodities* (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A and B explosives, and household goods) between Waxdale and Racine, WI, on the one hand, and points in Cook and Lake Counties, IL, on the other, restricted to the transportation of traffic for or on behalf of S. C. Johnson & Son, Inc. Supporting shipper: S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403.

MC 150301 (Sub-4-8TA), filed November 26, 1980. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd. Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except household goods as defined by the Commission, commodities in bulk, and Classes A and B explosives)* between all points in the U.S. Supporting shipper: Amway Corp., 7575 E. Fulton Rd., Ada, MI 49355.

MC 135598 (Sub-4-5TA), filed November 26, 1980. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Contract: Irregular (1) Chemicals, toilet preparations and soaps (Except Commodities in bulk; (2) Such commodities as are dealt in and sold by department stores, supermarkets, hardware stores and drug stores (Except Commodities in bulk); and (3) Equipment, materials and supplies used in the manufacture, sale and distribution of (1) and (2) above (Except Commodities in bulk)* Between Clifton and Mays Landing, NJ; West Springfield, MA; and Memphis, TN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MS, MI, MN, MO, NE, NJ, OH, TN, WV, and WI, under continuing contract(s) with American Cyanamid Company (Shulton, Inc., a subsidiary of American Cyanamid Company), Wayne, NJ. Supporting shipper: American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.

MC 139276 (Sub-4-5TA), filed November 24, 1980. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Avenue, Bensenville, IL 60106. Representative: Grace Kasallis (Same as applicant). *Contract,* Irregular; *Steel sheets or coils and all types of metal including aluminum coated or uncoated* between points in the United States, under continuing contracts with Pre Finish Metals, Inc. and the facilities of, except AK and HI. Supporting shipper: Pre Finish Metals, Inc., 2300 E. Pratt Blvd., Elk Grove Village, IL.

MC 152806 (Sub-4-1TA), filed November 25, 1980. Applicant: SUR-WAY TRANSPORT, INC., 31414 Ecorse Road, Romulus, MI 48174. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy MI 48084. *(1) Plastics, plastic granules, and molded plastics* from the facilities of Thermofil, Inc., located at or near Brighton, MI and Ypsilanti, MI to points in IN, IL, and OH; *(2) materials, equipment and supplies, used in the manufacture and production of the commodities listed in (1) above,* moving in the reverse direction. Supporting shipper: Thermofil, Inc., 884 Railroad St, Ypsilanti, MI 48197.

MC 144696 (Sub-4-2TA), filed November 24, 1980. Applicant: MEEUWSEN PRODUCE, INC., 9525

Ransom St., Zeeland, MI 49464. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Contract; Irregular: *Drugs and toilet articles, materials and supplies (except in bulk), used in the manufacture, sale, and distribution thereof,* between Allegan, MI on the one hand, and, on the other, points in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: L Perrigo Company, 117 Water St., Allegan, MI 49010.

MC 115651 (Sub-4-12), filed November 28, 1980. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, Ames, Hill & Ames, P. C., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Common* irregular, *Petroleum products,* in bulk, in tank vehicles, from Des Plaines, IL to points in WI. Supporting shipper: Southeast Petroleum Corp., P.O. Box 453, Elm Grove, WI 53122.

MC 145437 (Sub-4-9TA), filed November 28, 1980. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Wayne W. Wilson, Wyngaard & Wilson, 150 East Gilman St., Madison, WI 53703. *Contract;* irregular; *such commodities as are dealt in or used by retail department stores, and materials, equipment and supplies used in the manufacture and distribution of such commodities* between Chicago, IL and its commercial zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to a service to be performed under a continuing contract(s) with Hart Schaffner & Marx clother. An underlying ETA seeks 120 days authority. Supporting shipper: Hart Schaffner & Marx clothes, 36 S. Franklin St., Chicago, IL; 60610.

MC 152829 (Sub-4-1), filed November 26, 1980. Applicant: OTIS L. THOMPSON, 121 East Ash, Watseka, IL 60970. Representative: Edward D. McNamara, Jr., 907 South Fourth, Springfield, IL 62703. *Scrap paper* from Sycamore, Watseka, and East St. Louis, Illinois, St. Louis, MO and Indianapolis, IN to points in WI and OH; and *paper products* from WI and OH to Watseka, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Varco Incorporated, West Fleming, IL 60971; and Batline Paper Stock Co., Kansas City, MO 64120.

MC 111812 (Sub-4-18TA), filed November 19, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Bradsma (same address as applicant). *Non-exempt food or kindred products (except commodities in bulk),* from points in CA to points in Albany County, WY. Supporting shipper: John Inglis Frozen Foods Company, 2200 Hoover Avenue, P.O. Box 3111, Modesto, CA 95353.

MC 142449 (Sub-4-4TA), filed November 24, 1980. Applicant: SPEEDWAY HAULERS, INC., P.O. Box 1463, South Bend, IN 46624. Representative: Jo Ann Sawyer, P.O. Box 1463, South Bend, IN 46624. *Regulated Food Products, and materials and supplies used in processing and distribution thereof. . .* Between Greenville, MI, Massillon, OH, and Plover, WI (on the one hand) and points in IL, IN, OH, MI, KY, and WI (on the other). Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

MC 145437 (Sub-4-8TA), filed November 24, 1980. Applicant: JWI TRUCKING, INC., 8100 North Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53705. *Contract,* Irregular. *Wearing apparel, and materials, equipment and supplies* used or useful in the manufacture, sale or distribution of wearing apparel from points in CT, IL, KY, ME, MA, NH, NJ, NY, NC, OH, PA, RI, SC, and VT to Sheboygan, WI and (2) *Wearing apparel* from Sheboygan, WI to points in CA, all under a continuing contract(s) with Wigwam Mills, Inc., Sheboygan, WI, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Wigwam Mills, Inc., 3402 Crocker Ave., Sheboygan, WI 53081.

MC 152713 (Sub-4-1), filed November 19, 1980. Applicant: RAD, INC., Rural Route, Wannaska, MN 56761. Representative: Gary E. Knepper, 24348 S. Skylane Dr., Canby, OR 97013. (1) *Wood products* and *lumber mill products* between points in OR, WA, CA, AZ, UT and CO for 270 days. Supporting shipper: Continental Forest Products, Inc., P.O. Box 159, Lake Oswego, OR 97034.

MC 117730 (Sub-4-9TA), filed November 18, 1980. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602. *Contract;* irregular: (1) *Chemicals, toilet preparations, and soaps* (except commodities in bulk), and (2) *such commodities as are dealt in and sold by department stores, supermarkets, hardware stores, and drug stores* (except commodities in bulk), and (3) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) and (2) above* (except commodities in bulk), between Clifton and Mays Landing, NJ, West Springfield, MA, and Memphis, TN, on the one hand, and, on the other, points in IL, IN, IA, KS, KY, MA, MI, MN, MO, NE, NJ, OH, PA, TN, WV, and WI, under a continuing contract with American Cyanamid Company. Supporting shipper: American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470.

MC 142062 (Sub-4-5), filed November 19, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract,* irregular. *Such commodities as are dealt in or used by a manufacturer or distributor of household appliances (except in bulk),* (1) between the facilities of the General Electric Company, at or near Louisville, KY, on the one hand, and, on the other, the facilities of the General Electric Company, at or near Columbia, MD, and (2) from the facilities of the General Electric Company, at or near Columbia, MD, to Richmond, VA. RESTRICTION: Restricted to the transportation of shipments under a continuing contract or contracts with the General Electric Company. Supporting shipper: General Electric Company, Appliance Park, Louisville, KY 40223.

MC 151422 (Sub-4-3TA), filed November 21, 1980. Applicant: MINN-DAK TRANSPORT, INC., P.O. Box 98, Audubon, MN 56511. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Alcoholic beverages, liquors, wines and spirits* in casks, barrels or containers in boxes or cartons, from points in CA, FL, IL, IN, KY, MA, MI, MN, OH and PA to points in MN and ND. Supporting shippers: Ed Phillips & Sons Co. of N.D., 318 N 5th St., Fargo, ND 58102, Congress, Inc., 1402 N 39th St., Fargo, ND 58102, and Northwest Beverages, 1358 N 39th St., Fargo, ND 58102.

MC 128270 (Sub-4-8TA), filed November 21, 1980. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, IN 46405. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601. (1) *Such commodities as are dealt in or used by wholesale metal dealers, wholesale metal processors, and automobile crushers,* and (2) *such commodities as are used in the installation of the commodities in (1) above* between those points in the U.S. in and west of OH, KY, TN, GA, and FL (except AK and HI), restricted to the transportation of traffic originating at or destined to points in the territory described above. Supporting

shippers: There are 8 statements of support attached.

MC 152781 (Sub-4-1TA), filed November 24, 1980. Applicant: GUY H. SHAFER, JR., d.b.a. S & S TRANSPORT SERVICE, R.R. 1, Box 296, Springport, IN 47386. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Contract;* Irregular, *Paper products and edible foodstuffs,* between points in and east of WI, IL, MO, AR, and LA. Supporting shipper: Kraft, Inc., Dairy Group, Huntington, IN.

MC 150103 (Sub-4-9), filed November 19, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington Street, Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract;* Irregular: *Expanded styrene* from Braddock, PA to Cleveland, OH. Restriction: Restricted to a service to be performed under a continuing contract(s) with American Excelsior Co. An underlying ETA seeks 120 days authority. Supporting shipper: American Excelsior Co., 1170 E. 40th St., Cleveland, OH 44114.

MC 143894 (Sub-4-1TA), filed November 21, 1980. Applicant: JEROLD J. BUCHAN, JR., d.b.a. BUCHAN TRUCKING COMPANY, P.O. Box 315, 2787 East Main, East Troy, WI 53120. Representative: David V. Purcell, Purtell, Purcell, Wilmot & Burroughs, S.C., 111 East Wisconsin Ave., Milwaukee, WI 53202. *Contract* irregular: *Meats, meat products, and meat byproducts, and articles distributed by meat-packing houses as described in sections A and C of Appendix I* to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration from the facilities of Peck Meat Packing Corp., at Milwaukee, WI, to points in AZ, CA, CO, ID, KS, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY under a continuing contract with Peck Meat Packing Corp. of Milwaukee, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Peck Meat Packing Corp., 231 S. Muskego Ave., Milwaukee, WI.

MC 140265 (Sub-4-5TA), filed November 24, 1980. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract,* irregular: *Fresh meat and meat by-products,* from Liberal, KS to points in AZ, CA, IN, IL, KY, NV and OH. Restricted to traffic moving under continuing contract with National Beef Packing Company. Supporting shipper: National Beef Packing Company, 1501 East Eighth St., Liberal, KS 67901.

MC 123074 (Sub-4-1TA), filed November 24, 1980. Applicant: M. L. ASBURY, INC., 141 S. Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084. *Residual oil, in bulk, in tank vehicles,* from Allen County, OH, to points in Wayne, Oakland and Macomb Counties, MI. Supporting shipper: Ashland Oil Company, P.O. Box 391, Ashland, KY 41101.

MC 135640 (Sub-4-8TA), filed November 25, 1980. Applicant: STALEY EXPRESS, INCORPORATED, 2501 North Brush College Road, Decatur, IL 62526. Representative: Charles Carnahan, Jr. (same address as applicant). *Plastic materials, liquid or dry (except in bulk),* from points in Macon and Sangamon Counties, IL, to points in IA, IN, KY, MI, MO, OH, and WI. Supporting shipper: Borden Chemical, Division of Borden, Incorporated, 180 E. Broad Street, Columbus, OH 43215.

MC 135152 (Sub-4-17TA), filed November 21, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Route 3, West Harrison, IN 45030. Representative: James D. Campbell, P.O. Box 327, Harrison, OH 45030. *Automobile and truck tires* from points in PA, NC and KY to all points east of the Mississippi River. Supporting shipper: World Tire Corporation, 1020 Madison, Toledo, OH 43624.

MC 152822 (Sub-4-1TA), filed November 20, 1980. Applicant: PAWNEE MOTOR SERVICE, INC., 5101 St. Charles Road, Bellwood, IL 60104. Representative: Jerome Miceli (same address as above). *General commodities* (except household goods and Classes A and B explosives): Between points in IL on the one hand, and, on the other, points in WI, IA, IN, MI, MO, KY, OH and PA. There are ten (10) shippers supporting this application.

MC 151722 (Sub-4-4TA), filed November 24, 1980. Applicant: TERRY L. SMITH TRUCKING, INC., Box 128A, Hartford City, IN 47348. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Contract, irregular; Such commodities as are dealt in or used by manufacturers of glass products,* between points in the U.S., under continuing contracts with Indiana Glass Company: An underyling ETA seeks 120 days authority. Supporting shipper: Indiana Glass Company, 717 E Street, Dunkirk, IN, 47336.

MC 49567 (Sub-4-5TA), filed November 24, 1980. Applicant: GOLDEN BROS., INC., 234 McClure St., Kewanee, IL 61443. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Contract,* irregular *Iron and steel articles* between points in the U.S. (except AK and HI) under a continuing contract(s) with the Pacesetter Steel Service, Inc. Supporting shipper: Pacesetter Steel Service, Inc., P.O. Box 6865, Marietta, GA. 30065.

MC 114632 (Sub-No. 4-22TA), filed November 21, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *General commodities* (except in bulk), between the facilities of the Ohio Valley Shippers Association, Inc. and the facilities of its members located in OH, KY and IN, on the one hand, and, on the other, points in the U.S. IN and east of ID, UT and AZ. Supporting shipper: Ohio Valley Shippers Association, Inc., 1428 Dalton, Cincinnati, OH 45214.

MC 150589 (Sub-4-2), filed November 25, 1980. Applicant: J & K TRANSPORTATION COMPANY, INC., 1600 Industrial, Dearborn, MI 48120. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract,* Irregular: *Empty plastic containers and materials, supplies, and equipment used in the manufacture, distribution and sale of empty plastic containers* between New Stanton, PA and points in MI. An underlying ETA seeks 120 days authority. Supporting shipper: Sewell Plastics, Inc., P.O. Box 470, New Stanton, PA.

MC 144867 (Sub-4-4TA), filed November 25, 1980. Applicant: R & J TRANSPORT, INC., 929 North 24th Street, Manitowoc, WI 54220. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Common;* irregular; *Machinery, equipment, machinery parts and accessories, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of machinery and equipment parts and accessories* between Brown County, WI on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Tech Systems, a division of W. R. Grase Company., P.O. Box 30, DePere, WI 54115.

MC 145664 (Sub-4-12TA), filed November 25, 1980. Applicant: STALBERGER, INC., 223 S. 50th Ave. W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Construction materials and equipment, supplies and materials* used in the manufacture, sale and distribution thereof between all points in the U.S. An underlying ETA

seeks 120 days authority. Supporting shipper: Edward Kraemer & Sons, Plain, WI 53577.

MC 106674 (Sub-4-36TA), filed November 24, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Indiana 47977. Representative: Jerry L. Johnson (same address as applicant). *Insecticides, herbicides, pesticides, fertilizer and agricultural chemicals and applicators thereof, and materials, equipment and supplies used in the manufacture or distribution of the above named commodities* between points in and east of ND, SD, NE, KS, OK and TX restricted to shipments originating at or destined to the facilities of Chevron Chemical Company. Supporting shipper: Chevron Chemical Company, 1200 State St., Perth Amboy, NJ 08861.

MC 105045 (Sub-R4-23), filed November 24, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: Robert P. Cline, Traffic Manager (same as above). *(1) Commodities, the transportation of which, because of size or weight require the use of special equipment or special handling, (2) machinery and parts for machinery, and (3) iron and steel articles,* between points in the U.S., restricted to traffic originating at or destined to the facilities of, or used by, Fuller Company. An underlying ETA seeks 120 days authority. Support shipper: Fuller Company, Bethlehem, PA.

MC 141512 (Sub-4-1TA), filed November 24, 1980. Applicant: HOMER'S TOWING & SERVICE, INC., 10554 West Donges Court, Milwaukee, WI 53224. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Trailers, wrecker bodies, car carriers, and materials, equipment and supplies* used or useful in the manufacture, sale, or distribution of trailers, wrecker bodies, or car carriers, between the facilities of Ward Equipment Sales, Inc., at Waukesha, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Ward Equipment Sales, Inc., P.O. Box 942, Waukesha, WI 53187.

MC 135410 (Sub-4-17TA), filed November 24, 1980. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th St. Rd., Monmouth, IL. 61462. Representative: Daniel O. Hands, Blanshan & Summerfield, Suite 200, 205 W. Touhy Ave., Park Ridge, IL. 60068. *Foundry supplies (except in bulk)* between the facilities of Refractory & Insulation Supply Inc. at Davenport, IA, Rock Island, IL and Baltimore, MD and points in their commercial zones, on the one hand, and, on the other, points in IA, IL, MO, OH and WI. Supporting shipper: Refractory & Insulation Supply, Inc., 17 Briarwood Lane, Bettendorf, IL 52722).

MC 152779 (Sub-4-1), filed November 24, 1980. Applicant: KFM TRANSPORT, INC., 222 E. 5th Ave., Naperville, IL 60540. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Contract; Irregular General Commodities between points and places in the U.S. except AK and HI under contract to Kroehler Mfg. Co. and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Kroehler Mfg. Co., 222 E. 5th Ave., Naperville, IL 60540.

MC 52657 (Sub-4-5), filed November 24, 1980. Applicant: ARCO AUTO CARRIERS, INC., 16 W. 151 Shore Court, Burr Ridge, IL 60521. Representative: James Bouril (same address as applicant). *Common,* irregular, *trailers and trailer chassis,* between all points in the contiguous U.S. There are six (6) supporting shippers.

MC 152824 (Sub-4-1), filed November 26, 1980. Applicant: W & S COMPANY, 7804 Idaho Lane, Minneapolis, MN 55445. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. *Contract,* irregular: (1) *Cheese,* from Veblen, S.D. to points in the U.S. and (2) *equipment, materials* and *supplies* used in the manufacture, processing and distribution of cheese from points in the U.S. to Veblen, S.D. Supporting shipper: Veblen Cheese Factory, Inc., Veblen, S.D. 57270.

MC 150825 (Sub-4-1), filed November 26, 1980. Applicant: B & T MAIL SERVICE, INC., 2521 South Ronke Lane, New Berlin, WI. 53151. Representative: Joseph E. Ludden, P.O. Box 1567, La Crosse, WI. 54601. *Dessert preparations, not frozen, including dry or liquid flavorings and materials and supplies used in the manufacture or distribution of dessert preparations and dairy products* between CO, DC, IL, IN, IA, KS, KY, MD, MI, MO, NE, NJ, NC, OH, PA, TN, WI, and WY. An underlying ETA seeks 120 days authority. Supporting shipper: Eskimo Flavors Div. of Eskimo Pie, 2400 South Calhoun Road, New Berlin, WI., 53151.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 22509 (Sub-5-8TA), filed November 26, 1980. Applicant: MISSOURI-NEBRASKA EXPRESS, INC., 5310 St. Joseph Avenue, St. Joseph, MO 64505. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. *Insulation and insulation materials* from Kansas City and Pauline, KS to points in CO. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH 43659.

MC 117119 (Sub-5-41TA), filed November 26, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Drugs and chemicals, poultry and animal feed supplements and poultry and animal medicinal feeding compounds* from (a) St. Louis, MO to Los Angeles, CA and from (b) Lakewook, NJ to St. Louis, MO. Supporting shipper(s): Merck Chemical Manufacturing Div., P.O. Box 2000, Rahway, NJ 07065.

MC 117119 (Sub-5-42TA), filed November 26, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Printed matter, magazines, periodicals* from Nashville, TN to points in AZ, CA, CO, IL, MA, MN, NJ, NY, OR, PA, UT, WA and WI. Supporting shipper(s): Baird-Ward Printing Co., P.O. Box 539, Nashville, TN 37202.

MC 117119 (Sub-5-43TA), filed November 26, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Frozen foods* from Rocky Ford, CO to Gaffney, SC. Supporting shipper(s): Frozen Foods, Inc., P.O. Box 31, Rocky Ford, CO 81067.

MC 117119 (Sub-5-44TA), filed November 26, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Foodstuffs (except in bulk)* from Brimingham, AL to points in ME, MA, NH, VT, CT, RI, NY, NJ, PA, MD, DE, DC, VA, NC, MO, IL, OH, MI, WI, IN, KY and SC. Supporting shipper(s): Sunnyland Refining Company, 3330 10th Avenue North, Birmingham, AL 35234.

MC 135797 (Sub-5-85TA), filed November 26, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq., (same address as applicant). *Such articles as are dealt in by wholesale and retail grocery houses* (except in bulk), from Marshall County, MS and San Bernardino County, CA to points in the United States (except AK and HI). Supporting shipper: Master of

Mixes, Inc., 10975 Grandview St., Overland Park, KS 66210.

MC 135797 (Sub-5-86TA), filed November 26, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (same address as applicant). *(1) Animal feed and animal feed ingredients and (2) materials equipment and supplies used in the manufacture and distribution of commodities in (1) above,* between Weber and Salt Lake Counties, UT on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: American Nutrition, Inc., P.O. Box 1405, Ogden, UT 84402.

MC 138469 (Sub-5-28), filed November 26, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma, City, OK 73147. Representative: Daniel O. Hands, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Alcoholic beverages (except in bulk),* from MO to the facilities of Central Liquor Company at Oklahoma City, OK and from CA to MN and CA ports for export to HI. Supporting shipper: Central Liquor Company, 4001 N. W. 3rd, Oklahoma City, OK.

MC 138686 (Sub-5-3TA), filed November 26, 1980. Applicant: L C W TRUCKING, INC., P.O. Box 728, Crowley, TX 76036. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Malt beverages and related advertising materials,* from Galveston, TX to points in AZ, CA, and NV. Supporting shipper: Pearl Brewing Co., P.O. Box 1661, San Antonio, TX 78296.

MC 144858 (Sub-5-9TA), filed November 26, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Alcoholic beverages (except in bulk),* from Frankfort, KY; Cincinnati, OH; and Lawrenceburg, IN to the facilities utilized by National Distributing Co. at Atlanta, GA. Supporting shipper: National Distributing Co., 1 National Drive, S.W., Atlanta, GA 30336.

MC 145955 (Sub-5-13TA), filed November 26, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Wetergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. Common—Irregular *Meats and packinghouse products,* From the facilities of Greater Omaha Packing Co., Inc. at Omaha, NE to points in IA and WI. Supporting shipper: Greater Omaha Packing Co., Inc., 5100 South 26th Street, Omaha, NE 68107.

MC 2392 (Sub-5-9TA), filed November 28, 1980. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248 West Omaha Station, Omaha, NE 68124. Representative: Keith D. Wheeler, P.O. Box 14248 West Omaha Station, Omaha, NE 68124. *Chemicals in bulk, and in Tank Vehicles.* From Cedar Rapids, IA—Memphis, TN and Omaha, NE., on the one hand, and, on the other, to all points in the U.S. with Exception of AK and HI. Supporting shipper: Quaker Oats Chemical Division Company, P.O. Box 3514 Merchandise Mart—Station, 345 Merchandise Mart, Chicago, IL 60654.

MC 30867 (Sub-5-2TA), filed November 28, 1980. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, Waco, TX 76703. Representative: Timothy Mashburn, P.O. Box 2207, Austin, Texas 78768. Common, regular, *general commodities (except household goods as defined by the Commission and commodities in bulk):* (1) Between New Boston, TX, and Texarkana, AR, as follows: From New Boston, TX, over U.S. Hwy 82 and Interstate Hwy 30 to Texarkana, AR, and return over the same route, serving the termini and all intermediate points; (2) between Atlanta, TX, and Texarkana, AR, as follows: From Atlanta, TX, over U.S. Hwy 59 to Texarkana, AR, and return over the same route, serving the termini and all intermediate points; (3) between Naples, TX, and Texarkana, AR, as follows: From Naples, TX, over U.S. Hwy 67 to Texarkana, AR, and return over the same route, serving the termini and no intermediate points and serving the junction of State Hwy 8 and U.S. Hwy 67 for purposes of joinder only; (4) between New Boston, TX, and Linden, TX, as follows: From New Boston, TX, over State Hwy 8 to Linden, TX, and return over the same route, serving the termini and the intermediate point of Douglassville, TX, and serving the junction of State Hwy 8 and U.S. Hwy 67 for purposes of joinder only.

MC 49387 (Sub-5-5TA), filed November 28, 1980. Applicant: ORSCHELN BROS. TRUCK LINES, INC., U.S. Hwy 24 East, P.O. Box 658, Moberly, MO 65270. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600 Kansas City, MO 64105. *General commodities (except household goods as defined by the Commission and Classes A and B explosives),* between Cole County, MO, on the one hand, and, on the other, Dayton and Vandalia, OH. Supporting shipper: Benchmark Tool Company, 2601 Industrial Drive, Jefferson City, MO 65102.

MC 88368 (Sub-5-10TA), filed November 28, 1980. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Representative: C. Max Stewart (same as applicant). *(1) Towers and (2) Directional Glide Slope Antennas and Component Parts,* from Mineral Wells, TX to Kansas City, MO. Supporting shipper: Wilcox Electric, Inc., 14th & Chestnut, Kansas City, MO 64127.

MC 100449 (Sub-5-6TA), filed November 26, 1980. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk)* from Waterloo and Columbus Junction, IA, to points in OK, TX and NM. Supporting shipper: Rath Packing Co., Box 330, Waterloo, IA 50704.

MC 108207 (Sub-5-39), filed November 28, 1980. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same address as applicant). *Non-exempt food and kindred products, in mechanically refrigerated equipment,* from Lamar County, TX to points in IA, KS, MO, IL, KY, OK, NE, CO, and NM. Supporting shipper: Campbell Soup (Texas), Inc., P.O. Box 116, Paris, TX 75460.

MC 113460 (Sub-5-1TA), filed November 26, 1980. Applicant: BLACKHAWK TRANSPORTATION, INC., Box 3008, Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, and meat by-products (except hides and commodities in bulk)* from Polk County, IA, to points in MN and WI, Kansas City, MO, Kansas City, KS, and Omaha, NE. Supporting shipper: Des Moines Meat Packing Corp., 1831 Maury Street, Des Moines, IA 50317.

MC 113651 (Sub-5-30TA), filed November 28, 1980. Applicant: INDIANA REFRIGERATOR LINES, INC., 10838 Old Mill Road, Suite 4, Omaha, NE 68154. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Foodstuffs,* from the facilities of Armour & Company, Louisville, KY to points in the United States in and east of ND, SD, NE, CO, OK, and TX (except DE, NJ, and PA). Supporting shipper: Armour & Company, Box 32090, Louisville, KY 40232.

Note.—Applicant holds authority in MC 113651 (Sub-No. 198) to points in DE, NJ, and PA.

MC 115669 (Sub-5-5), filed November 28, 1980. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *General commodities,* between points in the U.S. (except AK and HI). Restricted to traffic originating at, destined to or moving on bill of lading issued by Processed Minerals, Inc., its divisions and subsidiaries. Supporting shipper: Processed Minerals, Inc., One N. Maine-Suite 310, P.O. Box 459, Hutchinson, KS 67501.

MC 119399 (Sub-5-36), filed November 28, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Reresentative: Thomas P. O'Hara (same address as applicant). *Popcorn, shelled, (unpopped), packaged in oil,* from the facilities of National Oats Company, Inc., located at Wall Lake, IA and Cedar Rapids, IA to points in FL, MD, MI, NC, NY, OH, PA, SC, VA, WV. Supporting shipper: National Oats Company, Inc., Cedar Rapids, IA 52402.

MC 120302 (Sub-5-3TA), filed November 25, 1980. Applicant: KNOX TRUCK LINES, INC., P.O. Box 12226, Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Building materials;* between points in AL, AR, LA, MS, OK and TX. Restricted to traffic originating at or destined to the facilities of the Cox Lumber Company and Southern Timber Company. Supporting shipper(s): Cox Lumber Company, P.O. Box 1219, Hot Springs, AR, Southern Timber Sales, 2001 Beach St., Suite 305, Ft. Worth, TX 76103.

MC 124174 (Sub-5-30TA), filed November 28, 1980. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 L Street, Omaha, NE 68137. *Paint and paint products,* from Cleveland, OH; Oak Creek, WI; Delaware, OH to Brownville and Laredo, TX. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 124431 (Sub-5-7TA), filed November 28, 1980. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th Street, Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Materials and supplies used in the manufacture of ceramics (except commodities in bulk)* from Gleason, TN, Mayfield, KY, and Balmat, NY, to points in IA. Supporting shippers: Shenandoah Ceramics and Supply, 1306 West 5th Avenue, Shenandoah, IA; Boone Ceramics Center, Inc., Box 207, Boone, IA 50036.

MC 124673 (Sub-5-4TA), filed November 25, 1980. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant). *Blood, liquid,* from the facilities of Iowa Beef Processors, Inc. at or near Holcomb, KS to points in TX and CO. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 124813 (Sub-5-24TA), filed November 28, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *(1) Ground slag* from Gary, IN, to points in IL and IA, and *(2) silica sand* from Wedron, IL, to points in IA. Supporting shipper: The Marthens Company, 204 38th Street, Moline, IL 61265.

MC 126822 (Sub-5-37TA), filed November 28, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, Kansas 66061. Representative: John T. Pruitt (same as applicant). *General commodities* between points in the United States, restricted to shipments from, to, and between the facilities of Artisan Imports. Supporting shipper: Artisan Imports, P.O. Box 341, Burleson, Texas 76028.

MC 133194 (Sub-5-6TA), filed November 28, 1980. Applicant: WOODLINE MOTOR FREIGHT, INC., Airport Road, P.O. Box 1047, Russellville, AR 72801. Representative: Scotty D. Douthit, Sr., (same as applicant). Common; Regular. *General Commodities with the usual exceptions.* (1) From Little Rock, AR to Dallas, TX, and the points in their respective commercial zones; from Little Rock, AR, over Interstate 30 to Dallas, TX, and return over the same route, restricted against traffic moving between Dallas, TX and Memphis, TN. Supporting shippers: There are 41 supporting shippers. Applicant intends to tack and interline.

MC 133695 (Sub-5-1TA), filed November 28, 1980. Applicant: WILLIAM NORDSTROM, d.b.a. PIGGY BACK CARTAGE COMPANY, 1518 Garst Avenue, Boone, IA 50036. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *(1) Foodstuffs, paper products, and washing and drying machines and (2) materials and supplies used in the manufacture of the commodities named in part (1),* between Hamilton, Boone, Greene and Story Counties, IA, on the one hand, and, on the other, points in IL, IN, MO, KS, NE, SD, ND, MN, and WI. Supporting shippers: Carriage House Meat & Provision Company, Inc., 1131 Dayton Avenue, Ames, IA 50010; Randy's Frozen Meats, Boone, IA 50036; Webster City Products, Inc., Webster City, IA 50595; Heinrich Envelope, Inc., 2905 Heinrich Drive, Boone, IA 50036.

MC 134783 (Sub-5-3TA), filed November 25, 1980. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Foodstuffs (except in bulk),* from the facilities of Paramount Foods, Inc., at or near Louisville, KY, to points in the U.S. in and east of TX, OK, KS, NE, SD and ND. Supporting shipper: Paramount Foods, Inc., P.O. Box 13025, Louisville, KY, 40213.

MC 140033 (Sub-5-13TA), filed November 28, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220 Representative: S. Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Chemicals, not in bulk,* between all points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of the Southland Corporation. Supporting shipper: The Southland Corporation, 5801 Marvin D. Love Freeway, Suite 400, Dallas, TX 75237.

MC 142431 (Sub-5-6TA), filed November 26, 1980. Applicant: WAYMAR TRANSPORT CORP., 1755 SE 108th St., Runnells IA 50126. Representative: Thomas E. Leahy, 1090 Financial Center, Des Moines IA 50309. *Paper and paper products (except in bulk)* from New York, NY, commercial zone to points in CA, GA, IL, IA, IN, MI, MN, MO, NC, NE, OH, and WI. Supporting shipper: Commercial Envelope Manufacturing Company, Inc., 900 Grand Blvd., Deer Park NY 11729.

MC 142431 (Sub-5-8TA), filed November 28, 1980. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th Street, Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Plastic and materials and supplies used in the manufacture and distribution of plastic (except commodities in bulk)* between Florence, MA, on the one hand, and points in IL, MO, MS, TX and CA, on the other. Supporting shipper: Perstorp, Inc., 238 Nonutuck, Florence, MA 01060

MC 143768 (Sub-5-1TA), filed November 26, 1980. Applicant: F. R. ANDERSON, INC., 2744 S.E. Market Street, Des Moines, IA 50309. Representative: Thomas E. Leahy, Jr.,

1980 Financial Center, Des Moines, IA 50309. Contract irregular *general commodities, (except household goods, Class A and B explosives, commodities in bulk and commodities requiring special equpment),* from the facilities of Continental Warehouse Group, Ltd. at Des Moines, IA, to points in NE under continuing contract with Continental Warehouse Group, Ltd. Supporting shipper: Continental Warehouse Group, Ltd. 2601 Dixon, Des Moines, IA 50313

MC 145317 (Sub-5-3TA), filed November 25, 1980. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Kiln dust* from points in Hays County, TX to all points in LA. Supporting shipper: Solididust, Inc., 8114 Misty Vale, Houston, TX.

MC 14966 (Sub-5-3TA), filed November 28, 1980. Applicant: NELSON BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *building materials (except commodities in bulk),* from the facilities of Mapes Industries, Inc. at or near Lincoln, NE, to points in AL, GA, IL, IN, MI, MN, NY, PA, OH, KY and WI. Supporting shipper: Mapes Industries, Inc., P.O. Box 80069, Lincoln, NE 68501.

MC 146055 (Sub-5-7TA), filed November 25, 1980. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses,* from Denison, Carroll, Iowa Falls, Sioux City, Fort Dodge, and Des Moines, IA, and Crete, Lincoln, and Omaha, NE (and pts in their respective commercial zones) to pts in MT, WY, OR, NV, ID, AZ, UT, CO, NM, WA, and CA, restricted to the transportation of traffic originating at the facilities of Farmland Foods or at public warehouses used by Farmland Foods. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 14883 (Sub-5-8TA), filed November 26, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Non-exempt foodstuffs and kindred products* from the facilities of or utilized by Geo. A. Hormel & Co. in IA and MN to points in CO and CA. Supporting shipper: Geo. A. Hormel & Co. Box 800, Austin MN.

MC 150783 (Sub-5-21TA), filed November 28, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., Post Office Box 757, Rogers, Arkansas 72756. Representative: Ronnie Sleeth, Post Office Box 757, Rogers, Arkansas 72756. *1. Foodstuffs. 2. Supplies and equipment used to manufacture or contain candy.* Between Chicago, IL on the one hand and on the other, points in the U.S. Restricted to traffic of Zachary Confectionery. Supporting shipper: Zachary Confectionery, 2747 West Taylor, Chicago, IL. 60651

MC 150783 (Sub-5-22TA), filed November 28, 1980. Applicant: SCHEDULED TRUCKWAYS, INC., Post Office Box 757, Rogers, Arkansas 72756. Representative: Ronnie Sleeth, Post Office Box 757, Rogers, Arkansas 72756. *Candy and confectionery, supplies and equipment used in manufacturing confectionery (except in bulk).* Between points in the U.S. Restricted to the traffic of Rangold Inc. Supporting shipper: Rangold Inc., 500 N. Michigan, Chicago, IL 60611.

MC 150949 (Sub-5-7TA), filed November 25, 1980. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *Industrial and Residential Evaporative Air Coolers and Commodities and Supplies used in the manufacture, sale, and distribution of such commodities.* Between points in AZ, NM, OK, & TX. Restricted to traffic originating at or destined to the facilities of Phoenix Manufacturing. Supporting shipper: Phoenix Manufacturing, Inc., 415 S. 7th St., Phoenix, AZ 85034.

MC 150949 (Sub-5-8TA), filed November 25, 1980. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Gerald S. Duzinski, 71 West Park Avenue, Vineland, NJ 08360. *Plastic Articles and materials and supplies used in the manufacture and distribution of such commodities.* Between points in AZ, OK and TX. Restricted to traffic originating at or destined to the facilities of Thompson Industries. Supporting shipper: Thompson Industries, Division of Dart Industries, 2501 East Magnolia Street, Phoenix, AZ 85034.

MC 151993 (Sub-5-1TA), filed November 28, 1980. Applicant FRANK SMITH d.b.a. FRANK SMITH TRUCKING, Route 1, Box 3, Marble Falls, TX 78654. Representative: Robert J. Birnbaum, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Contract; irregular; *limestone, ground, crushed and pulverized, in sacks, bags and other containers, and, in bulk, in tank vehicles,* from Marble Falls, TX, to points in MS, OK, AR, and LA.

MC 152599 (Sub-5-1TA), filed November 25, 1980. Applicant: SOUTHERN CARRIERS, INC., P.O. Box 631, Galena Park, TX 77547. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *General commodities, in containers, having a prior or subsequent movement by water or rail,* between Tarrant and Dallas Counties, TX, on the one hand, and, on the other, Galveston and Harris Counties, TX. Supporting shippers: There are 33 supporting shippers.

MC 152775 (Sub-5-1), filed November 25, 1980. Applicant: RAM ROD TRUCKING COMPANY, INC., P.O. Box 707, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract; Irregular; Iron and steel articles and non-ferrous metals,* between points in LA, AL, AR, FL, KY, IL, MS, MO, TN, TX and GA, under continuing contracts for Steel Incorporated, Halter Marine, Inc., Mississippi Valley Equipment Company, Associated Metals & Minerals, International Mineral & Metals Corporation, Metal Traders Company, Gerald Metals, Inc. and L.B. Foster Company. Supporting shippers: There are eight (8) supporting shippers.

MC 152817 (Sub-5-1TA), filed November 25, 1980. Applicant: TAYLOR TRUCK SERVICE, 5106 St. Claude, New Orleans, LA 70117. Representative: Bill Taylor (same as applicant). Contract; Irregular; *household appliances, electronic goods and carpeting* from New Orleans, LA to points in MS. Supporting shipper: McDonald Sales Corporation, 5000 River Road, New Orleans, Louisiana 70123.

MC 152892 (Sub-5-1TA), filed November 28, 1980. Applicant: Agri-Gains, Inc., Red Oak, IA 51566. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *(1) Nitric acid, and (2) sulphuric acid,* (1) from Joplin, MO, to Omaha, NE, and (2) from Omaha, NE, to points in IA. Supporting shipper: Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, KS 66106.

MC 152021 (Sub-5-8TA), filed November 28, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). Contract: Irregular. *(1) Household appliances; (2) Television sets, recorders (tape or wire); and (3) Parts and accessories for household appliances, televisions, and recorders,* between Little Rock, AR and all points in the continental U.S. under contract with General Electric Company. Shipper:

General Electric Company, 6901 Lindsey Rd., Little Rock, AR 72206.

MC 152021 (Sub-5-9TA), filed November 28, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). Contract: Irregular. *Plastic Pipe,* between Memphis, TN and all points in the continental U.S. under contract with Blue Diamond Plastics Corporation. Shipper: Blue Diamond Plastics Corporation, 341 E. Brooks Rd., Memphis, TN 38118.

MC 135797 (Sub-5-87TA), filed December 1, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Textiles and textile products and materials, equipment and supplies used in the manufacture and distribution of such products,* between points in the U.S., restricted to the transportation of traffic moving from or to the facilities of Union Underwear Co., Inc. Supporting shipper: Union Underwear Co. Inc., P.O. Box 780, Bowling Green, KY 42101.

MC 135797 (Sub-5-88TA), filed December 1, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (same as applicant). *Such commodities as are dealt in or used by wholesale drug and sundry warehouses,* between Oklahoma County, OK and points in the United States (except AK and HI). Supporting shipper: Fox-Vliet Drug Co., 4529 Enterprise Pl., Oklahoma City, OK 73128.

MC 138938 (Sub-5-1TA), filed December 1, 1980. Applicant: MID AMERICA MOVERS, INC., 225 S. Franklin St., Junction City, KS 66441. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Used Household Goods and Unaccompanied Baggage in pack and crate, containerization and decontainerization (Kingpak) service,* between points in Norton, Phillips, Smith, Jewell, Republic, Graham, Rooks, Osborne, Mitchell, Cloud, Trego, Ellis, Russell, Lincoln, Ottawa, Ellsworth and Saline, Counties, KS. Supporting shipper: TC, Chief, Transportation Division at Fort Riley, KS 66442.

MC 143701 (Sub-5-9TA), filed December 1, 1980. Applicant: HODGES FREIGHT LINES, INC., P.O. Box 20247, Kansas City, MO 64079. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Cabinets, garage, or shop, tool or parts storage, steel 18 gauge or thicker, other than wheeled in packages,* from the facilities of Stanley Vidmar, Allentown, PA, to points in the U.S. Supporting shipper(s): Stanley Vidmar, 11 Grammes Rd., P.O. Box 1151, Allentown, PA 18105.

MC 147676 (Sub-5-3TA), filed December 1, 1980. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75501. Representative: Patsy R. Washington, CPA, 1000 South Lelia Street, P.O. Box 1187, Texarkana, TX 75501. Contract—Irregular: *Petroleum and petroleum products in containers and packages, in straight or mixed shipments,* between the plant facilities of Arco Petroleum Products Co. at or near Houston, TX and AL, CA (except Colton, Compton, Los Angeles, and Richmond), UT, WA, and WY. Supporting shipper: Arco Petroleum Products Co., 515 South Flower Street, Los Angeles, CA 90071.

MC 148060 (Sub-5-6TA), filed December 1, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th St., Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Metals and metal goods and articles* between points in Wyandotte County, KS on the one hand, and points and places in the U.S. (except AK and HI) on the other hand. Supporting shipper: S&G Metals Industries, Inc., 2nd & Riverview, Kansas City, KS 66110.

MC 148060 (Sub-5-7TA), filed December 1, 1980. Applicant: STOVER LINES, INC., 5636 NW 17th, Topeka, KS 66618. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Feed ingredients,* between points in AZ, CO, NM and TX. Supporting shipper: Ralston-Purina Co., Checkerboard Square, St. Louis, MO 63188.

MC 148447 (Sub-5-3TA), filed December 1, 1980. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ouida Street, Irving, TX 75061. Representative: William Sheridan, 1025 Meiker, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *plastic articles (other than in bulk)* from facilities of Roper Plastics, Inc., Grand Prairie, TX to AR, LA, MO, MS, NM and OK. Supporting shipper: Roper Plastics, Inc., 1011 Ave. M, Grand Prairie, TX.

MC 150578 (Sub-5-16TA), filed December 1, 1980. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same as applicant). *General commodities (except commodities in bulk, class A and B explosives, household goods as defined by the commission, and those requiring special equipment)* between Ferris, TX, on the one hand, and, on the other, points in the U.S. (except AK, HI, and TX). Supporting shipper: Marilyn Belts & Bags, Inc., Ferris, TX 75125.

MC 150578 (Sub-5-7TA), filed December 1, 1980. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same as applicant). *Meat, meat products,* and *meat by-products* between points in the U.S. in and east of TX, OK, KS, IA, and WI. Restricted to traffic originating at or destined to the facilities of North American Trading Co. Supporting shipper: North American Trading Company, P.O. Box 223, McKeesport, PA 15153.

MC 150578 (Sub-5-18TA), filed December 1, 1980. Applicant: STEVENS TRANSPORT, a division of Stevens Foods, Inc., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: E. Lewis Coffey (same as applicant). *Foodstuffs (except in bulk),* from the facilities of American Home Foods Division of American Home Products Corporation located at or near LaPorte, IN (LaPorte County) to KS, MN, MO, NE, ND, SD, and TN. Supporting shipper: American Home Foods, Division, American Home Products Corporation, 685 Third Avenue, New York, NY 10017.

MC 150783 (Sub-5-23TA), filed December 1, 1980. Applicant: SCHEDULED TRUCKWAYS, Post Office Box 757, Rogers, AR 72756. Representative: Ronnie D. Sleeth, Post Office Box 757, Rogers, AR 72756. *Chewing gum, confectionery, dessert preparations, gum ball machines and stands (except in bulk).* From the facilities of Leaf Confectionery, Inc. at or near Chicago, IL to points in CT, DE, FL, ID, IN, IA, KY, ME, MD, MA, MI, MN, MT, NE, NV, NH, NJ, NY, NC, ND, OH, OR, PA, RI, SC, SD, VT, VA, WA, WV, WI, and WY. Supporting shipper: Leaf Confectionery, Inc., 1155 N. Cicero Ave., Chicago, IL 60651.

MC 152684 (Sub-5-1TA), filed December 1, 1980. Applicant: TRIPLE A TRUCK LINES, INC., 721 South First Street, St. Louis, MO 63102. Representative: Joseph R. Burcke, 7777 Bonhomme, Suite 1307, Clayton, MO 63105. Contract; irregular; *textile mill products and such other commodities as are shipped or received by shipper, under continuing contracts with Susman Wiping Materials Company, Inc., St. Louis, MO,* between St. Louis, MO and points in AL, AR, CO, IL, IN, KS, KY, LA, MS, MO, MT, OH, OK, TX, UT, VA, WV, and WY. Supporting shipper: Susman Wiping Materials Company, St. Louis, MO.

MC 152941 (Sub-5-1TA), filed December 1, 1980. Applicant: GENE

ELLIS BARKER, JR. d.b.a. BARKER TRANSPORTATION, 224 Status, El Paso, TX 79912. Representative: Gene Ellis Baker, Jr. (same as applicant). Contract; irregular; *Used Household Goods and Personal Effects, including used Motor Vehicles, in steamship owned containers, restricted to import or export shipments having a prior or subsequent movement by water,* between Houston, TX and Ft. Rucker and Huntsville, AL, Phoenix and Tucson, AZ, Denver, CO, Ft. Leavenworth, KS, Lawton, OK, El Paso and Wichita Falls, TX and Ogden, UT, under a continuing contract with ITO El Paso-International Transport Organization, Inc., El Paso, TX. Supporting shipper: ITO El Paso-International Transport Organization, Inc., 5821 Lexington, El Paso, TX 79924.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 148018 (Sub-6-4TA), filed November 26, 1980. Applicant: JAMES S. BATT d.b.a. BATT TRUCKING, P.O.B. 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O.B. 162, Boise, ID 83701. *Contract Carrier,* Irregular routes: *Fertilizer,* between points in ID, OR, UT, and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Seed Company, P.O.B. 339, Nampa, ID 83651.

MC 135989 (Sub-6-5TA), filed November 26, 1980. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 South Steele Street, Denver, CO 80209. *Contract carrier,* irregular routes; (a) *Materials, supplies and equipment* used in the manufacture of seat belts and seat belt parts from Chicago, IL to El Paso, TX and Los Angeles and Fresno, CA; (b) *Coil steel* from Chicago, IL, Dearborn, MI, Indianapolis, IN and Sharon, PA to Laredo, TX and Los Angeles, CA for 270 days. Supporting shipper: American Safety Equipment Corporation, 501 Fourth Street, San Fernando, CA 93140.

MC 42487 (Sub-6-43TA), filed October 27, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular routes: *General commodities, (except household goods as defined by the Commission, and Classes A and B explosives).* (1) Between Memphis, TN and Union City, TN, serving the intermediate points of Covington and Newbern, TN and serving the junction U.S. Hwy 51 and Interstate Hwy 155 for purpose of joinder only: From Memphis over U.S. Hwy 51 to Union City, and return over the same route. (2) Between Memphis, TN and Paris, TN serving the intermediate points of Brownsville, Humboldt, Milan and McKenzie, TN: From Memphis over U.S. Hwy 79 to Paris, and return over the same route. (3) Between Union City, TN and Paris, TN, serving the intermediate points of Martin and Dresden, TN: From Union City over TN Hwy 22 to junction TN Hwy 54, then over TN Hwy 54 to Paris, and return over the same route. (4) Between Union City, TN and Humboldt, TN, serving the intermediate points of Kenton and Trenton, TN: From Union City, TN over U.S. Hwy 45W to Humboldt, and return over the same route. (5) Between Humboldt, TN and Corinth, MS, serving the intermediate points of Jackson, Bemis and Henderson, TN and serving the junction U.S. Hwy 45 and U.S. Hwy 64 for purpose of joinder only: From Humboldt over U.S. Hwy 45W to junction U.S. Hwy 45, then over U.S. Hwy 45 to Corinth, and return over the same route. (6) Between Brownsville, TN and Jackson, TN, serving no intermediate points: From Brownsville over U.S. Hwy 70 to Jackson, and return over the same route. (7) Between Memphis, TN and junction U.S. Hwy 45 and U.S. Hwy 64, serving the intermediate point of Bolivar, TN: From Memphis over U.S. Hwy 64 to junction U.S. Hwy 45 and U.S. Hwy 64, and return over the same route. (8) Between St. Louis, MO and junction U.S. Hwy 51 and Interstate Hwy 155, serving no intermediate points: From St. Louis over U.S. Hwy 61 to junction Interstate Hwy 155, then over Interstate Hwy 155 to junction U.S. Hwy 51 and Interstate Hwy 155, and return over the same route, for 270 days. Applicant intends to tack and interline. Supporting shipper(s): There are twenty-three (23) supporting shippers. Their Statements may be examined at the Regional Office listed.

MC 69454 (Sub-6-2TA), filed November 25, 1980. Applicant: DITTO FREIGHT LINES, 1575 Industrial Ave., San Jose, CA 95112. Representative: Daniel Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract Carrier:* irregular routes: *Glass containers and such commodities as are dealt in and used by manufacturers and distributors of glass containers,* between points in WA, OR, CA, NV and AZ, restricted to the transportation of shipments originating at or destined to facilities used by Thatcher Glass Manufacturing Company, a Division of Dart Industries, under continuing contracts with Thatcher Glass Manufacturing Company for 270 days. Supporting shipper: Thatcher Glass Manufacturing Company, a division of Dart Industries, P.O. Box 265, Elmira, NY 14902.

MC 125433 (Sub-6-42TA), filed November 26, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). (1) *Glass, sheet or plate,* and (2) *Material, equipment and supplies* used in the manufacture or distribution of the commodities in (1), between the facilities utilized by Guardian Glass Company, at or near Corsicana, TX on the one hand, and, on the the other, points in the U.S. (except AK), for 270 days. Supporting shipper: Guardian Industries, Inc. P.O. Box 10001, Corsicana, TX 75110.

MC 125433 (Sub-6-43TA), filed November 26, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Building Products and materials, equipment and supplies,* Between the facilities of Flintkote Company, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic orginating at or destined to the facilities utilized by The Flintkote Company, for 270 days. Supporting shipper: The Flintkote Company, 580 Decker Drive, Irving, TX 75062.

MC 125433 (Sub-6-44TA), filed November 26, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Toys, games, juvenile furniture, playground apparatus and clothing* (General Commodities), Between points in AL, AR, GA, IL, KY, LA, MA, MI, MD, MS, NC, NJ, SC, TX, TN, and VA, for 270 days. Supporting shipper: Toys R Us, Incorporated, 395 Passaic Street, Rochelle Park, NJ.

MC 125433 (Sub-6-45TA), filed November 26, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Solar Energy Equipment, Solar Collector Panels, materials, equipment and supplies* used in the manufacture, distribution and sale of these commodities, between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Energy Design Corporation, for 270 days. Supporting shipper: Energy Design Corporation, P.O. Box 34294, Memphis, TN 38134.

MC 150427 (Sub-6-2TA), filed November 17, 1980. Applicant: ARIETA

MARIE LIVINGSTON, d.b.a. GOLDEN EMPIRE GRAIN CO., 6425 Brushwood Lane, Las Vegas, NV 89107. Representative: Arieta M. Livingston (same as applicant). *Contract Carrier* irregular routes; *Lime* in bulk from port of entry U.S.-Canada international boundary line at Sweetgrass, MT to South San Francisco, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Calgon Corp. (Sub of Merck & Co., Inc.) 330 Pt. San Bruno Blvd., So. San Francisco, CA 94080.

MC 134761 (Sub-6-2TA), filed November 24, 1980. Applicant: GRASSICK TRANSPORT LTD., 220 Esquimalt Rd., Victoria, B.C., Canada V9A 3K9. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Newsprint,* from points on the International Boundary Line between Canada and the U.S. in WA to points in CA for 270 days. Supporting shipper: MacMillan Bloedel Ltd., 1075 W. Georgia St., Vancouver, B.C. Canada V6E 3C9.

MC 33641 (Sub-4TA), filed November 25, 1980. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same as applicant). *Fertilizer Compounds,* dry, from Clearfield, UT to Emelle, AL for 270 days. Supporting shipper: Chevron Chemical Company, 575 Market Street, San Francisco, CA 94105.

MC 152523 (Sub-6-1TA), filed November 24, 1980. Applicant: ARLO G. LOTT, P.O. Box 174, Arco, ID 83213. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Lumber and lumber mill products,* from points in CA, ID, MT, OR and WA to points in CO, UT and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chandler Corporation, P.O. Box 2840, Boise, ID 83701.

MC 143531 (Sub-6-2TA), filed November 26, 1980. Applicant: POWDER RIVER MOTOR TRANSPORT CORPORATION, P.O. Box 300, Provo, UT 84601. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier,* irregular routes, *roofing materials,* from Stroud and Ardmore, OK, Ennis and El Paso, TX, and Stephens, AR to Grand Junction, CO, Farmington, NM, Page, AZ, Las Vegas, NV, Boise, ID, Rock Springs, WY and Salt Lake City, UT, for 270 days. Supporting shipper: Acropolis Wholesale Lumber, 1553 W. 3500 S, West Valley City, UT.

MC 148083 (Sub-6-2TA), filed November 25, 1980. Applicant: ROBERT W. SELLARS, d.b.a. SELLARS TRANSPORT SERVICE, 1620 Parnell Dr., Eugene, OR 97404. Representative: Robert W. Sellars (same as applicant). *Abrasive Grit (Granulated Slag),* from the facilities of Lone Star Minerals, Inc., at or near Riddle, OR to points in CA, UT, ID, WA and OR, for 270 days. Supporting shipper: Lone Star Minerals, Inc., 8149 Kennedy Ave., Highland, IN 46322.

MC 152609 (Sub-6-2TA), filed November 24, 1980. Applicant: SHIPPERS FREIGHT SERVICES, INC., 6129 S.E. 47th, Portland, OR 97206. Representative: Lynn Murray, 4910 S.W. Red Wing Way, Lake Oswego, OR 97034. *Contract carrier,* irregular routes; Paper and paper articles, From the facilities of American Can Company, Halsey, OR to points in UT and ID, for 270 days. Supporting shipper: American Can Company, Seramonte Plaza, 333 Gellert Blvd., Daly City, CA 94015.

MC 152237 (Sub-6-3TA), filed November 25, 1980. Applicant: STEINBECKER BROTHERS, Box 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier,* irregular routes: *Such commodities as are dealt in and sold by supermarkets, department and hardware stores, and pharmacies* (except commodities in bulk), from points in CA, IL, KS, NE, NV, OH, TX, UT and WA to points in the commercial zone of Phoenix, AZ under a continuing contract(s) with Smitty's Super Valu, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Smitty's Super Valu, Inc., 2626 S. 7th St., Phoenix, AZ 85034.

MC 152693 (Sub-6-1TA), filed November 26, 1980. Applicant: HAROLD S. WILSON TRUCKING, INC., Rte 1, Box 222, Homedale, ID 83628. Representative: Louis L. Uranga, POB 784, Boise, ID 83701. *Dry bulk Fertilizer,* from Benton and Franklin Counties, WA to Canyon County, ID, for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper: Chevron Chemical Company, POB 6148, Kennewick, WA 99336.

MC 152899 (Sub-6-1TA), filed November 28, 1980. Applicant: JOHN P. BARBARA d.b.a. SPECIALIZED DELIVERY SERVICE, P.O. Box 8037, Albuquerque, NM 87198. Representative: John P. Barbara (same as above). *General Commodities* except (commodities in bulk, class A & B explosives, household goods commodities because of size or weight requiring the use of special equipment) from Albuquerque, MN to points in Los Alamos, Bernalillo, Catron, San Juan, Valencia Sandoval, Mora, Union, Santa Fe, Rio Arriba, McKinley, Quay, San Miguel, Socorro, Torrance, Taos, Colfax, Harding and Union Counties, NM; and Alamosa, Conejos, Archuleta, La Plata, Dolores, Costilla, Montezuma, Mineral, Saquache, Rio Grande and San Miguel counties, CO, with the right to interline at Albuquerque, NM for 270 days. Supporting shipper: Amway Corporation Regional Dist. Ctr., 14700 E. 38th Avenue, Aurura, CO 80011.

MC 152901 (Sub-6-1TA), filed November 28, 1980. Applicant: BURNS-PORTLAND EXPRESS, INC., P.O. Box 906, Burns, OR 97220. Representative: Jerry R. Woods, Suite 1600, One Main Pl, 101 S.W. Main St., Portland, OR 97204. *Common carrier,* regular routes, *general commodities* (except commodities in bulk): between Portland, OR and Burns, OR: from Portland over U.S. Hwy 26 to Junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Burns, and return over the same route serving all intermediate points east of Bend, for 270 days. Supporting shipper: There are 10 shippers. Their statements may be examined at the Regional office listed. Applicant intends to tack and interline.

MC 56640 (Sub-6-7TA), filed November 26, 1980. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton, 333 Hegenberger Rd., Fifth Floor, Oakland, CA 94621. *General commodities* (except Classes A & B explosives, household goods as defined by the Commission, those of unusual value, and commodities in bulk), between Los Angeles County, CA, on the one hand, and, on the other, points in ID, OR, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Avon Products, Inc., 2940 E. Foothill Blvd., Pasadena. CA 91121.

MC 152898 (Sub-6-1TA), filed November 28, 1980. Applicant: JERSTEDT LUMBER CO., INC., P.O. Box 279, Bellingham, WA 98225. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *Fishing skiffs not to exceed 20 feet in lenght, tote bins and fishing gear and supplies,* between Bellingham, WA, and points in the San Francisco, CA, Bay area under contract with Consolidated Fish Co., Bellingham, WA, and (2) *fertilizer excluding bulk,* from Milpitas, Helm, and Sacramento, CA, to points in OR and WA on and west of U.S. Hwy 97, under contract with Wolfkill Feed & Fertilizer Co., of Monroe, WA, for 270 days. Supporting shippers: Consolidated Fish Co., P.O.B. 3135, Bellingham, WA 98225; and Wolfkill Feed & Fertilizer Co., 217 Stretch St., Monroe, WA 97272.

MC 152169 (Sub-6-2TA), filed November 28, 1980. Applicant: PACIFIC BASIN INDUSTRIES, INC., Pier 91, Bldg: 50, Seattle, WA 98119. Representative: William D. Redhead (same as applicant). *Animal Feed, in packages,* from points in Los Angeles and Orange Counties, CA to points in Multnomah County, OR; King County, WA; and points on the US-Canadian Border in the States of ID, MT, and WA for 270 days. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90058.

MC 129857 (Sub-6-4TA), filed November 28, 1980. Applicant: G.R.M. INC., d.b.a. PORT TERMINAL TRANSPORT, INC., 70 Henry Ford Ave., Long Beach, CA. Representative: Patricia M. Schnegg, 707 Wilshire, Suite 1800, Los Angeles, CA 90017. *Imported trucks and automobiles,* in secondary movements, in truckaway service, between points in CA for 270 days. Supporting shipper: Toyota Motor Sales, Inc., U.S.A., 2055 W. 190th St., Torrance, CA.

MC 129857 (Sub-6-5TA), filed November 28, 1980. Applicant: G.R.M. INC. d.b.a. PORT TERMINAL TRANSPORT, INC., 700 Henry Ford Ave., Long Beach, CA. Representative: Patricia M. Schnegg, 707 Wilshire, Suite 1800, Los Angeles, CA 90017. *Imported automobiles,* in secondary movements, in truckaway service, from the Port of Houston TX to all points in TX, CO, NM, WY, for 270 days. Supporting shipper: BMW of North America Inc., Montvale, NJ 07645.

MC 152902 (Sub-6-TA), filed November 28, 1980. Applicant: LCT CALIFORNIA CHARTER COACH COMPANY, INC., 21243 Ventura Blvd., Woodland Hills, CA. 91364. Representative: Herbert D. Warren (same as applicant). *Passengers and their baggage in the same or separate vehicles* in Round Trip Charters, from points in Los Angeles and Orange Counties, CA to points in AZ, NV and UT for 180 days. Supporting shippers: There are 11 shippers. Their Statements may be examined at the Regional office listed.

MC 152896 (Sub-6-1TA), filed November 26, 1980. Applicant: WHEELER & SONS TRUCKING, a partnership, 1607 Oro Dam Blvd. West, Oroville, CA 95965. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Wood Products,* from points in Plumas, Tehama, Butte and Yuba Counties, CA to points in TX, LA, MI, FL, ID, OR, WA, CO, AR, IL, IN, and OK, for 270 days. Supporting shippers: Louisiana Pacific Corporation, 1300 S.W. 5th Ave., Portland, OR 97201, Feather River Moulding, P.O. Box 1656, Oroville, CA 95965, Challenge Lumber Products, Inc., P.O. Box 951, Marysville, CA 95991.

MC 152897 (Sub-6-1TA), filed November 28, 1980. Applicant: J. E. WILLIAMS TRUCKING, INC., 301 Sugar Avenue, Billings, MT 59101. Representative: Gerald D. Christensen, 720 North 30th Street, Billings, MT 59101. Non-exempt *food stuffs and kindred products as described in § 1100.247 (A)(h)(6)* between all points in the U.S. Supporting shippers: Peavey Company, 730 2nd Avenue South, Minneapolis, MN 55402; MJB Company, 1555 Atlantic St., Union City, CA 94857.

MC 110325 (Sub-6-50TA), filed November 20, 1980. Applicant: TRANSCON LINES, P.O.B. 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg. 1221 Baltimore Avenue, Kansas City, MO 64105. *Common carrier;* regular routes; *general commodities,* (except household goods as defined by the commission and Classes A and B explosives), (1) between Oklahoma City, OK and junction U.S. Hwys 60 and 70, from Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 70, and return over the same route; (2) between Amarillo, TX and Bakersfield, CA, from Amarillo over Interstate Hwy 40 to junction CA Hwy 58, then over CA Hwy 58 to Bakersfield, and return over the same route; (3) between junction U.S. Hwy 60 and AZ Hwy 71 and junction Interstate Hwy 40 and U.S. Hwy 89 or Alternate U.S. Hwy 89, from junction U.S. Hwy 60 and AZ Hwy 71 over AZ Hwy 71 to junction U.S. Hwy 89, then over U.S. Hwy 89 to junction Alternate U.S. Hwy 89, then over either U.S. Hwy 89 or Alternate U.S. Hwy 89 to junction Interstate Hwy 40 and return over the same route; (4) between Lordsburg, NM and Mesa, AZ over U.S. Hwy 70; (5) between Wichita, KS and Tucumcari, NM over U.S. Hwy 54; (6) between Tulsa, OK and Chicago, IL, from Tulsa over U.S. Hwy 66 to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction U.S. Hwy 65, then over U.S. Hwy 65 to junction MO Hwy 73, then over MO Hwy 73 to junction U.S. Hwy 54, then over U.S. Hwy 54 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Chicago, and return over the same route; (7) between Douglasville, GA and Atlanta, GA, from Douglasville over GA Hwy 92 to junction GA Hwy 166, then over GA Hwy 166 to junction GA Hwy 154, then over GA Hwy 154 to Atlanta, and return over the same route; (8) between Hamilton, AL and junction U.S. Hwy 78 and AL Hwy 5, from Hamilton over U.S. Hwy 278 to junction AL Hwy 4, then over AL Hwy 4 to junction AL Hwy 5, then over AL Hwy 5 to junction U.S. Hwy 78, and return over the same route; (9) between Dallas, TX and Atlanta, GA, (a) from Dallas over U.S. Hwy 80 to junction U.S. Hwy 29, then over U.S. Hwy 29 to Atlanta, and return over the same route; (b) from Dallas over Interstate Hwy 20 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same route; (10) between Memphis, TN and Corinth, MS over U.S. Hwy 72; (11) between Iuka, MS and Atlanta, GA from Iuka over U.S. Hwy 72 to junction Alternate U.S. Hwy 72, then over Alternate U.S. Hwy 72 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction AL Hwy 67, then over AL Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, and return over the same route; (12) between Joliet, IL and junction U.S. Hwys 30 and 41 over U.S. Hwy 30; (13) between Chicago, IL and junction U.S. Hwy 30 and IL Hwy 80 over IL Hwy 80; (14) between Joliet, IL and junction U.S. Hwys 52 and 45 over U.S. Hwy 52; (15) between Braidwood, IL and junction IL Hwys 17 and 1, from Braidwood over IL Hwy 113 to junction IL Hwy 17, then over IL Hwy 17 to junction IL Hwy 1, and return over the same route; (16) between Spring Valley, IL and Varna, IL over IL Hwy 89; (17) between Spring Valley, IL and junction IL Hwys 26 and 29 over IL Hwy 29;

(18) between Metamora, IL and Sheldon, IL, from Metamora over IL Hwy 116 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Sheldon and return over the same route; (19) between Watseka, IL and Kentland, IN over U.S. Hwy 24; (20) between Allen, IL and junction IN Hwy 28 and U.S. Hwy 41, from Allen over U.S. Hwy 136 to junction IL Hwy 119, then over IL Hwy 119 to IL-IN state line, then over IN Hwy 28 to junction U.S. Hwy 41, and return over the same route; (21) between Clinton, IL and junction IL Hwy 10 and U.S. Hwy 136 over IL Hwy 10; (22) between Clinton, IL and Springfield, IL over U.S. Hwy 54; (23) between Seymour, IL and Cisco, IL, from Seymour over IL Hwy 10 to junction Interstate Hwy 72, then over Interstate Hwy 72 to junction IL Hwy 48, then over IL Hwy 48 to Cisco, and return over the same route; (24) between Taylorville, IL and Jacksonville, IL over IL Hwy 104; (25) between Waverly, IL and Alton, IL, from Waverly over IL Hwy 111 to junction U.S. Hwy 67, then over U.S. Hwy 67 to Alton, and return over the

same route; (26) between Detroit, IL and junction IL Hwy 108 and U.S. Hwy 66, from Detroit over IL Hwy 100 to junction IL Hwy 108, then over IL Hwy 108 to junction U.S. Hwy 66, and return over the same route; (27) between Banner, IL and Lewistown, IL over U.S. Hwy 24; (28) between junction IL Hwy 4 and U.S. Hwy 66 and junction IL Hwy 4 and U.S. Hwy 40 over IL Hwy 4; (29) between Ogden, IL and Casey, IL over IL Hwy 49; (30) between Paris, IL and junction IN Hwy 63 and U.S. Hwy 41, from Paris over unnumbered Hwy to IL-IN state line, then over IN Hwy 163 to junction IN Hwy 63, then over IN Hwy 63 to junction U.S. Hwy 41, and return over the same route; (31) between Allerton, IL and junction IN Hwys 234 and 63, from Allerton over unnumbered Hwy to IL-IN state line, then over IN Hwy 234 to junction IN Hwy 63, and return over the same route; (32) between Rockville, IN and junction U.S. Hwys 41 and 52 over U.S. Hwy 41; (33) between Havana, IL and junction U.S. Hwys 136 and 24 over U.S. Hwy 136; (34) between Attica, IN and Muncie, IN, from Attica over IN Hwy 28 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction unnumbered Hwy near Anthony, IN then over unnumbered Hwy to Muncie, and return over the same route; (35) between Crawfordsville, IN and Richmond, IN from Crawfordsville over IN Hwy 32 to junction IN Hwy 38, then over IN Hwy 38 to Richmond, and return over the same route; (36) between Plainfield, IL and junction IL Hwy 71 and U.S. Hwy 6, from Plainfield, over IL Hwy 126 to junction IL Hwy 71, then over IL Hwy 71 to junction U.S. Hwy 6, and return over the same route; (37) between Chicago Heights, IL and Lima, OH, from Chicago Heights over U.S. Hwy 30 to junction U.S. Hwy 30S, then over U.S. Hwy 30S to Lima, and return over the same route; (38) between Kenton, OH and Columbus, OH from Kenton over OH Hwy 31 to junction U.S. Hwy 33, then over U.S. Hwy 33 to Columbus, and return over the same route; (39) between junction U.S. Hwy 66 and IL Hwy 48 and Decatur, IL over IL Hwy 48; (40) between Cheyenne, WY and Council Bluffs, IA over Interstate Hwy 80; (41) between Council Bluffs, IA and Princeton, IL, over Interstate Hwy 80; (42) between Lincoln, NE and junction IA Hwy 2 and U.S. Hwy 275, from Lincoln over U.S. Hwy 34 to junction U.S. Hwy 75, then over U.S. Hwy 75 to junction NE Hwy 2, then over NE Hwy 2 to NE-IA state line, then over IA Hwy 2 to junction U.S. Hwy 275, and return over the same route; (43) between Council Bluffs, IA and junction IA Hwy 2 and U.S. Hwy 275 over U.S. Hwy 275; (44) between junction IA Hwy 2 and U.S. Hwy 275 and Kansas City, MO, from junction IA Hwy 2 and 275 over U.S. Hwy 275 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Kansas City, and return over the same route; (45) between Detroit, MI and junction Interstate Hwy 94 and U.S. Hwy 20, from Detroit over Interstate Hwy 94 to junction MI Hwy 60, then over MI Hwy 60 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 20, and return over the same route; (46) between junction OH Hwys 51 and 163 and junction OH Hwy 51 and U.S. Hwy 20 over OH Hwy 51; (47) between Oak Harbor, OH and Port Clinton, OH over OH Hwy 163; (48) between Elkhart, IN and Cleveland, OH over U.S. Hwy 20; (49) between junction U.S. Hwy 224 and OH Hwy 21 and junction U.S. Hwys 224 and 422 over U.S. Hwy 224; (50) between Fremont, OH and Bryan, OH, from Fremont over U.S. Hwy 6 to junction OH Hwy 34, then over OH Hwy 34 to Bryan, and return over the same route; (51) between Cleveland, OH and Ashtabula, OH over U.S. Hwy 20; (52) between Lansing, MI and Flint, MI over Interstate Hwy 69; (53) between Painted Post, NY and Mansfield, PA over U.S. Hwy 15; (54) between junction U.S. Hwy 131 and MI Hwy 57 and junction MI Hwys 57 and 91 over MI Hwy 57; (55) between Belding, MI and junction MI Hwy 66 and Interstate Hwy 96, from Belding over MI Hwy 44 to junction MI Hwy 66, then over MI Hwy 66 to junction Interstate Hwy 96, and return over the same route; (56) between Detroit, MI and Port Huron, MI over Interstate Hwy 94; (57) between Nebraska City, NE and Rockport, MO, from Nebraska City over U.S. Hwy 75 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Rockport, and return over the same route; (58) between Aurora, IL and junction IL Hwys 2 and 92, from Aurora over U.S. Hwy 30 to junction unnumbered Hwy (formerly IL Hwy 2), then over unnumbered Hwy to junction IL Hwy 92, and return over the same route; (59) between Naperville and junction U.S. Hwy 34 and IL Hwy 31 over U.S. Hwy 34; (60) between Des Moines, IA and junction IA Hwy 92 and U.S. Hwy 6, from Des Moines over IA Hwy 28 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 6, and return over the same route;

(61) between Portland, OR and Pasco, WA, from Portland over Interstate Hwy 80N to junction U.S. Hwy 730, then over U.S. Hwy 730 to junction U.S. Hwy 395, then over U.S. Hwy 395 to Pasco, and return over the same route; (62) between Toppenish, WA and Buena, WA over U.S. Hwy 97; (63) between junction Interstate Hwy 90 and WA Hwy 26 and Connel, WA, from junction Interstate Hwy 90 and WA Hwy 26 over WA Hwy 26 to junction WA Hwy 17, then over WA Hwy 17 to junction WA Hwy 260, then over WA Hwy 260 to Connel, and return over the same route; (64) between Chillicothe, MO and Cameron, MO over U.S. Hwy 36; (65) between South Bend, IN and St. Joseph, MI over U.S. Hwy 33; (66) between Oklahoma City, OK and Wichita, KS over Interstate Hwy 35; (67) between Wichita, KS and Omaha, NE (a) from Wichita over U.S. Hwy 81 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 77, then over U.S. Hwy 77 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction U.S. Hwy 75, then over U.S. Hwy 75 to Omaha, and return over the same route; (b) from Wichita over U.S. Hwy 81 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Omaha, and return over the same route; (68) between Barstow, CA and Riverside, CA over Interstate Hwy 15; (69) between Flagstaff, AZ and Phoenix, AZ over Interstate Hwy 17; (70) between Dallas, TX and Kansas City, MO, from Dallas over U.S. Hwy 75 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 166, then over U.S. Hwy 166 to junction KS Hwy 26, then over KS Hwy 26 to junction U.S. Hwy 69, then over U.S. Hwy 69 to junction Interstate Hwy 435, then over Interstate Hwy 435 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, and return over the same route; (71) between junction Interstate Hwy 44 and U.S. Hwy 166 and Kansas City, MO, from junction Interstate Hwy 44 and U.S. Hwy 166 over Interstate Hwy 44 to junction Alternate U.S. Hwy 71, then over Alternate U.S. Hwy 71 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route; (72) between Fort Worth, TX and junction Interstate Hwys 10 and 20 over Interstate Hwy 20 (U.S. Hwy 80); (73) between Houston, TX and junction Interstate Hwys 10 and 20, (a) over Interstate Hwy 10 and (b) from Houston over U.S. Hwy 290 to junction Interstate Hwy 10; (74) between junction Interstate Hwys 10 and 20 and Los Angeles, CA, over Interstate Hwy 10; (75) between junction Interstate Hwys 10 and 8 and San Diego, CA, over Interstate Hwy 8; (76) between Memphis, TN and Denver, CO, from Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, then over U.S. Hwy 63, to junction U.S. Hwy 60, then over U.S. Hwy 60 to junction MO Hwy 13, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S.

Hwy 71 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Denver, and return over the same route; (77) between Conover, NC and Salisbury, NC over U.S. Hwy 70; (78) between Asheboro, NC and Wallace, SC, from Asheboro over U.S. Hwy 220 to U.S. Hwy 1, then over U.S. Hwy 1 to Wallace and return over the same route; (79) between Monroe, NC and Pageland, SC, over U.S. Hwy 601; (80) between Sparta, TN and Nashville, TN over U.S. Hwy 70; (81) between Chattanooga, TN and Nashville, TN, (a) from Chattanooga over U.S. Hwy 64 to junction Interstate Hwy 24, then over Interstate Hwy 24 to Nashville and return over the same route; and (b) over Interstate Hwy 24; (82) Between Chattanooga, TN and Knoxville, TN over Interstate Hwy 75; (83) between Sparta, TN and Chattanooga, TN, from Sparta 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; (84) between junction TN Hwys 111 and 30 and junction U.S. Hwy 127 and TN Hwy 8, from junction TN Hwys 111 and 30 over TN Hwy 30 to junction U.S. Hwy 127, then over U.S. Hwy 127 to junction TN Hwy 8, and return over the same route; (85) between McMinnville and junction TN Hwy 55 and Interstate Hwy 24 over TN Hwy 55; (86) between Cookeville, TN and Monterey, TN over Interstate Hwy 40; (87) between Livingston, TN and Jamestown, TN over TN Hwy 52; (88) between Livingston, TN and Monterey, TN from Livingston over TN Hwy 42 to junction TN Hwy 84, then over TN Hwy 84 to Monterey, and return over the same route; (89) between Monterey, TN and Clarkrange, TN over TN Hwy 62; (90) between Sparta, TN and Monterey, TN over TN Hwy 84; (91) between Crossville, TN and junction U.S. Hwy 127 and TN Hwy 30 over U.S. Hwy 127; (92) between McMinnville, TN and Smithville, TN over TN Hwy 56; (93) between McMinnville, TN and Spencer, TN over TN Hwy 30; (94) between Nashville, TN and Knoxville, TN, over Interstate Hwy 40; (95) between Portland, OR and Tacoma, WA over Interstate Hwy 5; (96) between Salt Lake City, UT and Prosser, WA, from Salt Lake City over Interstate Hwy 15 to junction Interstate Hwy 80N, then over Interstate Hwy 80N to junction U.S. Hwy 395, then over U.S. Hwy 395 to Umatilla, OR, then across the Columbia River to WA Hwy 14, then over WA Hwy 14 to junction WA Hwy 271, then over WA Hwy 271 to Prosser, and return over the same route; (97) between junction Interstate Hwy 80N and U.S. Hwy 395 and junction Interstate Hwy 80N and U.S. Hwy 730 over Interstate Hwy 80N; (98) between Rock Island, IL and Tulsa, OK, from Rock Island over U.S. Hwy 67 to junction Interstate Hwy 44, then over Interstate Hwy 44 to Tulsa, and return over the same route; (99) between Fort Worth, TX and Denver, CO, from Forth Worth over U.S. Hwy 81 to junction U.S. Hwy 287, then over U.S. Hwy 287 to junction U.S. Hwy 87, then over U.S. Hwy 87 to junction Interstate Hwy 25, then over Interstate Hwy 25 to Denver, and return over the same route; (100) between Conway, AR and W. Memphis, AR, from Conway over U.S. Hwy 64 to junction Interstate Hwy 55, then over Interstate Hwy 55 to W. Memphis, and return over the same route; (101) between Little Rock, AR and W. Memphis, AR, over Interstate Hwy 40; (102) between Fort Smith, AR and Oklahoma City, OK, from Fort Smith over U.S. Hwy 71 to junction U.S. Hwy 271, then over U.S. Hwy 271 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction OK Hwy 9, then over OK Hwy 9 to junction U.S. Hwy 270, then over U.S. Hwy 270 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Oklahoma City, and return over the same route; (103) between Sayre, OK and Oklahoma City, OK, over OK Hwy 152; (104) between Columbus, OH and Greensburg, PA, from Columbus over Interstate Hwy 70 to junction U.S. Hwy 119, then over U.S. Hwy 119 to Greensburg, and return over the same route; (105) between Columbus, OH and Indianapolis, IN over Interstate Hwy 70; (106) between Cincinnati, OH and Indianapolis, IN, over Interstate Hwy 74; (107) between Youngstown, OH and junction Interstate Hwy 80 and U.S. Hwy 11 over Interstate Hwy 80; (108) between Dallas, TX and Harrisburg, PA, from Dallas over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Harrisburg, and return over the same route; (109) between Winston-Salem, NC and junction Interstate Hwys 40 and 81, over Interstate Hwy 40; (110) between Gastonia, NC and junction Interstate Hwys 40 and 26, from Gastonia over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Interstate Hwy 40, and return over the same route; (111) between junction U.S. Hwy 209 and Interstate Hwy 84 and junction Interstate Hwy 84 and U.S. Hwy 7, over Interstate Hwy 84; (112) between junction Interstate Hwy 30 and U.S. Hwy 270 and junction Interstate Hwy 40 and AR Hwy 39, from junction Interstate Hwy 30 and U.S. Hwy 270 over U.S. Hwy 270 to junction U.S. Hwy 79, then over U.S. Hwy 79 to junction U.S. Hwy 49, then over U.S. Hwy 49 to junction AR Hwy 39, then over AR Hwy 39 to junction Interstate Hwy 40, and return over the same route; (113) between junction U.S. Hwy 72 and Alternate U.S. Hwy 72 and junction U.S. Hwys 431 and 278, from junction U.S. Hwy 72 and Alternate U.S. Hwy 72 over U.S. Hwy 72 to junction U.S. Hwy 431, then over U.S. Hwy 431 to junction U.S. Hwy 278, and return over the same route; (114) between Milwaukee, WI and Moline, IL, from Milwaukee over WI Hwy 15 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 5, then over IL Hwy 5 to Moline, and return over the same route; (115) between Kansas City, MO and Indianapolis, IN, over Interstate Hwy 70; (116) between Oklahoma City, OK and Little Rock, AR over Interstate Hwy 40; (117) between junction Interstate Hwys 81 and 64 and Richmond, VA over Interstate Hwy 64; (118) between Indianapolis, IN and Toledo, OH, from Indianapolis, over U.S. Hwy 31 to junction IN Hwy 37, then over IN Hwy 37 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction OH Hwy 2, then over OH Hwy 2 to Toledo, and return over the same route; (119) between junction Interstate Hwy 80 and U.S. Hwy 322 and Lewiston, PA, over U.S. Hwy 322; (120) between Huntington, WV and Charleston, WV, over U.S. Hwy 60 (also Interstate Hwy 64), serving all intermediate points in routes 1 through 120 above, and the Off-route point of Calexico, CA for 270 days. NOTE: Applicant presently operates over the various described routes as Alternate or Deviation Routes. Applicant intends to tack and interline throughout its system. Supporting shipper: There are no supporting shipper statements attached.

MC 152794 (Sub-6-1TA), filed November 24, 1980. Applicant: TYWAY, INC., d.b.a. O•N•C FREIGHT SYSTEMS, 2345 NW. Nicolai Street, Portland, OR 97210. Representative: Michael J. O'Neill (same as applicant). *General commodities* (except commodities in bulk, those requiring special equipment, commodities of unusual value, classes A & B explosives, and household goods as defined by the Commission) between points in Clark County, WA, Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, Josephine Counties, OR and Del Norte and Humboldt Counties, CA, for 270 days. Applicant seeks the right to interchange at Portland, Eugene, Coos Bay, Medford,

OR, and Eureka, CA. An underlying ETA seeks 120 days authority. Supporting shippers: There are 29 supporting shippers. Their statements may be examined at the regional office listed.

MC 140262 (Sub-6-1TA), filed November 24, 1980. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, Oakdale, CA 95361. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Metallic ores, nonmetallic minerals and chemicals* (except fuels), from points in NV and AZ to points in OR, WA, CA, AZ, NV, ID, MT, WY, UT, CO and NM, for 120 days. Supporting shippers: Dresser Industries, Inc., P.O. Box 6504, Houston, TX 77005; and Industrial Minerals Venture, Star Route 15, Box 549, Lathrop Wells, NV 89020.

MC 129239 (Sub-6-2TA), filed November 20, 1980. Applicant: WASHINGTON-CALIFORNIA EXPRESS, INC., 919 South McGarry Street, Los Angeles, CA 90029. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Plastic articles, plastic film & materials, supplies and equipment used in the manufacture of plastic articles and plastic film* between Schuylkill County, PA on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Allied Chem. Corp., Fibers & Plastics Co., P.O. Box 697, Pottsville, PA 17901.

MC 144765 (Sub-6-3TA), filed November 20, 1980. Applicant: WATERVILLE-CASCADE TRUCKING, INC., P.O. Box 1686, Wenatchee, WA 98801. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102. *Paint, paint products and raw materials and related items,* from Los Angeles, CA to points in the states of OR and WA; from Chicago, IL and Baltimore, MD to points in the states of WA, OR and CA, for 270 days. Supporting shipper: Dutch Boy Paints, 3414 4th Avenue South, Seattle, WA 98134.

MC 112989 (Sub-6-13TA), filed November 19, 1980. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 S., Eugene, OR 97405. Representative: John W. White, Jr. (same as applicant). *Paper and paper products,* from Halsey, OR to points in CA, for 270 days. Supporting shipper: American Can Company, Serramonte Plaza, 355 Gellert Blvd., Daly City, CA 94015.

MC 152785 (Sub-6-1TA), filed November 24, 1980. Applicant: WILLIAM J. CHAMBERS and WILLIAM HAMBERS, a partnership d.b.a. WESTWAY TRANSPORTATION CO., Camarillo, CA 93010. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Foodstuffs (except commodities in bulk)* between Los Angeles County CA and points in OR and WA;, for 270 days. Supporting shippers: The Thinnery, 9337 Laurel Canyon Blvd., Pacoima, CA 91331 and The Skinny Spot, 218 SW. G St., Grants Pass, OR 97526.

MC 151596 (Sub-6-3TA), filed November 24, 1980. Applicant: BOB WHITAKER & SON, INC., P.O.B. 65, Roswell, NM 88201. Representative: Bob Whitaker (same as applicant). (1) *Meats, meat products, meat by-products and articles distributed by meat-packing houses, and (2) Materials, equipment and supplies used in processing, distribution and sale of the commodities named in (1) above,* Between points in Lipscomb County, TX, on the one hand and points in the U.S. (except AK and HI) on the other hand, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Booker Custom Packing Co., Inc., P.O.B. 290, Booker, TX 79005.

MC 146215 (Sub-6-1TA), filed November 20, 1980. Applicant: WOLFE TRUCKING, INC., 1333 E. 7th St., Los Angeles, CA 90021. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier;* Irregular routes: *Pulp, paper or allied products* as described in Item 26 of the Standard Transportation commodity Code Tariff, from points in CT, ME, MA, NH, NY, RI and VT to points in AZ, CA, NV and UT, for the account(s) of Sheldon Forwarding Company, for 270 days. Supporting shipper: Sheldon Forwarding Company, P.O. Box 389, Holyoke, MA, 01041.

MC 89684 (Sub-6-9TA), filed November 21, 1980. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). *Common,* regular/irregular routes: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted against the transportation of shipments in which any single piece exceed 100 pounds in weight; over presently authorized routes in UT, NV, CA, ID, WY, CO; including the right to interline at Reno, NV and Denver, CO for 270 days. Applicant is seeking to remove its existing aggregate weight limit of 500 pounds per shipment from MC 89684 Subs 49, 54, 57, 58, 63, 74, 78, 81, 85, 91, 92, 100 and 103. Applicant intends to interline at Denver, CO, Los Angeles, CA, Reno, NV, and Salt Lake City, UT. Supporting shippers: Their statements may be examined at the Reional Office listed.

MC 135866 (Sub-6-3TA), filed November 21, 1980. Applicant: JACK L. MASSENDER d.b.a. ZILLIAH HAULING SERVICE, 6502 N. Pittsburg St., Spokane, WA 98207. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier,* irregular routes: *Iron and steel articles,* from Spokane, WA to points in OR, for 270 days. Supporting shipper: Artistic Ironworks, Inc., E. 23rd and Montgomery, Spokane, WA 99207.

MC 152759 (Sub-6-1TA), filed November 20, 1980. Applicant: ACTIVE TRUCK LINE, INC., 15666 Slover Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Contract Carrier,* Irregular routes: (1) *motor truck, railroad and contractor's scales,* and (2) *materials, equipment and supplies* used in the manufacture and installation of (1) above, between points in CA, on the one hand, and points in AZ, NV and UT, on the other hand, for 270 days. Supporting shipper: Garner Scale & Equipment, 23011 Moulton Parkway D-1, Laguna Hills, CA 92653.

MC 129219 (Sub-6-4TA), filed November 21, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. *Contract carrier,* Irregular routes: *Furniture stock, wooden, K.D., in the white and furniture, wooden, S.U., in the white,* in trailers having a subsequent movement by rail, from Eugene, OR to Portland, OR for the account of Whittier Wood Products., for 270 days. Supporting shipper: Whittier Wood Products, P.O. Box 2827, Eugene, OR 97402.

MC 146041 (Sub-6-3TA), filed November 20, 1980. Applicant: CAL-TEX, INC., P.O. Box 1678, Costa Mesa, CA 92626. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *(1) carpets, carpet backing, yarn and fiber, and (2) materials and supplies used in the manufacture of the commodities named in (1) above,* from points in VA, NC, SC, TN, GA and CA, to ports of entry on the International Boundary Line between the U.S. and Canada, located in WA, ID and MT., for 270 days Supporting shipper: Westmills Carpets, Limited, 2423 2nd Ave., S.E., Calgary, Alberta T28 6K1 Canada.

MC 42487 (Sub-6-45TA), filed November 19, 1980. Applicant: CONSOLIDATED FREIGHTWAYS,

CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *General commodities, (except household goods as defined by the Commission, and Classes A and B explosives),* between the facilities of Abex Corporation in Quemahoning Township, Somerset County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper(s): Abex Corporation, 530 Fifth Avenue, New York, NY 10036.

MC 42487 (Sub-6-46TA), filed November 24, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier,* irregular routes: *Lumber, lumber mill products, forest products, wood products and mill work,* from Pineville, OR to Jefferson City and Cape Girardeau, MO, for 270 days. Supporting shipper(s): Contact Lumber Co., 819 Corbett Building, Portland, OR 97204.

MC 136407 (Sub-6-6TA), filed November 24, 1980. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1600 Lincoln Street, Denver, CO 80264. *Contract, irregular; Clay, concrete, glass,* or stone *products,* (STCC No. 31) between Shreveport, LA on the one hand, and, on the other, Kansas City, MO, Dallas, TX and points in CO under-continuing contract(s) with Libbey Glass Division of Owens Illinois, Inc., for 270 days. Supporting shipper: Libbey Glass Division of Owens Illinois, Inc., P.O. Box 919, 940 Ash Street, Toledo, OH 43693.

MC 147385 (Sub-6-3TA), filed November 20, 1980. Applicant: D & B TRUCKING, INC., 5315 E. Belmont, Fresno, CA 93727. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *New furniture* between Eugene, OR and AZ, CA, NV and NM, for 270 days. Supporting shipper: Dominion Mfg. Co., Inc., 1300 Bethel Dr., Eugene, OR 97407.

MC 148729 (Sub-6-1TA), filed November 19, 1980. Applicant: ED HANSEN d.b.a. DORTHY J. TRANSPORT, Hwy 101 W., Box 7070, Port Angeles, WA 98362. Representative: Edward N. Hansen (same as applicant). *Contract Carrier;* Irregular Routes: *Canned foods* from San Francisco Bay area, i.e., South San Francisco, Sunneyvale, Hayward, San Jose, Stockton, Orville, CA to points in OR and WA for the account of John Sexton & Company, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: John Sexton & Company, 2320 Milwaukee Way East, Tacoma, WA 98421.

MC 152782 (Sub-6-1TA), filed November 21, 1980. Applicant: EDWARDS FAMILY ENTERPRISES, 1821 East Diana Ave., Anaheim, CA 92805. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *Contract Carrier,* Irregular routes: *Meats, meat byproducts; and articles distributed by meat packinghouses as described in Sections A and C of Appendix to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766* (except hides and commodities in bulk) from the facilities of Sioux-Preme Packing located at or near Sioux Center, IA, Sioux City, IA and Omaha, NE to points in CA, OR and WA, for 270 days. Supporting shipper: Sioux-Preme Packing Company, Box 177, Hwy 75 South, Sioux Center, IA 51250.

MC 124679 (Sub-6-35TA), filed November 19, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Robert H. Cannon (same as applicant). *Foodstuffs* between points in CA, and points in OR, WA, UT, CO, WI, IL, IN, MI, KY, OH, WV, VA, PA, NY, NJ, DE, ME, CT, MA, MD, RI, DC, VT, and NH for 270 days. Their are eight supporting shippers. Their statements may be examined at the Regional Office listed.

Note.—Applicant holds motor contract carrier authority in number MC 128813 and sub numbers thereunder; therefore dual operations may be involved. An underlying ETA seeks 120 days authority.

MC 150044 (Sub-6-3TA), filed November 17, 1980. Applicant: R. ERDMANN TRUCKING, INC., Hwy. 101 W, P.O.B. 564, Port Angeles, WA 98362. Representative: George R. LaBissoniere, 15 S. Crady Way, Suite 233, Renton, WA 98055. *Building mateirals* (lumber, plywood, roofing) between Port Angeles, WA, on the one hand, and points in OR and WA on and west of U.S. 97, on the other hand, for 270 days. Supporting shipper: Angeles Millwork & Lumber Co., Inc., 1601 S. C. St., Port Angeles, WA 98362.

MC 145102 (Sub-6-10TA), filed November 17, 1980. Applicant: FREYMILLER TRUCKING, INC., 1400 South Union Ave., Bakersfield, CA 93307. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Common; irregular; *Cheese and cheese products* from points in Brown, Calumet, Dodge, Green, Marathon, Outagamie, and Sheboygan Counties, WI to Atlanta, GA., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Senmar, Inc., P.O. Box 907, Monore, WI 53566.

MC 143550 (Sub-6-1TA), filed November 19, 1980. Applicant: GARY PARISH, d.b.a. G & C FREIGHT SERVICE, 647 S. W. 143 Seattle, WA 98166. Representative: Gary Parish (same as applicant). *Equipment, material, and supplies used in the manufacture distribution, installation, and maintenance of framing and roofing systems* between points in WA on the one hand, and points in WA, OR, CA, NV, UT, ID, MT on the other, for 270 days. Supporting shipper: Victor Construction, Inc 18407 Renton—Maple Valley Rd., Maple Valley, WA 98038; Rosmond Bros. Lumber Co, Inc, Route 2, Box 5, Forks, WA 98331; and North Hoquiam Cedar products, Inc. P.O. Box 118, Hoquiam, WA 98550.

MC 152115 (Sub-6-2TA), filed November 19, 1980. Applicant: GEORGE KUIPHOF d.b.a. G. K. DISTRIBUTING CO. 13101 E. Rosecrans Blvd., Sante Fe Springs, CA 90670. Representative: George Kuiphof (same as applicant). *Chemicals* in bags between Los Angeles County, CA and Clark County, NV, for 270 days. Supporting shipper: Montrose Chemical Corporation of California 20201 S. Normandie Ave., Torrance, CA 90502.

MC 29960 (Sub-6-1TA), filed November 24, 1980. Applicant: GRESHAM TRANSFER, INC., 12008 N. E. Inverness Drive, Portland, OR 97204. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Soda ash* from points in Sweetwater County, WY to the facilities of Martin Marietta Aluminum, Inc. located at The Dalles, OR and Goldendale WA for 270 days underlying ETA seeks 120 days authority. Supporting shippers: Martin Marietta Aluminum, P.O. Box 45, Goldendale, WA; Martin Marietta Aluminum, P.O. Box 711, The Dalles, OR.

MC 1515 (Sub-6-9TA), filed November 19, 1980. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson, (same address as applicant). *Common carrier,* regular routes, *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Binghamton, NY and the junction of NY Hwy 17 and U.S. Hwy 220 at or near Sayre, PA: From Binghamton, NY over NY Hwy 17 to its junction with U.S. Hwy 220 and return over the same route, serving all intermediate points for 180 days. An underlying E.T.A. seeks 90 days authority. Applicant intends to tack the authority applied for to other authority in MC 1515. Supporting

Shipper(s): There are 22 shippers. Their statements may be examined at the Regional Office listed.

MC 141205 (Sub-6-6TA), filed November 20, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 S. Cherry St., Denver, CO 80222. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier,* irregular routes: *crude oil, scrubber oil and condensate* from points in Lane, Ness, Ellis, Russell, Ellsworth, Saline, Rush, Barton, Rice, McPherson, Marion, Pawnee, Stafford, Reno, Harvey, Edwards, Kiowa, Pratt, Kingman, Sedgwick, Comanche, Barber, Harper, and Sumner Counties, KS, to the Husky Oil Co. pipeline injection station on Sun Midcontinent Pipeline in Alfalfa County, OK, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Husky Oil Company, 600 S. Cherry St., Denver, CO 80222.

MC 144726 (Sub-6-1TA), filed November 24, 1980. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 727 17th St., St. 2600, Denver, CO 80202. *Such commodities as are dealt in by home furnishing and appliance stores,* between the Los Angeles, CA commercial zone on the one hand, and, on the other, the facilities of McMahan Furniture Company at Farmington, NM, for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: McMahan Furniture Company, P.O.B. 7000, Carlsbad, CA 92008.

MC 113059 (Sub-6-2TA), filed November 24, 1980. Applicant: KELLER TRANSPORT, INC., Route 9, Katy Lane, Billings, MT 59102. Representative: F. E. Keller (same as applicant). *Petroleum Products,* from Missoula, MT to points North of the Southern border of Washington, Valley, Custer and Lemhi Counties in ID for 270 days. Supporting Shippers: Bitterroot, Oil, Inc., P.O. Box 93, Stevensville, MT 59870; Husky Oil Company, 600 South Cherry Street, Denver, CO 80222.

MC 152749 (Sub-6-1TA), filed November 20, 1980. Applicant: MTG TRUCKING INC., 4320 123rd Street East, Tacoma. Representative: Jon A. Graciano (same as applicant). *Contract Carrier,* Irregular routes: *Lumber, wood products, Building Materials, and associated Supplies* from ports of entry on the International Boundary line between the U.S. and Canada located in WA and from points in WA, OR, CA, ID to the 48 states, for 270 days. Supporting Shipper(s): Lumbermans Merchandising Corp, 107 N Aberdeen Ave., Wayne, PA 19087; DAS Pro Wood Inc., 550 Sixth St., New Westminister BC V3L5C3; Can Am Industries Ltd., P.O. Box 34232 Station D, Vancouver BC V6J4N9.

MC 146001 (Sub-6-2TA), filed November 13, 1980. Applicant: BOB MARGOSIAN d.b.a. BOB MARGOSIAN TRUCKING, P.O. Box 395, Dinuba, CA 93618. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Foodstuffs,* from Kingsburg, CA, to Phoenix, AZ, and points in its commercial zone, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sun Diamond Growers of California, 3000 Sand Hill Road, Menlo, Park, CA 94025.

MC 147917 (Sub-6-1TA), filed November 18, 1980. Applicant: MELNI BUS SERVICE, INC., 622 Anacapa Street, Santa Barbara, CA 93101. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Passengers and their baggage* in round trip charter operations, beginning and ending at Los Angeles and Orange Counties, CA, and extending to points in CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sports America Tours, Inc., 359 Bel Marin Keys Blvd. #28, Novato, CA 94947.

MC 32882 (Sub-6-5TA), filed November 24, 1980. Applicant's: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. *Electrical transmission cable* from the facilities of Alcoa, Inc., located in Clark County, WA to LaBelle, Quartsite, and Tonapah, AZ, for 270 days. Supporting shipper: Southern California Edison Co., P.O. Box 429, Alhambra, CA 91802.

MC 135621 (Sub-6-1TA), filed November 17, 1980. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth Dr., Billings, MT 59102. Representative: John L. Mohr, 111 West Main, Laurel, MT 59044. *General Commodities* (except those of unusual value, dangerous explosives, commodities in bulk, and those injurious or contaminating to other lading) between points in MT, with prior interstate movement, for 270 days. An underlying ETA seeks 120 days authority. Tacking and interlining is requested. Supporting shippers: #8.

MC 138762 (Sub-6-2TA), filed November 24, 1980. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: D. S. Vincent, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. *Dry synthetic resin,* in bulk, between points on the International Boundary line between the U.S. and Canada located in MI to points in MI, IN, OH, CT and NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Imperial Oil Limited, 111 St. Clair Ave. W., Toronto, Ontario.

MC 151683 (Sub-6-1TA), filed November 18, 1980. Applicant: NAVAJO NATION TRANSIT SYSTEM, Window Rock, AZ 86515. Representative: Michael Tang, Legal Department, Navajo Tribe, Window Rock, AZ 86515. *Passengers and their baggage in the same vehicle, newspapers and express materials* in regular route service within and near the Navajo Reservation in AZ and NM as follows: From Window Rock, AZ via Highway 264 to Ganado, AZ and return thence west on Highway 264 to Tuba City, AZ serving all points in between and return over the same route. From Window Rock, AZ via Highway 12 to Tsaile, AZ thence Highway 64 to Chinle, AZ thence Highway 63 to round Rock, AZ thence Highway 63 to Highway 160, thence west on Highway 160 to Kayenta, AZ serving all points in between and return. From Crownpoint, NM via Highway 197 to Junction 666, thence 666 to Tohatchi, NM thence 666 to Yatahey; Highway 264 to Window Rock, AZ, Highway 12 to Fort Defiance, AZ serving all points in between and return on same route to Crownpoint, NM; Highway 197 to Cuba, NM and return to Crownpoint thence Highway 197 to Window Rock, AZ serving all points in between and return via the same route to Crownpoint, NM. From Window Rock, AZ via Highway 264 to Yatahey; Highway 666 to Gallup, NM serving all points in between and return on same route, thence Highway 12 to Ft. Defiance, AZ and return to window Rock, AZ. From Tuba City, AZ via Highway 160 to Shiprock, NM serving all points in between; and return. From Ft. Defiance, AZ via Highway 12 to Window Rock, AZ; Highway 264 to Junction 666; Highway 666 to Shiprock, NM; serving all points in between and return. For 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are sixteen supporting shippers. There statements may be examined at the Regional Office listed.

MC 147840 (Sub-6-3TA), filed November 24, 1980. Applicant: NORTH PACIFIC LUMBER CO., 1505 NE. Gideon Street, Portland, OR 97208. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. *Glass and glass products and commodities used in the manufacture sale and distribution thereof, except in bulk,* from the facilities of Libby-Owens-Ford company located in San Joaquin County CA to points in OR, WA, ID, MT,

WY, CO, UT and CA for 270 days. Supporting shipper: Libby-Owens-Ford Company, 811 Madison Avenue, Toledo, OH 43695.

MC 138732 (Sub-6-8TA), filed November 24, 1980. Applicant: OSTERKAMP TRUCKING, INC., P.O.B. 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 5 Crow Canyon Ct., Suite 200, San Ramon, CA 94583. *Paper and Paper Products* between the facilities of Orchid Paper Products Corporation in Los Angeles and Orange Counties, CA, Flagstaff, AZ, Pryor, OK, and St. Helens, OR, on the one hand, and on the other, points in the U.S. for 270 days. Supporting shipper: Orchid Paper Products Corporation, 5911 Fresca Dr., La Palma, CA 90623.

MC 730 (Sub-6-12TA), filed November 25, 1980. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant). *Contract Carrier:* Irregular Routes: *General Commodities,* except household goods as defined by the Commission and classes A and B explosives, between points in the United States (except AK and HI), under a continuing contract with Port of Seattle, Seattle, WA. for 270 days. Supporting shipper: Port of Seattle P.O. Box 1209, Seattle, WA.

Note.—Common control may be involved.

MC 152760 (Sub-6-TA), filed November 20, 1980. Applicant: FRANK RAPISARDA and ROY DENNIS HINSON, d.b.a. RAPISARDA/HINSON TRUCKING COMPANY, 20643 Tulsa St., Chatsworth, CA 91311. Representative: Roy Dennis Hinson (same as applicant). *Non-metallic minerals and waste or scrap materials,* loose in dump trucks, between points in CA, AZ and NV for 270 days. Supporting shippers: Brumley-Donaldson Co., 3050 E. Slauson Ave., Huntington Park, CA 90255, B & B Metals, Inc., 400 E. Weber St., Compton, CA 90222, Circo Glass Co., 1551 E. Shaw Ave., No. 126, Fresno, CA 93710.

MC 150502 (Sub-6-5TA), filed November 20, 1980. Applicant: REBANDA TRANSPORTATION, INC., 4350 Mill Creek Road, Healdsburg, CA 95448. Representative: Ronald C. Chauvel, 100 Pine Street, No. 2550, San Francisco, CA 94111. *Contract Carrier,* Irregular Routes: *Musician's equipment, materials and supplies and show materials* used in connection with concerts presented by shipper between all points in the U.S. (except AK and HI) under continuing contracts with Rosco Productions, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Roscoe Productions, Inc., P.O. Box 1198, Jacksonville, FL 32201.

MC 143652 (Sub-6-1TA), filed November 19, 1980. Applicant: RESOURCE RECOVERY CORPORATION, a Washington corporation, 5501 Airport Way South, Seattle, WA 98108. Representative: Georje Kargianis, 2120 Pacific Building, Seattle, WA 98104. *Hazardous or chemical wastes not suitable for disposal at ordinary landfill sites,* from International points of entry on the WA-British Columbia border and points in WA to disposal sites in WA, OR, ID and CA and points in OR to treatment facilities in Tacoma and Seattle, WA, for 270 days. Supporting shipper: Chemical Processors, Inc., 5501 Airport Way South, Seattle, WA 98108.

MC 52465 (Sub-6-2TA), filed November 24, 1980. Applicant: RICE TRUCK LINES, P.O. Box 395, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Petroleum and petroleum products,* from Spokane County, WA and Multnomah County, OR to points in Lincoln, Missoula, Lake, Flathead, Sanders, Mineral, Powell, Granite, Deer Lodge, Silver Bow and Ravalli Counties, MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Libby Fuel Co., P.O. Box 1063, Libby, MT 59923.

MC 138875 (Sub-6-32TA), filed November 21, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Food and kindred products* (except commodities in bulk), from Greenville, MI to points in AR, AZ, CA, CO, IA, ID, IL, IN, KS, MN, MO, MS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, WI and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707.

MC 138875 (Sub-6-33), filed November 24, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *General commodities* (except household and Class A and B explosives) (except commodities in bulk) between San Francisco, CA and Boise, ID, and their respective commercial zones. Restricted to traffic originating at or destined to the facilities used by AM PM, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): AM PM, Inc., P.O. Box 9448, Boise, ID 83707.

MC 152750 (Sub-6-1TA), filed November 20, 1980. Applicant: SLAUSON TRUCKING CORPORATION, 6277 East Slauson Avenue, City of Commerce, CA 90042. Representative: Michael S. Rubin, 256 Montgomery Street, 5th Floor, San Francisco, CA 94104. *General commodities* (except household goods as defined by the Commission and Classes A and B explosives), moving on the bills of lading of regulated freight forwarders or having a prior or subsequent movement by forwarders, between points in Ventura, Los Angeles, San Bernardino, Riverside, Orange, San Diego, and Imperial Counties, CA with the right to interline at Los Angeles, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Carloading Co., 960 E. Third Street, Los Angeles, CA 90013.

MC 150956 (Sub-6-9TA), filed November 24, 1980. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD, Watsonville, CA 95077. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. *(1) Candy and confectionary materials; (2) Supplies and equipment used in the manufacture of candy.* Between the County of Oklahoma, OK and the contiguous 47 states, for 270 days. Supporting shipper: Bunte Candies, Inc., 129 E. California, Oklahoma City, OK 73104.

MC 148737 (Sub-6-8TA), filed November 24, 1980. Applicant: SUNSET EXPRESS CORP., P.O. Box 27043, Salt Lake City, UT 84125. Representative: Carl I. Sundeaus (same as applicant). *Materials and supplies used in manufacturing of seat covers* from NC, NY and SC to Salt Lake City, UT for 270 days. Supporting shipper: Car Lines Mfg., P.O. Box 151091, Salt Lake City, UT 84115.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-38277 Filed 12-9-80; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-46TA and 50-462A]

Illinois Power Co., et al.; Receipt of Antitrust Information

Note.—This document originally appeared in the Federal Register for Monday, November 24, 1980. It is reprinted in this issue at the request of the agency.

Illinois Power Company, on behalf of itself and Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc., has filed antitrust information for their application for operating licenses for the Clinton Power Station, Units 1 and 2. This information

was filed pursuant to § 2.101 of the Commission Rules and Regulations and is in connection with the owners' plans to operate two boiling water reactors in Dewitt County, Illinois. The application contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The remainder of the application for operating licenses was submitted previously and was docketed on September 9, 1980. (See Federal Register Notice 45 FR 64307.)

On completion of staff antitrust review of the above-named application, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Act. A copy of this finding will be published in the Federal Register and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the Federal Register notice.

The results of any reevaluations that are requested will also be published in the Federal Register and copies sent to the Washington and local public document rooms.

A copy of the application for operating licenses and the antitrust information submitted are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555 and in the local public document room at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicants' activities since the construction permit antitrust reviews for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before January 26, 1981.

Dated at Bethesda, Maryland, this 13th day of November, 1980.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-36367 Filed 11-21-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21815 (70-6171)]

Appalachian Power Co.; Proposed Transaction Concerning the Financing of Pollution Control Facilities

December 2, 1980.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road; Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this commission a post-effective amendment to the application-declaration previously filed in this proceeding pursuant to Sections 9(a), 10 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44(b)(3) promulgated thereunder concerning the following proposed transactions. All interested person are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated June 30, 1978 (HCAR No. 20610), Appalachian was authorized to enter into an agreement of sale ("Agreement") with Mason County, West Virginia ("County") concerning the financing of pollution control facilities ("Facilities") at Appalachian's Mountaineer Plant and Phillip Sporn Plant. Under the Agreement the County is to issue and sell its pollution control revenue bonds ("Revenue Bonds"), in one or more series, the proceeds from which sales are to be deposited by the County with the trustee ("Trustee") under the indenture ("Indenture") entered into between the County and Trustee pursuant to which Indenture the Revenue Bonds are issued and secured. The proceeds would then be applied to the payment of the costs of construction of the Facilities, then estimated at $120,000,000. Appalachian conveyed to the County the equipment previously constructed related to the Facilities, subject to the lien of its first mortgage. The Agreement provides for the sale of the Facilities to Appalachian, the payment by Appalachian of the purchase price in semi-annual installments over a term of years and the assignment and pledge to the Trustee of the County's interest in, and monies receivable by the County under, the Agreement.

The Agreement also provides that each installment of the purchase price will be in such amount (together with other monies held by the Trustee for such purposes) as will enable the County to pay, when due: (i) the interest on the Revenue Bonds; (ii) the principal amount of the Revenue Bonds payable at their stated maturities; and (iii) all amounts payable in connection with mandatory redemption of the Revenue Bonds. Appalachian is also obligated to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. Appalachian may prepay the purchase price (i) by paying, under certain conditions, amounts sufficient to redeem all Revenue Bonds then outstanding and all other amounts payable under the Indenture, or (ii) at any time by depositing monies in the Indenture's bond fund or delivering to the Trustee amount sufficient to provide for the release of the Indenture. Upon prepayment, Appalachian may terminate the Agreement.

Pursuant to Commission authorization (HCAR Nos. 20610 and 21103) the County issued and sold two series of Bonds, Series A and Series B. Series A was $40,000,000 in principal amount, bears interest at a rate of 7¾% per annum, matures July 1, 2008, and was sold to underwriters at 98% of principal face amount (resulting in an effective interest cost of 7.9%) and was resold to the public at 100% of principal face amount. Series B was $50,000,000 principal amount, bears interest at a rate of 7.5% per annum, matures June 1, 2009 and was sold to underwriters at 98.225% of principal amount (resulting in an effective interest cost of approximately 7.65% per annum) and was resold to the public at 100% of principal face amount.

By post-effective amendment to this proceeding, Appalachian seeks authorization to issue an additional series of Bonds in the aggregate principal amount of up to $40,000,000 ("Series C") to provide additional funds to cover the Cost of Construction of the Facilities. The Series C Bonds will be issued pursuant to the Indenture, as supplemented, which will provide that the proceeds from the sale of the Series C Bonds would be deposited by the County with the Trustee and applied to payment of the Cost of Construction of the project, which includes reimbursement for amounts Appalachian has previously expended, or to be expended, to pay the Cost of Construction.

The Series C Bonds will bear interest semi-annually, mature at a date or dates

not less than 5 years nor more than 30 years from the date of issuance, and be subject to mandatory redemption as specified in the Supplemental Indenture. The Series C Bonds will be on a parity with the Series A and B Bonds.

It is contemplated that the Series C Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Goldman, Sachs & Co. While Appalachian will not be a party to the underwriting arrangements for the Series C Bonds, the Agreement provides that the Series C shall have such terms as shall be specified by Appalachian. Appalachian understands that interest on the Series C Bonds will be exempt from federal income taxation under the provisions of Section 103 of the Internal Revenue Code of 1954, as amended (except for interest on any Series C Bonds during a period in which it is held by a person who is a substantial user of the Project or a related person). Appalachian has been advised that the annual interest rate on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Series C Bonds to be 1½% to 2½% lower than the rates on obligations of like tenor and comparable quality, the interest on which is fully subject to federal income tax.

It is contemplated that the Series C Bonds will be sold by the County on or about the time when the Industrial Development and Revenue Authority of Russell County, Virginia (the "Authority"), effects a sale of $6,500,000 principal amount of its Series E Bonds in connection with the refunding of bonds previously issued and sold by the Authority in connection with the installation of pollution control facilities at the Glen Lyn and Clinch River Plants of Appalachian, pursuant to arrangements described in the proceeding in File No. 70-5503 (the "Russell County Series E Bonds"). The sale of the Series C Bonds by the County, and the sale by the Authority of the Russell County Series E Bonds are not interdependent but are part of an overall financing program of Appalachian which contemplates that such Series C Bonds and such Russell County Series E Bonds will be issued and sold through arrangements with Goldman, Sachs & Co., as underwriter, or as the manager of a group of underwriters, in substantially concurrent sales by the County and the Authority.

The fees and expenses incurred or to be incurred in connection with the proposed transaction will be filed by amendment. The State Corporation Commission of Virginia has jurisdiction over the proposed issuance of the bonds.

Notice is further given that any interested person may, not later than December 26, 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 fact or law raised by the application-declaration as amended by said post-effective amendment 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. A copy of such request should be served personally or by mail upon the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing if ordered and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-38241 Filed 12-9-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21820 (70-6524)]

Connecticut Yankee Atomic Power Co., et al.; Proposed Issuance and Sale of Long-Term Subordinated Promissory Notes to Sponsor Companies; Exception From Competitive Bidding

The Connecticut Light and Power Company ("CL&P") P.O. Box 270, Hartford, Connecticut 06101, The Hartford Electric Light Company ("HELCO") P.O. Box 270, Hartford, Connecticut 06101, Western Massachusetts Electric Company ("WMECO") 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, subsidiaries of Northeast Utilities ("NU") and Connecticut Yankee Atomic Power Company ("Connecticut Yankee") P.O. Box 270, Hartford, Connecticut 06101, a subsidiary both of NU and New England Electric System ("NEES"), also a registered holding company, together with the New England Power Company ("NEP") 25 Research Drive, Westborough, Massachusetts 01581, a subsidiary of NEES, Montaup Electric Company ("Montaup") C/O Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107, a subsidiary of Eastern Edison Company, in turn a subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, and Central Maine Power Company ("Central Maine") Edison Drive, Augusta, Maine 04336, an exempt holding company, have filed an application-declaration and amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee is the owner of a 575,000 KW nuclear electric generating plant located in Haddam, Connecticut. That plant has been in commercial operation since January 1968. The outstanding shares of Connecticut Yankee's common stock are owned by the applicants-declarants and Cambridge Electric Light Company ("Cambridge"), Central Vermont Public Service Corporation ("Central Vermont"), United Illuminating Company, Boston Edison Company ("Boston Edison") and Public Service Company of New Hampshire ("PSNH"), all of which are not subject to the filing requirements of the Act, (collectively, the "Sponsors"). Partly as a result of requirements imposed by the Nuclear Regulatory Commission and studies undertaken by Connecticut Yankee after the nuclear accident at Three Mile Island, Connecticut Yankee anticipates that its 1980 construction program expenditures for modifications to the plant will total approximately $24,000,000. Additional construction expenditures of approximately $28,100,000 in 1981; $26,700,000 in 1982 and at least $15,400,000 in 1983 are also expected.

In 1979, Connecticut Yankee entered into an arrangement whereby two banks will provide financing of up to $50,000,000 for nuclear fuel under a trust arrangement. This trust arrangement obligates Connecticut Yankee to purchase the fuel from the trust on completion of enrichment of the fuel and to reimburse the trust at that time for payments made by the trust for such fuel and for the accrued financing costs

associated with that fuel. Pursuant to this trust arrangement, Connecticut Yankee will be required to expend approximately $16,700,000 in December 1980 and approximately $15,800,000 in January 1981. Connecticut Yankee expects additional necessary fuel expenditures, as reimbursements to the trust and/or direct payments to fuel vendors which are not covered by the trust arrangement, of approximately $3,800,000 during the balance of 1981, $41,300,000 in 1982 and $48,900,000 in 1983.

Connecticut Yankee estimates that in order to meet the above requirements, to meet principal payments on its outstanding indebtedness and to repay Sponsor's contributions, it will require financing from external sources of $30,000,000 in December 1980; $60,000,000 in 1981; $45,000,000 in 1982 and $35,000,000 in 1983.

By order dated May 6, 1980 (HCAR No. 21551), the Commission authorized Connecticut Yankee to offer $40,000,000 to $60,000,000 of debentures on a negotiated basis to institutional investors. A private placement was attempted but could not be negotiated. To date, the company has been unable to find institutional investors willing to make a commitment to purchase such debentures. It believes that a successful placement can be effected with more direct Sponsor support for the issue and it intends to develop modified arrangements to provide such support. As an interim financing measure, it has filed the proposal described herein to meet its immediate capital needs.

Connecticut Yankee proposes to issue subordinated notes ("Debt Securities") to Sponsors in an aggregate amount of up to $40,000,000 outstanding at any one time pursuant to the five-year Capital Contribution Agreement dated November 1, 1980 ("Agreement"). The financing is to be an interim measure if additional long or medium-term debt financing can be effected in 1981–1983. The promissory notes under each Agreement shall be subordinated to all other borrowings of Connecticut Yankee (other than borrowings represented by other notes issue pursuant to said Agreement or any of the other similar Agreements between Connecticut Yankee and the other Sponsors or issued pursuant to any similar capital contribution agreement hereafter entered into) and to any obligations of Connecticut Yankee under a fuel trust or any similar financing arrangement.

The Debt Securities will mature on January 1, 1998, would be prepayable in whole or in part without penalty or premium and would bear interest at a rate per annum equal to 1½% in excess of the prime rate in effect from time to time at the Connecticut Bank and Trust Company, Hartford, Connecticut. It is proposed that an aggregate of $30,000,000 of the Debt Securities would be issued during December 1980 and January 1981 to provide funds for scheduled nuclear fuel payments in those months. The remaining $10,000,000 of the Debt Securities may be issued in December 1980 to provide funds to retire outstanding short-term borrowings, $24,725,000 as of October 31, 1980. Connecticut Yankee expects to prepay all of such principal amount of the Debt Securities outstanding in the second half of 1981 from the proceeds of an anticipate issue of long-term debentures or similar debt. It proposes that any balance of Debt Securities, and any prepaid Debt Securities, may be reissued subsequently at any time and from time to time prior to November 1, 1985.

The Sponsors are expected to agree to purchase the Debt Securities in proportion to their respective ownership percentages in Connecticut Yankee as follows:

Company	Ownership (in percent)	Amount
The Connecticut Light and Power Co	25.0	$10,000,000
New England Power Co	15.0	6,000,000
Boston Edison Co	9.5	3,800,000
The Hartford Electric Light Co	9.5	3,800,000
The United Illuminating Co	9.5	3,800,000
Western Massachusetts Electric Co	9.5	3,800,000
Central Maine Power Co	6.0	2,400,000
Public Service Company of New Hampshire	5.0	2,000,000
Cambridge Electric Co	4.5	1,800,000
Montaup Electric Co	4.5	1,800,000
Central Vermont Public Service Corp	2.0	800,000
Total	100.0	40,000,000

Exception from the competive bidding requirements of Rule 50 pursuant to paragraph (a)(5) is requested for the proposed issuance and sale of the Debt Securities because Connecticut Yankee believes that purchase by the Sponsors under existing contractual arrangements is the only means by which it can meet its capital needs within the time available and that the proposed terms will be unattractive to outside investors.

The fees and expenses incurred in connection with the proposed transactions will be filed by amendment. The Connecticut Department of Public Utility Control has jurisdiction over the issuance of the Debt Securities and over their acquisition by CL&P, HELCO, WMECO, NEP, Montaup, Central Maine, PSNH and Central Vermont; the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the Debt Securities by NEP, WMECO, Montaup, Boston Edison and Cambridge; and the Federal Energy Regulatory Commission ("FERC") has jurisdiction over the acquisition of Debt Securities by Boston Edison, United Illuminating, PSNH, Cambridge and Central Vermont. It is further stated that no other state commission and no federal commission, other than FERC and this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 26, 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 issued of fact or law raised by said application-declaration 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. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as if may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 80-38242 Filed 12-9-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11473; (811-1426)]

Investment Growth Fund, Inc.; Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

December 4, 1980.

Notice is hereby given that the Commission proposes, pursuant to

Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion, that Investment Growth Fund, Inc. ("Fund"), 1175 N.E. 125th Street, Miami, Florida 33161, registered under the Act as a closed-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized on August 17, 1966, under the laws of the State of Florida under the name of American Growth Plan, Inc. The Fund registered under the Act on September 2, 1966. During October, 1966, the Fund's name was changed to Investment Growth Fund, Inc. The Fund also filed a registration statement (File No. 2-25475) pursuant to the Securities Act of 1933 in connection with a proposed public offering of shares of its capital stock. The 1933 Act registration statement was not made effective, and the Fund did not make a public offering of its securities. The Fund requested withdrawal of this registration statement, pursuant to Rule 477 under the 1933 Act, and the Commission ordered it withdrawn as of August 20, 1974. The Fund has not filed any of the periodic reports required by the Act since July 12, 1968. Finally, information in the commission's files indicates that after the withdrawal of such registration statement the Fund was abandoned, and that it ceased to exist as a corporate entity and to profitably engage in any business. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons 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 the Fund 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 this matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-38243 Filed 12-9-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11470; (811-3017)]

Supervised Cash Account, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for Order Declaring That Applicant Has Ceased To Be an Investment Company

December 3, 1980.

Notice is hereby given that Supervised Cash Account, Inc. ("Applicant"), 120 South LaSalle Street, Chicago, Illinois 60603, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on September 18, 1980, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has eased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was a "money market fund" organized as a "clone" of Cash Equivalent Fund, Inc. ("Cash Equivalent Fund"), and was incorporated under the laws of Maryland following the ruling by the board of governors of the Federal Reserve System that required "money market funds" to maintain special reserve deposits. On March 20, 1980, Applicant registered under the Act and at the same time filed a registration statement under the Securities Act of 1933, which became effective on March 28, 1980, covering an indefinite amount of shares of common stock. As stated in the application, Kemper Financial Services, Inc., ("Kemper"), served as investment adviser and principal underwriter for both Applicant and Cash Equivalent Fund and Applicant had the same board of directors as Cash Equivalent Fund. According to the application, upon the termination of the reserve requirements for money market funds, Applicant's board of directors determined that the need to maintain a separate clone fund no longer existed. Applicant states that in order to achieve efficiences and savings for shareholders, on July 28, 1980, its board of directors authorized the merger of Applicant into Cash Equivalent Fund and authorized Applicant's officers to proceed to obtain such shareholder approval as was necessary to effectuate the merger.

As stated in the application, Applicant's shareholders received a letter dated July 30, 1980, advising them that Applicant's board of directors had approved the combining of Applicant with Cash Equivalent Fund and that shareholders had the option of (1) exchanging their shares of Applicant for the same number of shares of Cash Equivalent Fund or (2) redeeming their investment in Applicant in its entirety. Applicant states that as of August 14, 1980, the date prior to the date of the merger, Applicant had 375,308,604 shares of common stock, par value $.001 outstanding. Applicant further states that the net asset value per share on that date was $1.00. Applicant represents that after the exchange of shares was effectuated, the sole remaining shareholder, Kemper, voted upon and approved the merger of Applicant into Cash Equivalent Fund. Applicant further represents that pursuant to the terms of the merger, all of its assets were transferred, in conformance with the guidelines of Investment Company Act Release No. 11263 (July 21, 1980) and without payment of any brokerage commission, to Cash Equivalent Fund, based upon net asset values calculated as of the close of business on August 15, 1980, the date of the merger. In addition, Applicant states that all expenses (which did not exceed $50,000) incurred by Applicant in connection with the merger were assumed and paid by Kemper.

Applicant represents that at this time it: (1) has no assets of any nature or value; (2) has no debts or other outstanding liabilities; (3) has no security-holders; (4) is not a party to any litigation or administrative proceeding; and (5) is engaged in no business activities other than those necessary for

the winding up of its affairs. In that regard, Applicant states that it has filed a certificate of dissolution with the State of Maryland and has been formally dissolved under state law.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than December 29, 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 reasons for such request, and the issues, if any, of fact or law proposed to 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 therein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-38244 Filed 12-9-80; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-10829]

Union Tank Car Co.; Application and Opportunity for Hearing

December 3, 1980.

Notice is hereby given that Union Tank Car Company (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Manufacturers Hanover Trust Company ("Manufacturers"), a New York corporation, under an existing indenture heretofore qualified under the Act, 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 Manufacturers from acting as Trustee under another indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer 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 such qualified indenture and such other indenture is not to 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 either of such indentures.

The Applicant alleges that:

(1) Manufacturers presently is acting as a Trustee under the Applicant's Series 14 Equipment Trust Agreement. The aggregate principal amount outstanding under the Series 14 Equipment Trust as of October 31, 1980, was $40,000,000. The Series 14 Equipment Trust was filed with the Commission on November 3, 1976 (No. 2-57560).

(2) The Series 14 Equipment Trust Certificates issued under the present trusteeship of Manufacturers Hanover Trust Company and the proposed Series 18 Equipment Trust Certificates for which it is proposed Manufacturers Hanover Trust Company shall act as Trustee, are secured by a separate lot of identified railroad cars, so that, should the Trustee have occasion to proceed against the security under either one of the Equipment Trusts, such action would not affect the security, or the use of any security, under the other Equipment Trust.

(3) The Applicant is not in default under any of its Equipment Trust obligations.

(4) Such differences as exist between the two indenturers 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 from acting as Trustee under either of said Indentures.

The Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a more detailed statement 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 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than December 28, 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 fact or law raised by said application which he desires to contravert, 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, 500 North Capital Street, 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 in 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 80-38245 Filed 12-9-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1956]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Los Angeles, Orange, San Bernardino and Riverside Counties, and adjacent counties within the State of California, constitute a disaster loan area because of damage resulting from major fires and high winds, beginning on or about November 15, 1980.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 29, 1981, and for economic injury until May 27, 1981, at: Small Business Administration, District Office, 211 Main Street, 4th Floor, San Francisco, California 94105 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 4, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-38324 Filed 12-9-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1957]

Commonwealth of the Northern Mariana Islands; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Island of Saipan in the Commonwealth of the Northern Mariana Islands constitute a disaster area because of damage resulting from Typhoon Dinah, beginning about November 23, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 29, 1981, and for economic injury until May 27, 1981, at: Small Business Administration, Branch Office, Pacific Daily News Building, Room 508, Agana, Guam 96910 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 4, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-38325 Filed 12-9-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1954]

Maine; Declaration of Disaster Loan Area

Cumberland, Lincoln and Washington Counties and adjacent counties within the State of Maine constitute a disaster area as a result of heavy rains, high winds and high surf that occurred on October 25-26, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on February 2, 1981 and for economic injury until September 3, 1981, at: Small Business Administration, District Office, 40 Western Avenue, Room 512, Augusta, Maine 04330 or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: December 3,1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-38326 Filed 12-9-80; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 19-A]

Redelegation of Public Communications Activity

Delegation of Authority No. 19-A delegates printing contract authority within the Public Communications Division.

Delegation of Authority No. 19-A reads as follows:

I. Pursuant to the authority delegated by the Assistant Administrator for Support Services to the Associate Administrator for Public Communications in Delegation of Authority No. 19 (45 FR 71032), the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Printing Contract Authority.*—1. *Director, Office of Information Services.* To contract for printing services for the Agency pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in Section 257 (a) and (b) of that Chapter and pursuant to Title 44, United States Code.

2. *Printing Specialist.*—Same as paragraph A.1 above.

II. The specific authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

Effective date: December 10, 1980.

Date: December 4, 1980.

Charles Searcy,

Associate Administrator for Public Communications.

[FR Doc. 80-38327 Filed 12-9-80; 8:45 am]

BILLING CODE 8025-01-M

Section 503 Development Company Program

AGENCY: Small Business Administration.

ACTION: Notice: To solicit bids for the services of a Central Fiscal Agent for the 503 Development Company Program.

SUMMARY: The U.S. Small Business Administration (SBA) is requesting bids to perform certain systems, recordkeeping and banking services in accordance with the implementation of SBA's Development Company Program ("Section 503 Program") pursuant to Section 503 of Title V of the Small Business Investment Act of 1958, as amended July 2, 1980 (Sec. 113 of Pub. L. 96-302 94 Stat. 837), and the regulations thereunder. The Central Fiscal Agent (herein referred to as CFA) will provide the systems for both the disbursement of 503 debentures and the collection of payment due SBA so it may satisfy its obligations for debentures purchased by the Federal Financing Bank.

DATE: Bids mut be received on or before December 31, 1980.

ADDRESSES: Written bids, in duplicate, are to be addressed to Director, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Alan B. Abraham, Financial Analyst, Small Business Administration 1441 L Street, N.W., Washington, D.C. 20416 (202) 653-6470.

SUPPLEMENTARY INFORMATION: The Central Fiscal Agent would act for the benefit of the registered holder of a debenture, initially the Federal Financing Bank, issued by the Certified Development Company for the benefit of an identifiable small business borrower pursuant to the Section 503 Program. Since no federal money will be used to fund the services provided by the Central Fiscal Agent, federal procurement procedures are not required. Time is of the essence under this program because no direct funds are available for 503 projects and the debenture funding mechanism cannot be effectively implemented until the Central Fiscal Agent is identified. The selection criteria for the Central Fiscal Agent will be based on the following three items:

(1) Ability to perform services identified herein.

(2) Cost of services provided.

(3) Implementation time from notification of selection.

The following functions must be provided through processing:

1. The CFA must be capable of receiving funds via the electronic transfer of funds for each debenture (or debentures).

2. The CFA must disburse these funds to the parties at interest (i.e. development company, interim lender, borrower) development companies and borrowers via the fed. wire service.

3. The CFA must escrow certain payments on behalf of the borrowers, and make certain that these funds are available to make up payment deficiencies on behalf of the borrowers.

In addition, the CFA will be requred to reimburse any initial excess escrow.

4. The CFA must provide the recordkeeping services and collect payments from the borrowers on a monthly basis (by check) and pay the SBA semi-Annually (by wire).

5. The CFA must invest all balances on behalf of the development companies and the borrowers based on daily and/or standing instructions by the SBA. The investment income must be distributed to the borrowers accounts in much the same way that a "money market" fund accounts for interest income (time on deposit x size of deposit x blended rate applicable). No float should be available to the CFA.

6. The CFA must maintain each loan on its records on a daily accrual basis (date-to-date) and payments must be applied on that basis, always to cover interest payments first.

7. The CFA must provide clear and simple instructions to all borrowers and development companies so they may correspond and deal with the CFA directly.

8. The CFA must report monthly to the specific district offices of SBA and the relevant development companies as to borrower performance including all payments, loan balances and dishonored checks.

9. The CFA must report semi-annually to the SBA Office on each debenture simultaneously with remittance. Please note that debentures will be issued each month; therefore, each month debenture payments will be due.

The Small Business Administration requires the following from the CFA:

—A narrative of how the CFA would operate the program in sufficient detail to warrant consideration as a bidder (list experiences).

—A statement that the CFA will provide the services on or before February 1, 1980, including the necessary supporting evidence of such ability.

—A List of charges and how the CFA would collect these charges from the borrowers and/or development companies to include (as may be required):

  —Start-up charges
  —Development charges
  —Loan accounting and collection charges
  —Disbursement to SBA
  —Reporting as required
  —Investment Services
  —Settlement charges
  —Escrow accounting charges
  —Any other charges which are appropriate.

For ease of accounting, bidder may use a percentage of the outstanding balance of all loans (e.g., ⅛ of 1%, ½ of 1%, 1%, etc.). Although SBA cannot guarantee that this program will reach any specific level, we anticipate that $115 million may be utilized in FY'81 for over 500 projects.

The Fiscal Agency Agreement will be for a term of not more than five (5) years unless sooner terminated under stated conditions, with a requirement that the CFA must provide services for the life of each loan, regardless of the outstanding loan amount(s).

Dated: December 5, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-38328 Filed 12-9-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 36-80]

Series C-1986 Notes; Interest Rate

December 4, 1980.

The Secretary announced on December 3, 1980, that the interest rate on the notes designated Series C-1986, described in Department Circular—Public Debt Series—No. 36-80, dated November 25, 1980, will be 13½ percent. Interest on the notes will be payable at the rate of 13½ percent per annum.

Gerald Murphy,

Deputy Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 80-38272 Filed 12-9-80; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 239
Wednesday, December 10, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, December 19,1980.

PLACE: 2033 K Street NW., Washington, D.C., eigth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-2260-80 filed 12-8-80; 3:18 pm]

BILLING CODE 6351-01-M

2

COUNCIL ON ENVIRONMENTAL QUALITY.

December 8, 1980.

TIME AND DATE: 11:30 a.m., December 18, 1980.

PLACE: Conference Room, 722 Jackson Place NW., Washington, D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Report on EPA's Proposal for a National Ground Water Protection Strategy.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III (202) 395-4616.

[S-2248-80 Filed 12-8-80; 9:54 am]

BILLING CODE 3125-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:30 a.m. on Monday, December 15, 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)(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:

South East Missouri Bank, a proposed new bank, to be located at 111 South Broadview, Cape Girardeau, Missouri.

First Security State Bank of Layton, a proposed new bank, to be located at 1500 North 400 West, Layton, Utah.

Applications for consent to establish a branch:

California First Bank, San Francisco, California, for consent to establish a branch at the southwest corner of West Shaw and Marks Avenues, Fresno, California.

The Community Savings Bank, Rochester, New York, for consent to establish a branch at the southeast corner of Muller Boulevard and Jefferson Road, Town of Henrietta, New York.

Monroe Savings Bank, Rochester, New York, for consent to establish a branch at 18 State Street, Village of Pittsford, New York.

Application for consent to relocate main office:

Continental Bank Guardian, Milwaukee, Wisconsin, for consent to relocate its main office from 3315 West Villard Avenue to the southwest corner of 76th Street and Mill Road, both locations within Milwaukee, Wisconsin.

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. 44,570-L—Franklin National Bank, New York, New York.

Case No. 44,586-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Case No. 44,589-L, Franklin National Bank, New York, New York.

Memorandum and Resolution re: Franklin National Bank, New York, New York.

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)).

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: December 8, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-2254-80 Filed 12-8-80; 11:45 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

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 9:00 a.m. on Monday, December 15, 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:

Miller, Hamilton & Snider, Mobile, Alabama, in connection with the liquidation of Southern National Bank, Birmingham, Alabama.

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Memorandum re: Budget of Administravtive Expenses for Budget Year 1981.

Memoranum re: Budget of Liquidation Expenses for Budget Year 1981.

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: December 8, 1980.

Federal Deposit Insurance Corporation.

[S-2253-80 Filed 12-8-80; 11:46 am]

BILLING CODE 6714-0-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

December 5, 1980.

TIME AND DATE: 10 a.m., December 12, 1980.

PLACE: Room 9306, 825 North Capitol Street, Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The agency's participation in civil actions.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357–8400.

Kenneth F. Plumb,

Secretary.

[S-2243-80 Filed 12-5-80; 4:21 pm]

BILLING CODE 6450-85-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

December 4, 1980.

TIME AND DATE: 10 a.m., Thursday, December 11, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Williamson Shaft Contracting Company, VA 80-17-C; (Issues include whether a verbal order of withdrawal can provide the basis for a compensation claim under section 111 of the 1977 Mine Act).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202–653–5632.

[S-2284-80 Filed 12-8-80; 3:45 pm]

BILLING CODE 6820-12-M

7

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: Approximately 11 a.m., Monday, December 15, 1980, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments. (Originally announced for a meeting on Monday, December 8, 1980.)
2. Proposed purchase, under competitive bidding, of computer equipment within the Federal Reserve System.
3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 5, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-2244-80 Filed 12-5-80; 4:54 pm]

BILLING CODE 6210-01-M

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, December 15, 1980.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open

MATTERS TO BE CONSIDERED:

1. Proposed Federal Reserved Bank budgets for 1981.
2. Any agenda items carried forward from a previously announced meeting.

NOTE: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 5, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-2245-80 Filed 12-5-80; 4:49 pm]

BILLING CODE 6210-01-M

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 78331, November 25, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, December 1, 1980.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

1. Appointment of new members of the Consumer Advisory Council (this matter was originally announced for a meeting on November 24, 1980).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: December 4, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-2258-80 Filed 12-8-80; 3:04 pm]

BILLING CODE 6210-01-M

10

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Forwarded to Federal Register on December 2, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, December 10, 1980.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

1. Proposed changes to the Board's rules regarding delegation of authority for certain bank supervisory functions. It is anticipated that this matter will be rescheduled for the open meeting on Friday, December 12, 1980.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 5, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-2257-80 Filed 12-8-80 3:04 pm]

BILLING CODE 6210-01-M

11

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, December 12, 1980.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Continuing discussion of Fee Schedules and Pricing Principles to implement the Monetary Control Act. (Proposed earlier for public comment; Docket No. R-0324.)
2. Request for an interpretation regarding whether Regulation T (Credit by Brokers and Dealers) permits brokers and dealers to accept bank depository receipts for gold to meet margin requirements in a general account. (Proposed earlier for public comment; Docket No. R-0250.)
3. Proposed policy governing the frequency of examinations of State member banks, inspections of bank holding companies, and other bank related functions.
4. Any agenda items carried forward from a perviously announced meeting.

Note.— This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 4, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-2256-80 Filed 12-8-80; 3:03 pm]

BILLING CODE 6210-01-M

12

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Monday, December 8, 1980.

PLACE: Room 532 (open); room 540 (closed) Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the Public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Beltone Electronics Corpooration, et al., Docket 8928.

Portions closed t the ublic:

(2) Executive Session to discuss Oral Argument in Beltone Electronics Corp., Docket 8928.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-2252-80 Filed 12-8-80; 10:34 am]

BILLING CODE 6750-01-M

13

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 45, December 2, 1980, p. 79971.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, December 10, 1980.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced open meeting of Wednesday, December 10, 1980, 10 a.m. to Wednesday, December 17, 1980, 10 a.m.

[S-2251-80 Filed 12-8-80; 10:34 am]

BILLING CODE 6750-01-M

14

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In Accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation notice is given that the Board of Directors will meet on December 17, 1980.

A. The meeting will be held on Wednesday, December 17, 1980, in the National Guard Association Building, Third Floor, One Massachusetts Avenue, Northwest, Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

9:30 Closed Session

1. Internal Personnel Matters
2. Litigation Matters

10:30 Open Session

3. Approval of Minutes of Regular Meeting of October 29, 1980.
4. Adopt Statement of Mission.
5. Approval of Five Year Plan.
6. Adoption of Policy Governing Levels of Authority for Capital Projects.
7. Approval of fiscal year 1981 Capital Budget.
8. Commitment Approval Requests:

81-19 Temporary Station Facility—Tacoma, Washington
81-21 Relocation of Chicago City Ticket Office
78-76-S2 Grade Crossing Improvements—Florida—Phase III
81-16 Escalation/Capitalized Interest Payments for Superliners

9. Presentation: Tri-Weekly versus Daily Service
10. Board Committee Reports:

Equipment
Finance
Legal Affairs
Northeast Corridor Improvement Project
Organization and Compensation

11. President's Report
12. Advertising Presentation
13. New Business.
14. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383-3973.

Elyse G. Wander,

Corporate Secretary.

December 5, 1980.

[S-2249-80 Filed 12-8-80; 9:55 am]

BILLING CODE 0000-00-M

15

NUCLEAR REGULATORY COMMISSION.

DATE: Wednesday, December 10.

STATUS: Open.

MATTERS TO BE CONSIDERED: 2:30 p.m.: Briefing on Storage of Low-Level Radioactive Wastes at Power Reactor Sites (approximately 1½ hours, public meeting).

ADDITIONAL INFORMATION:

Briefing on Development of Requirements in a Fire Protection Rule for Future Plants, scheduled for 2 p.m., December 3 was postponed.

The Briefing on Ice Condenser and Mark II Containments, scheduled for 10 a.m., Tuesday, December 2, was held at 10 a.m., Wednesday, December 3.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

December 3, 1980.

[S-2253-80 Filed 12-8-80; 3:34 pm]

BILLING CODE 7590-01-M

16

NUCLEAR REGULATORY COMMISSION.

DATE: December 10 and December 11, 1980.

STATUS: Open/closed. Wednesday, December 10 (Revised):

1:30 p.m.

Briefing on Storage of Low-Level Radioactive Wastes at Power Reactor Sites (approximately 1½ hours, public meeting) (previously announced—note time change).

3 p.m.

Discussion of Indian Point Enforcement Action (approximately 1½ hours, closed—exemption 7) (additional item).

Thursday, December 11:

10 a.m.

Discussion of Final Rule—10 CFR 60—Disposal of High Level Radioactive Waste in Geologic Repositories—Licensing Procedures (approximately 1½ hours, public meeting).

2 p.m.

1. Discussion of Proposed Rulemaking, "Qualification of Reactor Operators" (approximately 1½ hours, public meeting).
2. Affirmation Session (approximately 20 minutes, public meeting).
a. Affirmations.
1. Proposed Narrative Explanation of Table S-3.
2. Rulemaking in 10 CFR Part 2.
3. PRM from Public Citizen Litigation Group on Required Levels of Financial Protection (tentative).
4. Revised Criteria for States (tentative).
b. Discussion and Vote of Above Affirmation Items, If Required.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,
Office of the Secretary.
December 4, 1980.
[S-2262-80 Filed 12-8-80; 3:34 pm]
BILLING CODE 7590-01-M

17

NUCLEAR REGULATORY COMMISSION.

DATE: December 12, 1980.

STATUS: Open.

MATTERS TO BE CONSIDERED: Friday, December 12:

10 a.m.

Meeting with TMI Advisory Panel (approximately 1½ hours, public meeting)

ADDITIONAL INFORMATION: By a vote of 3-0 (Chairman Ahearne not present) on December 5, the Commission determined pursuant to 5 U.S.C. 552 b(e)(1) and § 9.107(a) of the Commission's Rules, that Commission business required that affirmation of Response to Duke Power Company and Texas Utilities Generating Company Request for Reconsideration of Emergency Planning Rule, held that day, be held on less than one week's notice to the public. The Commission voted 3-0 (Commissioner Bradford not present), as above on November 26 to affirm Changes in titles for board Members; and 4-0 on November 26 to discuss Final Rule—10 CFR 60—Disposal of High Level Radioactive Waste in Geologic Repositories—Licensing Procedures.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

Walter Magee,
Office of the Secretary.
December 5, 1980.
[S-2261-80 Filed 12-8-80; 3:32 pm]
BILLING CODE 7590-01-M

18

OVERSEAS PRIVATE INVESTMENT CORPORATION.

TIME AND DATE: Meeting of the OPIC Board of Directors: Thursday, December 18, 1980 at 9 a.m. (closed portion): 10 a.m. (open portion).

PLACE: Offices of the Corporation, seventh floor board room; 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 10 a.m. will be closed to the public. The open portion of the meeting will start at 10 a.m.

MATTERS TO BE CONSIDERED: Closed to the public: 9 a.m. to 10 a.m.:

1. Insurance Project in Middle East Country.
2. Insurance Project in Central American Country.
3. Discussion of Energy Recommendations by the N.S.C.
4. Claims Reports.
5. Information Reports.

FURTHER MATTERS TO BE CONSIDERED: Open to the public: 10 a.m.:

1. Approval of Minutes of Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 632-1839.

December 8, 1980.
Elizabeth A. Burton,
Corporate Secretary.
[S-2255-80 Filed 12-8-80; 1:00 pm]
BILLING CODE 3210-01-M

19

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, December 9, 1980.

PLACE: Conference room, 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. R80-1. (Meeting closed pursuant to 5 U.S.C. § 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-2246-80 Filed 12-8-80; 9:46 am]
BILLING CODE 7715-01-M

20

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m. and 2:30 p.m., Wednesday, December 10, 1980.

PLACE: Conference room, 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed (10 a.m.) and open (2:30 p.m.).

MATTERS TO BE CONSIDERED:

Closed Meeting: Issues in Docket No. R80-1. (Meeting closed pursuant to 5 U.S.C. § 552b(c) (10).)

Open Meeting: Adoption final Rules of Practice for Experimental Mail Classification Proposals.

CONTACT PERSON FOR MORE INFORMATION: D. Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-2247-80 Filed 12-8-80; 9:46 am]
BILLING CODE 7715-01-M

21

POSTAL SERVICE.

Board of Governors

Notice of Vote to Close Meeting

On December 1, 1980, the Board of Governors of the United States Postal Service unanimously (except for Mr. Babcock, who was not present at the time) voted to close to public observation portions of its next meeting, which is currently scheduled for January 8, 1981. Each of the members of the Board voted in favor of closing this meeting, which is expected to be attended by the following persons:

Governors Babcock, Camp, Ching, Hardesty, Hughes, Jenkins, and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Counsel to the Governors Califano; Secretary to the Board Cox; and Senior Assistant Postmaster General Finch.

A portion of the meeting to be closed is to involve a discussion of the election of a Chairman and Vice-Chairman of the Board. The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code; and section 7.3(f) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Goverment in the Sunshine Act (5 U.S.C. § 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the portion of the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code and section 7.3(f) of title 39, Code of Federal Regulations.

A second portion of the meeting to be closed is to involve a discussion of plans for administrative and adjudicative litigation of various E–COM issues, including an anticipated proceeding before the Postal Rate Commission to which the Commission has assigned Docket No. MC80–1 and the pending action before the U.S. Court of Appeals for the D.C. Circuit captioned *Governors v. Postal Rate Commission.*

The Governors are of the opinion that public access to the discussion would be likely to disclose matters whose disclosure would be inconsistent with the public's interest in having the Governors candidly discuss these matters.

Accordingly, the Governors have determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39 Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

The third portion of the meeting to be closed involves a discussion of developments in the current rate case pending before the Postal Rate Commission (Commission Docket No. R80–1).

The Board is of the opinion that public access to the discussion of these developments would likewise be inconsistent with the public's interest.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act in that it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding, and that the public interest does not require the discussion of this matter to be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed might properly be closed to the public observation pursuant to 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations.

Louis A. Cox

Secretary.

[S–2250–80 Filed 12–8–80; 10:00 am]

BILLING CODE 7710–12–M

22

SYNTHETIC FUELS CORPORATION.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. The Chairman of the Board may entertain a motion during the meeting to close a portion thereof insofar as it relates to matters specified in Section 116(f) (A through C) of the United States Synthetic Fuels Corporation Act of 1980, Pub. L. 96–294.

TIME AND DATE: 2 p.m. on December 22, 1980.

PLACE: Continental Room, Embassy Row Hotel, 2015 Massachusetts Avenue NW., Washington, D.C.

PERSON TO CONTACT FOR MORE INFORMATION: Katherine McG. Sullivan, United States Synthetic Fuels Corporation, 1200 New Hampshire Avenue NW., Washington, D.C. 20586 (202) 653–4345.

United States Synthetic Fuels Corporation.

John C. Sawhill,

Chairman of the Board.

December 4, 1980.

S–2253–80 Filed 12–8–80; 3:12 pm]

BILLING CODE 6450–01–M

federal register

Wednesday
December 10, 1980

Part II

Department of Defense

Office of the Secretary

Defense Acquisition Regulation

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 1-39

[DAC 76-24]

Defense Acquisition Regulation

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76-24. The changes include implementation of the Contract Disputes Act of 1978 and OFPP Policy Letter 80-3, use of women-owned business concerns and clarifications and amendments to coverage on small business concerns.

EFFECTIVE DATE: August 28, 1980.

FOR FURTHER INFORMATION CONTACT: J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3D1080, Pentagon, Washington, D.C. 20301, Telephone 202-697-6710.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1-39, Volumes I, II, and III, of the Code of Federal Regulations. The July 1, 1979, revision is the most recent edition of that title. It reflects amendments to the 1976 edition made by Circulars 76-1 through 76-19.

The Department of Defense announced the promulgation of the 1979 CFR edition in the Federal Register of December 31, 1979 (44 FR 77158). At that time, the Department also announced that any amendments made to the Regulation after Circular 76-19 would be published in the Federal Register.

Defense Acquisition Circular 76-24

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76-24, issued August 29, 1980. The following is a summary of the amendments:

Contract Disputes Act. The Contract Disputes Act coverage (1) defines a "claim;" (ii) provides guidance for the payment of interest on contractors' claims; (iii) differentiates between claims arising under a contract and claims related to a contract; and (iv) provides criteria for unusual circumstances requiring continued performance under the contract pending final resolution of a claim or similar actions.

Women-Owned Business Concerns. Paragraph 1-708 and the clause in 7-104.52 are added to the DAR as the total DoD implementation of OFPP Policy Letter 10-4 and Executive Order 12138, concerning the use of women-owned business concerns. The clause in 7-104.52, encouraging the use of women-owned businesses in the award of subcontracts, is to be included in all contracts exceeding $10,000 with two limited exceptions as indicated in 1-708.

Small Business Concerns. The Pub. L. 95-507 coverage revises the material published in DAC 76-19 as a result of comments concerning that DAC received from industry and Government agencies. A detailed description of the numerous changes is included in DAC 76-24. Among the more substantive changes are (i) use of the term "small business—small purchase set-aside" for "reservation;" (ii) allowance for small businesses to supply domestic large business products for small business—small purchase set-asides; and (iii) clarification of the requirements of the small business subcontracting clause.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76-24. The number at the top of each page (for example, 3:139) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

Adoption of Amendments

Therefore, the July 1, 1979, edition of the Defense Acquisition Regulation contained in 32 CFR Parts 1-39, Volumes I, II, and III, is amended in the DAR paragraphs indicated by substitution of the replacement pages listed in the table:

DAR paragraph	Replacement pages
Volume I	
1-314	1:32, 1:32-A thru 1:32-E, 1:33
1:333	1:75
1:335	1:75
1:406	1:82 and 1:82-A
1:701.1	1:107, 1:108, 1:108-A
1-702	1:116
1-704.1	1:120
1-704.3	1:122 and 1:122-B
1-704.4	1:122-E
1-705.4	1:124 thru 1:128
1-705.5	1:129, 1:130, 1:133, 1:137
1-705.6	1:139
1-706	1:140
1-706.1	1:140
1-706.3	1:142-B, 1:142-C
1-706.5	1:142-D
1-707.1	1:146, 1:146-A
1-707.2	1:146-A,-B, 1:147, 1:148
1-707.3	1:148, 1:148-A
1-708	1:149
1-1002.1	1:166
2-201	2:16
2-406.4	2:33 thru 2:36
3-501	3:64, 3:64-A, 3.68-A
3-510	3:76
3-603.1	3:78, 3:79, 3:79-A
3-1204.1	3:181
Volume II	
7-103.12	7:13 thru 7:151
7-104.14	7:52-A thru 7:54-C
7-104.52	7:110, 7:110-A
7-104.82	7:125, 7:126
7-203.9	7:182
7-204.37	7:204
7:302.8	7:208
7:303.51	7:238
7:402.9	7:253-A
7-402.33	7:259
7-602.26	7:286, 7:287
7-602.48	7:297
7-605.36	7:327
7-605.44	7:328
7-608.21	7:342
7-608.22	7:342
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7-702.52	7:361
7-703.26	7:362
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7-705.33	7:369
7-802.5	7:374
7-901.28	7:388
7-902.1	7:388
7-1902.19	7:446
7-1903.11	7:446
7-2003.32	7:512, 7:512-A
7-2003.74	7:526

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DEFENSE ACQUISITION CIRCULAR

28 AUGUST 1980 NUMBER 76-24

ITEM	TITLE	PAGE
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This Defense Acquisition Circular is issued by direction of the Secretary of Defense pursuant to the authority contained in 5 U.S. Code 301, 10 U.S. Code 2202, DoD Directive 5000.35, and DAR (ASPR) 1-106.

Unless otherwise specified, all DAR and other directive material contained in this Defense Acquisition Circular is effective upon receipt in accordance with DAR 1-106.2(d).

Reproduction authorized.

SPECIAL NOTE: All replacement pages furnished with Defense Acquisition Circulars (whether or not identified by specific items) are replacement pages for the 1976 edition of DAR (ASPR).

ITEM I CONTRACT DISPUTES ACT

The attached DAR changes are the permanent DAR implementation of the Contract Disputes Act of 1978 (Public Law 95-563; 41 U.S.C. 601-613) and OFPP Policy Letter 80-3. Previous DAR implementation of the Act was provided by uniform regulations and guidance approved by the DAR Council and issued by each Department. The attached changes supersede all such previously issued departmental regulations and guidance. Notwithstanding the provisions of any "Disputes" clause in a contract awarded prior to 1 March 1979, the contractor may elect to proceed under the Act and these implementing procedures with respect to any claim pending before the contracting officer on 1 March 1979 or any claim initiated thereafter.

REPLACEMENT PAGES: 1:32, 1:32-A thru 1:32-E, 1:33, 1:75, 2:33, 2:36, 3:76, 7:13 thru 7:15, 7:125, 7:126.
(Note: Pages 2:34 and 2:35 have been removed.)

ITEM II SMALL BUSINESS CONCERNS

1. When DAC 76-19 was issued on July 27, 1979, it was noted that the regulation implementing Public Law 95-507 was promulgated without consideration of comments from industry or other governmental agencies. Since that time, comments from the Departments, Small Business Administration, Office of Federal Procurement Policy, and industry have been requested and considered.

2. The term "reservation" was used in DAC 76-19 to denote acquisitions reserved for small business by virtue of the acquisition being under $10,000 and subject to small purchase procedures. The term "small business-small purchase set-aside" has been adopted Government-wide and has been substituted in every place the term "reservation" was used in DAC 76-19 or used in new coverage where "reservation" would otherwise have been appropriate. The term "set-aside" or the phrase "set aside" when not used as part of the term "small business-small purchase set-aside" still denotes actions taken pursuant to 1-706.

3. The following list of changes, although not all-inclusive, addresses in summary form the more important clarifications, amendments, and modifications.

a. 1-406 - Amended to authorize ACOs to assist the PCO in evaluating the prime contractor's company and division-wide subcontracting plans.
b. 1-701.1(c) - Amended to allow small business nonmanufacturers to supply domestic large business products if the contract is a small business-small purchase set-aside under 1-702(c).
c. 1-702(c) - Modified to clarify the intent that, when the contract is to be for less than $10,000 and subject to small purchase procedures, the contract is a small business-small purchase set-aside (1-702(c)) without further contracting officer action.
d. 1-704.3(b)(iii) - Modified to clarify the SADBU's role and appeal rights regarding small business-small purchase set-asides (1-702(c)) and set-asides (1-706); i.e., appeals are limited to set-aside actions pursuant to 1-706.
e. 1-705.4(c) - Amended to change those circumstances under which a finding of small business nonresponsibility shall not be referred to SBA by substituting "made pursuant to small purchase procedures" for the previous requirement regarding purchases under $10,000.
f. 1-705.5(a) - Amended to establish time limits within which SBA must take disagreements to the Secretary of the appropriate Department.
g. 1-706.1(c) - Modified the requirements for reviewing acquisitions for small business set-aside so that purchases which are between $2,500 and $10,000 and subject to small purchase procedures will not be reviewed for set-asides because either they will already be small business-small purchase set-asides (1-702(c)) or, if the small business-small purchase set-aside (1-702(c)) has been dissolved, there will be no basis for a set-aside.
h. 1-707.1 - Subparagraph (a) adds a definition of subcontract. Subparagraph (b) explains the circumstances under which contract modifications must have subcontracting plans. Subparagraph (c) explains how options are to be treated with respect to subcontracting plans. Subparagraph (d) describes circumstances under which a preliminary subcontracting plan would be appropriate. Subparagraph (e) recognizes the circumstances under which negotiating subcontracting plans with all firms in the competitive range is permitted.
i. 1-707.2(b)(1)(v)—(vii) - Amended to add PCO duties regarding cooperation and coordination with SBA's PCR on subcontracting plans.
j. 1-707.2(b)(2) - Amended to clarify the obligations of the PCO when reviewing subcontracting plans for negotiated and formally advertised contracts and to describe those circumstances under which a contractor may be ineligible for award based in whole or in part on the contents of the subcontracting plans.
k. 1-707.2(c)(4) - Modified by substituting the word "adopt" for "submit and carry out" in order to conform with the contractor's obligation under 7-104.14(b) and (c).

l. 1-707.3(d) - Added new subparagraph setting forth the criteria the contracting officer should use in determining whether subcontracting possibilities exist.
m. 3-603.1(g) - Changed to allow small business-small purchase set-asides (1-702(c)) where the contracting officer determines for purchases under $500 that there is one small business. Also changed so as not to require an automatic dissolution of an otherwise valid small business-small purchase set-aside (1-702(c)) in the event that only one quotation is received for a contract in excess of $500.
n. 3-603.1(g) - Amended to reflect the requirement that where no competitive quotes are received from small businesses, contracting officers cannot make an offer on the basis of any quotes received from other than small businesses unless additional quotations are solicited on an unrestricted basis.
o. 7-104.14(a) - Amended to add a definition of subcontract in paragraph (b) of the clause.
p. 7-104.14(b) - Clause subparagraph (b)(4) amended to clarify the extent to which the contractor must flow down the clauses at 7-104.14(a) and 7-104(b) or (c) to subcontractors.
q. 7-104.14(b) - Clause subparagraphs (b)(6)*a.—f.* amended to state the minimum extent and content of records the offeror will maintain to demonstrate the procedures to comply with its subcontracting plan.
r. 7-104.14(b) - Clause paragraph (f) amended to permit the contracting officer, upon request of the offeror, to approve a company or division-wide subcontracting plan which will cover the company's commercial production generally for its Government and regular commercial sales.
s. 7-104.14(c) - Clause paragraph (b) amended same as p. above.
t. 7-104.14(c) - Clause subparagraph (b)(4) amended same as q. above.
u. 7-104.14(c) - Clause paragraph (f) amended same as r. above.
v. 7-802.5(a) - Amended to add small business and small disadvantaged business subcontracting plan to definitization of letter contracts.
w. 7-2003.32 - Clause added to provide notice of small business-small purchase set-aside (1-702(c)).

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REPLACEMENT PAGES: 1:82, 1:82-A, 1:107, 1:108, 1:108-A, 1:116, 1:120, 1:122, 1:122-B, 1:122-E, 1:124 thru 1:130, 1:133, 1:137, 1:139, 1:140, 1:142-B thru 1:142-D, 1:146, 1:146-A, 1:146-B, 1:147, 1:148, 1:148-A, 1:149, 1:166, 2:16, 3:64, 3:64-A, 3:68-A, 3:78, 3:79, 3:79-A, 3:181, 7:52-A thru 7:52-D, 7:53, 7:53-A, 7:53-B, 7:54, 7:54-A thru 7:54-C, 7:182, 7:204, 7:208, 7:238, 7:253-A, 7:259, 7:286, 7:287, 7:297, 7:327, 7:328, 7:342, 7:360, 7:361, 7:362, 7:364, 7:366, 7:369, 7:374, 7:388, 7:446, 7:512, 7:512-A, 7:526.

ITEM III WOMEN-OWNED BUSINESS CONCERNS

Paragraph 1-708 and the clause in 7-104.52 are added to the DAR as the total DoD implementation of OFPP Policy Letter 10-4 and Executive Order 12138, concerning the use of women-owned business concerns. The clause in 7-104.52, encouraging the use of women-owned businesses in the award of subcontracts, is to be included in all contracts exceeding $10,000 with two limited exceptions as indicated in 1-708.
REPLACEMENT PAGES: 1:149, 7:110, 7:110-A.

question would be contrary to good conscience and equity. Generally, retention by the contractor or subcontractor shall not be considered contrary to good conscience and equity, and thus a voluntary refund shall not be requested, unless the overcharged or inadequate compensation was due, at least in part, to the fault of the contractor or subcontractor. The decision to solicit a voluntary refund shall be made by the Secretary concerned.

(c) *Disposition of Voluntary Refunds.*

(i) If a refund is offered prior to final payment, it is preferable that the contract price be appropriately modified to reflect the refund. In such a case, the amount of the refund shall be credited to the applicable appropriation cited in the contract.

(ii) In cases where the refund is to be made by check rather than by an adjustment in the contract price, the check shall be made payable to the office designated for contract administration and shall be forwarded immediately to the comptroller of the appropriate Department, or other Departmental officer responsible for the control of funds. When forwarded, the check shall be accompanied by a letter identifying it as a voluntary refund, giving the number of the contract or contracts involved and, where possible, giving the account number of the appropriation to which the refund should be credited.

1-313 Procurement of Parts.

(a) Any part, subassembly or component (hereinafter called "part") for military equipment, to be used for replenishment of stock, repair, or replacement, must be procured so as to assure the requisite safe, dependable, and effective operation of the equipment. (Items procured as spare parts are governed by the "DoD High Dollar Spare Parts Breakout Program" described in DoD Joint Regulation AR 715-22, NAVMATINST P4200.33, AFR 57-6, MCO P4200.13, DSAM 4105.2.) Where it is feasible to do so without impairing this assurance, parts should be procured on a competitive basis, as in the kind of cases described in (b) below. However, where this assurance can be had only if the parts are procured from the original manufacturer of the equipment or his supplier, the procurement should be restricted accordingly, as in the kind of cases described in (c) below.

(b) Parts that are fully identified and can be obtained from a number of known sources, and parts for which fully adequate manufacturing drawings and any other needed data are available with the right to use for procurement purposes (or can be made so available in keeping with the policies in Section IX, Part 2) are to be procured on a competitive basis. In general, such parts are of a standard design configuration. They include individual items that are susceptible of separate procurement, such as resistors, transformers, generators, spark plugs, electron tubes, or other parts having commercial equivalents.

(c) Parts not within the scope of (b) above generally should be procured (either directly or indirectly) only from sources that have satisfactorily manufactured or furnished such parts in the past, unless fully adequate data (including any necessary data developed at private expense), test results, and quality assurance procedures, are available with the right to use for procurement purposes (or can reasonably be made so available in keeping with the policies in Section IX Part

2) to assure the requisite reliability and interchangeability of the parts, and acquisition on a competitive basis would be consistent with the assurance described in (a) above. In assessing this assurance, the nature and function of the equipment for which the part is needed should be considered. Parts qualifying under this criteria are normally sole source or source controlled parts (see MILSTD 100) which exclusively provide the performance, installation and interchangeability characteristics required for specific critical applications. To illustrate, acceptable tolerances for a commercial television part may be far less stringent than those for a comparable military radar part, permitting competitive contracting for the former but not for the latter. The exacting performance requirements of specially designed military equipment may demand that parts be closely controlled and have proven capabilities of precise integration with the system in which they operate, to a degree that precludes the use of even apparently identical parts from new sources, since the functioning of the whole may depend on latent characteristics of each part which are not definitely known.

(d) When an award is made to a source that has not previously produced the item, the cognizant Government inspection activity and the appropriate contract administration office should be notified by the contracting office that the contractor will be producing the item for the first time.

1-314 Disputes and Appeals.

(a) *General.* The Contract Disputes Act of 1978 (Public Law 95-563, 41 U.S.C. 601-613) establishes procedures and requirements for asserting and resolving claims by or against contractors relating to a contract subject to the Act. In addition, the Act provides for the payment of interest on contractor claims, for the certification of contract claims in excess of $50,000, and a civil penalty for contractor claims that are fraudulent or based on a misrepresentation of fact.

(b) *Definition.*

(1) As used herein, "claim" means a written demand on one of the contracting parties seeking, as a matter of right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or related to the contract. However, a written demand by the contractor seeking the payment of money in excess of $50,000 is not a claim unless or until certified as required by (L) below.

(2) A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently disputed either as to liability or amount or not acted upon in a reasonable time, it may be converted to a claim under Section 6(a) of the Act as provided in (h) below.

(c) *Government Policy on Settlement by Mutual Agreement.* It is the Government's policy, consistent with the Act, to try to resolve all contractual issues by mutual agreement at the contracting officer's level, without litigation. Implementation of this policy depends on an open mind with regard to such issues and the adequacy of the supporting information provided by both the contractor and the Government. In appropriate circumstances, before issuance of a contracting officer's decision on a claim, informal discussions between the parties, to the extent feasible, by individuals who have not participated substantially in the matter in dispute, can aid in the resolution of differences by mutual agreement and should be considered.

(d) *Contracting Officer Authority.* Except as provided in this paragraph (d), the contracting officer is authorized (within any specific limitations in his warrant) to decide or settle all claims relating to a contract subject to the Act. The authority of this paragraph (d) does not extend to (i) a claim or dispute for penalties or forfeitures prescribed by statute or regulation which another Federal agency is specifically authorized to administer, settle, or determine; or (ii) any claim involving fraud. See (g) below.

(e) *Contracts Excepted From the Act.* A contract with a foreign government or agency thereof, or with an international organization or subsidiary body thereof, may be exempted from the Act and from DAR 1-314 if the Secretary determines that application of the Contract Disputes Act to the contract would not be in the public interest.

(f) *Mistakes Under the Contract Disputes Act.*

(1) Requests for relief under Public Law 85-804 are not considered to be claims within the Contract Disputes Act of 1978 or the Disputes clause, and shall continue to be processed under DAR Section XVII. However, certain kinds of relief formerly available only under Public Law 85-804, i.e., legal entitlement to rescission or reformation for mutual mistake, are now available within the authority of the contracting officer under the Act and the Disputes clause. In case of a question whether the contracting officer has authority to settle or decide specific types of claims, the contracting officer should seek legal advice.

(2) A contractor's allegation that it is entitled to rescission or reformation of its contract in order to correct or mitigate the effect of a mistake shall be treated as a claim under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.). A contract may be reformed or rescinded by the contracting officer if the contractor would be entitled to such remedy or relief under the law of Federal contracts.

Due to the complex legal issues likely to be associated with such allegations of legal entitlement, contracting officers shall make written decisions, which shall be prepared with the advice and assistance of legal counsel, either granting or denying relief in whole or in part.

(3) A claim that is either denied or not approved in its entirety under (2) above may be cognizable as a request for relief under Public Law 85-804 and DAR Section XVII. However, such a claim must first be submitted to the contracting officer for consideration under (2) above since such a claim is not cognizable under Public Law 85-804 and DAR Section XVII unless other legal authority in the Department concerned is determined to be lacking or inadequate.

(g) *Referral of Suspected Fraudulent Claims.* If a contractor is unable to support any part of its claim and there is evidence that such inability is attributable to misrepresentation of fact or to fraud on the part of the contractor, the contracting officer shall refer the matter to the designated Department or official responsible for investigating fraud, as listed in 1-600(b).

(h) *Initiation of a Claim.* Contractor claims shall be made in writing and submitted to the contracting officer for a decision. Claims by the Government against a contractor shall be the subject of a contracting officer decision.

(i) *Contracting Officer's Decision.*

(1) When a claim by or against a contractor cannot be satisfied or settled by agreement and a decision on the claim is necessary, the contracting officer shall:

(i) review the facts pertinent to the claim;
(ii) secure assistance from legal and other advisors; and
(iii) coordinate with the contract administration office or contracting office, when appropriate.

(2) The contracting officer shall furnish a copy of the decision to the contractor, by certified mail, return receipt requested, or by any other method that provides evidence of receipt, and shall include in the decision:

(i) a paragraph substantially as follows:

> This is the final decision of the Contracting Officer. This decision may be appealed to the Board of Contract Appeals.
>
> If you decide to make such an appeal, you must mail or otherwise furnish written notice thereof to the Board of Contract Appeals within 90 days from the date you receive this decision.

A copy thereof shall be furnished to the Contracting Officer from whose decision the appeal is taken. The notice shall indicate that an appeal is intended, shall reference this decision, and identify the contract by number. For appeals under the Disputes clause you may, solely at your election, proceed under the Board of Contract Appeals small claims procedure for claims $10,000 or less or their accelerated procedure for claims $50,000 or less. In lieu of appealing to the cognizant Board of Contract Appeals, you may bring an action directly in the U.S. Court of Claims* within 12 months of the date you receive this decision.

*Except as provided in Section 4 of the Act (Maritime Contracts)

(ii) a description of the claim or dispute;
(iii) a reference to pertinent contract provisions;
(iv) a statement of the factual areas of agreement or disagreement; and
(v) a statement of the contracting officer's decision, with supporting rationale.

(3) The contracting officer shall issue the decision within the following statutory time limitation:

(i) for claims not exceeding $50,000: If requested by the contractor, 60 days after receipt of the written request. If no contractor request is received by the contracting officer, the decision shall be rendered in a reasonable time.
(ii) for claims exceeding $50,000: Sixty days after receipt of a certified claim; *Provided, however,* That if a decision is not issued within 60 days the contracting officer shall notify the contractor of the time within which he will make the decision.
(iii) the reasonableness of these time periods will depend on the size and complexity of the claims and the adequacy of the contractor's supporting data and any other relevant factors.

(4) The amount determined payable pursuant to the decision, less any portion already paid, should be paid, if otherwise proper, without awaiting contractor action concerning appeal. Such payment shall be without prejudice to the rights of either party.

(j) *Payment of Interest on Contractor's Claim.* The Government shall pay interest on a contractor's claim on the amount found due and unpaid from the date the contracting officer receives the claim (properly certified, if required, in accordance with (L) below), or from the date payment otherwise would be due, if such date is later, until the date payment is made, at the rate or rates fixed by the Secretary of the Treasury pursuant to the Renegotiation Act, Public Law 92-41.

(k) *Disputes Clause.*

(1) The Act applies to all disputes with respect to contracting officer decisions on matters "arising under" or "relating to" a contract. Agency Boards of Contract Appeals (BCA) created under the Act have the same powers of relief as the Court of Claims with respect to a claim that is subject to the Act. Thus, the statutory agency BCAs continue to have all of the authority they possessed before the Act with respect to disputes arising under a contract, as well as authority to decide disputes relating to a contract. The Disputes clause set forth in 7-103.12 recognizes the all disputes authority established by the Act and states certain requirements and limitations of the Act for the guidance of contractors and contracting agencies. It is not intended to affect the rights and obligations of the parties as provided by the Act nor to constrain the authority of the statutory agency BCAs in the handling and deciding of contractor appeals pursuant to the Act.

(2) In general, prior to passage of the Act, the obligation to continue performance applied only to claims arising under a contract. However, Section 6(b) of the Act authorizes contracting agencies to include a provision requiring a contractor to continue performance of a contract in accordance with the contracting officer's decision pending final decision on a claim relating to the contract. In unusual circumstances the performance of some contracts may be so vital to the national security or to the public health and welfare that performance must be guaranteed even in the event of a dispute that may be characterized as a claim relating to, as opposed to arising under, the contract. In recognition of this fact, an alternative provision is provided for paragraph (h) of the Disputes clause at 7-103.12(b).

(3) The acquisitions of aircraft, naval vessels, missiles, tracked combat vehicles, and related electronic systems shall include the alternate provision at 7-103.12(b). In addition, the alternate provision at 7-103.12(b) may also be used in those contracts or classes of contracts where it has been determined, in accordance with Department procedures, that it is essential because of the unusual circumstances

described in (k)(2) above. The determination to use the alternate provision at 7-103.12(b) in other situations shall be made by the head of the contracting activity responsible for the acquisition involved. Examples of the types of unusual circumstance where continued performance may be determined to be vital to the national security or public health and welfare include the acquisition of weapons, support systems, and related components other than those listed above, or other essential supplies or services whose timely reprocurement from other sources would be impracticable. In all contracts employing the alternate provision at 7-103.12(b), in the event of a dispute not arising under but relating to the contract, agencies should consider providing, through appropriate departmental procedures, financing of the continued performance, *Provided*, That the Government's interests are properly secured.

(L) *Certification of Contractor Claims Over $50,000.*

(1) Section 6(c)(1) of the Act requires that a contractor claim over $50,000 shall be certified at the time of submission that it is made in good faith; that the supporting data are accurate and complete to the best of the contractor's knowledge and belief; and that the amount requested accurately reflects the contract adjustment for which the contractor believes the Government is liable.

(2) The certification shall be executed by the contractor if an individual. When the contractor is not an individual, the certification shall be executed by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

(3) In determining when the dollar thresholds requiring claim certification are met, the aggregate amount of both the increased and decreased costs shall be used. (See examples at 3-807.3(b)(ii).)

1-315 Capital Investment by Contractors. It is DoD policy to encourage contractor capital investment for efficient capability in the research, development and/or production of weapon systems and material. Techniques to support this policy and incentivize contractor capital investment include the DoD profit policy (3-808.2), multi-year procurement (1-332), award fee contracts (3-405.5), and special capital investment incentive provisions (3-815).

1-316 Disclosure of Contractor Performance Data to Other Government Agencies and Foreign Governments. Subject to any applicable security requirements, the Departments shall honor the requests of other Government agencies for readily available information relating to the performance of their prime contractors. The agency requesting the information shall be advised that it will be responsible for any further release of such information. A request from a foreign government for such information should similarly be honored. However, if there is any question as to propriety of divulging the information for any reason, including the security aspect, the reply should be forwarded through appropriate Departmental channels.

1-317 Rental in Lieu of Purchase. There are situations in which the Government's equipment requirements may be more economically filled by rental than by purchase. This is particularly true in the case of certain expensive commercial equipments. The decision to rent rather than purchase must be made on a case-by-case basis, and rental should be used where it is in the Government's interest. The criteria to be considered in each case include the following:

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(i) the Government requirement is of short duration, and purchase would be costlier than rental (generally, long-term rentals should be avoided in the absence of compelling circumstances);

(ii) the probability that the equipment will become obsolete and that replacement within a short period will be necessary;

(iii) the equipment is special or technical, and the lessor will provide the equipment, as well as maintenance and repair services, at a lower cost than would otherwise be available to the Government.

1-318 Contracts Conditioned Upon the Availability of Funds.

(a) *Fiscal Year Contracts.* To effect procurements promptly upon the beginning of a new fiscal year, it may at times be necessary to initiate a procurement properly chargeable to funds of the new fiscal year prior to the availability of such funds. In such instances, the clause in 7-104.91(a) shall be included in the contract. This authority shall be used only for operation and maintenance and continuing services (such as rentals, utilities, and items of supply which are not financed by stock funds) which are necessary for normal operation and for which the Congress consistently appropriates funds.

(b) *Contracts Crossing Fiscal Years.* A one-year requirements or indefinite quantity contract for services funded by annual appropriations may extend beyond the end of the fiscal year current at the beginning of the contract term provided that any specified minimum quantities are certain to be ordered in the fiscal year current at the beginning of the contract term (see 22-107). In this case, the clause in 7-104.91(b) shall be included in the contract. Also, a contract for expert or consultant services entered into in accordance with 22-204.2 and calling for an end product which cannot feasibly be subdivided for separate performance in each fiscal year may cross fiscal years.

(c) *Acceptance of Supplies or Services.* When either of the Availability of Funds clauses is used, the supplies or services shall not be accepted by the Government until funds are available to the contracting officer for the procurement and until the contracting officer has given notice to the contractor (to be confirmed in writing) of such availability. Records will be maintained to insure adequate administrative control of funds.

1-319 Renegotiation Performance Reports.

(a) *Renegotiation Board.* Pursuant to the Renegotiation Act of 1951, as amended (50 U.S.C. App. 1211-1233), the Renegotiation Board reviews profits of defense contractors performing renegotiable contracts and subcontracts aggregating more than $1 million in a fiscal year in order to eliminate any excessive profits therefrom. Such review involves consideration of financial statements and other information furnished by both contractors and the Departments.

(b) *Maintenance of Renegotiation Information in Contract Files.* The contracting officer shall include in the file of each contract information pertaining to the extent and effectiveness of competition obtained in the negotiation and award of the contract, the reasonableness of the prices and profits negotiated, any target and incentive formulae incorporated in the contract, the extent of risk assumed by the contractor, the contractor's efficiency in performance of the contract, and any other information which would facilitate compilation of the performance reports described in (d) below. This is particularly important in the case of incentive type contracts where the question may be raised as to whether additional profits paid to the contractor by operation of the incentive provisions have been earned. To insure the collection of accurate and detailed information, the afore-

1-333. Reserved.

1-334 Major Defense Systems Acquisition. Contract type shall be consistent with all program characteristics including risk to the contractor and Government. Normally, the precise production cost of a new complex Defense system cannot be determined prior to development and this creates a situation of risk such that:

(i) the total package procurement concept will not be used;

(ii) firm or ceiling priced production options shall not be used in development contracts. However, when development of major systems has proceeded to a point that technical and performance uncertainties have been minimized and realistic estimates of their cost identified, firm or ceiling priced production options for limited quantities may be included in the development contract. Such options may be appropriate, for instance, when prototyping or other forms of technical and cost verification of concepts has occurred;

(iii) cost type prime and subcontracts are preferred where substantial development effort is involved;

(iv) when risk is reduced to the extent that realistic pricing can occur, fixed-price type contracts should be issued;

(v) letter contracts shall be minimized; and

(vi) changes shall be limited to those that are necessary or offer significant benefit to the DoD. When change orders are necessary, they shall be contractually priced or subject to an established ceiling before authorization, except where this is impractical.

1-335 Life Cycle Costing. The Life Cycle Cost of a system or item of equipment is the total cost to the Government of acquisition and ownership of that system or item of equipment over its full life. It includes the cost of development, acquisition, operation, support, and where applicable, disposal. Since the cost of operating and supporting the system or equipment over its useful life is substantial and, in many cases, greater than the acquisition cost, it is essential that such costs be considered in development and acquisition decisions in order that proper consideration can be given to those systems or equipments that will result in the lowest life cycle cost to the Government. Guidelines, including representative detailed procedures for implementing life cycle costing are contained in the following documents published by the Under Secretary of Defense for Research and Engineering:

(i) LCC-1, DoD Life Cycle Costing Procurement Guide (Interim);

(ii) LCC-2, DoD Life Cycle Costing Casebook;

(iii) LCC-3, Life Cycle Costing Guide for System Acquisitions (Interim).

1-336 Preference for United States Flag Air Carriers.

1-336.1 *Policy.*

(a) Public Law 93-623 requires that all Federal agencies, Government contractors and subcontractors will use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available.

(b) The clause in 7-104.95 shall be included in (i) invitations for bids, (ii) requests for proposals, and (iii) contracts (including contracts resulting from unsolicited proposals) whenever it is possible that international air transportation of personnel (and their personal effects) or property will be required in the performance of the contract. The requirements of this paragraph do not apply to small purchases made in accordance with Section III, Part 6.

1-336.2 *Availability or Unavailability of Certificated Air Carrier.*

(a) Expenditures for service furnished by a non-certificated air carrier generally will be allowed only when services by a certificated air carrier or carriers is "unavailable" as indicated by June 17, 1975, Comptroller General's memorandum (B-138942) entitled "*Guidelines for Implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974.*"

(b) Passenger or freight service by a certificated air carrier is considered "available" even though:

(i) comparable or a different kind of service by a non-certificated air carrier costs less, or

(ii) service by a non-certificated air carrier can be paid for in excess foreign currency, or

(iii) service by a non-certificated air carrier is preferred by the agency or traveler needing air transportation, or

(iv) service by a non-certificated air carrier is more convenient for the agency or traveler needing air transportation.

(c) Passenger service by a certificated air carrier will be considered to be "unavailable:"

(i) when the traveler while en route has to wait six hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(ii) when any flight by a certificated air carrier is interrupted by a stop anticipated to be six hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the six hour period, or

(iii) when by itself or in combination with other certificated or non-certificated air carriers (if certificated air carriers are "unavailable") it takes twelve or more hours longer from the origin airport to the destination airport to accomplish the agency's mission than would service by a non-certificated air carrier or carriers.

1-336.3 *Disallowance of Expenditures.* The Act and the Comptroller General's memorandum provide that he will disallow any expenditures for commercial foreign air transportation or non-certificated air carriers unless there is included in the appropriate voucher a justification explaining why service by certificated air carriers was "unavailable." The justification requirement is satisfied by the contractor's use of the certification contained in the contract clause which is prescribed by 1-336.1(b).

1-336.4 *Air Freight Forwarders.*

(a) International air freight forwarders, as defined in 14 CFR 297.1(c) and 297.2 (1974) that are engaged in international air transportation (49 U.S.C. 1301(21)(c)(1970)) may be used for Government-financed movements of pro-

(xiv) monitor contractor's financial condition and advise the procuring contracting officer when contract performance is jeopardized thereby;

(xv) when authorized by the purchasing office, negotiate prices and execute priced exhibits for unpriced orders issued by the procuring contracting officer under basic ordering agreements;

(xvi) issue tax exemption certificates;

(xvii) conduct post-award orientation conferences;

(xviii) issue work requests under maintenance, overhaul and modification contracts;

(xix) negotiate and execute contractual documents for settlement of partial and complete contract terminations for convenience, except as otherwise prescribed by Section VIII;

(xx) perform necessary screening, redistribution and disposal of contractor inventory;

(xxi) perform property administration;

(xxii) prepare findings of fact and issue decisions under the Disputes clause on matters on which the contract administration office has the authority to take definitive action;

(xxiii) assure processing and execution of duty-free entry certificates;

(xxiv) in facilities contracts—

(A) evaluate contractor's requests for facilities and changes to existing facilities, and provide the procuring contracting officer with appropriate recommendations thereon;

(B) assure required screening of facility items before acquisition by contractor;

(C) approve use of facilities on a noninterference basis in accordance with paragraph (b) of the clause in 7-702.12;

(D) assure payment of any rental due; and

(E) assure reporting of items no longer needed for defense production;

(xxv) perform production support, surveillance, and status reporting, including timely reporting of potential and actual slippages in contract schedules;

(xxvi) perform pre-award surveys;

(xxvii) perform industrial readiness and mobilization production planning field surveys and schedule negotiations;

(xxviii) monitor contractor industrial labor relations matters under the contract; apprise the procuring contracting officer and cognizant departmental labor relations advisor of actual or potential labor disputes; and coordinate the removal of urgently required material from the strikebound contractor's plants upon instructions from, and authorizations of, the procuring contracting officer and the cognizant departmental labor relations advisor;

(xxix) perform traffic management services including issuance and control of Government bills of lading and other transportation documentation;

(xxx) review the adequacy of the contractor's traffic operations;

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(xxxi) review and evaluate preservation packaging and packing;
(xxxii) perform engineering surveillance to assess compliance with contractual terms for schedule cost and technical performance in the areas of design development and production;
(xxxiii) evaluate for adequacy and perform surveillance of contractor engineering efforts and management systems in respect to: design development production engineering changes subcontractors tests management of engineering resources reliability and maintainability data control systems configuration management and independent research and development;
(xxxiv) review and evaluate for technical adequacy the logistics support, maintenance and modification programs accomplished by the contractor;
(xxxv) review and analyze contractor proposed engineering and design studies and make comments and recommendations to the contracting activity, as required;
(xxxvi) review Class I Engineering Change Proposals for need technical adequacy of design producibility, impact on quality reliability, schedule and cost and submit comments to contracting activity;
(xxxvii) review Class II Engineering Change Proposals for proper classification;
(xxxviii) assist in evaluation and make recommendations for acceptance or rejection of waivers and/or deviations;
(xxxix) monitor contractor Value Engineering Program;
(xl) perform engineering analyses of contractor cost proposals;
(xli) report inadequacies noted in specifications to contracting office;
(xlii) *Reserved;*
(xliii) *Reserved;*
(xliv) obtain previously approved plan or, if none exists, assist the PCO in evaluating the contractor's company or division-wide small and disadvantaged business subcontracting plans for its commercial products;
(xlv) assist and advise the PCO, upon request, on the evaluation of proposed small business and small disadvantaged business subcontracting plans, including documentation of compliance and performance with subcontracting plans under previous contracts;
(xlvi) insure contractor's compliance with small business and small disadvantaged business plans, and labor area concern contractual provisions; conduct periodic surveillance of compliance with small business and small disadvantaged business plans and labor surplus area provisions; maintain documentation of contractor's performance and compliance with such plans and provisions; and provide advice, counsel, and assistance to such firms;

(xlvii) perform quality assurance;
(xlviii) maintain surveillance of flight operations;
(xlix) assure contractor compliance with applicable safety requirements;
(l) Reserved;
(li) in connection with classified contracts, administer those portions of the Industrial Security Program designated as ACO responsibilities in

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c. Nonmanufacturing Industries. For a product not manufactured by the concern submitting a bid or proposal, other than for a construction or service contract, the number of employees of that concern must not exceed 500 persons and, in the case of an acquisition set aside for small business (see 1-706), the concern must agree to furnish in the performance of the contract end items manufactured or produced in the United States, its possessions, Puerto Rico, or the Trust Territory of the Pacific Islands by small business concerns. A small nonmanufacturer responding to small business-small purchase set-asides (1-702(c)) may furnish any domestically produced or manufactured product. A small nonmanufacturer responding in its own name to an unrestricted acquisition or a small business-small purchase set-aside (1-702(c)) and offering the product of a domestic large business shall be eligible for COC consideration. If the product of a large business is supplied, that product and the responsibility of the manufacturer must be acceptable to the contracting office. The SBA certifies the responsibility of the small business dealer, not the responsibility of the manufacturer. However, in the event of equal low bids (2-407.6) preference shall be given to the company offering the product of a small business. On small business set-asides, if the goods to be furnished are wool, worsted, knitwear, duck, or webbing, nonmanufacturers (dealers and converters) shall furnish products that have been manufactured or produced by a small weaver (small knitter for knitwear) and, if finishing is required, by a small finisher. On small business set-asides, if the product to be furnished is thread, nonmanufacturers (dealers and converters) shall furnish thread that has been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specification, but excluding mercerizing, spinning, throwing, or twisting operations.")

d. Service Industries

1. Any concern bidding on a contract for services not elsewhere defined in this Section is classified as small if the average annual receipts of the concern and its affiliates for the preceding three fiscal years do not exceed $2 million.

2. Any concern bidding on a contract for engineering services (other than marine engineering services), is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $7.5 million.

3. Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $8 million.

4. Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $9 million.

5. Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $4.5 million.

6. Any concern bidding on a contract for base maintenance is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $7.5 million. Base maintenance is defined as follows:

> "*Base Maintenance*" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands or the District of Columbia three or more services which may include but are not limited to such maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance, *provided*, however, that whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50% of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such services is classified

7. Any concern bidding on contracts for marine cargo handling services is classified as small if its annual receipts do not exceed $7.5 million for the preceding three fiscal years.

8. Any concern bidding on a contract for food services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $5.5 million.

9. (i) Any concern bidding on a contract for laundry including linen supply, diaper services, and industrial laundering, is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $4 million.

(ii) Any concern bidding on a contract for cleaning and dyeing, including rug cleaning services, is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $1.5 million.

10. Any concern bidding on a contract for computer programming services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $4 million.

11. Any concern bidding on a contract for flight training services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $7 million.

12. Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $7 million.

13. Any concern bidding on a contract for tire recapping services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $4 million. This section applies only to acquisitions requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to acquisitions for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, are considered for size standard purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

GENERAL PROVISIONS

14. Any concern bidding on a contract for data processing services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $4 million.

15. Any concern bidding on a contract for computer maintenance services is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $7 million.

16. Any concern bidding on a contract for services requiring the use of one or more helicopters or fixed-wing aircraft is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $3.5 million.

17. Any concern bidding on a contract for refuse collection services, with or without disposal, is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $3.5 million.

18. Any concern bidding on a contract for protective services is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $4.5 million.

e. Transportation Industries.

1. General — Except as provided in *2* and *3* below, for passenger or freight transportation, the number of employees of the concern and its affiliates must not exceed 500 persons.

GENERAL PROVISIONS

1-702. General Policy.

(a) It is the policy of the Department of Defense to place a fair proportion of its total purchases and contracts for supplies, research and development, and services (including contracts for maintenance, repairs, and construction) with small business concerns. Every effort should be made to encourage participation by such concerns in the acquisition of supplies and services that are within their capabilities. Heads of contracting activities and heads of field contracting and contract administration activities are responsible for the effective implementation of the Small Business and Small Disadvantaged Business Utilization Program(s) within their respective activities and for the accomplishment of assigned program goals. Heads of contracting activities and heads of field contracting and contract administration activities will assure that contracting and technical personnel attached to their activities are informed of the benefits that accrue to the Nation and to the Department of Defense through the proper use of the capabilities of small business concerns in the acquisition of military requirements and that these individuals take all reasonable action to increase the level of participation by small business firms in the awards for products and services by their activities.

(b) Small business concerns, both established and potential suppliers (1-701.3 and 1-701.4), shall be afforded an equitable opportunity to compete for all contracts that they can perform. Therefore, the Departments, to the extent consistent with the best interests of the Government and in order to broaden the industrial base, shall:

(i) attempt to locate additional qualified small business suppliers by all appropriate methods, including use of the assistance of SBA, particularly where only a limited number of small business concerns are on bidders' mailing lists;

(ii) give wide publicity to contracting methods and practices;

(iii) publicize proposed acquisitions by use of advance notices or other appropriate methods (see 1-1003);

(iv) include all established and qualified potential small business suppliers on the bidders' mailing lists (see 2-205);

(v) send solicitations to all firms on the appropriate list, except that where less than a complete list is to be used pursuant to 2-205.4, at least a pro rata number of small business concerns shall be solicited;

(vi) divide proposed acquisition of supplies and services, except construction, into quantities not less than economic production runs, so as to permit bidding on quantities less than the total requirements; allow the maximum time practicable for preparation and submission of bids, proposals, or quotations; where feasible, establish delivery schedules which will encourage small business participation;

(vii) examine each major acquisition to determine the extent to which small business subcontracting should be encouraged or required;

(viii) use small business concerns to the maximum extent feasible as planned producers in the Industrial Readiness Planning Program; and

(ix) maintain liaison with Federal, State (including Governor's Commissions), and local agencies and other organizations for the purpose of providing information and assistance to small business concerns.

(c) Except as approved in 3-603.1(g), all proposed acquisitions of supplies or services with an anticipated dollar value of $10,000 or less, which are subject to small purchase procedures, are small business-small purchase set-asides. Each solicitation shall contain the clause in 7-2003.32. In the event the solicitation is oral, information substantially identical to that in 7-2003.32 shall be given to potential quoters.

(d) The extent of participation by small business concerns in defense acquisition shall be accurately measured, reported, and publicized. All solicitations shall require each prospective supplier to represent whether it is a small business or small disadvantaged business concern for purposes of the specific acquisition (see 1-701 and 1-703). Records of the total value of contracts and subcontracts placed with small business concerns during each fiscal year shall be maintained by the use of DD Form 350 (Individual Procurement Action Report), DD Form 1057 (Monthly Procurement Summary by Purchasing Office) (see 1-110 and Section XXI, Part 1); and DD Form 1140-1 (Defense Small Business Subcontracting Program Quarterly Report of Participating Large Company on Subcontract Commitments to Small Business Concerns) (see 1-707).

(e) The Military Departments shall assign small business technical advisors to assist each resident SBA Procurement Center Representative in the performance of his duties. (See 1-704.4).

(iii) If the determination of the Chairman, Size Appeals Board, Small Business Administration, on the appeal is not received by the contracting officer within the 30 working day period, it shall be presumed that the SBA District Director's size determination has been sustained.

(iv) Until receipt of the SBA determination of the size status, or expiration of the ten day period (30 days in case of an appeal to the Chairman, Size Appeals Board), whichever occurs first, contracting action shall be suspended; however, this suspension shall not apply to any urgent acquisition action which the contracting officer determines in writing must be awarded without delay to protect the public interest. The contracting officer's determination shall be placed in the contract file.

(4) *Appeal From Size Determination.* An appeal from a size determination made by an SBA District Director may be taken before the close of business on the fifth working day after the receipt of such decision. Unless such written notice of appeal is received by the SBA Size Appeals Board, Washington, D.C., within this time and the contracting officer has been notified of such appeal prior to award, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(5) *Award of Set-Aside Acquisitions.* Except as provided in 3-508.1 or when the contracting officer determines in writing that award must be made without delay to protect the public interest, award will not be made prior to (i) five working days after the bid opening date for acquisitions placed through small business restricted advertising, or (ii) the deadline date for submitting a protest set forth in the notification to the apparently unsuccessful offeror(s) for small business set-aside acquisitions placed through conventional negotiation.

(c) *Product Classification.*

(1) *Determination by Contracting Officer.* The contracting officer shall determine the appropriate classification of a product or service establishing the small business definition to be used in a specific acquisition. If different products or services are being acquired on the same solicitation, an appropriate small business size standard shall be established for each product or service. Both the classification and the applicable size standard (number of employees, average annual receipts, etc.), pursuant to 1-701, shall be set forth in each solicitation in excess of $10,000, and in each solicitation of $10,000 or less which is a small business set-aside. The contracting officer's determination shall be final unless appealed in accordance with (2) below.

(2) *Appeal From Classification.* An appeal from a product or service classification determination by a contracting officer must be taken:

(i) not less than 10 working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations; or

(ii) not less than five working days before the bid opening date or the deadline for submitting proposals or quotations where this date or deadline is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations.

Such appeals shall be directed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Action of Size Appeals Board.* The Size Appeals Board will promptly notify the contracting officer of the receipt of a valid appeal and, if possible, will inform the contracting officer prior to the date set for opening of the solicitation of its ruling on the appeal. The SBA decision, if received prior to the opening date, shall be considered final, and solicitations will be modified to reflect such decision, if necessary. Where appropriate, opening dates may be extended. SBA rulings received after the opening date shall not apply to the current acquisition but shall apply in future acquisitions of the product or service.

1-704 Small and Disadvantaged Business Utilization Officials.

1-704.1 (a) Director of Small and Disadvantaged Business Utilization. The Director of Small and Disadvantaged Business Utilization is responsible for the overall management and direction of the DoD small business, disadvantaged business utilization, and labor surplus area programs and for advising the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Research and Engineering, and the Deputy Under Secretary of Defense for Research and Engineering (Acquisition Policy) in matters relating to these programs. To that end, the Director will provide guidance to the Departments and periodically review the direction and implementation of their activities in promoting contract awards to small business, small disadvantaged business, and labor surplus area concerns.

(b) Director of Small Business and Economic Utilization Policy. The Director of Small Business and Economic Utilization Policy is responsible for the establishment, implementation, and execution of DoD small business and labor surplus area programs. Negotiations with the SBA, the Office of Federal Procurement Policy, the Office of Management and Budget, and other agencies or departments outside the Department of Defense, concerning small business and labor surplus area policy, programs, and DoD goals shall be conducted by the Director of Small Business and Economic Utilization Policy or, with his authorization, by representatives of the Departments. The Director of Small Business and Economic Utilization Policy, on behalf of the Director of Small and Disadvantaged Business Utilization, will provide guidance to the Departments' Directors of Small and Disadvantaged Business Utilization regarding small business and labor surplus area matters.

(c) Director of Disadvantaged Business Utilization Policy. The Director of Disadvantaged Business Utilization Policy is responsible for the establishment, implementation, and execution of the DoD socially and economically disadvantaged business utilization program. Negotiations with the Small Business Administration, the Office of Federal Procurement Policy, the Office of Management and Budget, and other agencies or departments outside the Department of Defense, concerning disadvantaged business

utilization policy, programs, and DoD goals shall be conducted by the Director for Disadvantaged Business Utilization Policy or, with his authorization, by representatives of the Departments. The Director of Disadvantaged Business Utilization Policy on behalf of the Director of Small and Disadvantaged Business Utilization, will provide guidance to the Departments' Directors of Small and Disadvantaged Business Utilization regarding disadvantaged business utilization matters.

1-704.2 (a) Departmental Directors of Small and Disadvantaged Business Utilization. Each Department or Agency shall maintain an Office of Small and Disadvantaged Business Utilization as follows:

(i) Army - Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary of the Army, Pentagon, Washington, D.C. 20310;

(ii) Navy - Director, Office of Small and Disadvantaged Business Utilization, Office of the Secretary of the Navy, Washington, D.C. 20360;

(iii) Air Force - Director, Office of Small and Disadvantaged Business Utilization, DCS/RD&A, Pentagon, Washington, D.C. 20330;

(iv) Defense Logistics Agency - Staff Director, Office of Small and Disadvantaged Business Utilization, Code DLA-U, Cameron Station, Alexandria, Virginia 22314;

(v) National Security Agency - Director, Office of Small and Disadvantaged Business Utilization, Fort Meade, MD 20755;

(vi) Defense Communications Agency - Director, Office of Small and Disadvantaged Business Utilization, Code 260, Washington, D.C. 20305;

(vii) Defense Nuclear Agency - Director, Office of Small and Disadvantaged Business Utilization, (Code OAFR), Washington, D.C. 20305.

(viii) Defense Mapping Agency - Director, Office of Small and Disadvantaged Business Utilization, Headquarters, Washington, D.C. 20305.

(b) Each Departmental Office of Small and Disadvantaged Business Utilization shall be managed by a Director who shall be appointed by the Secretary of the department and shall be responsible to and report directly to the Secretary or Under Secretary of the Department. Directors of Defense agencies shall appoint a Staff Director for Small and Disadvantaged Business Utilization who shall be responsible to and report directly to the Director or his Deputy.

(c) The primary responsibility of the Director or Staff Director of each Office of Small and Disadvantaged Business Utilization shall be in matters concerning small business, small disadvantaged business utilization, and labor surplus areas.

The Director or Staff Director advises the Secretary on small business, small disadvantaged business utilization and labor surplus area matters, implements such DoD programs within the Department or Agency and represents the Department or Agency in negotiations with other Departments or Governmental agencies on small business, small disadvantaged business utilization and labor surplus area matters. The Director or Staff Director will exercise supervisory authority over Department or Agency Small and Disadvantaged Business Utilization Specialists regarding small business, disadvantaged business utilization and labor surplus area matters. Appointment of Small and Disadvantaged Business Utilization Specialists shall be made after consultation with the Director or Staff Director of the Office of Small and Disadvantaged Business Utilization for the Department or Agency involved. In addition, such Director shall be afforded an opportunity to comment upon, and contribute to the performance evaluations of the Specialists for the contracting activities and contract administration offices or major organizational elements of the Department involved, including pay pursuant to the Civil Service Reform Act of 1978.

1-704.3 Small and Disadvantaged Business Utilization Specialists.

(a) Small and disadvantaged business utilization specialists shall be appointed by name, in writing, for contracting activities, contract administration offices, and other such offices, as the Departments consider appropriate. They shall be responsible directly to the appointing authority and shall not be subject to the direction of contracting, contract administration, or technical personnel. The appointing authority, without power of redelegation, is as follows:

(i) Army - Commanders of major commands, Commanders of major subordinate commands, and installation, post, camp, station or activity commanders. For each major command, one specialist will be appointed as the Associate Director for Small and Disadvantaged Business Utilization, reporting directly to the Commander or the second-in-command. The Associate Director will have primary responsibility for the effective implementation of the Army's small business, disadvantaged business utilization, labor surplus area and other socio-economic business programs within the Command. The Associate Director for Small and Disadvantaged Business Utilization Policy at Major Command Headquarters other than at the Materiel Development and Readiness Command (DARCOM), Office, Chief of Engineers (OCE), Forces Command (FORSCOM), Training and Doctrine Command (TRADOC), may be assigned on a part-time basis.

(ii) Navy - Head of a contracting activity or the official in charge of an activity having purchase authority of $10,000 or more, or in charge of a contract administration activity;

(iii) Air Force - Commander of each central procurement activity; the Wing/Base Commander of each local purchasing activity and the Chief of each contract administration activity. In addition, an Executive for Small and Disadvantaged Business Utilization shall be appointed by the Commander of each Major Air Command in the United States, not mandatorily reporting directly to the Commander but having ready access to such person, who will have primary responsibility for the effective implementation of the Air Force small business, small disadvantaged business utilization and labor surplus area program(s) within the Command;

(iv) Defense Logistics Agency - Commanders of Defense Supply Centers, Commanders, Defense Contract Administration Services Regions and Commanders of other DLA contracting activities;

(v) National Security Agency - the Director;

(vi) Defense Communications Agency - the Director;

(vii) Defense Nuclear Agency - the Director;

(viii) Defense Mapping Agency - Director; directors of subordinate components.

A copy of each appointment and termination of appointment of all such specialists shall be forwarded to the appropriate Department or Agency Office of Small and Disadvantaged Business Utilization (1-704.2). In addition to performing that portion of the specific program outlined in (b) below that is normally performed in the activity to which he is assigned, the small and disadvantaged business utilization specialist shall advise the head of the activity and shall perform such additional functions as are prescribed for him in furtherance of the overall small business, small disadvantaged business utilization and labor surplus area programs. A small and disadvantaged business utilization specialist shall be appointed on a full-time basis in all activities having sufficient business or program responsibility to justify such action. When the volume of contracting does not warrant assignment of a full time small and disadvantaged business utilization specialist, an individual shall be appointed as the specialist on a part-time basis. The responsibilities of this assignment shall take precedence over collateral responsibilities.

(b) A small and disadvantaged business utilization specialist (SADBU), appointed pursuant to (a) above, shall: perform the following duties, as determined to be appropriate to the activity by the appointing officer or by the Departmental or Agency Director or Staff Director of Small and Disadvantaged Business Utilization. The SADBU shall:

(i) maintain a program designed to locate capable small business, small disadvantaged business and labor surplus area business sources for current and future acquisitions, through SBA or other methods;

(ii) coordinate inquiries and requests for advice from small business, small disadvantaged business and labor surplus area business concerns on acquisition matters;

(iii) prior to the issuance of solicitations or contract modifications (A) for additional supplies or services in excess of $2,500 which have not been set aside under 1-706.1(c) or (B) for a dissolved small business-small purchase set-aside (1-702(c)), review the contracting officer's justification for either action. This review is not required for purchases made under automated small purchase systems where necessary and adequate review is performed prior to entering the item into the automated system. Disagreements between the specialist and the contracting officer on proposed set-aside actions for small business (not including small business-small purchase set-asides (1-702(c))) shall be resolved under 1-706.3.

(iv) when small business concerns cannot be given an opportunity to compete because adequate specifications or drawings are not available, unless there are sufficient and valid reasons to the contrary, initiate action, in writing, with appropriate technical and contracting personnel to insure that necessary specifications or drawings for the current or future acquisitions, as appropriate, are available;

(v) review acquisition programs for possible breakout of items suitable for acquisition from small business concerns;

(vi) insure that financial assistance, available under existing regulations, is offered and that requests by small business concerns for proper assistance are not treated as a handicap in the award of contracts. (See Appendix E, Parts 4 and 5.)

(xxvi) advise and assist contracting officers in discharging their responsibilities by:

(A) monitoring and reviewing contractor performance to determine compliance with small and disadvantaged small business subcontracting plans;

(B) developing and maintaining records and reports that reflect such compliance or noncompliance.

1-704.4 *Small Business Technical Advisor.*

(a) A Small Business Technical Advisor (SBTA) appointed pursuant to 1-702(e) shall be a full-time employee of the contracting activity and shall be well qualified, technically trained, and familiar with the supplies or services acquired at the activity.

(b) The principal duty of this advisor shall be to assist the SBA Procurement Center Representative in his duties and functions relating to Sections 8 and 15 of the Small Business Act. Providing such assistance shall take precedence over any other collateral duties that may be the responsibility of the SBTA.

1-705 Cooperation With the Small Business Administration.

1-705.1 General. The Directors Small and Disadvantaged Business Utilization are responsible for consulting and cooperating with the Administrator, SBA in formulating and implementing policies and programs for small business and small disadvantaged business participation in Defense contracting and subcontracting. Department of Defense contracting and contract administration activities are responsible for working with the SBA in carrying out these policies and programs, in accordance with the provisions of this paragraph 1-705.

1-705.2 SBA Representatives.

(a) SBA may assign representatives to any contracting or contract administration activity on a full or part time basis to carry out SBA policies and programs. The SBA representative shall be informed of the mission of the activity. In accordance with the procedures of the Department or Agency concerned, SBA shall obtain security clearances for each of its representatives. SBA representatives and employees shall comply with Departmental directives concerning the conduct of Department of Defense contracting personnel. The duties of the assigned SBA representatives include review of proposed acquisitions to recommend to the contracting activity (i) set-asides on selected acquisitions not unilaterally set aside by the contracting officer, (ii) new qualified potential small, disadvantaged and labor surplus area business sources, and (iii) breakout of components for competitive acquisition. SBA representatives may also conduct periodic reviews of contracting activities to ascertain whether there is compliance with the small, disadvantaged and labor surplus area business policies prescribed by DAR.

(b) The contracting activities shall include in the appropriate bidder's list, or in any group of firms to be solicited in specific acquisitions, the names of firms submitted by SBA, unless there is a valid reason for not so doing.

(c) If the contracting officer determines not to solicit a firm recommended by SBA in a particular acquisition, and, as a result no small business firm will be solicited, SBA may appeal such determination to the Chief of the Contracting Office.

1-705.3 Access to Contracting Information. Upon request, and subject to applicable security regulations, the small and disadvantaged business utilization specialist shall provide SBA representatives access to available or reasonably obtainable information, including technical data (including drawings and specifications), contract history, bidders lists, and acquisition planning information. The SBA representative will be furnished such other available or reasonably obtainable information as may be required for the SBA referral program.

1-705.4 *Certificates of Competency.*

(a) SBA has statutory authority to certify the competency of any small business concern as to all elements of responsibility including but not limited to, capability, competency, capacity, credit, integrity, perseverance, and tenacity except regulatory requirements under the jurisdiction of other Federal agencies. Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's responsibility (see 1-903.1, 1-903.2 and 1-903.3) unless the contracting officer has substantial doubt as to the concern's ability to perform, in which case the procedures in (f) apply. For nonmanufacturing industries, see 1-701.1(a)(2)*c*.

(b) In acquisitions where the highest competence obtainable or the best scientific approach is needed, as in certain negotiated acquisitions of research and development, highly complex equipment, or personal or professional services, the certificate of competency procedure is not applicable to the selection of the source offering the highest competence obtainable or best scientific approach. However, if a small business concern has been selected on the basis of the highest competence obtainable or best scientific approach and, prior to award, the contracting officer determines that the concern is not responsible, the certificate of competency procedure is applicable.

(c) If a bid or proposal of a small business concern is to be rejected because the contracting officer has determined the concern to be nonresponsible, the matter shall be referred to the appropriate SBA field office having the authority to process the referral in the geographical area involved. Such referrals shall not be made where the acquisition is made pursuant to small purchase procedures. If required, guidance as to the location of the appropriate SBA field office may be obtained from an SBA representative assigned to the contracting activity or the nearest SBA field office. A preaward survey, in accordance with 1-905.4, shall be conducted prior to a determination by a contracting officer that a small business concern is not responsible on a proposed award, except when small purchase procedures are used. Concurrent referrals of two or more bids or proposals, rejected because of nonresponsibility for a proposed award, shall not be made to SBA by the contracting officer. Final processing of a case, including possible issuance of a COC, must be completed by SBA on each referral before the contracting officer may proceed with an additional referral on the proposed award to SBA. If a partial set-aside is involved and the bid of a small business concern on the unreserved portion is to be rejected for nonresponsibility and the same small business concern is entitled to consideration on the reserved portion of the set-aside if a COC is issued by the SBA, the entire quantity of the acquisition (reserved and unreserved) for which that small

business concern may be entitled, if competent, shall be referred to SBA and the referral papers so noted. The contracting officer may request SBA to certify the small business concern for the maximum quantity of the acquisition for which it has been determined responsible. The award shall be withheld until SBA action concerning issuance of a COC or until 15 working days after the SBA is so notified, whichever is earlier, subject to the following:

(1) Under no circumstances will a referral be made to the SBA prior to a determination by the contracting officer that the offer of the small business concern is responsive. Except for acquisitions resulting in construction or service contracts, an offer of an otherwise eligible nonmanufacturer shall not be referred to the SBA for COC action if the offeror agrees that he does not meet the definition of small business for preferential treatment purposes as prescribed in 1-701.1(a)(2)*c*. Disagreements will be resolved in accordance with 1-703(b).

(2) The activity performing the preaward survey shall furnish the survey to the PCO. If the PCO determines, in accordance with 1-904, that the small business concern is not responsible, he will refer the matter directly to the SBA, or he may notify the preaward survey activity to refer the matter to the SBA, whichever is the more expeditious (e.g., where the surveying activity is nearer to the cognizant SBA office).

(3) *a*. Upon making a determination to refer the matter to the SBA, the PCO shall furnish to the SBA, or to the surveying activity, whichever is consistent with the action taken under (2) above, the data described in (d) below. The activity that refers the matter to the SBA shall maintain close liaison to insure compliance with ((e) below. If the activity does not hear from the cognizant SBA field office within 5 working days after referral, the activity will contact the SBA office to which the matter was referred to determine whether a Certificate of Competency (COC) is being processed. When, in accordance with (2) above, the PCO has requested the preaward survey activity to refer the matter to SBA, that activity shall keep the PCO advised of significant developments, including the results of any inquiry to the SBA at the end of the 5-working-day period, and any new or additional facts that warrant a change in the preaward survey activity's findings.

b. The departmental Director or Staff Director of Small and Disadvantaged Business Utilization, identified in 1-704.2(a), shall be informed by the contracting activity Small and Disadvantaged Business Utilization Specialist, in writing, on a quarterly basis, of all certificate of competency cases initiated during a particular quarter and of the final disposition made on cases during the quarter, including the number and dollar value of COCs issued during the period. The information shall include company name, item being acquired, solicitation number, dollar value of the contract, and the date the case was submitted to SBA. In addition, advice and data will be furnished for all cases where (i) the small business concern elects not to file an application for a COC; or (ii) SBA declines to issue a COC; or (iii) the contracting activity reverses the preaward survey activity's negative finding concerning responsibility, withdraws the request for the COC, and makes the award. This reporting requirement is assigned RCS DD-DR&E(Q)1152.

(4) *Reserved*.

(5) A referral need not be made to the SBA if a contracting officer determines a small business concern to be unqualified and ineligible pursuant to 1-903.1(v) and if the determination is approved by the head of the contracting activity or his designee.

(6) A referral need not be made to the SBA if a small business concern has been suspended or debarred pursuant to Executive Order 11246 or DAR 1-600.

(7) A determination by a contracting officer that a small business concern is not responsible must be supported by substantial evidence documented in the contract files.

(d) It is the policy of the Department of Defense to endeavor to reach agreement with the SBA regarding the responsibility of a small business concern. To assist the SBA and to insure that it has the benefit of the view of the Department, the SBA shall be furnished three copies of the solicitation, one copy of the pertinent drawings and specifications, the preaward survey findings, pertinent technical and financial information, and, if available, the abstract of bids and other pertinent information which supported the contracting officer's determination of nonresponsibility.

(e) SBA field offices will notify the PCO of each case where they (i) plan to issue a Certificate of Competency or (ii) are submitting a case to SBA, Washington, D.C., for approval prior to issuance of a Certificate of Competency, and will provide the contracting officer or his designated representative with a brief written statement citing the reasons for SBA's proposed affirmative action. Prior to final SBA action, the PCO (or the preaward survey activity when authorized to act as his representative) will be afforded an opportunity to meet or communicate with SBA field office representatives and furnish to them new or additional information on the case. Copies of significant data developed by SBA that are pertinent to the case will be available, upon request, to the PCO or his representative at such a meeting or through correspondence. SBA case files may be examined at the meeting and pertinent notes taken by the contracting officer or his representative, but such files will not be released outside of SBA. Personnel from a contracting office or surveying activity who participated in a preaward survey of the prospective contractor or other personnel having cognizance of the survey shall be prepared to discuss with the SBA the basis for the preaward findings. Every effort should be made to resolve any differences between the SBA and the Departments through a complete exchange of preaward information developed by each agency.

(f) If, after complying with (e) above, doubt still exists as to the ability of the contractor to perform, the contracting officer shall request the SBA field office to suspend action and to forward the case to SBA, Washington, D.C. (HQ SBA), for review. If HQ SBA does not concur with the proposed affirmative action of its field office, it will so inform the contracting officer by telephone followed by written confirmation. If HQ SBA concurs with the affirmative

action proposed by its field office, it will so inform the Department or Agency Director or Staff Director of Small and Disadvantaged Business Utilization identified in 1-704.2, providing a brief written statement of reasons for the proposed affirmative action. Within 10 working days after receipt of written confirmation, or such longer periods as may be agreed upon between them, the Department Director of Small and Disadvantaged Business Utilization will inform HQ SBA whether his Department will present a formal appeal to HQ SBA for its consideration prior to its reaching a final decision on the issuance of a COC. Such appeal will be presented to HQ SBA within a maximum of 20 working days after HQ SBA is informed that an appeal will be taken, or at such longer period as may be agreed upon by the Department Director or Staff Director of Small and Disadvantaged Business Utilization and HQ SBA. The 15-day period referred to in (c) shall be automatically suspended when the contracting officer requests SBA to suspend action and forward the request to HQ SBA for review in accordance with this paragraph. If the Department elects to present a formal appeal to HQ SBA, a factual case shall be prepared as expeditiously as possible and processed through departmental channels for approval at the Secretarial level prior to presenting the matter to HQ SBA. Any competent level of review within the Department or Agency may conclude that a formal appeal should not be made and that the contract should be awarded to the small business concern in question without a COC or that a COC should be accepted and the award made. If such action is taken, the contracting officer and HQ SBA shall be advised accordingly. OSD Director of Small and Disadvantaged Business Utilization will be informed by the Department or Agency Director of Small and Disadvantaged Business Utilization of proposed appeals to HQ SBA and a representative of OSD Director of Small and Disadvantaged Business Utilization may join with a Department team on each formal appeal to HQ SBA. Following an appeal, the determination, if affirmative, made by the SBA Associate Administrator relative to Certificate of Competency action shall be considered conclusive, and the contracting officer shall award the contract to the concern without requiring the concern to meet any other requirement of responsibility.

(g) If, subsequent to the request for a COC but prior to the SBA's final action on it, new additional facts so warrant, the negative determination as to responsibility of the apparent low bidder or offeror shall be reversed and the contract awarded. The PCO shall promptly inform the SBA field office of his action.

(h) When the contracting officer has questioned only one of the general standards of responsibility of a small business offeror, but the SBA has declined to issue a COC due to its findings concerning the offeror's capability to perform under a different standard of responsibility, the responsible SBA office will inform the contracting officer of the basis for its decision. The information furnished by SBA to the contracting officer will generally consist of a copy of the letter sent to the offeror in question, explaining why SBA declines to issue a COC. This information will be considered by the contracting officer in making an award of the contract.

1-705.5 *Contracting With the Small Business Administration.*

(a) *Authority.* Pursuant to Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) the SBA is empowered to enter into contracts with the Departments for supplies, services, and construction. In any case in which the SBA certifies to any officer of the Government having contracting authority that the SBA is competent and responsible to perform any specific Government contract, such officer shall be authorized in his discretion to let such contract to the SBA upon such terms and conditions as may be agreed upon between the SBA and the contracting officer. Such offers to contract with the SBA are conditioned upon the matter, in the event of a disagreement, being submitted for determination to the Secretary of the appropriate department by the Administrator of the SBA. Notification of a proposed referral to the head of the department or agency by the SBA must be received by the contracting officer within 5 days after the SBA is formally notified of the contracting officer's decision. Thereafter, the SBA must provide the request for determination to the head of the department or agency within 15 days. If timely notice of appeal or an appeal is not made, the offer is rescinded. The SBA is further empowered to arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns for supplies, services, or construction as may be necessary to enable the SBA to perform such contracts.

(b) Policy.

(1) General. It is the policy of the DoD to enter into contracts with the SBA to foster business ownership by individuals who are both socially and economically disadvantaged and promote the competitive viability of firms owned by such individuals in order that they may have the opportunity to full participation in the free enterprise system.

(2) Business Development Expense. In contracting with the SBA, any costs to DoD which are in excess of the estimated current fair market price anticipated under normal contracting procedures shall be funded by the SBA. These costs, hereafter referred to as business development expenses, include start-up, make ready, training, or similar initial investment or learning costs in excess of those that would normally be incurred by established firms engaged in the same type of business. Upon request by SBA, data used by the contracting officer to make a determination as to the estimated current fair maket price shall be made available to that agency. The estimated current fair market price shall be predicated on the basis of "likely costs" under normal competitive conditions rather than on the basis of the "lowest possible cost." When there is agreement between SBA and the PCO as to the estimated current fair market price of a proposed 8(a) requirement, the responsibility for reviewing, validating, approving, and funding any business development expense shall be assumed by SBA.

(3) *Contract Assistance.* To the extent consistent with DoD capability and resources, SBA contractors furnishing defense requirements shall be afforded production assistance, including, when appropriate, identification of causes of deficiencies in their products and suggested corrective action to make such products acceptable.

(4) Contract Negotiations. Any small business concern selected by the SBA to perform a contract to be let under these provisions shall, when practicable, participate in any negotiations of the terms and conditions of the contract between SBA and the contracting office. When it is mutually agreeable between the SBA and the contracting activity, SBA may authorize the contracting activity to negotiate the proposed subcontract schedule provisions with the 8(a) subcontractor. Any agreements which may be reached as the result of such negotiations must be approved by the SBA prior to award of the contract.

(5) SBA Waiver of Bonds. A small business concern shall not be required to provide any amount of any bond in performance of an 8(a) contract, if the Administrator of the SBA determines in accordance with Section 8(a)(ii) of the Small Business Act that such amount is inappropriate for the concern in performing the contract.

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Utilization or his designee of the intent to proceed with the acquisition without further regard to the Section 8(a) procedures, unless additional time is requested by the SBA and such additional time can be granted considering the urgency of the requirement.

(D) It will be the responsibility of the SBA to provide written certification as to its competency to perform the contract in the form of a provision in the SBA contract with the DoD contracting office substantially as follows:

> SBA certifies that it is competent to perform the requirement as stated in this contract.

(E) A pre-award survey of the SBA's contractor, as required by 1-905.4, will not generally be requested by the DoD contracting officer. The SBA or the DoD contracting officer may request a cognizant contract administration office to assist in a review of a specific element pertaining to the SBA's contractor's responsibility.

(F) Certified cost or pricing data, when required by 3-807.3, or needed to determine an estimated current fair market price, shall be obtained by the contracting officer. The request shall provide for the submission in writing by the SBA's contractor of cost or pricing data with a supporting certificate.

(G) Subsequent to agreement with SBA on satisfactory terms and conditions, including an estimated current fair market price and receipt of the SBA's reimbursable order for any business development expense (if appropriate), the contracting officer shall proceed with the award of a contract to the SBA.

(H) For follow-on year acquisitions in support of the SBA requested commitment, the SBA will initiate individual requests to the Department concerned for each ensuing proposed Section 8(a) contract. This process will permit, prior to actual negotiations of follow-on Section 8(a) awards, the Department to verify the availability of requirements, funding and other pertinent factors. It will be the responsibility of the SBA to provide certification for each Section 8(a) contract in accordance with 1-705.5(c)(1)(D).

(I) To assist the SBA, DoD contracting offices shall prepare two contract sets, as follows:

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(i) Prepare Standard Form 26 for use by the SBA with the SBA's contractor. The Standard Form 26 shall show "15 USC 637(a)" in Block 13 and contain all of the information required with the exception of the following, which will be inserted by the SBA:

(*a*) Block 1, the SBA contract number, which will be constructed in general conformance with Section XX, Part 2;
(*b*) Block 2, the effective date:
(*c*) Block 24, the signature of the SBA's contractor;
(*d*) Block 25, the SBA contractor's date;
(*e*) Block 27, the signature of the SBA's contracting officer;
(*f*) Block 28, the name of the SBA's contracting officer; and
(*g*) Block 29, the date signed.

The contract shall incorporate the general provisions of Standard Form 32, including DoD alterations thereto, and other appropriate provisions as required, recognizing that this contract will be executed between the SBA and the SBA's contractor. The contract also shall include the appropriate one of the following clauses:

(*a*) For all contracts excepting civil works contracts of the Corps of Engineers—

> JURISDICTION OVER DISPUTES APPEALS (1979 MAR)
>
> For the purposes of Section 8(d) of the Contract Disputes Act of 1978, Public Law 95-563, the agency board designated as having the jurisdiction to decide appeals from decisions of the Contracting Officer relative to disputes relating to this contract is the Armed Services Board of Contract Appeals.

(*b*) For civil works contracts of the Corps of Engineers—

> JURISDICTION OVER DISPUTES APPEALS (1979 MAR)
>
> For the purposes of Section 8(d) of the Contract Disputes Act of 1978, Public Law 95-563, the agency board designated as having the jurisdiction to decide appeals from decisions of the Contracting Officer relative to disputes relating to this contract is the Engineer Board of Contract Appeals.

(i) a summary of the scope of the proposed work;
(ii) detailed Government cost estimates;
(iii) plans and specifications;
(iv) required performance schedules;
(v) any other pertinent and reasonably available data.

The Department, through the Director of Small and Disadvantaged Business Utilization or his designee will notify the appropriate contracting office to identify the work project(s) for negotiation of a Section 8(a) contract with the SBA. Within ten working days after notification, the SBA will establish contact with the contracting office and initiate negotiation of the Section 8(a) contract in support of the SBA and initiate requested commitments. If negotiations with the contracting office have not been initiated by the SBA within the time indicated, the contracting office will notify the Departmental Director of Small and Disadvantaged Business Utilization or his designee of the intent to proceed with the acquisition without further regard to the Section 8(a) procedures, unless additional time is requested by the SBA and such additional time can be granted considering the urgency of the work project.

(D) Provisions of the Miller Act with respect to performance and payment bonds do not apply to the prime contract between the contracting office and the SBA, but shall apply to the contract between the SBA and its contractor unless the SBA waives the bond requirement as provided for in 1-705.5(b)(5).

(E) Certified cost or pricing data, when required by 3-807.3 or needed to determine an estimated current fair market price, shall be obtained by the contracting officer. The request shall provide for the submission in writing by the SBA's contractor of appropriate cost or pricing data with a supporting certificate.

(F) It will be the responsibility of the SBA to provide written certification as to its competency to perform the contract. Such certification may be made in accordance with 1-705.5(c)(1)(D).

(G) Subsequent to agreement with SBA on satisfactory terms and conditions, including an estimated current fair market price, and receipt of the SBA's reimbursable order for any business development expense (if appropriate), the contracting officer shall proceed with the award of a contract to the SBA.

(H) To assist the SBA, contracting offices shall prepare two contract sets as follows:

(i) prepare appropriate contractual documents for use by the SBA with the SBA's contractor. These documents shall be completed, except for signatures and award information (see (c)(1)(i)), based on information requested or furnished by the SBA. This contract shall incorporate the mandatory general provisions and standard forms as required and also shall include the appropriate one of the following statements:

(*a*) For all contracts excepting civil works contracts of the Corps of Engineers—

JURISDICTION OVER DISPUTES APPEALS (1979 MAR)

For the purposes of Section 8(d) of the Contract Disputes Act of 1978, Public Law 95-563, the agency board designated as having the jurisdiction to decide appeals from decisions of the Contracting Officer relative to disputes relating to this contract is the Armed Services Board of Contract Appeals.

(*b*) For civil works contracts of the Corps of Engineers—

JURISDICTION OVER DISPUTES APPEALS (1979 MAR)

For the purposes of Section 8(d) of the Contract Disputes Act of 1978, Public Law 95-563, the agency board designated as having the jurisdiction to decide appeals from decisions of the Contracting Officer relative to disputes relating to this contract is the Engineer Board of Contract Appeals.

(ii) prepare Standard Form 19 or Standard Form 23 or other appropriate forms for execution with the SBA without incorporating any general provisions. The general provisions are not applicable to the SBA. "10 USC 2304(a)(17)" shall be cited as the authority for negotiations of this contract. This contract shall include a statement as follows:

It is agreed that the provisions of the "Termination for Convenience," "Changes," "Differing Site Conditions," "Default-Damages for Delay-Time Extensions," "Suspension of Work," "Disputes," "Price Reduction" and "Payments to Contractor" clauses which are included in the contract between the SBA and its Contractor shall be invoked in appropriate cases when requested by the DoD Contracting Officer. If the SBA does not agree with the DoD Contracting Officer's request, the case shall be referred to the Secretary or his designee for decision.

(ii) If the total proposed 8(a) contract price exceeds the estimated current fair market price (*i.e.*, it includes a business development expense), such expense shall not be funded by DoD. SBA has stated that it does not generally expect to assume business development expenses for construction. If SBA elects to pay such expenses, as an exception to its general rule, it will issue an SBA reimbursable order for the agreed amount to the DoD PCO in advance of contract award. If SBA requests audit assistance in determining the reasonableness of the proposed 8(a) price, such assistance will be furnished by the DoD to the extent available. In the event SBA elects not to fund the business development expense, award will not be made to SBA unless the proposed contract price is reduced by the amount of such expense.

1-705.6 *Small Business and Disadvantaged Business Goals.*

(a) The Director of Small and Disadvantaged Business Utilization is responsible for the development of overall DoD small business and disadvantaged business goals and for consulting with SBA regarding the establishment of such goals.

(b) Departmental Directors of Small and Disadvantaged Business Utilization are responsible for the development of small business and disadvantaged business utilization goals for subordinate elements within their department. These goals will be further assigned by these subordinate elements as appropriate, such as engineer district offices or individual contracting divisions within a central contracting activity or major commodity command.

(c) Heads of contracting activities are responsible for the attainment of assigned small business and disadvantaged business utilization goals.

(d) Within 60 days after the conclusion of each fiscal year, the Secretaries of the Military Departments and the Directors of Defense agencies shall report to the Secretary of Defense on the extent of participation by small business concerns and disadvantaged business concerns in contracts awarded by their Department. Such reports shall contain appropriate justifications for failure to meet goals established by the Office of the Secretary of Defense, as well as actions planned to increase the rate of participation by such firms in future contract awards. The Office of the Secretary of Defense will submit information to SBA concerning any failure to meet established goals and actions to be taken to improve future performance.

1-706 Set-Asides (Except Small Business-Small Purchase Set-Asides (1-702(c))).

1-706.1 *General.*

(a) Small business and labor surplus area (LSA) set-asides should be considered in the following order of precedence:

(i) Combined small business/LSA set-aside (1-706.7);

(ii) Partial set-aside for LSA firms (1-804.2);

(iii) Total set-aside for small business firms (1-706.5);

(iv) Partial set-aside for small business (1-706.6).

(b) Subject to the order of precedence established in (a) above, any individual acquisition or class of acquisitions, or any appropriate part thereof, shall be set aside for the exclusive participation of small business concerns when such action is determined to be in the interest of (i) maintaining or mobilizing the Nation's full productive capacity, (ii) war or national defense programs, or (iii) insuring that a fair proportion of Government acquisition is placed with small business concerns.

(c) Proposed acquisitions over $2,500 that are not subject to simplified small purchase procedures shall be specifically reviewed for set-aside for exclusive participation by small firms in accordance with 1-706.5. In automated contracting systems, all proposed acquisitions which are not small business-small purchase set-asides (1-702(c)) will be considered for small business set-asides in accordance with 1-706.5. If necessary, the screening for set-asides will be accomplished before entering such requirements into the system.

(d) The contracting officer is responsible for either setting aside a requirement or documenting, in accordance with departmental procedures, why a set-aside is inappropriate. The Small and Disadvantaged Business Utilization Specialist is responsible for reviewing those acquisitions not set aside and for taking action in accordance with 1-706.3 as appropriate.

(e) The determination to make a set-aside may be unilateral or joint. A unilateral determination is one which is made by the contracting officer. A joint determination is one which is recommended by the SBA representative and concurred in by the contracting officer. Insofar as practicable, unilateral determinations rather than

(vii) a class set-aside of the time or service concerned has been made at some other contracting activity; or

(viii) the item will be described by "brand name or equal."

(k) Acquisition of supplies which were developed and financed in whole or in part by Canadian sources under the U.S.-Canadian Defense Development Sharing Program shall not be set aside for small business. Supplies covered by the Program shall be identified by the cognizant Department.

1-706.2 Contract Authority. Contracts for total (including combined small business/LSA) or partial set-asides entered into by conventional negotiation (see 1-706.5(b) and 1-706.6(d) or by "Small Business Restricted Advertising" (see 1-706.5(b)) are negotiated acquisitions and shall cite as authority 10 U.S.C. 2304(a)(1) in the case of a unilateral determination (see 3-201.2(b)(ii) or 10 U.S.C. 2304(a)(17) and Section 15 of the Small Business Act in the case of a joint determination.

1-706.3 Review, Withdrawal, or Modification of Set-Asides or Set-Aside Proposals.

(a) Prior to issuing solicitations each individual acquisition governed by a class set-aside shall be carefully reviewed to ensure that any changes in the magnitude of anticipated requirements, specifications, delivery requirements, or competitive market conditions since the initial approval of the class set-aside are not of such material nature as to result in the probable payment of an unreasonable price by the Government or in a change in small business capability. If, prior to award of a contract involving an individual or class set-aside, the contracting officer considers that acquisition of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), he may withdraw a unilateral or joint set-aside determination by giving written notice to the small business specialist and the SBA representative, if available, stating the reasons for the withdrawal. In a similar manner, a unilateral or joint class set-aside may be modified to withdraw one or more individual acquisitions.

(b) Upon a recommendation of the Small and Disadvantaged Business Utilization Specialist that an individual acquisition or class of acquisitions, or portion thereof, be set aside the contracting officer shall promptly either:

(i) concur in the recommendation, or

(ii) disapprove, stating in writing his reasons for disapproval.

(c) If the contracting officer disapproves the recommendation of the Small and Disadvantaged Business Utilization Specialist, the case shall be promptly referred to the SBA representative (if one is assigned and available) for his review. No further appeal action will be taken by the small business specialist. If an SBA representative is not assigned or available, resolution of disagreements on set-asides between the small business specialist and the contracting officer shall be accomplished in accordance with the provisions of 1-706.3(h).

(d) All cases involving the noninitiation of a set-aside, whether resulting from a joint decision of the small business specialist and the contracting officer or a determination by the contracting officer alone, require referral to the SBA representative (if one is assigned and available) for his review. The SBA representative will either concur with the decision of the contracting officer or appeal the case in accordance with the provisions of 1-706.3(e).

(e) If the contracting officer disagrees with the recommendation of the SBA representative regarding a small business set-aside for an individual acquisition (1-706.1(h)) or class of acquisitions or a portion thereof (1-706.1(i)), he shall notify the SBA representative, in writing, within 5 working days. If the SBA representative disagrees with the contracting officer regarding a withdrawal or modification of a joint or unilateral set-aside determination, the SBA representative shall be allowed 2 working days to appeal, in writing, to the chief of the contracting office for decision. The chief of the contracting office shall be allowed 7 working days to provide the SBA representative his decision, in writing, whether or not the acquisition will be set aside. Within 1 working day after receipt of a decision approving the action of the contracting officer, the SBA representative may request the contracting officer, in writing, to suspend contracting action pending a further appeal by the Administrator of SBA to the Secretary of the Department concerned. The SBA shall be allowed 15 working days after making such a written request, within which the Administrator of SBA (i) may appeal to the Secretary of the Department concerned, and (ii) shall notify the contracting officer whether the further appeal has, in fact, been taken. If notification is not received by the contracting officer within the 15-day period, it shall be deemed that the SBA request to suspend contracting action has been withdrawn and that an appeal to the Secretary was not taken. When an appeal to the Secretary concerned has been taken and the contracting officer has been notified of that fact within the 15-day period, the matter shall be forwarded, with full justification of the action taken, through normal channels, including the appropriate departmental Small Business Advisor as identified in 1-704.2, to the Secretary of the Department concerned.

(f) Any contracting action which has been appealed by the SBA representative shall be suspended pending the decision of the Chief of the Contracting Office. If the decision sustains the contracting officer, and if the SBA representative requests further suspension in accordance with (e) above, the suspension shall continue until (i) the SBA appeal is deemed to have been withdrawn (as provided in (e) above), or (ii) the matter is determined by the Secretary of the Department concerned. However, this procedure shall not apply to any particular contracting action that the contracting officer determines must be initiated without delay in order to protect the public interest, and as to which he inserts in the contract file a signed statement of justification approved at a level above the contracting officer. The contracting officer shall promptly give written notice to the SBA representative of any such contracting action initiated.

(g) The Secretary of the Department concerned will have 30 working days to either sustain or deny the appeal for set-aside action. Should it be determined that a decision cannot be made within this time, a later date will be established in writing by the Secretary of the Department concerned to the Administrator, SBA, citing the reasons why additional time is required. A copy of such correspondence will be provided to the Director of Small and Disadvantaged Business Utilization, OUSDRE(AP).

(h) In those cases where an SBA representative is not assigned or available, and the contracting officer disagrees with the recommendation of the small business specialist regarding a small business set-aside for an individual acquisition or class of acquisitions or a portion thereof and so notifies the small business specialist in writing, or if the small business specialist disagrees with the contracting officer regarding a withdrawal or modification of a set-aside determination, the small business specialist may appeal in writing to the appointing authority (see 1-704.3(a)) for decision. A memorandum of the decision by the appointing authority shall be placed in the contract file. After receipt of a decision from the appointing authority, which shall be final, and if the decision approves the action of the contracting officer, the small business specialist shall forward for information and management purposes complete documentation of the case to the appropriate Departmental Director for Small and Disadvantaged Business Utilization or his designee as identified in 1-704.2.

(i) A signed memorandum of nonconcurrence in a recommended set-aside action or of any withdrawal or modification shall be made and retained in the contract file.

1-706.4 *Reporting for Department of Commerce Procurement Synopsis.* See 1-1003.8.

1-706.5 *Total Set-Asides.*

(a)(1) Subject to the order of precedence established in 1-706.1(a), the entire amount of an individual acquisition or class of acquisitions, including contracts for architectural and engineering services, research, development, test and evaluation, maintenance repair, and construction, except small business-small purchase set-asides (1-702(c)), shall be set aside for exclusive small business participation (1-701.1) if the contracting officer determines that there is a reasonable expectation that (i) offers will be obtained from at least two responsible small business concerns offering the products of different small business concerns and (ii) awards will be made at reasonable prices (1-706.3(a)). Total set-asides shall not be made unless such a reasonable expectation exists (but see 1-706.6 as to partial set-asides). Although past acquisition history of the item or similar items is always important, it is not the only factor to be considered in determining whether a reasonable expectation exists. In making R&D small business set-sides, there must also be a reasonable expectation of obtaining from small business the best scientific and technological sources consistent with the demands of the proposed acquisition for the best mix of cost, performances, and schedules.

(2) Every proposed acquisition for construction, including maintenance and repairs, in excess of $2,500 and under $2 million (except dredging under $1 million) shall be considered individually, as though the Small and Disadvantaged Business Utilization Spec[illegible] [illegible]ted a set-aside request, and the procedures of 1-[illegible] [illegible].1 apply.

(3) Every proposed [illegible]ition of $2 million or more for construction, [illegible] [illegible]ion or more for dredging, shall be considered on [illegible] individual acquisition basis under (1) above.

(b) Contracts for total small business set-asides may be entered into by conventional negotiation or by a special method of contracting known as "Small Business Restricted Advertising." The latter method shall be used wherever possible (see also 3-201.3). Where multiyear contracting procedures are appropriate (see 1-322), total set-asides may be made in connection therewith. Solicitations shall be restricted to small business concerns. Small Business Restricted Advertising, including awards thereunder, shall be conducted in the same way as prescribed for formal advertising in Section II, except that bids and awards shall be restricted to small business concerns. Bids received from firms that do not qualify as small business concerns shall be considered as nonresponsive and shall be rejected.

(c) In acquisitions involving total set-asides for small business, each solicitation shall contain the clause in 7-2003.2. The applicable size standards shall be set forth in Section C of the solicitation.

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in the clause. An offeror entitled to receive the award for quantities of an item under the non LSA set-aside portion and who accepts the award of additional quantities under the LSA set-aside portion shall not be requested to accept a lower price because of the increased quantities of the award, nor shall negotiation be conducted with a view to obtaining such a lower price based solely upon receipt of award of both portions of the acquisition. This does not prevent acceptance by the contracting officer of voluntary reductions in price from the low eligible offeror prior to award, acceptance of voluntary refunds (see 1-312), or the changes of prices after award by negotiation of a contract modification.

(2) Offers obtained under the provisions of the set-aside clause from firms eligible for the set-aside portion of the requirement shall be in writing and shall include (i) agreement as to the established set-aside price for the available set-aside quantity, (ii) agreement as to the required delivery, (iii) agreement that all other terms and conditions of the solicitation will apply to the set-aside award, and (iv) agreement to inclusion of the clauses "*Examination of Records by the Comptroller General*" in 7-104.15 and "*Audit by Department of Defense*" in 7-104.41(a).

(3) When the award of the non-set-aside portion has been made to a small business concern and the same small business concern is entitled to receive the set-aside portion of the solicitation, the LSA set-aside portion may be added to the basic contract by supplemental agreement utilizing Standard Form 30. The supplemental agreement shall (i) include a reference to the contractor's letter offering on the set-aside quantity, (ii) state the price and delivery schedule applicable to the set-aside quantity, and (iii) include the clauses "*Examination of Records by the Comptroller General*" in 7-104.15 and "*Audit by Department of Defense*" in 7-104.41(a), applicable to the LSA set-aside portion only. Copies of all pertinent documents, including the signed offer, shall be attached. The supplemental agreement shall be signed by the contracting officer but need not be signed by the contractor since his signature on the attached offer will be deemed sufficient.

(4) When the award for the non-set-aside portion has been made to a firm other than the concern entitled to receive the set-aside portion of the solicitation, award of the set-aside portion will be made utilizing Standard Form 26. The offers obtained and the award utilized shall reference and include the same data indicated in paragraphs (2) and (3) above. Also, the award shall reference in Block 26 of Standard Form 26, the applicable solicitation and the contractor's written offer, and copies of the solicitation and offer shall be attached. The Standard Form 26 shall be signed by the contracting officer but need not be signed by the contractor. The contractor's signature on the attached offer will be deemed sufficient.

For purposes of 21-102 and 21-201, the non-LSA-set-aside portion shall be reported separately.

1-706.8 *Automatic Dissolution of Set-Asides.* If the entire set-aside portion is not procured by the method(s) set forth in 1-706.5, 1-706.6, or 1-706.7, the determination referred to in 1-706.1 is automatically dissolved as to the unawarded portion of the set-aside, and such unawarded portion may be procured by advertising or negotiation as appropriate in accordance with existing regulations (see 3-201.2(b)(ii) and 3-210.3 as to negotiation). Since a considerable

time may have elapsed since the initiation of the requirement, contracting officers, prior to issuing a new solicitation, shall review the required delivery schedule (see 1-305.2) to insure that it is realistic in the light of all relevant factors including the capabilities of small business concerns.

1-707 Subcontracting With Small Business and Small Disadvantaged Business Concerns.

1-707.1 *General.*

(a) Pursuant to Section 8(d) of the Small Business Act (15 U.S.C. 637(d)), it is the policy of the United States that small business concerns, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency. For purposes of this part, the term "subcontract" means any agreement (other than one involving an employer-employee relationship) to be entered into by a Federal Government prime contractor or subcontractor calling for supplies or services required for the performance of the original contract or subcontract.

(b) Contract modifications (1-201.2) to contracts which do not contain the clause in 7-104.14(a) and which are within the scope of the contract do not require subcontracting plans. However, a modification which reflects the addition of work beyond the scope of the contract and which is made for administrative convenience when a separate contract would otherwise have been appropriate shall require a subcontracting plan if the criteria of 1-707.3(a) and (b) are met.

(c) The value of options and similar provisions shall be included in determining whether the contract may exceed the dollar threshold for subcontract plans. Such options shall be included in the subcontracting plan.

(d) Letter contracts and similar undefinitized instruments, which would otherwise meet the requirements of 1-707.3(a) and (b), should contain a preliminary basic plan addressing the requirements of 7-104.14(b) wherever practicable and require the negotiation of final details within 90 days after award or before definitization, whichever occurs first.

(e) Due to their unique circumstances, major weapons system acquisition programs, as well as other complex or sensitive acquisitions involving formal source selection procedures, may necessitate the negotiation of subcontracting plans with all firms in a competitive range in order to afford the maximum practicable opportunity for small business and small disadvantaged business concerns participation and

preserve the integrity of the competitive process. When the simultaneous negotiation of such plans is necessary, the solicitation (i) may require offerors to include proposed subcontracting plans in their initial proposals and (ii) may indicate that subcontracting plans will be negotiated concurrently with cost, technical, and management proposals.

1-707.2 *Review Responsibilities.*

(a) *General.* The clause specified in 1-707.3(a) requires the contractor to afford small business concerns the maximum practicable opportunity to participate in contracts consistent with their efficient performance. The clauses specified in 1-707.3(b) and (c) require the submission of subcontracting plans regarding the contractor's obligation to award subcontracts to small business concerns.

(b) *PCO Responsibilities.*

(1) The PCO shall:

(i) assure that a subcontracting plan is submitted when required.

(ii) determine the adequacy of the subcontracting plan.

(iii) consider the contractor's past compliance with the clause specified in 1-707.3(a) and with subcontracting plans as a factor in determining the contractor responsibility.

(iv) determine any fee payable when an incentive is used in conjunction with the subcontracting plan.

(v) notify the SBA's resident Procurement Center Representative (PCR) of and provide him an opportunity to review solicitations for contracts which will include the clause at 7-104.14(a) and which may exceed $1 million in the case of contracts for construction and $500,000 in the case of all other contracts.

(vi) notify the resident PCR of and provide him the opportunity to review all proposed subcontracting plans under negotiated contracts, including proposed contract modifications, prior to their acceptance by the PCO. Additionally, the apparent successful offeror's proposal and its supporting documentation, if any, which has been furnished to the Government in the course of the negotiations, shall also be made available to the resident PCR upon request. The notice shall be issued in sufficient time to provide the resident PCR

a reasonable time to review the subcontracting plan proposal and related documents and to submit advisory recommendations to the PCO. Failure of the PCR to respond to the PCO in a reasonable time shall not delay award of the contract.

(vii) upon award of a contract or other contractual action containing a subcontracting plan, provide a copy of the award document (a copy of the DD 350 will suffice) to the Assistant Regional Administrator for Regional Programs in the SBA region where the principal contract performance is to take place and a copy of the plan to the resident PCR.

(2) Subcontracting plans shall be reviewed by the PCO for adequacy. All plans must include the six elements required by the clause. On negotiated contracts, the adequacy of the plan is determined by the PCO based on the negotiations of each of the six elements. The final plan must be acceptable to the PCO before the award can be made. If, under a formally advertised solicitation, a bidder submits a plan which does not cover each of the six elements, the contracting officer should advise him of the deficiency and request submission of a new plan by a specific date. If, after such notification, the bidder does not submit a complete and responsive plan within the time allotted, the bid should be rejected as nonresponsive. If the plan, although responsive, evidences the bidder's intention not to comply with its obligations under the clause at 7-104.14(a), the contracting officer may find the bidder nonresponsible in accordance with 1-903.

(3) The ACO shall monitor contractor compliance in accordance with 1-406(c)(xlvi) and apprise the PCO. Upon contract completion, if the contractor did not comply in good faith with the subcontracting plan and/or the clause specified in 1-707.3(a), the PCO, based on recommendations from the ACO, shall document the noncompliance in writing and include the reasons. A copy of this documentation shall be provided to the ACO.

(c) *ACO Responsibilities.* The ACO is responsible for assisting in the evaluation of subcontracting plans, and for monitoring, evaluating, and documenting contractor performance under the clause specified in 1-707.3(a) and any subcontracting plan included in a contract. The SADBUS assigned to the contract administration office shall provide the PCO advice and assistance for use in determining the acceptability

of a plan and, through the ACO, shall provide the necessary information and advice to support the PCO, as appropriate, by furnishing:

(i) documentation on a contractor's performance and compliance with subcontract plans under previous contracts;

(ii) information on the extent to which the contractor's goals for small business and small disadvantaged business participation are being met;

(iii) information on whether the contractor's efforts to insure such participation are in accordance with the efforts described in the subcontracting plan;

(iv) information on whether the contractor is requiring its subcontractors to adopt similar subcontracting plans; and

(v) immediate notice if, during performance, the contractor is failing to meet his commitments under the clause at 1-707.3(a) or the subcontracting plan.

(d) *Evaluation of Plans and Performance.* The clauses specified in 1-707.3(b) and (c) require the minimum information goals and assurances that each subcontracting plan shall include. There are no detailed standards which apply to every situation. The PCO's consideration of a plan must reflect the circumstances of the particular acquisition. Factors to consider include—

(i) previous involvement of small business concerns as prime or subcontractors in similar acquisitions;

(ii) methods of involving small business concerns as subcontractors in such acquisitions; and

(iii) the type of records which contractors have maintained to demonstrate the methods by which they intend to meet the goals and requirements of the plan.

(e) *Involvement of the Small Business Administration.* The Small Business Administration is authorized to:

(i) assist both departments and contractors in complying with their responsibilities with regard to subcontracting plans;

(ii) review any solicitation for any contract which is to include the clause required by 1-707.3(b) or (c) to determine whether maximum practicable opportunity has been afforded small and disadvantaged businesses to participate as subcontractors

in the performance of any contract resulting from any solicitation and to submit its findings, which shall be advisory in nature, to the contracting activity; and

(iii) evaluate compliance with subcontracting plans, either on a contract-by-contract basis or, in the case of contractors having multiple contracts, on an aggregate basis.

The SBA is not authorized to prescribe the extent to which any contractor or subcontractor shall subcontract; specify concerns to which subcontracts shall be granted; or exercise any authority regarding the administration of individual prime contracts or subcontracts. The Office of Minority Small Business and Capital Ownership Development, Small Business Administration, has final authority to determine the eligibility of a concern to be designated as a small disadvantaged business.

1-707.3 *Required Clauses.* In compliance with the requirements of the Small Business Act, the following clauses, as appropriate, shall be included in prime contracts.

(a) The Utilization of Small Business and Small Disadvantaged Business Concerns clause in 7-104.14(a) shall be included in all contracts exceeding $10,000 except those which, including all subcontracts, will be performed entirely outside any State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or those which are for services personal in nature.

(b) The Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Negotiated) clause in 7-104.14(b) shall be included in all solicitations for negotiated contracts or modifications (including contracts and modifications placed on a sole source basis) which (i) offer subcontracting possibilities; (ii) are expected to exceed $500,000 or, in the case of contracts for the construction of any public facility, $1 million; and (iii) are required to include the clause in 7-104.14(a). However, the clause at 7-104.14(b) shall not be included in any solicitation which has been set aside for small business concerns or which requirement is to be procured through the Section 8(a) program.

(c) The Subcontracting Plan for Small Business and Small Disadvantaged Business Concerns (Advertised) clause in 7-104.14(c) shall be included in all solicitations for formally advertised contracts or modifications which (i) offer subcontracting possibilities; (ii) are expected to exceed $500,000 or, in the case of contracts for the construction of any public facility, $1 million; and (iii) are required to

include the clause in 7-104.14(a). However, the clause at 7-104.14(c) shall not be included in any solicitation which has been set aside for small business concerns or which requirement is to be procured through the Section 8(a) program.

(d) In determining whether subcontracting possibilities exist, the contracting officer should consider whether firms which are engaged in the business of performing the work or supplying the items to be required under a contract customarily contract with third parties for the specific purpose of performing a part of such work rather than maintaining sufficient in-house capability to perform the work. The existence of subcontracting possibilities may also be affected, but not necessarily negated, by circumstances such as a potential contractor's long-standing contractual relationship with its suppliers or product prequalification requirements for various supplies or components. In those situations where there is a determination that no subcontracting possibilities exist, such determination shall be approved by the chief of the contracting office and placed in the contract file.

(e) The Small Business Act encourages Federal agencies to provide incentives to increase subcontracting opportunities for small business and small disadvantaged business concerns as may be commensurate with the efficient and economical performance of the contract. Various approaches may be used in the development of incentives. They can take many forms, from a fully quantified schedule of payments based on actual subcontract achievement to an award fee approach employing subjective evaluation criteria. In negotiated contracts for which a subcontract plan is required in accordance with 1-707.3(b), contracting officers may include provisions to effect these incentives. Such provisions should normally be negotiated subsequent to reaching agreement upon the subcontract plan. A sample incentive clause is contained in 7-104.14(d). The use of any contractual incentive provision based upon rewarding the contractor monetarily for exceeding goals established in the subcontracting plan must ensure that (i) the goals are realistic and (ii) that any monetary rewards for exceeding the goals must be commensurate with the contractor's efforts which would not otherwise have been expended (e.g., administrative reclassification by the SBA during performance or uneconomic and unnecessary subcontract decisions to take inappropriate advantage of the incentive).

(f) The small disadvantaged business concern representation in 7-2003.74 shall be included in all solicitations and all contracts which are awarded without reference to a

solicitation, other than those involving small purchase. Failure to execute the representation will be deemed a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

1-707.4 *Reserved.*

1-707.5 *Reserved.*

1-707.6 *Reserved.*

7-707.7 *Reserved.*

1-708 *Women-Owned Business Concerns.*

(a) Executive Order 12138 created a National Women's Business Enterprise Policy and prescribed arrangements for developing, coordinating, and implementing a national program for women's business enterprises.

(b) To encourage the use of women-owned businesses in subcontracting, the clause in 7-104.52 shall be included in all contracts expected to exceed $10,000 except (i) contracts which, including all subcontracts thereunder, are to be performed entirely outside the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands; and (ii) contracts for services which are personal in nature.

GENERAL PROVISIONS

Part 8—Labor Surplus Area Concerns

1-800 Scope of Part. This Part sets forth Department of Defense policy and procedures with respect to aiding labor surplus areas in the United States, its possessions, Puerto Rico, and the Trust Territory of the Pacific Islands. This Part implements Defense Manpower Policy No. 4A, 27 Oct 1977 (32 CFR Part 134), and the Small Business Act as amended (15 USC 631), and U.S. Department of Labor Regs (29 CFR Part 654). Defense Manpower Policy No. 4A states the policy of the Government to encourage the placing of contracts and facilities in labor surplus areas and to assist such areas in making the best use of their available resources.

1-801 Definitions.

1-801.1 *Labor Surplus Area Concerns.* The term "labor surplus area concern" means a concern that agrees to perform or cause to be performed a substantial proportion of a contract in labor surplus areas. A concern shall be deemed to perform a substantial proportion of a contract in labor surplus areas if the aggregate costs that will be incurred by the concern or its first tier subcontractors, on account of manufacturing or production performed in labor surplus areas amount to more than 50% of the contract price.

Example A. ABC Company, manufacturing in a labor surplus area, bids on a contract at $1,000. ABC Company will incur the following costs:

Direct labor $230
Overhead 275
Purchase of materials from RST Company, which manufactures the materials in a full employment area 425

ABC Company qualifies as a substantial labor surplus area concern since it will incur costs in a labor surplus area amounting to more than 50% of the contract price.

GENERAL PROVISIONS

1-906 Subcontractor Responsibility.

(a) To the extent that a prospective contractor proposes to perform the contract by subcontracting, determinations of prospective subcontractors' responsibility may be necessary in order to determine the responsibility of the prospective prime contractor. Determinations concerning prospective subcontractor's responsibility shall generally be a function performed by the prospective prime contractor. (But see 1-603(c) relating to subcontractors listed on the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors.) A prospective prime contractor may be required to (i) indicate, in writing, the responsibility of proposed subcontractors, or (ii) show evidence of an acceptable and effective purchasing and subcontracting system which encompasses a method for determining subcontractor capability.

(b) Notwithstanding the general responsibility of a prospective contractor to demonstrate the responsibility of his prospective subcontractors, it may be in the Government's best interest to make a direct determination of the responsibility of one or more prospective subcontractors prior to award of the prime contract. Examples of when this may be particularly suitable are the procurements of (i) medical items, (ii) supplies or services which are so urgently needed that it is necessary for the Government to go beyond the normal process in determining contractor responsibility, and (iii) supplies or services, a substantial portion of which will be subcontracted. The determination of responsibility of a proposed subcontractor by the Government shall be based on the same factors as are applicable in a determination of responsibility of a prospective prime contractor.

1-907 Disclosure of Pre-Award Data. Except as provided in 1-329, data including information obtained from a pre-award survey, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released outside the Government and shall not be made available for inspection by individuals, firms, or trade organizations (see 1-329.3(c)(5)). Such data may be disclosed to, or summarized for, other elements within the Government on their request, and shall be made available to Department of Defense procurement personnel upon request in accordance with 1-905.1. Prior to making a determination of responsibility, such data may be discussed with the prospective contractor as determined necessary by the purchasing office. After an award, the findings of the pre-award survey may be discussed by the contracting officer with the company surveyed as provided in 2-408 and 3-508, or if appropriate, by the head of the contract administration office or his designee.

GENERAL PROVISIONS

Part 10—Publicizing Procurement Actions

1-1001 General Policy. It is Department of Defense policy to increase competition by publicizing procurements which offer competitive opportunities for prospective prime contractors or subcontractors, thus assisting small business and labor surplus area concerns and broadening industry participation in Defense procurement programs.

1-1002 Dissemination of Information Relating to Invitations for Bids and Requests for Proposals.

1-1002.1 *Availability of Invitations for Bids and Requests for Proposals at the Contracting Office.* A reasonable number of copies of invitations for bids and requests for proposals, which are required to be publicized in the *Commerce Business Daily*, including specifications and other pertinent information, shall be maintained at the contracting office. Upon request, prospective contractors not initially solicited may be mailed or otherwise provided copies of such invitations for bids or requests for proposals to the extent they are available. However, for any contract to be let by any department, it shall provide to any small business concern upon its request: (i) a copy of bid sets and specifications with respect to such contract; (ii) the name and telephone number of an employee of such department to answer questions with respect to such contract; and (iii) adequate citations to each major Federal law or departmental rule with which such business concern must comply in performing such contract. When a solicitation for proposals has been limited as a result of a determination that only a specified firm or firms possess the capability to meet the requirements of an acquisition, requests for proposals shall be mailed or otherwise provided upon request for firms not solicited, but only after advice has been given to the firm making the request as to the reasons for the limited solicitation and the unlikelihood of any other firm being able to qualify for a contract award under the circumstances; but see 4-106.2. In addition, to the extent that invitations for bids or requests for proposals are available, they shall be provided on a "first-come-first-served" basis, for pick up at the contracting office, to publishers, trade associations, contracting information services, and other members of the public having a legitimate interest therein (for construction, see 18-205(c)); otherwise the contracting office will make copies available to members of the public pursuant to Appendix L. In determining the "reasonable number" of copies to be maintained, the contracting officer shall consider, among other things, the extent of initial solicitation, reproduction costs, the nature of the acquisition, whether access to classified matter is involved, the anticipated requests for copies based upon responses to synopses and other means of publication in previous similar situations, and the fact that publishers and others who disseminate information regarding proposed acquisitions normally

PROCUREMENT BY FORMAL ADVERTISING

(xxxii) the estimated magnitude of the proposed construction indicated by 18-109;

(xxxiii) special provisions relating to the Buy American Act (see Section XVIII, Part 5);

(xxxiv) statement of arrangements to be made for inspecting the site, including designation of the person or persons, if any, with whom such arrangements may be made and who will answer questions or furnish information;

(xxxv) information which may affect performance of the work such as boring samples, original boring logs, etc.;

(xxxvi) information as to what utilities the Government will furnish during construction, when the contracting officer determines that any utilities are adequate for the needs of both the Government and the contractor. Such information shall specify any special conditions of use to be imposed on the contractor and shall also specify any utilities to be furnished without charge; utilities shall be furnished without charge when the contracting officer determines that this is advantageous to the Government, as when the administrative costs incident to maintaining records and collecting payments will approximate the cost of the utility services to be furnished. Such information may also include any applicable rates to be imposed under the Availability and Use of Utility Services clause (see 7-603.30);

(xxxvii) information concerning pre-bid conference;

(xxxviii) if it is necessary to advertise before receipt of a wage determination, a notice that the schedule of minimum wage rates to be paid under the contract will be published as an amendment to the specifications;

(xxxix) a provision as follows—

MODIFICATIONS PRIOR TO DATE SET FOR OPENING BIDS

The right is reserved, as the interest of the Government may require, to revise or amend the specifications or drawings or both prior to the date set for opening bids. Such revisions and amendments, if any, will be announced by an amendment or amendments to this Invitation for Bids. If the revisions and amendments are of a nature which require material changes in quantities, or prices bid, or both, the date set for opening bids may be postponed by such number of days as in the opinion of the issuing officer will enable bidders to revise their bids. In such cases, the amendment will include an announcement of the new date for opening bids.

(xl) a provision as follows—

GOVERNMENT'S PRIVILEGE IN MAKING AWARDS

The Government further reserves the right to make award of any or all schedules of any bid, unless the bidder qualifies such bid by specific limitation; also to make award to the bidder whose aggregate bid on any combination of bid schedules is low. For the purpose of this Invitation for Bids, the word "item" as used in paragraph 10(c) of Standard Form 22 shall be considered to mean "schedule".

(xli) if it appears that funds available for a project may be insufficient for all the desired features of construction, the contracting officer may provide in the invitation for a first or base bid item covering the work generally as specified and for one or more additive or deductive bid items which progressively add or omit specified features of the work in a stated order of priority. In such case, the invitation

shall include a provision substantially as in 7-2003.28, and the low bidder and the bid items to be awarded shall be determined as therein provided. The contracting officer, prior to the opening of bids, shall determine and record in the contract file the amount of funds available for the project. The amount so recorded shall be controlling for determining the low bidder but may be increased for determining the bid items to be awarded to him *provided* that award on such combination of bid items does not exceed the amount offered by any other conforming responsible bidder for the same combination of bid items;

(xlii) a statement on the face of the invitation as follows—

BIDS MUST SET FORTH FULL, ACCURATE, AND COMPLETE INFORMATION AS REQUIRED BY THIS INVITATION FOR BIDS (INCLUDING ATTACHMENTS). THE PENALTY FOR MAKING FALSE STATEMENTS IN BIDS IS PRESCRIBED IN 18 U.S.C. 1001.

(xliii) if 1-1503(d) applies, a conspicuous notice cautioning offerors that an offer containing an option price higher than the base price may be accepted only if such acceptance does not prejudice any other offeror; (this may be placed elsewhere so long as the notice is adjacent to the limitation as to option price);

(xliv) Reserved;

(xlv) if the contract is to contain the *Safety Precautions for Ammunition and Explosives* clause in 7-104.79, see 2-201(a)Sec.H(ix);

(xlvi) when Standard Form 19 is used, a statement that if the bid exceeds $10,000, the contract also will contain the clauses in—
7-103.10(a) (*Federal, State, and Local Taxes*),
7-103.18 (*Equal Opportunity*) unless exempted by 12-805,
7-104.14(a) (*Utilization of Small Business Concerns*), and
7-104.15 (*Examination of Records by Comptroller General*);

(xlvii) Reserved;

(xlviii) the *Late Bids* provision in 7-2002.2 (this replaces paragraphs 7 and 8 of SF 22);

(xlix) if international air transportation of personnel and cargo is possible during performance of the contract, the clause in 7-104.95;

(l) the *Contingent Fee* provision in 7-2002.1 shall be substituted for paragraph 3 of SF 19-B;

(li) the *Clean Air and Water Certification* in 7-2003.71;

(lii) Reserved;

(liii) when the statement of work requires the design, development or operation of a system of records on individuals for an agency function, insert the provision in 7-2003.72;

(liv) insert the Small Disadvantaged Business concern representation in 7-2003.74;

(lv) if the contract is for the procurement of goods or services for MAP, IMET, or FMS, include the clause in 7-104.97;

(lvi) if the contract includes FMS requirements, identify the contract by clearly stamping or otherwise indicating "*FMS Requirement*" on the cover sheet of the contract;

(2) When the bidder fails or refuses to furnish evidence in support of a suspected or alleged mistake, the contracting officer shall consider the bid as submitted unless the amount of the bid is so far out of line with the amounts of other bids received or with the amount estimated by the agency or determined by the contracting officer to be reasonable, or there are other indications of error so clear, as reasonably to justify the conclusion that acceptance of the bid would be unfair to the bidder or to other bona fide bidders. The attempts made to obtain the information required and the action taken with respect to the bid shall be fully documented.

(3) When the bidder furnishes evidence in support of an alleged mistake, the contracting officer shall refer the case to the appropriate authority, together with the following data:

(i) a signed copy of the bid involved;

(ii) a copy of the invitation for bids and any specifications or drawings relevant to the alleged mistake;

(iii) an abstract or record of the bids received;

(iv) a written request by the bidder to withdraw, or modify the bid, together with the bidder's written statement and supporting evidence (such as work sheets, or other data used in preparing the bid) of the existence of the mistake and manner in which it occurred, and supporting evidence of the bid actually intended;

(v) a written statement by the contracting officer setting forth (A) a description of the supplies or services involved, (B) the expiration date of the bid in question and of the other bids submitted, (C) specific information as to how and when the mistake was alleged, (D) a summary of the evidence submitted by the bidder, (E) in the event only one bid was received, a quotation of the most recent contract price for the supplies involved, or, in the absence of a recent contract for the item, the contracting officer's estimate of a fair price for the item, and (F) any additional evidence considered pertinent. The statement shall recommend that either the bid be considered for award in the form submitted, or the bidder be authorized to withdraw the bid, or the bidder be authorized to modify the bid.

When time is of the essence because of the expiration of bids or otherwise, the contracting officer may refer the case by telegraph or telephone to the designated authority. Ordinarily, contracting officers will not refer mistake in bid cases by telegraph or telephone to the designated authority, when the determinations set forth in (a)(2) and (3) above are applicable, since actual examination is generally necessary to determine whether the evidence presented is clear and convincing.

(f) Nothing contained in this paragraph 2-406.3 prevents a Department from submitting doubtful cases to the Comptroller General for advance decision.

(g) A signed copy of the administrative determination authorizing withdrawal or modification of the bid made in accordance with (a) above shall accompany the appropriate finance center copy of the contract awarded. Each Department shall maintain records of all administrative determinations made in accordance with (a) above, together with a complete statement of the facts involved and the action taken in each case. Copies of all administrative determinations will be included in the contract file.

2-406.4 *Reserved.*

(next page is 2:36)

2-407 Award.

2-407.1 *General.* Unless all bids are rejected, award shall be made by the contracting officer, within the time for acceptance specified in the bid or extension thereof, to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered. If a proposed award requires approval of higher authority, such award shall not be made until approval has been obtained. Awards shall be made by mailing or otherwise furnishing to the bidder a properly executed award document (see Section XVI, Parts 1 and 4) or notice of award on such form as may be prescribed by the procuring activity. When a notice of award is issued, it shall be followed as soon as possible by the formal award. When more than one award results from any single invitation for bids, separate award documents shall be executed, each suitably numbered. When an award is made to a bidder for less than all the items which may be awarded to that bidder and additional items are being withheld for subsequent award, the first award to that bidder shall state that the Government may make subsequent awards on such additional items within the bidder's bid acceptance period. When two or more awards are made to a single bidder on an invitation, the copy of the successful bid marked "original" will be attached to the appropriate finance center copy and a copy marked "duplicate" will be attached to the retained office copy of the first award issued, and succeeding awards will be inscribed to indicate the number of the award to which the original and duplicate bids are attached. This is necessary for legal review and auditing by the General Accounting Office. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by reference) in the award document, since the award is an acceptance of the bid, and the bid and the award constitute the contract.

2-407.2 *Responsible Bidder.* Before awarding the contract, the contracting officer shall determine that a prospective contractor is responsible (see Section I, Part 9).

2-407.3 *Discounts.*

(a) The Discounts clause of the Solicitation Instructions and Conditions (Standard Form 33-A) establishes 20 calendar days as the minimum period for prompt payment discounts to be considered in bid evaluation unless otherwise specified in the invitation for bids. Prior to issuing an invitation for bids (except for construction), a determination shall be made as to whether the 20 calendar day minimum period for prompt payment discounts is appropriate. If a minimum period more or less than 20 calendar days is determined to be desirable, such

(ii) such additional general provisions (contract clauses) as may be applicable to the contract;
(iii) such alterations in contract provisions as are appropriate.

Part III—List of Documents, Exhibits, and Other Attachments

SECTION J - List of Documents, Exhibits, and Other Attachments.
(i) Here list all of the documents, exhibits, and other attachments that make up the request for proposals or requests for quotations package; give form number, name, date, and number of pages for each document; give type and identifier (for example, "Exhibit A"), name, and number of pages for each exhibit, appendix, or other attachment (for example, work frequency schedules, work statements, specifications, special requirements, or other documents too lengthy to be conveniently written into the request for proposals or request for quotations proper).

Part IV—General Instructions

SECTION K - Representations, Certifications, and Other Statements of Offeror.
(i) when neither SF 18 nor SF 33 is used, the following shall be included in this Section K:

The Offeror/Quoter represents and certifies as part of his proposal/quotation that: (Check or complete all applicable boxes or blocks.)

(A) SMALL BUSINESS

He ☐ is, ☐ is not a small business concern. A small business concern for the purpose of Government contracting is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the

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offeror/quoter is a small business concern and is not the manufacturer of the supplies offered, he also represents that all supplies to be furnished /_/ will, /_/ will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

(B) SMALL DISADVANTAGED BUSINESS CONCERN

(a) The offeror represents that he ( ) is, ( ) is not, a small business concern owned and controlled by socially and economically disadvantaged individuals. The term "small business concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" means a small business concern—

(1) that is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially or economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more such individuals.

(b) The offeror shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (i.e., American Indians, Eskimos, Aleuts, and Native Hawaiians), Asian-Pacific Americans (i.e., U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities or any other individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act.

(C) REGULAR DEALER-MANUFACTURER (applicable only to supply contracts exceeding $10,000)

He is a /_/ regular dealer in, /_/ manufacturer of, the supplies offered.

(D) CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

(Insert the provision in 7-2003.1 in accordance with 1-115(a).)

(ii) when a request for proposals form other than SF 33 is used, a requirement for stipulation of a time within which the Government may accept the proposal;

(iii) when SF 33 is not used, the Contingent Fee clause in 7-2002.1 (if required by 1-506.1) and the following:

(A) TYPE OF BUSINESS ORGANIZATION

The Offeror/Quoter represents and certifies as part of his proposal/quotation that: (Check all applicable boxes or blocks.)

He operates as /_/ an individual, /_/ a partnership, /_/ a nonprofit organization, /_/ a corporation, incorporated under the laws of the State of _____.

(xxviii) the provision in 7-2003.40;

(xxix) if the contract is to be conditioned on the availability of funds, a clear statement of such condition (see 1-318);

(xxx) such general contract provisions or conditions as are required by law or by this Regulation;

(xxxi) Reserved;

(xxxii) when the procurement involves a set-aside for small business concerns, the following provision will be placed on the face of the solicitation form or on a cover sheet:

THIS IS A .....% SET ASIDE FOR SMALL BUSINESS CONCERNS.

(xxxiii) a statement that prospective offerors may submit inquiries by writing or calling (collect calls not accepted) Mr. (insert name and address; telephone area code, number, and extension);

(xxxiv) Requests for Proposals which will result in the placement of rated orders or Authorized Controlled Material Orders (see 1-307) shall contain the clause in 7-2003.22;

(xxxv) a statement requesting the prospective offeror to list the names and telephone numbers of persons authorized to conduct negotiations;

(xxxvi) if the contract is pursuant to the Balance of Payments Program, the procedures in 6-804 are applicable;

(xxxvii) in accordance with 6-1104, the provision in 7-2003.62;

(xxxviii) unless exempted by 12-805 from inclusion of the Equal Opportunity clause—

(A) on the face page or cover sheet of the solicitation, these notices:

I. NOTE THE AFFIRMATIVE ACTION REQUIREMENT OF THE EQUAL OPPORTUNITY CLAUSE WHICH MAY APPLY TO THE CONTRACT RESULTING FROM THIS SOLICITATION.

II. NOTE THE CERTIFICATION OF NONSEGREGATED FACILITIES IN THIS SOLICITATION. Bidders, offerors and applicants are cautioned to note the "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause. (1975 OCT)

(B) the applicable provisions in 7-2003.14(b), (c), and (d);

(xxxix) the applicable small business size standard (see 1-701 and 1-703);

(xl) *Reserved;*

number of suppliers have been selected for additional discussion (see 3-805), the contracting officer, upon determination that a proposal is unacceptable, shall provide prompt notice of that fact to the source submitting the proposal. Such notice need not be given where the proposed contract is to be awarded within a few days and notice pursuant to 3-508.3 below would suffice. In addition to stating that the proposal has been determined unacceptable, notice to the offeror shall indicate, in general terms, the basis for such determination and shall advise that, since further negotiation with him concerning this procurement is not contemplated, a revision of his proposal will not be considered.

(b) In any procurement involving a small business set-aside to be placed through conventional negotiation, upon final completion of negotiations and determinations of responsibility but prior to award, the contracting officer shall inform each unsuccessful offeror by written notice of the name and location of the apparently successful offeror(s). Each apparently unsuccessful offeror should be advised that any subsequent revisions of his proposal will not be considered, since no further negotiations are contemplated, and no further contact with the contracting officer need be made regarding the instant procurement unless the unsuccessful offeror has grounds to challenge the small business size status of the apparently successful offeror(s). This notification procedure shall not apply to procurements exempt by 3-508.1 above or to any urgent procurement action which the contracting officer determines in writing must be awarded without delay to protect the public interest. The contracting officer's determination shall be placed in the contract file.

3-508.3 *Post-Award Notice to Offerors.*

(a) Promptly after making all awards in any procurement in excess of $10,000, the contracting officer shall give written notice to the unsuccessful offerors that their proposals were not accepted, except that such notice need not be given where notice has been provided pursuant to 3-508.2(a). Such notice shall include:

(i) the number of prospective contractors solicited;

(ii) the number of proposals received;

(iii) the name and address of each offeror receiving an award;

(iv) the items, quantities, and unit prices of each award; *provided* that, where the number of items or other factors makes the listing of unit prices impracticable, only the total contract price need be furnished; and

(v) in general terms, the reasons why the offeror's proposal was not accepted, except where the price information in (iv) above readily reveals such reason, but in no event will an offeror's cost breakdown, profit, overhead rates, trade secrets, manufacturing processes and techniques, or other confidential business information be disclosed to any other offeror.

(b) In procurements of $10,000 or less and subject to the exceptions in 3-508.1 above, the information described in (a) above shall be furnished to unsuccessful offerors upon request.

(c) Such information as is authorized to be released to unsuccessful offerors pursuant to (a)(i) through (iv) above may, upon his request, be provided to the successful offeror.

3-508.4 *Debriefing of Unsuccessful Offerors.*

(a) Offerors under negotiated procurements generally expend substantial time and effort in preparing their proposals. Therefore, those offerors not selected for contract award have a significant interest in learning why they were unsuccessful. Debriefing is the process by which purchasing offices provide unsuccessful offerors with the Government's evaluation of the significant factors contained in their proposals, citing determinative deficiencies and weaknesses. An adequate debriefing can provide the basis upon which offerors may improve future proposals and, in addition, give assurance that the selection has been handled fairly, in accordance with applicable regulations and the provisions of the solicitation.

(b) When a contract is awarded on some basis other than price, unsuccessful offerors shall be debriefed upon their written request, and furnished the basis for the selection decision and contract award. Debriefings shall be provided at the earliest feasible time after contract award. They shall be conducted by purchasing office officials familiar with the rationale for the selection decision and contract award.

(c) It is essential that debriefings be conducted in a scrupulously fair, objective and impartial manner. Debriefing information given offerors shall be factual and consistent with the evaluation. While offerors should be informed of the areas in which their technical or management proposals were weak or deficient, point-by-point comparisons with the technical or management proposals of the other offerors shall not be made. Furthermore, debriefings shall not reveal: (i) trade secrets; (ii) privileged or confidential manufacturing processes and techniques; (iii) commercial and financial information which is privileged or confidential, including cost breakdowns, profit, overhead rates, and similar information; or (iv) the relative merits or technical standing of competitors or the evaluation scoring.

(d) A summary of the debriefing shall be made a part of the contract file.

3-508.5 *Classified Information.* Classified information shall be furnished only in accordance with regulations governing classified information.

3-509 Protests Against Award. Protests against awards of negotiated procurements shall be treated substantially in accordance with 2-407.8.

3-510 Reserved.

Part 6—Small Purchase and Other Simplified Purchase Procedures

3-600 Scope of Part. This Part sets forth simplified procedures for the procurement of supplies, nonpersonal services, and construction, the aggregate amount of which does not exceed $10,000, which are referred to in this Part as "small purchases." It also applies to certain other supplies and services. This Part does not preclude the use of bilateral purchase orders (see 3-608.4); Standard Form 19 for construction contracts (see 16-402.2 and 18-302); or a negotiated two-party formal contract for procurements not in excess of $10,000, for example where the procurement is classified or requires specific contract provision relating to technical inspection or test, specification changes, Government-furnished property, insurance, patents, price adjustments, or the like. When the total cost of services to repair Government equipment does not exceed $10,000, such services may be obtained by purchase orders or other appropriate small purchase method, regardless of the value of the Government equipment being repaired (see 3-608.2(b)(1)(viii)), except as provided in 3-608.2(b)(2). Procurements of supplies and services or construction initially estimated to exceed $10,000 shall not be made by the small purchase method, even though resulting awards do not exceed such amounts.

3-601 Purpose. The objective of the simplified purchase methods prescribed herein is to reduce administrative costs.

3-602 Definitions. As used in this Part, the following terms have the meanings set forth below.

(a) *Bulk funding concept* means a system whereby a contracting officer receives authorization from a fiscal and accounting officer to obligate funds on purchase documents against a specified lump sum of funds reserved for the purpose for a specified period of time rather than obtaining individual obligational authority on each purchase document.

(b) *Mail indicia* means the official printed markings substituted for stamps, *i.e.*, "Postage and Fees Paid" and appropriate department. This includes such markings on envelopes, cards, labels, wrappers, or tags.

(c) *Local delivery* means the movement of supplies or commodities wholly within a recognized metropolitan area in which both the point of pickup and the point of delivery are located.

3-603 Policy.

3-603.1 *General.*

(a) All purchases covered by this Part shall be accomplished by negotiation and shall cite the appropriate subparagraph of 10 U.S.C. 2304(a) in accordance with Part 2 of this Section. Such purchases shall be made only when requirements cannot be satisfied by procurement in accordance with Section V. The contracting officer shall use the purchase method covered by this Part which he determines to be most suitable to the immediate requirement and most efficient and economical. Simplified procedures may be used in procurements from Government established sources, if authorized by the basic contract or concurred in by the source.

(b) Requirements aggregating more than $10,000 shall not be broken down into several purchases which are less than $10,000 merely for the purpose of per-

mitting negotiation under the small purchase procedures authorized by this Part. Related items (such as small hardware items or spare parts for vehicles) may be included in one solicitation, and the award made on "all or none" basis. In such cases, suppliers shall be advised of this award procedure when quotations are requested.

(c) The "bulk funding" concept shall be used to the maximum extent practicable to reduce processing delays, double handling, and documentation. Bulk funding is particularly appropriate when numerous purchases using the same type of funds are to be made during a given period.

(d) Installation or activity transportation facilities may be used for delivery from local suppliers to the purchasing installation only after consideration of the following methods:

(i) supplier delivery;
(ii) common carrier;
(iii) parcel post; and
(iv) mail indicia.

(e) Inspection procedures for small purchases shall be in accordance with 14-308.

(f) The use of United States-owned foreign currency in making payments for small purchases shall be in accordance with Section VI, Part 11.

(g) Each acquisition of supplies and services which has an anticipated value not in excess of $10,000 and which is subject to the small purchase procedures set forth in this part is a small business-small purchase set-aside (1-702(c)) unless the contracting officer (i) determines there is no reasonable expectation of obtaining two or more quotations for purchases in excess of $500 or at least one quotation for purchases not in excess of $500; or (ii) is unable to obtain quotations that are, in either case, competitive with market prices in the industry and competitive in terms of quality and delivery as outlined in 3-604. In the event that the small business-small purchase set-aside is dissolved in accordance with (g)(ii), new quotes shall be solicited on an unrestricted basis. In automated contracting systems, all proposed acquisitions pursuant to small purchase procedures will be screened for reservation in accordance with the criteria in this paragraph. When source lists are maintained for acquisitions not exceeding $10,000, these source lists shall include all known small business concerns. The names of such concerns shall be obtained from the activity Small and Disadvantaged Business Utilization Specialist who, in turn, may request support from the SBA Procurement Center Representative or other Federal and private sources which maintain lists of small business concerns.

3-604 Competition and Price Reasonableness.

3-604.1 *Purchases Not in Excess of $500.* Small purchases not exceeding $500 may be accomplished without securing competitive quotations if the prices are considered to be reasonable. Such purchases shall be distributed equitably among qualified suppliers. When practical, a quotation will be solicited from other than the previous supplier prior to placing a repeat order. The administra-

tive cost of verifying the reasonableness of the price of purchases not in excess of $500 may more than offset potential savings in detecting instances of overpricing; therefore, action to verify the reasonableness of the price need be taken only when the buyer or contracting officer suspects that, or has information to indicate that, the price may not be reasonable, *e.g.*, comparison to previous price paid, personal knowledge of the item involved.

3-604.2 *Purchases in Excess of $500.*

(a) Solicitation of quotations from a reasonable number of qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area of either the purchasing or the receiving activity. If practicable, two sources not included in the previous solicitation should be requested to furnish quotations. Quotations should generally be solicited orally except for construction contracts in excess of $2,000. Written solicitations should be used when (i) the suppliers are located outside the local area, (ii) special specifications are involved, (iii) a large number of line items are included in a single proposed procurement, or (iv) obtaining oral quotations is not considered economical or possible.

(b) Reasonableness of a proposed price should be based on competitive quotations. If only one response is received, or the price variance between multiple responses reflects lack of adequate competition, a statement shall be included in the contract file setting forth the basis of the determination of fair and reasonable price. This determination may be based on a comparison of the proposed price with prices found reasonable on previous purchases, current price lists, catalogs, advertisements, similar items in a related industry, value analysis, the contracting officer's personal knowledge of the item being procured, or any other means. Written records of solicitation may be limited to notes or abstracts to show vendor or vendors contacted, prices, delivery, and any other informal historical data. If a separate form is used for documentation of price reasonableness, DD Form 1784, Small Purchase Pricing Memorandum, shall be used (see 16-813). If this form is not used, the price reasonableness statement shall be based on one or more of the criteria set forth on the form. In any case, the con-

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tracting officer should gain as much knowledge as practicable of the physical and material characteristics and intended use of the item to be purchased. When only one source is solicited, an additional notation must be made to explain the absence of competition, except for procurement of utility services available only from one source or of educational services from nonprofit institutions. Notification to unsuccessful suppliers shall be given only if requested.

(c) Occasionally an item can be obtained only from a supplier who quotes a minimum order price or quantity, which either unreasonably exceeds stated quantity requirements, or results in an unreasonable price for the quantities required. If practicable before placing the order the requiring activity should be informed in such cases of all facts regarding the quotation and requested to confirm or alter its requirement for the item or items under consideration. The file shall be documented to support the final action taken.

3-605 Blanket Purchase Agreement (BPA).

3-605.1 *General.* A blanket purchase agreement is a simplified method of filling anticipated repetitive needs for small quantities of supplies or services by establishing "charge accounts" with qualified sources of supply (see 12-302, 12-602.1 and 12-1001). Blanket purchase agreements are designed to reduce administrative costs in accomplishing small purchases by eliminating the need for issuing individual purchase documents.

3-605.2 *Limitation on Use.* A blanket purchase agreement may not be used when a call exceeds $5,000 except that BPA calls up to $10,000 may be placed by Inventory Control Points and calls for subsistence items are unlimited as to dollar value. The *Examination of Records by Comptroller General* clause in 7-104.15 and the *Listing of Employment Openings* clause in 7-103.27 shall be included in agreements for subsistence items which do not limit the dollar value of individual calls to less than $10,000.

3-605.3 *Establishment of Blanket Purchase Agreements.*

(a) *Alternate Sources.* To the extent practicable, blanket purchase agreements for items of the same type should be placed concurrently with more than one supplier. All competitive sources should be given an equal opportunity to furnish supplies or services under such agreements.

(b) *Form.*

(1) Except as provided in (2) below, blanket purchase agreements shall be prepared and issued on DD Form 1155 (Order for Supplies or Services/Request for Quotations). Either the "General Provisions," DD Form 1155r, or the "Reverse of Order for Supplies or Services/Request for Quotations—Foreign," DD Form 1155r-1, as applicable, shall be used. Other applicable provisions of the blanket purchase agreement shall be set forth on the Standard Form 36 (Continuation Sheet) or on a blank sheet of paper, including the following:

(i) the Contract Work Hours and Safety Standards Act—Overtime Compensation clause in 7-103.16(a) shall be added unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be $2,500 or less;

(ii) where the agreement is for the intended purchase of services covered by the Service Contract Act of 1965, as amended, the clause in 7-1903.41(a) or (b) shall be substituted for Clause 16 of the General Provisions and the procedures in 12-1005 complied with, unless it is reasonably anticipated that the aggregate of the total dollar amounts of orders to be placed thereunder will be $2,500 or less;

(iii) where the agreement is for the intended purchase of supplies, the Walsh-Healey Public Contracts Act clause in 7-103.17 shall be added, unless the agreement limits the aggregate total of orders to be placed thereunder to $10,000; and

(iv) where the agreement is for the intended purchase of supplies, the applicable equal opportunity clause in 7-103.18 shall be added.

(2) Blanket purchase agreements issued by the Defense Personnel Support Center may be prepared on its form "Order for Subsistence."

(c) *Numbering.* Enter the Procurement Instrument Identification (PII) number as prescribed in Section XX, Part 2.

(d) *Accounting Data.* Blanket purchase agreements need not cite any accounting data so that purchases utilizing different appropriation data may be made under the same agreement.

(e) *Negotiation Authority.* The Schedule of each agreement shall be annotated as follows:

> The issuance of individual calls under this blanket purchase agreement will be made under the authority of 10 U.S.C 2304(a)(1), 10 U.S.C. 2304(a)(3), 10 U.S.C. 2304(a)(6), or 10 U.S.C. 2304(a)(17).

If for the purchase of subsistence:

> The issuance of individual calls under this blanket purchase agreement will be made under the authority of 10 U.S.C. 2304(a)(1), 10 U.S.C. 2304(a)(3), 10 U.S.C. 2304(a)(6), 10 U.S.C. 2304(a)(9), or 10 U.S.C 2304(a)(17).

This annotation shall not be duplicated on forms used to document individual calls, although the specific authority for the call may be cited therein.

thresholds, he will be required to follow consistently the disclosed practices for those contracts awarded during a period in which he was obligated to submit a Disclosure Statement(s). A change to such practices may be proposed by either the contractor or the Government and negotiated by the contractor and his CAS cognizant ACO.

3-1204 Contract Clauses.

3-1204.1 Prime Contracts and Solicitations.

(a) The clauses in 7-104.83(a)(1) and (b) shall be inserted in all negotiated solicitations and contracts exceeding $100,000, except the following:

(i) when the price is based on established catalog or market prices of commercial items sold in substantial quantities to the general public, or is set by law or regulations. Catalog or market price exemption is determined to exist even though the award is made on the basis of adequate competition. It is the offeror's responsibility to request and to provide justification for a catalog or market price exemption. In providing such justification, the offeror shall (A) indicate in his proposal, and in any changes in his offered price, that the proposed price is based on an established catalog or market price of a commercial item sold in substantial quantities to the general public, rather than derived from the stimulus of competition which may be present in the particular procurement; and (B) complete and submit a DD Form 633-7 or otherwise furnish the necessary information in accordance with 3-807.7(b) However, the procuring activity must make a determination whether or not the exemption applies in each case;

(ii) contracts awarded to an offeror who has certified he is a small business concern pursuant to 1-702(d);

(iii) contracts awarded to an educational institution subject to cost principles in Section XV, Part 3, except for contracts to be performed by a federally funded research and development center operated by such an institution;

(iv) contracts with contractors who are eligible for and have elected to use modified contract coverage under Part 332 of Appendix O (see (b) below);

(v) contracts which are executed and performed in their entirety outside the United States, its territories and possessions;

(vi) contracts with a foreign government or an agency or instrumentality of such government; and

(vii) contracts for which the Cost Accounting Standards Board has approved other waivers of exemptions pursuant to 331.30 of Appendix O.

(A) The Cost Accounting Standards Board has provided for the exemption of contracts of $500,000 or less under certain circumstances. Paragraph 331.30(b)(8) of Appendix O prescribes the circumstances under which such an exemption is applicable. In order to effectively administer the requirements of that paragraph, the solicitation notice 7-2003.67(b) shall be inserted in all solicitations requiring the inclusion of the solicitation notice in 7-2003.67(a).

(B) Contracts and subcontracts with foreign concerns are exempt from the requirements of Cost Accounting Standard 403 and all subsequent standards. This exemption does not relieve foreign concerns of any obligation to comply with CAS 401, CAS 402 or disclosure requirements.

(b) With respect to (a)(iv) and vii) above, the clauses in 7-104.83(a)(2) and (b) shall be inserted in--

(i) all negotiated solicitations which are likely to result in a negotiated contract exceeding $100,000, unless otherwise exempt in accordance with 3-1204.1 (a),

(ii) all such contracts with a foreign concern, and

(iii) all such contracts exceeding $100,000 but under $10,000,000 when the offeror certifies he is eligible for and elects to use modified contract coverage under provisions of Part 332 of Appendix O (see (a)(iv) above).

In order to effectively administer the exemption in (iii) above, the solicitation notice in 7-2003.67(c) shall be inserted in all solicitations requring the inclusion of the solicitation notice in 7-2003.67(a).

(c) When a contract contains the Administration of Cost Accounting Standards clause (7-104.83(b)), there is a requirement that a flow of information relative to CAS-covered subcontract(s) awarded under a CAS-covered prime contract be transmitted from the contractor placing the CAS-covered subcontract, at whatever tier, to his Cost Accounting Standards cognizant ACO and, subsequently, through Government channels, to the ACO cognizant of the subcontractor receiving the order. When the ACO is advised by the contractor of such an award, he will forward, within 10 days, the information required of the contractor in 7-104.83(b)(e) to the contract administration office (CAO) having Cost Accounting Standards cognizance. (See 3-1208.)

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within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, supplies or services similar to those so terminated, and the Contractor shall be liable to the Government for any excess costs for such similar supplies or services; *provided*, that the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, (i) any completed supplies, and (ii) such partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (hereinafter called "manufacturing materials") as the Contractor has specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. Payment for completed supplies delivered to and accepted by the Government shall be at the contract price. Payment for manufacturing materials delivered to and accepted by the Government and for the protection and preservation of property shall be in an amount agreed upon by the Contractor and Contracting Officer; failure to agree to such amount shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes"

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier.

(End of clause)

7-103.12 *Disputes*.

(a) The following clause shall be included in all contracts subject to the Contract Disputes Act unless exempted by the Secretary pursuant to 41 U.S.C. 602(c).

DISPUTES (1980 JUNE)

(a) This contract is subject to the Contract Disputes Act of 1978 (P.L. 95-563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c) (1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a matter of right, the payment of money, adjustment, or interpretation of contract terms, or other relief, arising under or relating to this contract. However, a written demand by the Contractor seeking the payment of money in excess of $50,000 is not a claim until certified in accordance with (d) below.

(2) A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently disputed either as to liability or amount or not acted upon in a reasonable time, it may be converted to a claim pursuant to the Act by complying with the submission and certification requirements of this clause.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the Contractor's knowledge and belief; and the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For contractor claims of $50,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request.

For contractor-certified claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) Interest on the amount found due on a contractor claim shall be paid from the date the Contracting Officer receives the claim, or from the date payment otherwise would be due, if such date is later, until the date of payment.

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under the contract, and comply with any decision of the Contracting Officer.

(End of clause)

(b) The following paragraph shall be substituted for paragraph (h) of the clause in (a) above as required under the circumstances described in 1-314(k)(2) and (3).

(h) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under or related to the contract, and comply with any decision of the Contracting Officer. (1980 JUNE)

7-103.13 *Reserved.*

(next page is 7:17)

UTILIZATION OF SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS (1980 AUG)

(a) It is the policy of the United States that small business and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency.

(b) The Contractor hereby agrees to carry out this policy in the awarding of subcontracts to the fullest extent consistent with the efficient performance of this contract. The term "subcontract" means any agreement (other than one involving an employer-employee relationship) to be entered into by a Federal Government prime contractor or subcontractor calling for supplies or services required for the performance of the original contract or subcontract. The Contractor further agrees to cooperate in any studies or surveys as may be conducted by the United States Small Business Administration or the awarding agency of the United States as may be necessary to determine the extent of the Contractor's compliance with this clause.

(c) As used in this contract, the term "small business concern" shall mean a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals," hereafter referred to as disadvantaged business, shall mean a small business concern -

(1) which is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more of such individuals.

The Contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (i.e., American Indians, Eskimos, Aleuts and Native Hawaiians), Asian-Pacific Americans (i.e., U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos,

Cambodia, and Taiwan, and other minorities, or any individuals found to be disadvantaged by the Administration pursuant to Section 8(a) of the Small Business Act.

(d) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern or a small business concern owned and controlled by socially and economically disadvantaged individuals.

(End of clause)

(b) In accordance with 1-707.3(b), insert the following clause in negotiated contracts.

SUBCONTRACTING PLAN FOR SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS (NEGOTIATED) (1980 AUG)

(a) This provision does not apply to small business concerns.

(b) The apparent successful offeror, upon request by the Contracting Officer, shall submit and negotiate a subcontracting plan which addresses separately subcontracting with small business concerns and small disadvantaged business concerns and which shall be included in and made a part of the resultant contract. The subcontracting plan shall be negotiated within the time specified by the contracting officer. Failure to submit and negotiate the subcontracting plan shall make the offeror ineligible for award of a contract. As a minimum, the subcontracting plan shall include—

(1) Separate percentage goals (expressed in terms of percentage of total planned subcontracting dollars) for the utilization as subcontractors of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. For the purposes of the subcontracting plan, the Contractor shall include all subcontracts to be awarded for the specific purpose of performing this contract and may include a proportionate share of supplies and services whose costs are normally allocated as indirect or overhead costs when reasonably determined to be attributable to this contract.

a. A statement of: (i) total dollars planned to be subcontracted; (ii) total dollars planned to be subcontracted to small business; and (iii) total dollars planned to be subcontracted to small disadvantaged business.

b. A description of the principal supply and service areas to be subcontracted and an identification of those areas where it is planned to use (i) small business subcontractors, and (ii) small disadvantaged business subcontractors.

c. A statement of the method used in developing proposed subcontracting goals for small business and small disadvantaged business concerns.

d. If the offeror includes indirect and overhead costs as an element in establishing the goals in the subcontracting plan, the method used in determining the proportionate share of indirect and overhead costs incurred with (i) small business, and (ii) small disadvantaged business concerns.

e. A statement of the method used for solicitation purposes (e.g., did the offeror use company source lists, the small business and disadvantaged small business source identification system provided by the Small Business Administration's Procurement Automated Source System, the National Minority Purchasing Council Vendor Information Service, or the services provided by the U.S. Department of Commerce Minority Business Development Agency's Research and Information Division, and the facilities of small business and disadvantaged business trade associations?).

(2) The name of an individual within the employ of the offeror who will administer the subcontracting plan of the offeror and a description of the duties of such individual;

(3) A description of the efforts the offeror will make to assure that small business and small disadvantaged business concerns will have an equitable opportunity to compete for subcontracts;

(4) Assurances that the offeror will include the clause entitled Utilization of Small Business and Small Disadvantaged Business Concerns in all subcontracts which offer further subcontracting possibilities in the United States and will require all subcontractors (except small business concerns) who receive subcontracts in excess of $500,000 or, in the case of a contract for the construction of any public facility, $1 million, to adopt a plan in consonance with this clause;

(5) Assurances that the offeror will submit such periodic reports and cooperate in any studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent

of compliance by the offeror with the subcontracting plan; and

(6) A recitation of the types of records the offeror will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in the plan, including the establishment of source lists of small business and small disadvantaged business concerns; and efforts to identify and award subcontracts to such small business concerns. The records shall include at least the following (these records may be maintained on a plant-wide or company-wide basis unless otherwise indicated):

a. Small and disadvantaged business source lists, guides, and other data identifying small and small disadvantaged business vendors.

b. Organizations contacted for small and disadvantaged business sources.

c. On a contract-by-contract basis, records on all subcontract solicitations over $100,000, indicating on each solicitation (i) whether small business was solicited and if not, why not; (ii) whether small disadvantaged business was solicited and if not, why not; and (iii) reasons for the failure of responding small businesses to receive the subcontract award.

d. Records to support such efforts as:

(i) contacts with disadvantaged and small business trade associations;

(ii) contacts with business development organizations; and

(iii) attendance at small and disadvantaged business procurement conferences and trade fairs.

e. Records to support internal activities to guide and encourage buyers such as:

(i) workshops, seminars, training programs, etc.; and

(ii) monitoring activities to evaluate compliance.

f. On a contract-by-contract basis, records to support award data submitted to the Government to include name, address, and size status of subcontractor.

(c) In order to effectively implement this plan the Contractor shall:

(1) Issue and promulgate company-wide policy statements in support of this effort, develop written procedures and work instructions, and assign specific responsibilities regarding requirements of this clause.

(2) Demonstrate continuing management interest and involvement in support of this effort through such actions as regular reviews of progress and establishment of overall corporate and divisional goals and objectives.

(3) Train and motivate contractor personnel regarding the support of small and small disadvantaged business firms.

(4) Assist small business and small disadvantaged business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns. Where the Contractor's lists of potential small business and disadvantaged subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(5) Provide adequate and timely consideration of the potentialities of small business and small disadvantaged business concerns in all "make-or-buy" decisions.

(6) Counsel and discuss subcontracting opportunities with representatives of small and small disadvantaged business firms as are referred by the Small and Disadvantaged Business Utilization Specialist responsible for monitoring performance under this program and representatives of the SBA.

(d) The Contractor shall submit DD Form 1140-1 in accordance with instructions provided on the form.

(e) The offeror understands that:

(1) An acceptable plan must, in the determination of the contracting officer, provide the maximum practicable opportunity for small business and small disadvantaged business concerns to participate in the performance of the contract.

(2) The Contracting Officer shall notify the Contractor in writing of his reasons for determining a subcontracting plan to be unacceptable. Such notice shall be given early enough in the negotiation process to allow the Contractor sufficient time to modify the plan within the time limits prescribed.

(3) Prior compliance of the offeror with other such subcontracting plans under previous contracts will be considered by the Contracting Officer in determining the responsibility of the offeror for award of the contract.

(4) The failure of any contractor or subcontractor to comply in good faith with (i) the clause entitled Utilization of Small Business and Small Disadvantaged Business

Concerns or (ii) an approved plan required by this Small Business and Small Disadvantaged Business Subcontracting Plan (Negotiated) provision, will be a material breach of such contract or subcontract.

(f) In the acquisition of commercial products, the offeror further understands that:

(1) If a commercial product (defined below) is offered, the required subcontracting plan may cover the company's commercial production generally, both for Government contracts and for regular commercial sales, rather than just this acquisition. In such cases, the Contractor may request approval from the Contracting Officer to submit one company-wide, or division-wide, annual plan. If such request is deemed appropriate, the offeror shall submit a proposed company-wide, or division-wide, annual plan for acceptance.

(2) Upon approval by the Contracting Officer, the plan will remain in effect for the company's entire fiscal year. During this period, Government contracts for commercial products of the affected company or division will not be required to contain individual subcontracting plans relating only to the supply or services being acquired, unless the Contracting Officer determines for a particular contract that there are unforeseen possibilities for small business and small disadvantaged business subcontracting.

(3) At least 60 days before the scheduled termination of the company or division-wide plan, the Contractor may submit to the Contracting Officer a proposed company or division-wide subcontracting plan for its commercial products for the succeeding fiscal year. If the plan would otherwise terminate prior to approval of the succeeding fiscal year's plan, it will remain in effect until the succeeding plan is accepted or rejected, but no longer than 60 days after the end of the company's fiscal year.

(4) For the purpose of this program, the term "commercial product" means a product in regular production sold in substantial quantities to the general public and/or industry at established catalog or market prices. A product which, in the opinion of the Contracting Officer, differs only insignificantly from the Contractor's commercial product may be regarded for the purpose of this clause as a commercial product.

(End of clause)

(c) In accordance with 1-707.3(c), insert the following clause in formally advertised contracts.

SUBCONTRACTING PLAN FOR SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS (FORMALLY ADVERTISED) (1980 AUG)

(a) This provision does not apply to small business concerns.

(b) The apparent low bidder, upon request by the Contracting Officer, shall submit a subcontracting plan which addresses separately subcontracting with small business concerns and small disadvantaged business concerns, and which shall be included in and made a material part of the resultant contract. The subcontracting plan shall be submitted within the time specified by the Contracting Officer. Failure to submit the subcontracting plan shall make the bidder ineligible for the award of a contract. As a minimum, the subcontracting plan shall include:

(1) Separate percentage goals (expressed in terms of percentage of total planned subcontracting dollars) for the utilization as subcontractors of small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals; for the purposes of the subcontracting plan, the Contractor shall include all subcontracts to be awarded for the specific purpose of performing this contract and may include a proportionate share of supplies and services whose costs are normally allocated as indirect or overhead costs when reasonably determined to be attributable to this contract.

a. A statement of: (i) total dollars planned to be subcontracted; (ii) total dollars planned to be subcontracted to small business; and (iii) total dollars planned to be subcontracted to small disadvantaged business.

b. A description of the principal supply and service areas to be subcontracted and an identification of those areas where it is planned to use (i) small business subcontractors, and (ii) small disadvantaged business subcontractors.

c. A statement of the method used in developing proposed subcontracting goals for small business and small disadvantaged business concerns.

d. If the offeror includes indirect and overhead costs as an element in establishing the goals in the subcontracting plan, the method used in determining the proportionate share of indirect and overhead costs incurred

with (i) small business, and (ii) small disadvantaged business subcontractors shall be explained.

e. A statement of the method used for solicitation purposes (e.g., did the offeror use company source lists, the small business and disadvantaged small business source identification system provided by the Small Business Administration's Procurement Automated Source System, the National Minority Purchasing Council Vendor Information Service, or the services provided by the U.S. Department of Commerce Minority Business Development Agency's Research and Information Division, and the facilities of small business and disadvantaged business trade associations?).

(2) The name of an individual within the employ of the bidder who will administer the subcontracting plan of the bidder and a description of the duties of such individual;

(3) A description of the efforts the bidder will make to assure that small business and small disadvantaged business concerns will have an equitable opportunity to compete for subcontracts;

(4) Assurances that the bidder will include the clause entitled Utilization of Small Business and Small Disadvantaged Business Concerns in all subcontracts which offer further subcontracting possibilities in the United States, and that the bidder will require all subcontractors (except small business concerns) who receive subcontracts in excess of $1 million in the case of a contract for the construction of any public facility, or in excess of $500,000 in the case of all other contracts, to adopt a plan in consonance with this clause;

(5) Assurances that the bidder will submit such periodic reports and cooperate in any studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent of compliance by the bidder with the subcontracting plan; and

(6) A recitation of the types of records the successful bidder will maintain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in the plan, including the establishment of source lists of small business concerns and small disadvantaged business concerns; and efforts to identify and award subcontracts to such small business concerns. The records shall include at least the following (these records may be maintained on a plant-wide or company-wide basis unless otherwise indicated):

a. Small and disadvantaged business source lists, guides, and other data identifying small and small disadvantaged business vendors.

b. Organizations contacted for small and disadvantaged business sources.

c. On a contract-by-contract basis, records on all subcontract solicitations over $100,000, indicating on each solicitation (i) whether small business was solicited and if not, why not; (ii) whether small disadvantaged business was solicited and if not, why not; and (iii) reasons for the failure of responding small businesses or small disadvantaged businesses to receive the subcontract award.

d. Records to support such efforts as:

(i) contacts with disadvantaged and small business trade associations;

(ii) contacts with business development organizations; and

(iii) attendance at small and disadvantaged business procurement conferences and trade fairs.

e. Records to support internal activities to guide and encourage buyers such as:

(i) workshops, seminars, training programs, etc., and

(ii) monitoring activities to evaluate compliance.

f. On a contract-by-contract basis, records to support award data submitted to the Government to include name, address, and size status of subcontractor.

(c) In order to effectively implement this plan, the Contractor shall:

(1) Issue and promulgate company-wide policy statements in support of this effort, develop written procedures and work instructions, and assign specific responsibilities regarding the requirements of this clause.

(2) Demonstrate continuing management interest and involvement in support of these programs through such actions as regular reviews of progress and establishment of overall corporate and divisional goals and objectives.

(3) Train and motivate contractor personnel in support of these programs.

(4) Assist small business and small disadvantaged business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation

by such concerns. Where the Contractor's lists of potential small business and disadvantaged subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(5) Provide adequate and timely consideration of the potentialities of small business and small disadvantaged business concerns in all "make-or-buy" decisions.

(6) Counsel and discuss subcontracting opportunities with representatives of small and disadvantaged business firms as are referred by the Small and Disadvantaged Business Utilization Specialist responsible for monitoring performance under this program and representatives of the SBA.

(d) The Contractor shall submit DD Form 1140-1 in accordance with instructions provided on the form.

(e) The bidder understands that:

(1) Prior compliance of the bidder with other such subcontracting plans under previous contracts will be considered by the Contracting Officer in determining the responsibility of the bidder for award of the contract.

(2) The failure of any contractor or subcontractor to comply in good faith with (i) the clause entitled Utilization of Small Business Concerns and Small Disadvantaged Business Concerns, or (ii) the terms of any subcontracting plan required by this Small Business and Small Disadvantaged Business Subcontracting Plan (Advertised) provision, will be a material breach of the contract or subcontract.

(f) In the acquisition of commercial products, the bidder further understands that:

(1) If a commercial product (defined below) is offered, the required subcontracting plan may cover the company's production generally, both for Government contracts and for regular commercial sales, rather than just this acquisition. In such cases, the Contractor may request approval from the contracting officer to submit one company-wide, or division-wide, annual plan. If such request is deemed appropriate, the offeror shall submit a proposed company-wide, or division-wide, annual plan for acceptance.

(2) Upon approval by the Contracting Officer, the plan will remain in effect for the company's entire fiscal year. During this period, Government contracts for commercial products of the affected company or division will not be required to contain individual subcontracting plans relating only to the supply or services being acquired, unless the Contracting Officer determines for a particular contract that there are unforeseen possibilities for small business and small disadvantaged business subcontracting.

(3) At least 60 days before the scheduled termination of the company or division-wide plan, the Contractor may submit to the Contracting Officer a proposed company or division-wide subcontracting plan for its commercial products for the succeeding fiscal year. If the plan would otherwise terminate prior to approval of the succeeding fiscal year's plan, it will remain in effect until the succeeding plan is accepted or rejected, but no longer than 60 days after the end of the company's fiscal year.

(4) For the purpose of this program, the term "commercial product" means a product in regular production sold in substantial quantities to the general public and/or industry at established catalog or market prices. A product which, in the opinion of the Contracting Officer, differs only insignificantly from the Contractor's commercial product may be regarded for the purpose of this clause as a commercial product.

(End of clause)

(d) The following clause is an example for use in negotiated contracts in accordance with 1-707.3(e).

INCENTIVE SUBCONTRACTING PROGRAM FOR SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS (1979 JULY)

(1) The contractor has established, in his subcontracting plan, the following goals for awards to small business and small disadvantaged business concerns:

(i) _____ percent of the total planned subcontract amount of $ _____ to small business concerns, and

(ii) _____ percent of the total planned subcontract amount of $ _____ to small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) In recognition of any extraordinary efforts by the contractor in exceeding the small business and small dis-

advantaged business concerns subcontracting goals established by (1) above, the contracting officer may, at his election and in his sole discretion, pay an award fee to the contractor of not to exceed __*__ of the total dollar value of all such subcontract awards in excess of each goal in (1) above. The contracting officer may determine that such excess was not due to efforts by the contractor, i.e., subcontractor cost overruns, or where the actual subcontract amount exceeds that estimated in the subcontract plan; or there were planned subcontracts not disclosed in the subcontract plan during contract negotiation. Determinations under this paragraph shall not be subject to the clause hereof entitled Disputes.

(3) If the contract is a cost-plus-fixed-fee type, the total of the fixed fee and the incentive payments made pursuant to this clause is subject to the limitations set forth in DAR 3-405.6(c)(2).

*Exact percentage (not to exceed 10 percent) to be inserted into the contract document.

(End of Clause)

7-104.15 *Examination of Records by Comptroller General.* Insert the following clause in all contracts except contracts for public utility services at rates not in excess of those established for uniform applicability to the general public, or at such rates plus reasonable connection charges incident to such services, or unless exempted under 6-704 or 6-1001.

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL (1975 JUN)

(a) This clause is applicable if the amount of this contract exceeds $10,000 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $10,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above for records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims or exceptions have been disposed of.

(End of clause)

subtracted from what would otherwise be considered the quantity canceled for the purpose of computing allowable cancellation charges.

(End of clause)

7-104.48 *New Material.* In accordance with 1-1208, insert the following clause.

NEW MATERIAL (1965 JAN)

Except as to any supplies and components which the Specification or Schedule specifically provides need not be new, the Contractor represents that the supplies and components including any former Government property identified pursuant to the "Government Surplus" clause of this contract to be provided under this contract are new (not used or reconditioned, and not of such age or so deteriorated as to impair their usefulness or safety). If at any time during the performance of this contract, the Contractor believes that the furnishing of supplies or components which are not new is necessary or desirable, he shall notify the Contracting Officer immediately, in writing, including the reasons therefor and proposing any consideration which will flow to the Government if authorization to use such supplies is granted.

(End of clause)

7-104.49 *Government Surplus.* In accordance with 1-1208, insert the following clause.

GOVERNMENT SURPLUS (1965 JAN)

(a) In the event the bid or proposal is based on furnishing items or components which are former Government surplus property or residual inventory resulting from terminated Government contracts, a complete description of the items or components, quantity to be used, name of Government agency from which acquired, and date of acquisition shall be set forth on a separate sheet to be attached to bid or proposal. Notwithstanding any information provided in accordance with this provision, items furnished by the Contractor must comply in all respects with the specifications contained herein.

(b) Except as disclosed by the Contractor in (a) above, no property of the type described herein shall be furnished under this contract unless approved in writing by the Contracting Officer.

(End of clause)

7-104.50 *Management Systems.* In accordance with 1-331(c), insert the following clause.

MANAGEMENT SYSTEMS REQUIREMENTS (1971 NOV)

The Contractor shall utilize the management systems listed on the DD Form 1660, Management Systems Summary List, attached hereto and made a part hereof. Compliance with this clause shall not relieve the Contractor from complying with any other provision of this contract.

(End of clause)

7-104.51 *Production Progress Report.* In accordance with 25-202, insert the following clause.

PRODUCTION PROGRESS REPORTS (1971 APR)

(a) The Contractor shall prepare and submit to the Contracting Officer Production Progress Reports in accordance with the instructions set forth elsewhere in this contract.

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(b) During any delay in furnishing a Production Progress Report required under this contract, the Contracting Officer may withhold from payment an amount not exceeding $10,000 or 5% of the amount of this contract, whichever is less.

(End of clause)

7-104.52 *Utilization of Women-Owned Business Concerns (Over $10,000).* In accordance with 1-708(b), insert the following clause.

UTILIZATION OF WOMEN-OWNED BUSINESS CONCERNS (OVER $10,000) (1980 AUG)

(a) It is the policy of the United States Government that women-owned businesses shall have the maximum practicable opportunity to participate in the performance of contracts awarded by any Federal agency.

(b) The Contractor agrees to use its best efforts to carry out this policy in the award of subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, a "women-owned business" concern means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business and that is a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management.

(c) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as women-owned business concerns.

(End of clause)

7-104.53 *Reserved.*
7-104.54 *Reserved.*

7-104.55 *First Article Approval.*

(a) In accordance with 1-1903, insert the following clause when the contractor is responsible for conducting first article approval test:

FIRST ARTICLE APPROVAL—CONTRACTOR TESTING (1969 SEP)

(a) The first article is ..... unit(s) of Lot/Item ..... which shall be tested in accordance with the provisions contained or referenced in this contract. At least ..... (—) calendar days prior to the beginning of first article approval tests, the Contractor shall furnish written notice to the Contracting Officer of the time and location of the testing so that the Government may witness such testing if it so elects.

(b) Within ..... (—) calendar days from the date of this contract, the first article approval test report shall be forwarded to ..... (Set forth address of office to receive the report.) marked "FIRST ARTICLE: Contract No. .....; Lot/Item No. ....." The Contracting Officer shall, by written notice to the Contractor within ..... (—) calendar days after receipt of such test report by the Government, approve, conditionally approve, or disapprove such first article. The notice of approval or conditional approval shall not relieve the Contractor from complying with all requirements of the specifications and all other terms and conditions of this contract. A notice of conditional approval shall state any further action required of the Contractor. A notice of disapproval shall cite reasons therefor.

(c) If the first article is disapproved by the Government, the Contractor may be required, at the option of the Government, to repeat any or all of the first article approval tests. After each notification by the Government of the requirement for additional tests, the Contractor shall at no additional cost to the Government make any necessary changes, modifications, or repairs to the first article or select another first article for testing. Thereafter, the Contractor shall perform the required additional approval tests and deliver another report to the Government under the terms and conditions and within the time specified by the Government. The Government shall take action on this report within the time limit specified in (b) above. All costs related to additional approval tests shall be borne by the Contractor. The Government reserves the right to require an equitable reduction of contract price for any extension of the delivery schedule or for any additional costs to the Government related to additional approval tests.

(d) If the Contractor fails to deliver any first article approval test report within the time or times specified, or if the Contracting Officer disapproves any first article, the Contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract, and this contract shall be subject to termination for default: *provided*, that failure of the Government in such an event to terminate this contract for default shall not relieve the Contractor of his responsibility to meet the delivery schedule for production quantities.

(e) Where the approved first article is not consumed or destroyed in testing, and unless otherwise provided in this contract, the first article may be delivered as part of the contract quantity if it meets all terms and conditions of the contract for acceptance.

(f) In the event the Contracting Officer does not approve, conditionally approve, or disapprove the first article within the time specified in (b) or (c) above, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by such delay, in accordance with the procedures provided in the "Changes" clause. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

NOTICE OF RADIOACTIVE MATERIALS (1974 APR)

(a) The Contractor shall notify the Contracting Officer or his designee, in writing (—*—) days prior to the delivery of, or prior to completion of any servicing required by this contract of, items containing either (i) radioactive material requiring specific licensing under the regulations issued pursuant to the Atomic Energy Act of 1954, as amended, and set forth in Title 10 CFR, in effect on the date of this contract, or (ii) other radioactive material not requiring specific licensing in which the radioactivity per gram is greater than 0.002 microcuries. Such notice shall specify the part or parts of the items which contain such radioactive materials, a description of the materials, the name and activity of the isotope, the manufacturer of the materials, and any other information known to the Contractor which will put users of the items on notice as to the hazards involved (BOB No. 38-R027).

(b) All items, parts or subassemblies which contain radioactive materials in which the radioactivity per gram is greater than 0.002 microcuries and all containers in which such items, parts or subassemblies are delivered to the Government shall be clearly marked and labeled as required by the latest revision of MIL-STD-1458 in effect on the date of the contract.

(End of clause)

* The Contracting Officer shall insert the number of days required in advance of delivery of the item or completion of the servicing to assure that appropriate licenses are obtained or safeguards are taken when licenses are not required.

7-104.81 *Aircraft, Missile, and Space Vehicle Accident Reporting and Investigation.* The following clause may be inserted in contracts which involve or are in connection with the manufacture, modification, overhaul or repair of aircraft, missiles, or space launch vehicles.

ACCIDENT REPORTING AND INVESTIGATION INVOLVING AIRCRAFT, MISSILES, AND SPACE LAUNCH VEHICLES (1969 JAN)

(a) The Contractor shall report promptly to the Administrative Contracting Officer all pertinent facts relating to each accident involving an aircraft, missile, or space launch vehicle being manufactured, modified, repaired, or overhauled under or in connection with this contract.

(b) If the Government elects to conduct an investigation of the accident, the Contractor will cooperate fully and assist the Government's personnel until the investigation is completed.

(c) The Contractor will include a clause in each of his applicable subcontracts to require subcontractor cooperation and assistance in accident investigation under this clause.

(End of clause)

7-104.82 *Reserved.*

7-104.83 *Cost Accounting Standards.*

(a)(1) Insert the following clause in all solicitations which are likely to result in a negotiated contract exceeding $100,000, and in all contracts exceeding $100,000, unless exempt in accordance with 3-1204.1(a).

COST ACCOUNTING STANDARDS (1978 MAY)

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the Contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Public Law 91-379, August 15, 1970), the contractor, in connection with this contract shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the Contractor authorizing post-award submission in accordance with regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the Contractor and which contain this Cost Accounting Standards clause. If the Contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside the Government.

(2) Follow consistently the cost accounting practices disclosed pursuant to (1) above in accumulating and reporting contract performance cost data concerning this contract. If any change in disclosed practices is made for purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5) below, as appropriate.

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(7) when incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee/profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(8) the subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(c) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (c).

(d) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) Neither consent by the Contracting Officer to any subcontract or any provisions thereof nor approval of the Contractor's procurement system shall be construed to be a determination; (i) of the acceptability of any subcontract terms or condition, (ii) of the acceptability of any subcontract price or of any amount paid under any subcontract, or (iii) to relieve the Contractor of any responsibility for performing this contract; unless such approval or consent specifically provides otherwise.

(f) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(g) Notwithstanding (c) above, the Contractor may enter into subcontracts within (i) and (ii) of (a) above without the consent of the Contracting Officer if the Contracting Officer has approved in writing the Contractor's procurement system and the subcontract is within the scope of the approval. (This subparagraph (g) however, shall not be applicable to those subcontracts subject to subparagraph (k) below, if any.)

(h) The Contractor shall (i) insert in each incentive price revision or price redetermination subcontract hereunder the substance of the "Limitation on Payments" paragraph set forth in the appropriate clause prescribed by paragraph 7-108 or 7-109 of the Armed Services Procurement Regulation, including subparagraph (4) thereof, modified to omit mention of the Government and reflect the position of the Contractor as purchaser and of the subcontractor as vendor, and to omit that portion of subparagraph (3) thereof relating to tax credits, and (ii) include in each cost-reimbursement type subcontract hereunder a requirement that each price redetermination and incentive price revision subcontract thereunder will contain the substance of the "Limitation on Payments" provision, including subparagraph (4) thereof, modified as outlined in (i) above.

(i) To facilitate small business participation in subcontracting under this contract, the Contractor agrees to provide progress payments on the fixed-price subcontracts of those subcontractors which are small business concerns, in conformity with the standards for customary progress payments stated in paragraphs 503 and 514 of Appendix E of the Armed Services Procurement Regulation, as in effect on the date of this contract The Contractor further agrees that the need for such progress payments will not be considered as a handicap or adverse factor in the award of subcontracts.

(j) The Government reserves the right to perform contractor procurement system reviews as set forth in DAR section XXIII.

(End of clause)

(b) Insert the following additional subparagraph to the clause in (a) above in accordance with 23-201.2(d).

(k) Notwithstanding approval of the Contractor's procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer. With respect to subcontracts so identified, the advance notification requirements of paragraph (a) above shall be fully applicable even though the Contractor's procurement system has been approved and those subcontracts are within the scope of the approval.

(c) In contracts with educational institutions, change "(iii)" in paragraph (a) of the clause in (a) above to read:

(iii) provides for the fabrication, purchase, rental, installation, or other acquisition of equipment or of industrial facilities. (1975 OCT)

(d) In accordance with 23-201.4, insert the Equal Opportunity Pre-Award Clearance of Subcontracts clause in 7-104.22.

7-203.9 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-203.10 *Termination.* In accordance with 8-702(a), insert the following clause.

TERMINATION (1973 APR)

(a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part:

(i) whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of ten days (or such longer periods as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

LIMITATION OF LIABILITY - MAJOR ITEMS (1979 MAR)

(a) Except as provided below and notwithstanding any other provision of this contract, the Contractor shall not be liable for loss of or damage to property of the Government (including the supplies delivered under this contract) occurring after acceptance of the supplies delivered under this contract and resulting from any defects or deficiencies in such supplies.

(b) The foregoing limitations shall not apply when the defects or deficiencies in such supplies or the Government acceptance of such supplies resulted from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of:

(i) all or substantially all of the Contractor's business; or

(ii) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(iii) a separate and complete major industrial operation in connection with the performance of this contract.

(c) Notwithstanding paragraph (a) above, if the Contractor carries insurance or has established a reserve for self-insurance covering liability for damages or losses suffered by the Government through purchase or use of the contract supplies required to be delivered to the Government under this contract, the Contractor shall be liable to the Government for damages or losses to property of the Government occurring after acceptance of the supplies delivered to the Government under this contract and resulting from any defects or deficiencies in such supplies to the extent of such insurance or reserve for self-insurance.

(d) This clause does not diminish the Contractor's obligation, to the extent otherwise arising under this contract, relating to correction, repair, replacement or other relief for any defect or deficiency in supplies delivered under this contract.

(e) The provisions of this clause shall not limit or otherwise affect the Government's rights pursuant to the following listed clauses, if included in this contract:

GROUND AND FLIGHT RISKS,
AIRCRAFT FLIGHT RISK,
GOVERNMENT PROPERTY, and
WARRANTY OF TECHNICAL DATA.

(f) In all subcontracts hereunder, except those covered by (g) below, the Contractor shall either:

(i) insert, with the advance written consent of the Contracting Officer, the substance of this clause including this paragraph (f) suitably altered to reflect the relationship of the contracting parties, or

(ii) insert the substance of the clause in 7-104.45(a), suitably altered to reflect the relationship of the contracting parties.

(g) In subcontracts for both major items for which this clause is appropriate, and other end items for which the clause in 7-104.45(a) is appropriate, the substance of both clauses shall be included, with the advance written consent of the Contracting Officer. The Contractor shall identify high unit cost items by line item and include the following preamble to this clause:

(The provisions of this clause shall apply only to those items identified in this contract as being subject to this clause.)

(End of clause)

(b) In contracts for the purchase of both major items (see 1-330) for which the clause in (a) above is appropriate, and other contract end items for which the clause in 7-104.45(a) is appropriate, both clauses shall be included. The Contracting Officer shall identify high unit cost items by line item and include the following preamble to the Limitation of Liability - Major Items clause:

(The provisions of this clause shall apply only to those items identified in this contract as being subject to this clause.)

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

7-204.34 *Multi-Year Procurement.* In accordance with 1-322.5, insert the clauses in 7-104.47.

7-204.35 *New Material.* In accordance with 1-1208, insert the clause in 7-104.48.

7-204.36 *Aircraft, Missile, and Space Vehicle Accident Reporting and Investigation.* In accordance with 7-104.81, insert the clause therein.

7-204.37 *Reserved.*

7-204.38 *Special Test Equipment.* Insert the clause in 7-104.26 in negotiated contracts which provide that the contractor will acquire special test equipment for the Government but do not specify the items to be acquired (see 13-306.3(c)).

7-204.39 *First Article Approval.*

(a) In accordance with 1-1904, insert the clause in 7-104.55(a) with appropriate modifications.

(b) In accordance with 1-1904, insert the clause in 7-104.55(b) with appropriate modifications.

7-204.40 *Order of Precedence.* In accordance with 3-501(b)Sec.C(xxxi), insert the clause in 7-2003.41.

7-204.41 *United States Products and Services (Balance of Payments Programs).* In accordance with 6-806.4, insert the clause in 7-2003.53.

7-204.42 *Identification of Expenditures in the United States.* In accordance with 6-807, insert the clause in 7-104.58.

7-204.43 *Reserved.*

7-204.44 *Material Inspection and Receiving Report.* Insert the clause in 7-104.62 except in negotiated subsistence procurements and contracts for tanker/barge shipments of bulk petroleum products.

7-204.45 *Recovery of Nonrecurring Costs on Foreign Sales of Major Defense Equipment.* Insert the clause in 7-104.64, as appropriate.

7-204.46 *Use of Excess and Near-Excess Currency.* In accordance with the requirements of 6-1110, insert the clause in 7-104.66.

7-204.47 *Production Progress Report.* In accordance with the requirements of 25-202, insert the clause in 7-104.51.

7-204.48 *Procurement of Miniature and Instrument Ball Bearings.* In accordance with 1-2207.3, insert the clause in 7-104.38.

7-204.49 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-204.50 *Notice of Radioactive Materials.* In accordance with 7-104.80, insert the clause therein.

7-204.51 *Procurement of Precision Components for Mechanical Time Devices.* In accordance with 1-2207.4, insert the clause in 7-104.46.

7-204.52 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-204.53 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-204.54 *Contractor's Identification of Changes.* In accordance with 26-802, insert a clause as provided in 7-104.86.

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Part 3—Fixed-Price Research and Development Contracts

7-301 Applicability. As used throughout this Part, the term "fixed-price research and development contract" means any contract (other than a letter contract, a notice of award, or a modification not affecting new procurement) which (i) is entered into at a fixed price in an amount exceeding $2,500 (with or without any provision for price redetermination, economic price adjustment, or other form of price revision as covered in 3-404), and (ii) is for experimental, developmental, or research work. See 3-402(b) for use of types of contracts for research and development work.

7-302 Required Clauses. The following clauses shall be inserted, as required, in all fixed-price research and development contracts, except as may otherwise be indicated in this Part.

7-302.1 *Definitions.* Insert the contract clause in 7-103.1. Additional definitions may be included in such clause *provided* they are not inconsistent with such clause or the provisions of this Regulation.

7-302.2 *Payments.*

PAYMENTS (1959 JUN)

The Contractor shall be paid, upon submission of proper invoices or vouchers, the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

(End of clause)

7-302.3 *Standards of Work.*

STANDARDS OF WORK (1959 JUN)

The Contractor agrees that the performance of work and services pursuant to the requirements of this contract shall conform to high professional standards.

(End of clause)

7-302.4 *Inspection.*

(a) The following clause shall be used where the primary contract objective is delivery of end items other than designs, drawings, or reports, except where the contracting officer determines that the use of such clause is impracticable. Where this clause, or this clause as modified in (c) below, is not used, the clause in (b) below shall be used.

INSPECTION (1976 JUL)

(a) All work under this contract shall be subject to inspection and test by the Government, to the extent practicable, at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work within the delivery schedule or such later time as the Contracting Officer may authorize, the Contracting Officer may accept such work at a reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not unduly to delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

(End of clause)

(b) The following clause shall be inserted in all contracts subject to this Part where the clause in (a) above is not used.

INSPECTION (1959 JUN)

The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

(End of clause)

(c) When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), the clause in (a) above shall be included in the contract, except that the following shall be added as the second sentence of paragraph (e).

The inspection system shall be in accordance with the edition of Military Specifications MIL-I-45208 in effect on the date of this contract. (1967 AUG)

7-302.5 *Assignment of Claims.* In accordance with 7-103.8, insert the clause therein.

7-302.6 *Examination of Records by Comptroller General.* In accordance with 7-104.15, insert the clause therein.

7-302.7 *Federal, State, and Local Taxes.* In accordance with 11-401, insert the appropriate clause in 7-103.10.

7-302.8 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-303.29 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-303.30 *United States Products (Military Assistance Program).* In accordance with 6-703.4, insert the clause in 7-2003.51.

7-303.31 *Value Engineering.* Subject to the limitations in 1-1702, insert the appropriate clause(s) in 7-104.44 as applicable.

7-303.32 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-303.33 *Non-Use of Foreign Flag Vessels Engaged in Cuban and North Vietnam Trade.* In accordance with 1-1404 and 1-1410, insert the appropriate clause in 7-104.19.

7-303.34 *New Material.* In accordance with 1-1208, insert the clause in 7-104.48.

7-303.35 *Limitation of Liability.* In accordance with 1-330(b), insert the appropriate clause in 7-104.45.

7-303.36 *Bills of Lading Covering Shipments From Contractor's Plant.* In accordance with the requirements of 19-217.1(a), insert the clause in 7-103.25.

7-303.37 *Special Test Equipment.* Insert the clause in 7-104.26 in negotiated contracts which provide that the contractor will acquire special test equipment for the Government but do not specify the items to be acquired (see 13-306.3(c)).

7-303.38 *Contract Schedule Subline Items Not Separately Priced.* In accordance with 20-304.2(c)(ii), insert the clause in 7-104.7.

7-303.39 *First Article Approval.* In accordance with 1-1904, insert the appropriate clause in 7-104.55.

7-303.40 *Order of Precedence.* In accordance with 3-501(b)Sec.C(xxxi), insert the clause in 7-2003.41.

7-303.41 *United States Products and Services (Balance of Payments Program.)* In accordance with 6-806.4, insert the clause in 7-2003.53.

7-303.42 *Identification of Expenditures in the United States.* In accordance with 6-807, insert the clause in 7-104.58.

7-303.43 *Reserved.*

7-303.44 *Care of Laboratory Animals.* In compliance with law and in furtherance of the Department of Defense policy that all aspects of investigative programs involving the use of experimental or laboratory animals be humanely conducted in accordance with recognized principles, the following clause shall be included in all contracts awarded in the United States, its possessions, and Puerto Rico, which may involve the use of such animals.

CARE OF LABORATORY ANIMALS (1974 APR)

(a) Before undertaking performance of any contract involving the use of laboratory animals, the Contractor shall register with the Secretary of Agriculture of the United States in accordance with Section 6, P.L. 89-544, Laboratory Animal Welfare Act, 24 August 1966 as amended by P.L. 91-579, Animal Welfare Act of 1970, 24 December 1970. The Contractor shall furnish evidence of such registration to the contracting officer.

(b) The Contractor shall acquire animals used in research and development programs from a dealer licensed by the Secretary of Agriculture, or from exempted sources in accordance with the Public Laws enumerated in (a) above.

(c) In the care of any live animals used or intended for use in the performance of this contract, the Contractor shall adhere to the principles enunciated in the *Guide for Care and Use of Laboratory Animals* prepared by the Institute of Laboratory Animal Resources, National Academy of Sciences—National Research Council, and in the United States Department of Agriculture's regulations and standards issued under the Public Laws enumerated in (a) above. In case of conflict between standards, the higher standard shall be used. Contractor reports on portions of the contract in which animals were used shall contain a certificate stating that the animals were cared for in accordance with the principles enunciated in the *Guide for Care and Use of Laboratory Animals* prepared by the Institute of Laboratory Animal Resources, NAS-NRC, and/or in the regulations and standards as promulgated by the Agricultural Research Service, USDA, pursuant to the Laboratory Animal Welfare Act of 24 August 1966, as amended (P.L. 89-544 and P.L. 91-579).

NOTE: The Contractor may request registration of his facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which his research facility is located. The location of the appropriate APHIS Regional Office as well as information concerning this program may be obtained by contacting the Senior Staff Officer, Animal Care Staff, USDA/APHIS, Federal Center Building, Hyattsville, Maryland, 20782.

(End of clause)

7-303.45 *Recovery of Nonrecurring Costs on Non-US Government Sales of Defense Equipment.* In accordance with 4-110(d), insert the clauses in 7-104.64, as appropriate.

7-303.46 *Insurance.* In accordance with 10-405, insert the clause in 7-104.65.

7-303.47 *Use of Excess and Near-Excess Currency.* In accordance with 6-1110, insert the clause in 7-104.66.

7-303.48 *Aircraft, Missile and Space Vehicle Accident Reporting and Investigation.* In accordance with 7-104.81, insert the clause therein.

7-303.49 *Procurement of Miniature and Instrument Ball Bearings.* In accordance with 1-2207.3, insert the clause in 7-104.38.

7-303.50 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-303.51 *Reserved.*

7-303.52 *Procurement of Precision Components for Mechanical Time Devices.* In accordance with 1-2207.4, insert the clause in 7-104.46.

7-303.53 *Payment of Interest on Contractor's Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-303.54 *Rights in Data.* In accordance with 7-104.9 insert the appropriate clause, or clauses, therein.

7-303.55 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-303.56 *Contractor's Identification of Changes.* In accordance with 26-802, insert a clause as provided in 7-104.86.

7-303.57 *Cost Schedule Control Systems.* In accordance with 1-331(h) and 3-501(b) Section C (xlv), insert the clause in 7-104.87.

7-303.58 *Engineering Change Proposals (ECP's).* In accordance with 26-205, insert the clause in 7-104.89.

7-303.59 *Change Order Accounting.* In accordance with 26-205, insert the clause in 7-104.90.

(b) Insert the following additional paragraph to the clause in (a) above, in accordance with 23-201.2(d).

(k) Notwithstanding approval of the Contractor's procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer. With respect to subcontracts so identified, the advance notification requirements of paragraph (a) above shall be fully applicable even though the Contractor's procurement system has been approved and those subcontracts are within the scope of the approval.

(c) In contracts with educational institutions, change "(iii)" in paragraph (a) of the clause in (a) above to read:

(iii) provides for the fabrication, purchase, rental, installation, or other acquisition of equipment or of industrial facilities. (1975 OCT)

(d) In accordance with 23-201.4, insert the Equal Opportunity Preaward Clearance of Subcontracts clause in 7-104.22.

7-402.9 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-402.10 *Termination.* In accordance with 8-702 and 8-704, insert the appropriate clause set forth in either 7-203.10 or 7-302.10.

7-402.11 *Disputes.* In accordance with 7-103.12, insert the clause therein.

7-401.12 *Reserved.*

7-402.13 *Buy American Act.* In accordance with 7-104.3, insert the clause therein.

7-402.14 *Convict Labor.* In accordance with 12-201, insert the clause in 7-104.17.

7-402.15 *Walsh-Healey Public Contracts Act.* In accordance with Section XII, Part 6, insert the clause in 7-103.17.

7-402.16 *Contract Work Hours and Safety Standards Act—Overtime Compensation.* In accordance with 12-301, 12-302, and 12-306, insert the clauses in 7-103.16.

7-402.17 *Equal Opportunity.* In accordance with 12-807.1, insert the applicable clause in 7-103.18.

7-402.18 *Officials Not To Benefit.* In accordance with 7-103.19, insert the clause therein.

7-402.19 *Covenant Against Contingent Fees.* In accordance with 7-103.20, insert the clause therein.

7-402.20 *Authorization and Consent.* In accordance with 9-102, insert the clause in 7-302.21.

7-402.21 *Notice and Assistance Regarding Patent and Copyright Infringement.* In accordance with 9-104, insert the clause in 7-103.23.

7-402.22 *Patent Rights.* In accordance with 9-107, insert the appropriate clause as set forth in 7-302.23.

7-402.23 *Reserved.*

7-402.24 *Military Security Requirements.* Insert the Military Security Requirements clause in accordance with 7-104.12, modified in accordance with 7-204.12. In contracts without fee with educational institutions, add the following paragraphs (e), (f) and (g).

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c), results (1) in a change in the security classification of this contract or any element thereof from an unclassified status to a classified status or from a lower classification to a higher classification, or (2) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with his established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements, he shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt by the Contracting Officer of the notification of the Contractor's stated inability to proceed, (1) the application to this contract of such change in security classification or requirements has not been withdrawn, or (2) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in

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LIABILITY TO THIRD PERSONS (1960 OCT)

(a) The Government does not assume any liability to third persons, nor will the Government reimburse the Contractor for his liability to third persons, with respect to loss due to death, bodily injury, or damage to property resulting in any way from the performance of this contract or any subcontract hereunder.

(b) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. The Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith. The Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

(End of clause)

7-402.27 *Utilization of Labor Surplus Area Concerns.* In accordance with 1-805.3, insert the clause in 7-104.20.

7-402.28 *Payment for Overtime Premiums.* In accordance with 12-102, insert the clause in 7-203.27.

7-402.29 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-402.30 *Audit by Department of Defense.* In accordance with 7-104.41(a), insert the clause therein.

7-402.31 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29(a), insert the clause therein.

7-402.32 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42(a), insert the clause therein.

7-402.33 *Reserved.*

7-402.34 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-402.35 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-402.36 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-402.37 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35.

7-403 Clauses To Be Used When Applicable.

7-403.1 *Clauses for Contracts Involving Construction Work.*

(a) In accordance with 18-703, insert the clauses in 7-602.23.

(b) In accordance with 7-602.20 and 7-602.24, insert the clauses therein.

7-403.2 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-403.3 *Reporting of Royalties.* In accordance with 9-110 (d), insert the clause in 7-104.8(a).

7-403.4 *Excess Profit.* In accordance with 7-104.11, insert the clause therein.

7-403.5 *Excusable Delays.* In accordance with 8-708, insert the clause in 7-203.11.

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7-403.6 *Preference for Certain Domestic Commodities.* In accordance with Section VI, Part 3, insert the clause in 7-104.13.

7-403.7 *Priorities, Allocations, and Allotments.* In accordance with 1-307.2, insert the clause in 7-104.18.

7-403.8 *Communist Areas.* In accordance with 6-403, insert the clause in 7-103.15.

7-403.9 *Negotiated Overhead Rates - Predetermined.*

(a) In accordance with 3-704, insert the following clause.

NEGOTIATED OVERHEAD RATES—PREDETERMINED (1978 AUG)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment", the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than three (3) months after the expiration of his fiscal year shall submit to the Contracting Officer with a copy to the cognizant audit activity, a proposed predetermined overhead rate or rates based on the Contractor's actual cost experience during that fiscal year, together with supporting cost data. Negotiation of predetermined overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the Armed Services Procurement Regulation, Section XV, Part 3, as in effect on the date of this contract.

(d) Predetermined rate agreements in effect on the effective date of this contract shall be incorporated into the contract schedule. Rates for subsequent periods shall be negotiated and the results set forth in a written overhead rate agreement executed by both parties. Such agreement shall be automatically incorporated into this contract upon execution and shall specify (i) the agreed predetermined overhead rates, (ii) the bases to which the rates apply, (iii) the fiscal year unless the parties agree to a different period for which the rates apply, and (iv) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs. The overhead rate agreement shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in this contract.

(e) Pending establishment of predetermined overhead rates for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the Schedule of this contract the parties fail to agree to a predetermined overhead rate or rates it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "*Allowable Cost, Fee, and Payment*" clause of the contract.

(g) Allowable indirect costs for the period until the end of the Contractor's fiscal year during which performance begins shall be obtained by applying the predetermined overhead rate set forth in the Schedule to the bases set forth therein

(End of clause)

(b) In the case of a facilities contract, change "Part 3" to "Part 5" in paragraph (c) of the clause in (a) above.

7-403.10 *Notice to the Government of Labor Disputes.* In accordance with 7-104.4, insert the clause therein.

7-403.11 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-403.12 *Limitation on Withholding of Payments.*

(a) Except as provided in (b) below the following clause shall be inserted in contracts which include more than one clause or Schedule provision authorizing

DISPUTES CONCERNING LABOR STANDARDS (1977 DEC)

Disputes arising out of the labor standards provisions of this contract shall be subject to the *Disputes* clause except to the extent such disputes involve the meaning of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of this contract which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

(End of clause)

(b) In the case of construction contracts with a State or political subdivision thereof, in accordance with 18-703.3, preface the clauses required by (a) above with the following provision.

The Contractor agrees to comply with the requirements of the Contract Work Hours Standards Act and to insert the following clauses in all subcontracts hereunder with private persons or firms.

7-602.24 *Nondomestic Construction Material.*

(a) When a determination has been made that certain construction materials may be used without regard to country of origin, or when the contract is for construction in the Canal Zone, the following clause shall be included in the contract and the excepted items shall be listed therein.

NONDOMESTIC CONSTRUCTION MATERIALS (1966 OCT)

The requirements of the clause of this contract entitled "Buy American Act" do not apply to the items set forth below:

[*Insert list here*]

(End of clause)

When the above clause is used, the contracting officer shall place in the contract file a copy of the signed approval; and a copy thereof shall be available for public inspection.

(b) In accordance with 18-508.3 with respect to contracts for construction in the Canal Zone, the following will be inserted in the space following clause in (a) above.

Panamanian Materials. Any construction material or component that is mined, produced, or manufactured in the Republic of Panama. (Any such component shall be considered to be a United States component for the purpose of the "Buy American Act" clause. (1969 JUL)

7-602.25 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-602.26 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-602.27 *Federal, State, Local and Foreign Taxes.* In accordance with Section XI, Part 4, insert the appropriate clause set forth in 7-103.10; and in accordance with 11-302, the following clause.

NORTH CAROLINA STATE AND LOCAL SALES AND USE TAX (1977 JAN)

(a) As used throughout this clause, the term "materials" means building materials, supplies, fixtures and equipment which become a part of or are annexed to any building or structure erected, altered, or repaired under this contract.

(b) If this is a fixed-price type contract as defined in the Armed Services Procurement Regulation, the contract price includes North Carolina State and local sales and use taxes to be paid with respect to materials, notwithstanding any other provision of this contract. If this is a cost-reimbursement type contract as defined in such regulation, any North Carolina State and local sales and use taxes paid by the Contractor with respect to materials shall constitute an allowable cost under this contract.

(c) At the time specified in paragraph (d) below:

(i) The Contractor shall furnish the Contracting Officer certified statements setting forth the cost of the materials purchased from each vendor and the amount of North Carolina State and local sales and use taxes paid thereon. In the event the Contractor makes several purchases from the same vendor, such certified statement shall indicate the invoice numbers, the inclusive dates of the invoices, the total amount of the invoices and the North Carolina State and local sales and use taxes paid thereon. Such statement shall also include the cost of any tangible personal property withdrawn from the Contractor's warehouse stock and the amount of North Carolina State and local sales or use tax paid thereon by the Contractor. Any local sales or use taxes included in the Contractor's statements must be shown separately from the State sales or use taxes. The Contractor shall furnish such additional information as the Commissioner of Revenue of the State of North Carolina may require to substantiate a refund claim for sales or use taxes.

(ii) The Contractor shall obtain and furnish to the Contracting Officer similar certified statements by its subcontractors.

(d) If this contract is completed before the next October 1, the certified statements to be furnished pursuant to paragraph (c) above shall be submitted within sixty (60) days after completion. If this contract is not completed before the next October 1, such certified statements shall be submitted on or before the 30th day of November of each year and shall cover taxes paid during the twelve month period which ended the preceding September 30.

(e) The certified statements to be furnished pursuant to paragraph (c) above shall be in the following form:

I hereby certify that during the period ..... to ....., (name of contractor or subcontractor) paid North Carolina State and local sales and use taxes aggregating $.....(State) and $..... (local) with respect to building materials, supplies, fixtures and equipment which have

become a part of or annexed to a building or structure erected, altered or repaired by (name of contractor) for the United States of America, and that the vendors from whom the property was purchased, the dates and numbers of the invoices covering the purchases, the total amount of the invoices of each vendor, the North Carolina State and local sales and use taxes paid thereon, shown separately, and the cost of property withdrawn from warehouse stock and North Carolina State and local sales or use taxes paid thereon are as set forth in the attachments hereto.

(End of clause)

Note: In ship repair contracts, change paragraph (a) to read as follows:

(a) As used throughout this clause, the term "materials" means materials, supplies, fixtures and equipment which become a part of or are annexed to any vessel altered or repaired under this contract.

7-602.28 *Renegotiation.* In accordance with 7-103.13, insert the clause therein.

7-602.29 *Termination for Convenience of the Government.*

(a) *Contracts Over $10,000.* In accordance with 8-701(a), insert the following clause.

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT—CONSTRUCTION (1974 APR)

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(i) stop work under the contract on the date and to the extent specified in the Notice of Termination;

(ii) place no further orders or subcontracts for materials, services or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(iii) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(iv) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(v) settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all the purposes of this clause;

(vi) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (A) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (B) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government;

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7-602.48 *Reserved.*

7-602.49 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-602.50 *Value Engineering (VE).* Insert the following clause in all fixed-price type construction contracts of $100,000 or more.

VALUE ENGINEERING INCENTIVE (1977 AUG)

(a) *Application.* This clause applies to a Contractor developed and documented Value Engineering Change Proposal (VECP) which:

(i) requires a change to this contract to implement the VECP; and

(ii) reduces the contract price without impairing essential function or characteristics, *provided* that it is not based solely on a change in deliverable end item quantities.

(b) *Documentation.* As a minimum, the following information shall be submitted by the Contractor with each VECP:

(i) a description of the difference between the existing contract requirement and the proposed change, and the comparative advantages and disadvantages of each; justification where function or characteristics of a work item is being altered; and the effect of the change on the performance of the end item;

(ii) an analysis and itemization of the requirements of the contract which must be changed if the VECP is accepted and a recommendation as to how to make each such change (*e.g.*, a suggested specification revision);

(iii) a separate detailed cost estimate for both the existing contract requirement and the proposed change to provide an estimate of the reduction in costs, if any, that will result from acceptance of the VECP, taking into account the costs of development and implementation by the Contractor (including any amount attributable to subcontracts in accordance with paragraph (f) below);

(iv) a prediction of any effects the proposed change would have on related costs to the Military Department such as Government furnished property costs, and costs of maintenance and operation;

(v) a statement of the time by which a change order adopting the VECP must be issued so as to obtain the maximum cost reduction during the remainder of this contract, noting any effect on the contract completion time or delivery schedule; and

(vi) identification of any previous submission of the VECP, including the dates submitted, the agencies involved, the numbers of the Government contracts involved, and the previous actions by the Government, if known.

(c) *Submission.* To expedite a determination, VECPs shall be submitted to the Resident Engineer at the worksite with a copy to the Contracting Officer. Proposals shall be processed expeditiously; however, the Government shall not be liable for any delay in acting upon any proposal submitted pursuant to this clause. If the evaluation period is likely to exceed 45 calendar days, the PCO shall promptly notify the Contractor of the estimated decision date and provide the reasons for the additional time required. The Contractor has the right to withdraw, in whole or in part, any VECP not accepted by the Government within the period specified in the VECP.

(d) *Acceptance.* The Contracting Officer may accept, in whole or in part, by contract modification any VECP submitted pursuant to this clause. The Contracting Officer may accept the VECP even though an agreement on price reduction has not been reached, by issuing the Contractor a notice to proceed with the change. Until a notice to proceed is issued or a contract modification applies a VECP to this contract, the Contractor shall remain obligated to perform in accordance with this contract. Contract modifications made pursuant to this clause will so state. The decision of the Contracting Officer as to the acceptance of any VECP under this contract shall be final and shall not be subject to the "Disputes" clause of this contract.

(e) *Sharing.* If a VECP submitted by the Contractor pursuant to this clause is accepted, the contract price shall be adjusted without regard to profit in accordance with the following provisions:

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

(i) Definition:

(A) Instant contract savings to the Contractor (ICS) are the estimated reduction in the Contractor's cost of performance resulting from the acceptance of the VECP. The proposed cost reduction includes estimated allowable Contractor development and implementation costs (CC). The Contractor's development and implementation costs include any subcontractor development and implementation costs (see (f) below). For purposes of this clause, Contractor development costs are those costs incurred after the Contractor has identified a specific VE project and prior to acceptance and implementation by the Government.

(B) Government Costs (GC) are those DoD costs which directly result from development and implementation of the VECP, such as test and evaluation of the VECP.

(ii) *Calculations and Actions.* Multiply ICS by 45% and GC by 55%. Add these two results, *e.g.*, (.45 ICS plus .55 GC) and subtract from the contract price.

(f) *Subcontracts.* The Contractor shall include appropriate VE arrangements in any subcontract of $50,000 or greater, and may include such arrangements in contracts of lesser value. To compute any adjustment in the contract price under paragraph (e) above, the Contractor's cost of development and implementation of a VECP which is accepted under this contract shall include any development and implementation costs of a subcontractor, which clearly pertains to such VECP, but shall exclude any VE incentive payments which the Contractor may make to a subcontractor. The Contractor may make whatever VE incentive payment arrangements he chooses with his subcontractors, *provided* that any payments to subcontractors under such arrangements are made from the Contractor's, and not the Government's, share of the savings resulting from the VECP.

(g) *Data.* The Contractor may restrict the Government's right to use any sheet of a VECP or of the supporting data, submitted pursuant to this clause, in accordance with the terms of the following legend if it is marked on such sheet:

"This data furnished pursuant to the Value Engineering Incentive clause of contract ..... shall not be disclosed outside the Government, or duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate a VECP submitted under said clause. This restriction does not limit the Government's right to use information contained in this data if it is or has been obtained, or is otherwise available, from the Contractor or from another source, without limitations."

In the event of acceptance of a VECP, the Contractor hereby grants to the Government unlimited rights, as defined in the clause of ASPR 7-104.9(a), in the VECP and supporting data, except that, with respect to data which qualifies as and is submitted as limited rights technical data in accordance with the clause of ASPR 7-104.9(a), the Government shall have the rights specified in the contract modification referred to in paragraph (d) hereof and the data shall be appropriately marked.

(End of clause)

7-602.51 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-602.52 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-602.53 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-602.54 *Shop Drawings.*

(a) Insert the following clause, with the appropriate additions in (b) and (c) below.

SHOP DRAWINGS (1976 OCT)

(a) The term "*shop drawings*" includes drawings, diagrams, layouts, schematics, descriptive literature, illustrations, schedules, performance and test data, and similar materials furnished by the Contractor to explain in detail specific portions of the work required by the contract.

(b) If this contract requires shop drawings, the Contractor shall coordinate all such drawings, and review them for accuracy, completeness, and compliance with contract requirements and shall indicate his approval thereon as evidence of such coordination and review. Shop drawings submitted to the Contracting Officer without evidence of the Contractor's approval may be

under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause, there shall be deducted (i) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract; (ii) any claim which the Government may have against the Contractor in connection with this contract; and (iii) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of the clause and not otherwise recovered by or credited to the Government.

(i) In the event of a partial termination, the portion of the fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41; 85 STAT 97 for the Renegotiation Board, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government; *provided*, however, that no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) The provisions of this clause relating to the fee shall be inapplicable if this contract does not provide for payment of a fee.

(End of clause)

7-605.27 *Convict Labor.* In accordance with 12-203, insert the clause in 7-104.17.

7-605.28 *Officials Not To Benefit.* In accordance with 7-602.19, insert the clause therein.

7-605.29 *Covenant Against Contingent Fees.* In accordance with 7-103.20, insert the clause therein.

7-605.30 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-605.31 *Assignment of Claims.* If the contract is negotiated in contemplation that the contractor may make an assignment, insert the clause in 7-602.8.

7-605.32 *Renegotiation.* In accordance with 7-103.13, insert the clause therein.

7-605.33 *Authorization and Consent.* In accordance with 9-102.1 and 18-902, insert the appropriate clause in 7-103.22 or 7-302.21.

7-605.34 *Notice and Assistance Regarding Patent and Copyright Infringement.* In accordance with 9-104 and 18-904, insert the clause in 7-103.23.

7-605.35 *Patent Indemnity.* In accordance with 18-903.3, insert the clause in 7-602.16.

7-605.36 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-605.37 *Competition in Subcontracting.* Insert the clause in 7-104.40.

7-605.38 *Definitions.* In accordance with 7-602.1, insert the clause therein.

7-605.39 *Excusable Delays.* In accordance with 8-708(a), insert the clause in 7-203.11 deleting the words "delivery schedule" in the last sentence and substituting the words "completion time."

7-605.40 *Rights in Shop Drawings.* In accordance with 18-910.1(b), insert the clause in 7-602.47.

7-605.41 *Management Systems Requirements.* In accordance with 16-827.1, insert the clause in 7-104.50.

7-605.42 *Bills of Lading Covering Shipments To or From Contractor's Plant.* In accordance with the requirements of 19-217.1(b), insert the clause in 7-203.14.

7-605.43 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-605.44 *Reserved.*

7-605.45 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-605.46 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-605.47 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-605.48 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35.

7-606 Clauses To Be Used When Applicable for Cost-Reimbursement Type Construction Contracts.

7-606.1 *Incentive Fee Clause for Cost-Type Construction Contracts.* Cost type construction contracts may provide for incentive fee adjustment in accordance with 3-405.4. Incentive fee cost reimbursement construction contracts will be prepared by using the cost-plus-a-fixed-fee construction contract format set forth in 16-402.3, including the clauses in 7-605 and 7-606, modified in the following particulars:

(i) change the title of the format to read "Cost-Plus-Incentive-Fee Construction Contract;"

(ii) delete the clause entitled "Allowable Cost, Fixed Fee and Payment;"

(iii) insert the clause in 7-203.4(b) entitled "Allowable Cost, Incentive Fee and Payment" with the following changes:

(A) Delete paragraph (a)(1) and substitute:

For the performance of this contract, the Government shall pay to the Contractor—

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Section XV, Part 4, of the Armed Services Procurement Regulation as in effect on the date of this contract; and

(B) The terms of this contract; and

(ii) A fee in the amount of ..... dollars ($.....) adjusted as provided in (i) below.

in the contract, or he may adjust such estimated construction contract price. When bids or proposals are not solicited or where they are unreasonably delayed, the Government shall prepare an estimate of constructing the design submitted and such estimate will be used in lieu of bids or proposals to determine compliance with the funding limitation.

(End of clause)

(b) Whenever the clause set forth in (a) above is included in a contract, the following statement shall be inserted in the description of the work to be performed by the Architect-Engineer.

The estimated construction contract price for the project described herein is $.. .....

The figure to be inserted in this statement is to be established at the beginning of contract negotiations by agreement between the Architect-Engineer and the Government. Such estimated construction contract price shall take into account any statutory or other limitations and exclude any allowances for Government supervision and overhead and any amounts set aside by the Government for contingencies. In negotiating the figure to be inserted, the Contracting Officer should make available to the Architect-Engineer the information upon which the Government has based its initial estimate and any subsequently acquired information which may affect the construction cost.

7-608.4 *Reserved.*

7-608.5 *Option for Supervision and Inspection Services.* The following clause may be included in any fixed-price architect-engineer contract if supervision and inspection services by the architect-engineer during construction are contemplated. The details of such services must be set out in Appendix A of the contract.

OPTION FOR SUPERVISION AND INSPECTION SERVICES (1972 APR)

At any time prior to six (6) months after satisfactory completion and acceptance of the work to be furnished hereunder, the Government at its option, may direct, by a written order, the Architect-Engineer to perform any part or all of the supervision and inspection services provided under Appendix A Upon receipt of such direction, the Architect-Engineer shall proceed with such work and services

(End of clause)

7-608.6 *Requirements for Registration of Designers.* The following clause shall be inserted in fixed-price architect-engineer contracts, except that it may be omitted from any contract (1) when the design is to be performed outside the United States, its possessions, or Puerto Rico, or (2) when the design is to be performed in a State or possession which does not have registration requirements for the particular field involved:

REQUIREMENTS FOR REGISTRATION OF DESIGNERS (1972 APR)

The design of architectural, structural, mechanical, electrical, civil or other engineering features of the work shall be accomplished or reviewed and approved by architects or engineers registered to practice in the particular professional field involved in a State or possession of the United States, in Puerto Rico, or in the District of Columbia

(End of clause)

7-608.7 *Accident Prevention.* Insert the clause in 7-602.42, except in contracts where no field work is involved, substituting "Architect-Engineer" for "Contractor."

7-608.8 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.9 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29(a), insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.10 *Subcontractor Cost or Pricing Data.* In accordance with 7-104.42(a), insert the clause therein, substituting "Architect-Engineer" for "Contractor."

7-608.11 *Identification of Expenditures in the United States.* In accordance with Section VI, Part 8, insert the clause in 7-104.58, substituting "Architect-Engineer" for "Contractor."

7-608.12 *Authorization and Consent.* In accordance with 18-902.1 and 18-902.2, insert the appropriate clause in 7-103.22 or 7-302.21, substituting "Architect-Engineer" for "Contractor."

7-608.13 *Notice and Approval of Restricted Designs.* In accordance with 18-905, insert the following clause.

NOTICE AND APPROVAL OF RESTRICTED DESIGNS (1972 APR)

In the performance of this contract, the Architect-Engineer shall, to the extent practicable, make maximum use of structures, machines, products, materials, construction methods, and equipment which are readily available through Government or competitive commercial channels, or through standard or proven production techniques, methods, and processes. Unless approved by the Contracting Officer the Architect-Engineer shall not, in the performance of the work called for by this contract, produce a design or specification such as to require in this construction work the use of structures, products, materials, construction equipment, or processes which are known by the Architect-Engineer to be available only from a sole source. As to any such design or specification the Architect-Engineer shall report to the Contracting Officer giving the reason or reasons why it is considered necessary to so restrict the design or specification.

(End of clause)

7-608.14 *Patent Rights.* In accordance with 9-107 and 18-908(a), insert the appropriate clause in 7-302.23, substituting "Architect-Engineer" for "Contractor."

7-608.15 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6 in every classified contract which covers or is likely to cover classified subject matter, substituting "Architect-Engineer" for "Contractor"

7-608.16 *Alterations.* In accordance with 7-604.1, insert the clause therein.

7-608.17 *Rights in Data.* In accordance with 18-910.2 and 18-910.3, insert the appropriate clause, or clauses, in 7-104.9, substituting "Architect-Engineer" for "Contractor."

7-608.18 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83, substituting "Architect-Engineer" for "Contractor."

7-608.19 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-608.20 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-608.21 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-608.22 *Reserved.*

7-608.23 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

(B) the retention or storage of the affected Facilities, *provided*, that the Contracting Officer will not direct the Contractor to retain or store any items of Facilities in or on real property not owned by the Government if such retention or storage will interfere with the Contractor's operations;

(C) the restoration of Government-owned land or buildings incident to the removal therefrom of Government-owned Facilities; and

(D) the sale of any affected Facilities in such manner, at such times, and at such price or prices, as may be approved by the Contracting Officer, except that the Contractor shall not be required to extend credit to any purchaser.

(d) If the Contracting Officer fails to give the written notice required by paragraph (c) above within the prescribed ninety (90) day period, or within thirty (30) days after notice as hereinafter provided, the Contractor may, upon not less than thirty (30) days' written notice to the Government and at Government risk and expense, (i) retain the Facilities in place or (ii) remove any of the affected severable Facilities located in Contractor-owned buildings or property and store them elsewhere, at Contractor's plant or in a public insured warehouse, in accordance with sound practice and in a manner compatible with their security classification, if any. Except as provided in this paragraph, the Government shall not be liable to the Contractor for failure to give the written notice required by paragraph (c) above.

(e) Nonseverable items of the Facilities or items of the Facilities subject to patent or proprietary rights shall be disposed of in such manner as the parties may have agreed to in writing.

(f) The Government, either directly or by third persons engaged by it, may remove or otherwise dispose of any Facilities with respect to which the Contractor's authority to use has been terminated, other than those for which specific provision is made in paragraph (e) above.

(g) The Contractor shall, within a reasonable time after the expiration of the ninety (90) day period specified in paragraph (c) above, remove all property owned by him from land or buildings owned or acquired by the Government and take such action as the Contracting Officer may direct in writing with respect to restoring such land or buildings, insofar as they are affected by the installation therein of the Contractor's property, to their condition prior to such installation.

(h) Unless otherwise specifically provided in this contract, the Government shall not be obligated to the Contractor to restore or rehabilitate any property at Contractor's plant, except for restoration or rehabilitation costs caused by removal of the Facilities pursuant to paragraph (c)(ii) above. The Contractor agrees to indemnify the Government against all suits or claims for damages arising out of the Government's failure to restore or rehabilitate any property at the Contractor's plant or property of its subcontractors, except any such damage as may be occasioned by the negligence of the Government, its agents, or independent contractors.

(End of clause)

7-702.27 *Failure to Perform.*

FAILURE TO PERFORM (1964 SEP)

(a) Subject to the provisions of the clause hereof entitled "Excusable Delays", if the Contractor shall fail to perform this contract in accordance with its terms, the Contracting Officer shall give the Contractor written notice thereof. Thereafter, notwithstanding any other provision of this contract, the Contractor shall not be entitled to an equitable adjustment under either this contract or any related procurement contract, to the extent that such equitable adjustment arises out of the Contractor's failure to perform or such reasonable remedial action as may be taken by the Contracting Officer predicated upon such failure.

(b) The failure of the Government to insist, in any one or more instances, upon the performance of any term or terms of this contract shall not be construed as a waiver or relinquishment of the Government's right to future performance of such term or terms, and the Contractor's obligation in respect to such future performance shall continue in full force and effect.

(c) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(End of clause)

7-702.28 *Disputes.* Insert the clause in 7-103.12.

7-702.29 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein, deleting paragraphs (c) and (d), and substituting the following paragraphs (c) and (d).

(c) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost, to the extent appropriate, shall be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(d) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (d) but excluding (c) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into may contain, in lieu of paragraph (c) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved. (1973 APR)

7-702.30 *Authorizaton and Consent.* In accordance with 9-102, insert the clause in 7-103.22 or 7-302.21.

7-702.31 *Notice and Assistance Regarding Patent and Copyright Infringement.* In accordance with 9-104, insert the clause in 7-103.23.

7-702.32 *Bills of Lading Covering Shipments To or From Contractor's Plant.* In accordance with the requirements of 19-217.1(b), insert the clause in 7-203.14.

7-702.33 *Subcontracts.* Insert the clause in 7-203.8 except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

7-702.34 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-702.35 *Utilization of Labor Surplus Area Concerns.* In accordance with 1-805.3(a), insert the clause in 7-104.20(a).

7-702.36 *Buy American Act.* In accordance with 7-104.3, insert the clause therein. When the contract involves construction work, in accordance with 7-602.20 and 7-602.24 also insert the clauses therein.

7-702.37 *Assignment of Claims.* In accordance with 7-103.8, insert the clause therein.

7-702.38 *Renegotiation.* In accordance with 7-103.13, insert the appropriate clause therein.

7-702.39 *Officials Not To Benefit.* Insert the clause in 7-103.19.

7-702.40 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-702.41 *Covenant Against Contingent Fees.* Insert the clause in 7-103.20.

7-702.42 *Payment for Overtime Premiums.* In accordance with 12-102.4, insert the clause in 7-203.27.

7-702.43 *Convict Labor.* In accordance with 12-202 and 12-203, insert the clause in 7-104.17.

7-702.44 *Equal Opportunity.* In accordance with 12-807.1, insert the applicable clause in 7-103.18.

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7-702.45 *Walsh-Healey Public Contracts Act.* In accordance with Section XII, Part 6, insert the clause in 7-103.17.

7-702.46 *Contract Work Hours and Safety Standards Act—Overtime Compensation.* In accordance with 12-301, 12-302, and 12-306, insert the clauses in 7-103.16.

7-702.47 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-702.48 *Audit by Department of Defense.* In accordance with 7-104.41(a), insert the clause therein as amended by 7-104.41(b).

7-702.49 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-702.50 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-702.51 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-702.52 *Reserved.*

7-702.53 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-702.54 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-702.55 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-702.56 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35.

7-703 Required Clauses for Facilities Acquisition Contracts. The following contract clauses shall be inserted in all facilities acquisition contracts.

7-703.1 *Definitions.* Insert the clause required by 7-702.1. Additional definitions may be included in such clause *provided* they are not inconsistent with such clause or the provisions of this Regulation.

7-703.2 *Facilities To Be Provided.* Insert the clause in 7-702.2.

7-703.3 *Late Delivery, Diversion, and Substitution.* Insert the clause in 7-702.3.

7-703.4 *Changes.* Insert the clause in 7-702.4.

7-703.5 *Representations and Warranties.* Insert the clause in 7-702.5.

7-703.6 *Inspection.* In accordance with 8-708, insert the clause in 7-702.6.

7-703.7 *Excusable Delays.* Insert the clause in 7-203.11, changing "Termination" in the last sentence to "Termination of Work."

7-703.8 *Government Bills of Lading.* Insert the clause in 7-702.9.

7-703.9 *Allowable Cost and Payment.*

(a) In accordance with 7-702.10, insert the clause therein.

(b) If desired, the following additional provision may be added after the first sentence of paragraph (j) of this clause.

After payment of an amount equal to eighty percent (80%) of the total estimated cost of performance of this contract set forth in the Schedule, further payment on account of allowable cost shall be withheld until a reserve of either one percent (1%) of such total estimated cost, or one hundred thousand dollars ($100,000) whichever is less, shall have been set aside,

(c) If desired, the following additional paragraph may be added to this clause as paragraph (L), in which case paragraphs (L), and (m) of the clause in 7-702.10 shall be redesignated paragraphs (m) and (n).

(L) On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all relevant provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (m) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of (i) all work under this contract, or (ii) such work involving acquisition, construction, or installation of the Facilities as may then be specified in the Schedule, but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

7-703.10 *Limitation of Cost.* Insert the clause in 7-702.11.

7-703.11 *Examination of Records by Comptroller General.* In accordance with 7-104.15, insert the clause therein.

7-703.12 *Title.* Insert the clause in 7-702.15, except that the third sentence of paragraph (a) shall be deleted.

7-703.13 *Access.* Insert the clause in 7-702.16.

7-703.14 *Liability for the Facilities.* Insert the clause in 7-702.18, except that the phrase "in accordance with the clause of the contract entitled 'Maintenance'," in paragraph (a)(ii) shall be deleted, and the phrase "in accordance with sound industrial practice" inserted in lieu thereof.

7-703.15 *Insurance—Liability to Third Persons.* In accordance with 7-702.19, insert the clause in 7-203.22, except as otherwise provided in 7-402.26 when the contractor claims partial or total immunity from tort liability as a state agency or as a charitable institution.

7-703.16 *Indemnification of the Government.* Insert the clause in 7-702.20.

7-703.17 *Stop Work Orders.* Insert the clause in 7-702.21.

7-703.18 *Termination of Work.* In accordance with 7-702.22, insert the contract clause therein.

7-703.19 *Failure To Perform.* Insert the clause in 7-702.27.

7-703.20 *Disputes.* Insert the appropriate clause in 7-103.12.

7-703.21 *Military Security Requirements.* In accordance with 7-702.29, insert the clause called for therein.

7-703.22 *Authorization and Consent.* In accordance with 9-102, insert the clause in 7-103.22 or 7-302.21.

7-703.23 *Notice and Assistance Regarding Patent and Copyright Infringement.* In accordance with 9-104, insert the clause in 7-103.23.

7-703.24 *Bills of Lading Covering Shipments To or From Contractor's Plant.* In accordance with the requirements of 19-217.1(b), insert the clause in 7-203.14.

7-703.25 *Subcontracts.* Insert the clause in 7-203.8, except that paragraph (a) shall be appropriately modified to delete references to facilities and special tooling.

7-703.26 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-703.27 *Utilization of Labor Surplus Area Concerns.* In accordance with 1-805.3(a), insert the clause in 7-104.20(a).

7-703.28 *Buy American Act.* In accordance with 7-104.3, insert the clause therein. When the contract involves construction work, in accordance with 7-602.20 and 7-602.24 also insert the clauses therein.

7-703.29 *Assignment of Claims.* In accordance with 7-103.8, insert the clause therein.

7-703.30 *Renegotiation.* In accordance with 7-103.13, insert the appropriate clause therein.

7-703.31 *Officials Not To Benefit.* Insert the clause in 7-103.19.

7-703.32 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-703.33 *Covenant Against Contingent Fees.* Insert the clause in 7-103.20.

7-703.34 *Payment for Overtime Premiums.* In accordance with 12-102.4, insert the clause in 7-203.27.

7-703.35 *Convict Labor.* In accordance with 12-202, insert the clause in 7-104.17.

7-703.36 *Equal Opportunity.* In accordance with 12-807.1, insert the applicable clause in 7-103.18.

7-703.37 *Walsh-Healey Public Contracts Act.* In accordance with Section XII, Part 6, insert the clause in 7-103.17.

7-703.38 *Contract Work Hours and Safety Standards Act — Overtime Compensation.* In accordance with 12-301, 12-302, and 12-306, insert the clauses in 7-103.16.

7-703.39 *Supersedure.*

SUPERSEDURE (1964 SEP)

When the acquisition, construction, or installation of the Facilities called for by this contract, or any useable increment thereof, is completed and accepted by the Government, such facilities shall thereafter be subject to the provisions of the related facilities contract by which the use of such items by the Contractor is authorized.

(End of clause)

7-703.40 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-703.41 *Audit by Department of Defense.* In accordance with 7-104.41(a), insert the clause therein as amended by 7-104.41(b).

7-703.42 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-703.43 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-703.44 *Inspection System.* When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), insert the following clause.

INSPECTION SYSTEM (1967 AUG)

The inspection system which the Contractor is required to maintain, as provided in paragraph (e) of the "Inspection" clause of this contract, shall be in accordance with the edition of Military Specification MIL-I-45208 in effect on the date of this contract.

(End of clause)

7-703.45 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-703.46 *Reserved.*

7-703.47 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-703.48 *Property Control.* Insert the clause in 7-702.17.

7-703.49 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-703.50 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-703.51 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35.

7-704 **Required Clauses for Facilities Use Contracts.** The following clauses shall be inserted in all facilities use contracts except that the clauses in 7-706 may be used in facilities use contracts with nonprofit educational institutions.

7-704.1 *Definitions.* Insert the clause required by 7-702.1. Additional definitions may be included in such clause *provided* they are not inconsistent with such clause or the provisions of this Regulation.

7-704.2 *Use and Charges.* Insert the clause in 7-702.12.

7-704.3 *Allowable Cost and Payment.*

ALLOWABLE COST AND PAYMENT (1965 JUL)

(a) For the performance of any work, duty, or obligation by the Contractor under this contract, which is provided herein to be at Government expense, the Government shall pay the Contractor the cost thereof, determined by the Contracting Officer to be allowable in accordance with (i) Section XV, Part 5, of the Armed Services Procurement Regulation as in effect on the date of this contract; and (ii) the terms of this contract.

(b) Except as otherwise specifically provided in this contract, the failure of this contract to provide for reimbursement shall not preclude the Contractor from including, as part of the price or cost under any other Government contract or subcontract, an allocable portion of the costs incurred in the performance of any work, duty, or obligation under this contract which are not reimbursable hereunder.

(End of clause)

7-704.4 *Limitation of Cost.* Insert the clause in 7-702.11.

7-704.5 *Examination of Records by Comptroller General.* In accordance with 7-104.15, insert the clause therein.

7-704.6 *Location of the Facilities.* Insert the clause in 7-702.8.

7-704.7 *Maintenance.* Insert the clause in 7-702.14.

7-704.8 *Inspection.* Insert the clause in 7-702.6.

7-704.9 *Title.* Insert the clause in 7-702.15, except that the following paragraph (a) shall be substituted for the corresponding paragraph in that clause:

(a) Title to the Facilities shall remain in the Government. Title to parts replaced by the Contractor in carrying out its normal maintenance obligations pursuant to the clause of this contract, entitled "Maintenance" shall pass to and vest in the Government upon completion of their installation in the Facilities.

7-704.10 *Access.* Insert the clause in 7-702.16.

7-704.11 *Property Control.* Insert the clause in 7-702.17.

7-704.12 *Representations and Warranties.* Insert the clause in 7-702.5.

7-704.13 *Government Bills of Lading.* Insert the clause in 7-702.9.

7-704.14 *Liability for the Facilities.* Insert the clause in 7-702.18.

7-704.15 *Indemnification of the Government.* Insert the clause in 7-702.20, deleting the phrase "Except as provided in the 'Insurance— Liability to Third Persons' clause" in the first sentence.

7-704.16 *Notice of Use of the Facilities.* Insert the clause in 7-702.23.

7-704.17 *Termination of the Use of the Facilities.* Insert the clause in 7-702.24.

7-704.18 *Period of This Contract.* Insert the clause in 7-702.25.

7-704.19 *Disposition of the Facilities.* Insert the clause in 7-702.26.

7-704.20 *Failure To Perform.* Insert the clause in 7-702.27, except that the phrase "Subject to the provisions of the clause hereof entitled 'Excusable Delays'," shall be deleted in paragraph (a).

7-704.21 *Disputes.* Insert the clause in 7-103.12.

7-704.22 *Military Security Requirements.* In accordance with 7-702.29, insert the clause called for therein except that "ASPR 7-702.4" shall be substituted for "this contract" in the second sentence of paragraph (c).

7-704.23 *Assignment of Claims.* In accordance with 7-103.8, insert the clause therein.

7-704.24 *Officials Not To Benefit.* Insert the clause in 7-103.19.

7-704.25 *Gratuities.* In accordance with 7-104.16, insert the clause therein.

7-704.26 *Covenant Against Contingent Fees.* Insert the clause in 7-103.20.

7-704.27 *Payment for Overtime Premiums.* In accordance with 12-102.4, insert the clause in 7-203.27.

7-704.28 *Convict Labor.* In accordance with 12-202 and 12-203, insert the clause in 7-104.17.

7-704.29 *Equal Opportunity.* In accordance with 12-807.1, insert the applicable clause in 7-103.18.

7-704.30 *Contract Work Hours and Safety Standards Act — Overtime Compensation.* In accordance with 12-301, 12-302, and 12-306, insert the clauses in 7-103.16.

7-704.31 *Supersedure.*

SUPERSEDURE (1964 SEP)

(a) Facilities heretofore provided to the Contractor pursuant to the contracts specified in the Schedule shall become subject to the terms of this contract upon its effective date. The terms of the contracts by which such Facilities may have been provided to the Contractor are hereby superseded with respect to such Facilities, except for rights and obligations which may have accrued under such other contract prior to the effective date hereof.

(b) Each item of Facilities hereafter provided to the Contractor under any contract which so specifies shall become subject to the terms of this contract upon the completion of its construction, acquisition, and installation, or upon its availability for use, whichever first occurs, except as otherwise provided in the contract or other document by which such Facilities are provided to the Contractor.

(End of clause)

7-704.32 *Price Reduction for Defective Cost or Pricing Data.* In accordance with 7-104.29, insert the appropriate clause therein.

7-704.33 *Audit by Department of Defense.* In accordance with 7-104.41(a), insert the clause therein as amended by 7-104.41(b).

7-704.34 *Subcontractor Cost and Pricing Data.* In accordance with 7-104.42, insert the appropriate clause therein.

7-704.35 *Competition in Subcontracting.* In accordance with 7-104.40, insert the clause therein.

7-704.36 *Bills of Lading Covering Shipments To or From Contractor's Plant.* In accordance with the requirements of 19-217.1(b), insert the clause in 7-203.14.

7-704.37 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-704.38 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-704.39 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-704.40 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-704.41 *Notice of Intent to Disallow or Not Recognize Costs.* Insert the clause in 7-203.35.

7-705 Clauses To Be Used When Applicable.

7-705.1 *Rights in Data.* In accordance with 7-104.9, insert the appropriate clause, or clauses, therein. Particular attention shall be given to obtaining data when data are necessary to the use or disposal of facilities.

7-705.2 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-705.3 *Priorities, Allocations, and Allotments.* In accordance with 1-307.2, insert the clause in 7-104.18.

7-705.4 *Transfer of Title to the Facilities.* In accordance with 4-116.4, the following clause may be inserted in facilities contracts.

TRANSFER OF TITLE TO THE FACILITIES (1964 SEP)

Notwithstanding the provisions of the clause of this contract entitled "Title", the Contracting Officer may at any time during the term of this contract, or upon completion or termination, transfer title to equipment to the Contractor upon such terms and conditions as may be agreed upon; *provided*, that the Contractor shall not under any Government contract, or subcontract thereunder, charge for any depreciation, amortization, or use of such equipment as is donated under this clause. Upon the transfer of title to equipment under this clause, such equipment shall cease to be Government property.

(End of clause)

7-705.5 *Labor Standards for Construction Work.* Except as provided in 18-703.2 and 18-703.3, insert the clauses in 7-602.23(a) if the contract involves construction as described in 12-106.1 and 18-701. If such construction work may be required but it is not certain, insert the following clause. (See 18-704.2(l) with regard to the Contracting Officer's responsibility for obtaining wage determinations.)

LABOR STANDARDS FOR CONSTRUCTION WORK (1977 DEC)

(a) In the event that construction, alteration, or repair (including painting and decorating) of public buildings or public works is to be performed hereunder, the Contractor shall comply with the following listed clauses:

(i) "Davis-Bacon Act (40 U.S.C. 276a to a7)," 7-602.23(a)(i);

(ii) "Contract Work Hours and Safety Standards Act—Overtime Compensation (40 U.S.C. 327-333)," 7-602.23(a)(ii);

(i) credits to, or adjustment of the prices of, the related contracts, subcontracts, or purchase orders benefiting from the use of the modernized or replacement equipment; or
(ii) payment to the Government through the Contracting Officer having cognizance of the Government production and research property; or
(iii) such other means as may be mutually agreed to.

(End of clause)

7-705.23 *Aircraft, Missile, and Space Vehicle Accident Reporting and Investigation.* In accordance with 7-104.81, insert the clause therein.

7-705.24 *Safety Precautions for Ammunition and Explosives.* In accordance with 7-104.79, insert the clause therein.

7-705.25 *Notice of Radioactive Materials.* In accordance with 7-104.80, insert the clause therein.

7-705.26 *Procurement of Miniature and Instrument Ball Bearings.* In accordance with 1-2207.3, insert the clause in 7-104.38.

7-705.27 *Payment of Interest on Contractors' Claims.* In accordance with 1-333, insert the clause in 7-104.82.

7-705.28 *Cost Accounting Standards.* In accordance with 3-1204, insert the clauses in 7-104.83.

7-705.29 *Term of Performance or Delivery Date.* When applicable, a clause in accordance with 7-104.92 may be used.

7-705.30 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-705.31 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-705.32 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-705.33 *Reserved.*

7-705.34 *Geographic Distribution of Defense Subcontract Dollars.* In accordance with 1-340, insert the clause in 7-104.78.

7-705.35 *Contract Certification - Wage and Price Standards.* In accordance with 1-341(f), include the clause in 7-104.101.

Part 8—Letter Contracts

7-801 Applicability. This Part sets forth uniform contract clauses for use in letter contracts as defined in 3-408(a).

7-802 Required Clauses. The following clauses shall be inserted in all letter contracts.

7-802.1 *General.* Letter contracts shall include all clauses which statute, executive order, or this Regulation require to be included in the type of definitive contract contemplated by the letter contract. The letter contract also shall include such additional clauses as are known to be appropriate for the definitive contract which is contemplated.

7-802.2 *Execution, Commencement of Work, and Priority Rating.* (This clause may be omitted when Standard Form 26 is used to award the letter contract.)

EXECUTION, COMMENCEMENT OF WORK, AND PRIORITY RATING (1964 MAR)

The Contractor's acceptance of this order will be indicated by affixing its signature to three copies thereof and returning the executed copies to the Contracting Officer not later than ..... Upon acceptance by both parties, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials. An appropriate priority rating, in accordance with the Department of Defense Priorities and Allocation Manual, will be assigned to this letter contract.

(End of clause)

7-802.3 *Limitation of Government Liability.*

LIMITATION OF GOVERNMENT LIABILITY (1967 OCT)

(a) The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed ..... dollars ($.....).

(b) The maximum amount for which the Government shall be liable if this contract is terminated is ..... dollars ($.....).

(End of clause)

7-802.4 *Payments Clauses for Letter Contracts.*

(a) *Cost Type.* Insert the following clause in all letter contracts contemplating a cost-type contract except letter contracts for conversion, alteration or repair of ships.

PAYMENTS OF ALLOWABLE COSTS PRIOR TO DEFINITIZATION OF CONTRACT (1972 MAY)

(a) Pending the placing of the definitive contract referred to herein, the Government shall currently reimburse the Contractor for all allowable expenditures made hereunder at the following rates:

(i) One hundred percent (100%) of approved costs representing progress payments to Subcontractors under fixed-price type subcontracts, *provided*, that payment by the Government to the Contractor shall not exceed eighty percent (80%) of the costs of such Subcontractors subject to the definition of costs contained in (c) below.
(ii) One hundred percent (100%) of approved costs representing cost-reimbursement type subcontracts, *provided*, that payments by the Government shall not exceed eighty-five percent (85%) of the costs of such Subcontractors subject to the definition of costs contained in (c) below; and
(iii) eighty-five percent (85%) of all other approved costs subject to the definition of costs contained in (c) below.

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(b) For the purpose of determining the amounts payable to the Contractor hereunder, allowable items of cost shall be determined by the Contracting Officer in accordance with the statement of cost principles set forth in Part ..... of Section XV of the Armed Services Procurement Regulation. In no event shall the total reimbursement made under this paragraph exceed eighty-five percent (85%) of the maximum amount of the Government's liability otherwise set forth in this letter contract.

(c) Payments shall be made to the Contractor when requested as work progresses, but not more frequently than bi-weekly, in amounts approved by the Contracting Officer. The Contractor may submit to an authorized representative of the Contracting Officer, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute allowable cost. Costs shall include only those recorded costs which result, at the time of the request for reimbursement, from payment by cash, check, or other form of actual payment for items or services purchased directly for the contract, together with (when the Contractor is not delinquent in payment of costs of contract performance in the ordinary course of business) costs incurred, but not necessarily paid for materials which have been issued from the Contractor's stores inventory and placed in the production process for use on the contract, for direct labor, for direct travel, for other direct inhouse costs, and for properly allocated and allowable indirect costs, as is shown by records maintained by the Contractor for purposes of obtaining reimbursement under Government contracts plus the amount of progress payments which have been paid to Contractor's subcontractors under similar cost standards. The requirement of prior payment for items or services purchased directly for the contract shall not apply where the Contractor is a small business concern.

(d) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (e) below, make payment thereon as approved by the Contracting Officer.

(e) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(End of clause)

(b) *Fixed Price Type.* When, in accordance with Appendix E, Part 5 (see E-503 and E-505), payments are to be made under letter contracts contemplating a fixed-price-type contract, insert the clause set forth in 7-104.35(a) (see E-515 and E-510) unless the contract is for construction. The clause may be supplemented as provided in E-511.6 and E-516. In construction contracts, insert the clause set forth in (a) above, supplemented by appropriate title, risk of loss and other provisions.

7-802.5 *Definitization.*

(a) When it is known at the time of entering into the letter contract that the price of the definitive contract will be based on adequate price competition or will otherwise meet the criteria of 3-807.3, paragraph (a) of the following clause may be appropriately modified to eliminate the requirement for cost or pricing data. The definitization schedule in paragraph (b) shall include (i) dates for submission of a make-or-buy plan, contractor's price, small business and small disadvantaged business subcontracting plan, if required, and other proposals; (ii) a date for commencement of negotiation of price and other terms and conditions; and (iii) a target date for definitization. The target date shall be the earliest practicable date for definitization.

ticable at all times (including the period of performance) and places, and in any event prior to acceptance. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of his subcontractors engaged in the performance of this contract. If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, acceptance of services performed and materials furnished under this contract shall be made at the place of delivery as promptly as practicable after delivery and shall be deemed to have been made no later than sixty (60) days after the date of such delivery, if acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the schedule) after acceptance of the services or materials last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any services or materials which at the time of delivery thereof failed to comply with the requirement of this contract. Except as otherwise provided in paragraph (c) hereof, below, the allowability of the cost of any such replacement or correction shall be determined as provided in the "Payments" clause of this contract, but the "hourly rate" for labor hours incurred in such replacement or correction shall be reduced so as to exclude the portion of such rate attributable to profit. Corrected or replacement materials and services shall not be tendered again for acceptance unless the former tender and the requirement of correction or replacement is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, and if such replacement or correction may be performed within the ceiling price, or the ceiling price as increased by the Government, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, and may deduct such increased cost from any amounts due the Contractor under this contract (or require repayment of any payments theretofore made), or (ii) may terminate this contract for default as provided in the "Termination" clause of this contract. Failure to agree to the amount of any such increased cost to be charged to the Contractor, or to such reduction in, or repayment of, any amount due under this contract, shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) Notwithstanding the provisions of paragraph (b) above, the Government may at any time require the Contractor to remedy by correction or replacement, without cost to the Government, any failure by the Contractor to comply with the requirements of this contract, if such failure is due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business; (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed; (iii) a separate and complete major industrial operation in connection with the performance of this contract; or (iv) all or substantially all of the Contractor's operations under this contract. The Government may at any time also require the Contractor to remedy by correction or replacement, without cost to the Government, any such failure caused by one or more individual employees selected or retained by the Contractor after any such supervisory person has reasonable grounds to believe that any such employee is habitually careless or otherwise unqualified.

(d) The provisions of this clause shall apply to any corrected or replacement services or materials.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the material, fabricating methods, and the work and services hereunder. Records of all inspection work by the Contractor shall be complete and available to the Government at all reasonable times during performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace materials furnished and services performed under this contract which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the "Government Property" clause of this contract.

(End of clause)

In cases where inspection and acceptance are desired at the contractor's plant, the following may be inserted in place of the last sentence of paragraph (a):

Acceptance by the Government of all the items (other than aircraft to be flown away, if any) to be furnished under this contract shall be at the plant or plants of the Contractor specified in the Schedule, or any other plant or plants approved for such purpose in writing by the Contracting Officer. The Contractor shall inform the inspector or Contracting Officer when the work is ready for inspection. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when items are not ready at the time such inspection and test are requested by the Contractor.

7-901.22 *New Material.* In accordance with 1-1208, insert the clause in 7-104.48.

7-901.23 *Pricing of Adjustments.* Insert the clause in 7-103.26.

7-901.24 *Renegotiation.* In accordance with the requirements of 7-103.13, insert the appropriate contract clause therein.

7-901.25 *Inspection System.* When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I-45208 (see 14-303), insert the following clause.

INSPECTION SYSTEM (1967 AUG)

The inspection system which the Contractor is required to maintain, as provided in paragraph (c) of the "Inspection" clause of this contract, shall be in accordance with the edition of Military Specification MIL-I-45208 in effect on the date of this contract.

(End of clause)

7-901.26 *Quality Program.* In accordance with 14-304, insert the clause in 7-104.28.

7-901.27 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-901.28 *Reserved.*

7-901.29 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-901.30 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-901.31 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-902 Clauses To Be Used When Applicable.

7-902.1 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-902.2 *Utilization of Labor Surplus Area Concerns.* In accordance with 1-805, insert the clause in 7-104.20, as appropriate.

7-902.3 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein, deleting paragraph (c) and substituting the following:

and charge to the Contractor any cost occasioned to the Government that is directly related to the performance of such services; or (ii) terminate this contract for default as provided in the clause of this contract entitled "Default."

(c) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the services to be performed hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the term of this contract and for such longer period as may be specified elsewhere in this contract.

(End of clause)

7-1902.5 *Payments.* In accordance with 7-103.7, insert the clause therein.

7-1902.6 *Assignment of Claims.* In accordance with 7-103.8, insert the clause therein.

7-1902.7 *Federal, State, Local and Foreign Taxes.* In accordance with 7-103.10, insert the appropriate clause therein.

7-1902.8 *Default.* In accordance with 7-103.11, insert the clause therein.

7-1902.9 *Disputes.* In accordance with 7-103.12, insert the appropriate clause therein.

7-1902.10 *Reserved.*

7-1902.11 *Discounts.*

DISCOUNTS (1971 NOV)

In connection with any discount offered, time will be computed from the date of completion of performance of the services or from the date correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of completion of performance. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

(End of clause)

When SF 33A is used, the above clause will be substituted for subparagraph (b) of clause 9, *Discounts* (see 16-101.1(ii)).

7-1902.12 *Contract Work Hours and Safety Standards Act—Overtime Compensation.* In accordance with 12-301, 12-302, and 12-306, insert the clauses in 7-103.16.

7-1902.13 *Equal Opportunity.* In accordance with 12-807.1, insert the applicable clause in 7-103.18.

7-1902.14 *Officials Not To Benefit.* Insert the clause in 7-103.19.

7-1902.15 *Covenant Against Contingent Fees.* Insert the clause in 7-103.20.

7-1902.16 *Termination for Convenience of the Government.*

(a) Except in stevedoring contracts and except as provided in (b) below, insert the appropriate clause in 7-103.21.

(b) If it has been reasonably determined that termination for convenience would not result in a claim for anything but the services rendered, the following clause may be used, regardless of contract amount, in lieu of any other termination for convenience clause. See 8-705.1(b).

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (1968 FEB)

The Contracting Officer, by written notice may terminate this contract, in whole or in part, when it is in the best interests of the Government. If this contract is so terminated, the Govern-

ment shall be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

(End of clause)

7-1902.17 *Authorization and Consent.* Except in contracts for stevedoring services and in accordance with 7-103.22, insert the clause therein.

7-1902.18 *Notice and Assistance Regarding Patent and Copyright Infringement.* Except in contracts for stevedoring services and in accordance with 7-103.23, insert the clause therein.

7-1902.19 *Reserved.*

7-1902.20 *Equal Opportunity Pre-Award Clearance of Subcontracts.* In accordance with 23-201.4, insert the clause in 7-104.22.

7-1902.21 *Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era.* Insert the clause in 7-103.27.

7-1902.22 *Pricing of Adjustments.* Insert the clause in 7-103.26.

7-1902.23 *Time of Delivery.* Insert a delivery clause in accordance with 7-104.92.

7-1902.24 *Affirmative Action for Handicapped Workers.* Insert the clause in 7-103.28.

7-1902.25 *Clean Air and Water.* In accordance with 1-2302.2, insert the clause in 7-103.29.

7-1903 Clauses To Be Used When Applicable in Fixed-Price Service Contracts.

7-1903.1 *Clauses for Fixed-Price Service Contracts Involving Construction Work.*

(a) In accordance with 12-106 and 18-703, insert the clauses in 7-602.23.

(b) In accordance with 7-602.20 and 7-602.24, insert the clauses therein in addition to the clause in 7-104.3.

7-1903.2 *Workmen's Compensation and War Hazard Insurance Overseas.* In accordance with 10-403, insert the appropriate clause(s) in 7-104.2.

7-1903.3 *Notice to the Government of Labor Disputes.* In accordance with 7-104.4, insert the clause therein.

7-1903.4 *Notice of Radioactive Materials.* In accordance with 7-104.80, insert the clause therein.

7-1903.5 *Filing of Patent Applications.* In accordance with 9-106, insert the clause in 7-104.6.

7-1903.6 *Additional Bond Security.* If the contract will require the contractor to furnish a bond in connection therewith, insert the clause in 7-103.9.

7-1903.7 *Reporting and Refund of Royalties.* In accordance with 7-104.8, insert the appropriate clause or clauses therein.

7-1903.8 *Rights in Data.* In accordance with 7-104.9, insert the appropriate clause, or clauses, therein.

7-1903.9 *Ground and Flight Risk.* In accordance with 10-404, insert the clause in 7-104.10.

7-1903.10 *Military Security Requirements.* In accordance with 7-104.12, insert the clause therein.

7-1903.11 *Utilization of Small Business and Small Disadvantaged Business Concerns.* In accordance with 1-707.3, insert one or more of the clauses in 7-104.14.

7-2003.30 *Bid Samples.*

(a) In accordance with 2-202.4(e), insert the following provision.

BID SAMPLES (1974 APR)

(a) Bid samples, in the quantities, sizes, etc., required for the items so indicated in this Invitation for Bids, must be furnished as a part of the bid and must be received before the time set for opening bids. Samples will be tested or evaluated to determine compliance with all characteristics listed for such test or evaluation in this Invitation for Bids.

(b) Failure of samples to conform to all such characteristics will require rejection of the bid. Failure to furnish samples by the time specified in the Invitation for Bids will require rejection of the bid, except that a late sample transmitted by mail may be considered under the provision for considering late bids, as set forth elsewhere in this Invitation for Bids.

(c) Products delivered under any resulting contract shall conform to the approved sample as to the characteristics listed for test or evaluation and shall conform to the specifications as to all other characteristics.

(End of provision)

(b) When bid samples are to be waived in accordance with 2-202.4(f), insert the following provision.

WAIVER OF BID SAMPLES (1974 APR)

The requirement for furnishing samples may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has offered to the purchasing office on a previous procurement and (ii) the Contracting Officer determines that such product was previously procured or tested by the purchasing office and found to comply with specification requirements conforming in every material respect to those in this Invitation for Bids.

(End of provision)

The contracting officer may designate in lieu of purchasing office, an alternate activity or office. When considered necessary because of the nature of the products, the provision above may be limited to provide for waiving the requirement only if the product offered is produced at the same plant at which the product previously procured or tested was produced.

7-2003.31 *Requirement for Descriptive Literature.*

(a) In accordance with 2-202.5(d)(2), insert the following provision.

REQUIREMENT FOR DESCRIPTIVE LITERATURE

(a) Descriptive literature as specified in this Invitation for Bids must be furnished as a part of the bid and must be received before the time set for opening bids. The literature furnished must be identified to show the item in the bid to which it pertains. The descriptive literature is required to establish, for the purposes of bid evaluation and award, details of the products the bidder proposes to furnish as to (*).

(b) Failure of descriptive literature to show that the product offered conforms to the specifications and other requirements of this Invitation for Bids will require rejection of the bid. Failure to furnish the descriptive literature by the time specified in the Invitation for Bids will require rejection of the bid, except that if the material is transmitted by mail and is received late, it may be considered under the provisions for considering late bids, as set forth elsewhere in this Invitation for Bids.

(End of provision)

(*See footnotes on following page*)

*The contracting officer shall insert significant elements such as design, materials, components, or performance characteristics; or methods of manufacture, construction, assembly or operation, as appropriate.

(b) When requirements for descriptive literature are to be waived in accordance with 2-202.5(c), the provision in (a) above shall be modified by adding the following at the end of the clause paragraph (b):

The requirements for furnishing descriptive literature may be waived as to a bidder if (i) the bidder states in his bid that the product he is offering to furnish is the same as a product he has previously furnished to the purchasing office under a prior contract and the bidder identifies the contract, and (ii) the Contracting Officer determines that such product meets the requirements of this Invitation for Bids. (1974 APR)

The contracting officer may designate in lieu of purchasing office, an alternate activity or office. A bidder may submit his bid either on the basis of the descriptive literature to be furnished or on the basis of a previously procured product. If he elects to submit his bid on one basis, he is precluded from having his bid considered on the alternative basis after bids are opened.

7-2003.32 *Notice of Small Business-Small Purchase Set-Aside.* In accordance with 1-702(c), insert the following clause.

NOTICE OF SMALL BUSINESS-SMALL PURCHASE SET-ASIDE (1980 AUG)

Quotes under this acquisition are solicited from small business concerns only, and this acquisition is to be made only from a small business concern. This action is based on Section 221(j) of Public Law 95-507. Quotes received from firms that are not small business concerns shall not be considered and shall be rejected.

(End of clause)

7-2003.33 *Reserved.*

7-2003.34 *Reserved.*

7-2003.35 *Discounts.* In accordance with 2-407.3(a), insert the following clause.

DISCOUNTS (1968 SEP)

In accordance with subparagraph (a) of the clause entitled "Discounts" in the Solicitation Instructions and Conditions (Standard Form 33-A), prompt payment discounts will be considered in the evaluation of bids, *provided* the minimum period for the offered discounts is:

* (i) ___ days from date of delivery of the supplies to carrier when acceptance is at point of origin, or
* (ii) ___ days where delivery and acceptance are at destination.

The offered discount of a successful bidder will form a part of the award whether or not such discount was considered in the evaluation of his bid and such discount will be taken if payment is made within the discount period.

(End of clause)

*The Contracting Officer shall delete (i) or (ii) from the clause, whichever is inapplicable when "origin only" or "destination only" delivery acceptance is solicited

7-2003.36 *Multiple Technical Proposals.* In accordance with 2-503.1(a)(x), insert the following clause.

MULTIPLE TECHNICAL PROPOSALS (1974 APR)

In the first step of this two-step procurement, offerors are authorized and encouraged to submit multiple technical proposals presenting different basic approaches. Each technical proposal submitted will be separately evaluated and the offeror will be notified as to its acceptability.

(End of clause)

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CONTRACT CLAUSES AND SOLICITATION PROVISIONS

INDUSTRIAL PREPAREDNESS PRODUCTION PLANNING (1974 APR)

This solicitation includes an item for industrial planning in support of the Industrial Preparedness Production Planning program. Bidders are cautioned to carefully review Section E of the Schedule and the attached Industrial Preparedness Production Planning Exhibit or Attachment. Failure to bid on the Industrial Preparedness Production Planning line item set forth in the Schedule may result in rejection of the bid.

(End of provision)

7-2003.70 *Evaluation of Transportation Costs.* In accordance with 19-208.4(b), insert the following provision.

EVALUATION OF TRANSPORTATION COSTS (1974 APR)

Costs of transporting supplies to be delivered under this contract will not be an evaluation factor for award.

(End of provision)

7-2003.71 *Clean Air and Water Certification.* In accordance with 1-2302.1, insert the following provision.

CLEAN AIR AND WATER CERTIFICATION (1977 JUN)

Applicable if the bid or offer exceeds $100,000, or the Contracting Officer has determined that orders under an indefinite quantity contract in any year will exceed $100,000, or a facility to be used has been the subject of a conviction under the Clean Air Act (42 U.S.C. 1857c-8(c)(1)) or the Federal Water Pollution Control Act (33 U.S.C. 1319(c)) and is listed by EPA, or is not otherwise exempt.

The bidder or offeror certifies as follows:

(i) any facility to be utilized in the performance of this proposed contract is—( ), (is not—( ), listed on the Environmental Protection Agency List of Violating Facilities;

(ii) he will promptly notify the Contracting Officer, prior to award, of the receipt of any communication from the Director, Office of Federal Activities, U. S. Environmental Protection Agency, indicating that any facility which he proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

(iii) he will include substantially this solicitation certification, including this paragraph (iii), in every nonexempt subcontract.

(End of provision)

7-2003.72 *Privacy Act Notification.* In accordance with 1-327, the following notification shall be included in every solicitation and resulting contract, and in each contract awarded without a solicitation, where the statement of work requires the design, development, or operation of a system of records on individuals for an agency function:

PRIVACY ACT NOTIFICATION (1975 NOV)

This procurement action requires the Contractor to do one or more of the following: design, develop, or operate a system of records on individuals to accomplish an agency function in accordance with the Privacy Act of 1974, Public Law 93-579, December 31, 1974, (5 U.S.C. 552a) and applicable agency regulations. Violations of the Act may involve the imposition of criminal penalties.

CONTRACT CLAUSES AND SOLICITATION PROVISIONS

7-2003.73 *Solicitation Provision for Dismantling, Demolition or Removal of Improvements.* In accordance with 4-503, insert the following provision for solicitations for dismantling, demolition or removal of improvements.

BONDS OR OTHER SECURITY (1977 APR)

A bid guarantee in the penal sum of $..... must accompany the bid. Within ten (10) days after receipt of a notice of award, the Contractor shall furnish a performance bond (Standard Form 25) in the penal sum of $..... and payment, in full, of any sum due the Government. The bond of any surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds will be accepted. Individual sureties will be accepted if each such surety deposits with the Contracting Officer cash, bonds, or notes of the United States, or certified check drawn to the order of the office designated for contract administration, or such other security as the Contracting Officer may deem necessary, for the required amount of the guaranty, under the agreement that the collateral so deposited shall remain in the possession and control of the Treasurer of the United States until the completion of the contract. The formal contract and notice to proceed will be issued on receipt of an acceptable performance bond and payment of any sum due the Government.

(End of provision)

7-2003.74 *Small Disadvantaged Business Concern.* Include the following representation in accordance with 1-707.3(f).

SMALL DISADVANTAGED BUSINESS CONCERN (1980 AUG)

(a) The offeror represents that he ( ) is, ( ) is not, a small business concern owned and controlled by socially and economically disadvantaged individuals. The term "small business concern" means a small business as defined pursuant to Section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto. The term "small business concern owned and controlled by socially and economically disadvantaged individuals" means a small business concern—

(1) that is at least 51 per centum owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(2) whose management and daily business operations are controlled by one or more such individuals.

(b) The offeror shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans (i.e. American Indians, Eskimos, Aleuts, and Native Hawaiians), Asian-Pacific Americans (i.e. U.S. citizens whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan), and other minorities or any other individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act.

(End)

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Part III

Department of Energy

Economic Regulatory Administration

Voluntary Guideline for the Automatic Adjustment Clauses Standard Under the Public Utility Regulatory Policies Act of 1978

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-80-08]

Voluntary Guideline for the Automatic Adjustment Clauses Standard Under the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Voluntary Guideline.

SUMMARY: Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA) establishes certain Federal purposes and policy standards for the regulation of electric utilities and imposes certain obligations upon State regulatory authorities and certain nonregulated utilities with respect to the standards established by sections 111 and 113. Under section 131 of PURPA, the Secretary of Energy is authorized to prescribe voluntary guidelines respecting consideration of the standards.

On April 24, 1980, the Department of Energy (DOE) issued a Notice of Proposed Voluntary Guideline for the Automatic Adjustment Clauses Standard Under the Public Utility Regulatory Policies Act of 1978 (45 FR 29234, May 1, 1980). This Notice discusses in the Preamble the public comments DOE received and presents the guideline in its final form as the Appendix hereto.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

I. Background

On November 8, 1978, the President signed into law the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*) as one part of the National Energy Act.

Section 113(b)(2) of PURPA establishes a standard for automatic adjustment clauses. The standard, which must be considered by State regulatory authorities and certain nonregulated utilities in a manner specified by PURPA, defines an automatic adjustment clause as:

> A provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

The standard, if implemented, provides that no electric utility may increase any rate pursuant to such clause unless the clause meets the requirements of PURPA section 115(e). Section 115(e) provides that an automatic adjustment clause must be determined at least every 4 years, by the State regulatory authority or nonregulated electric utility, after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy), and must be reviewed at least every 2 years, at an evidentiary hearing, to insure the maximum economies in those operations and purchases which affect the rates to which the clause applies.

The PURPA conferees, in adopting these provisions, did not endorse or encourage the use of automatic adjustment clauses nor did they suggest that the use of automatic adjustment clauses was inappropriate. In addition, the conferees did not indicate a preference for inclusion or exclusion of any particular item in an automatic adjustment clause.

The objective of an automatic adjustment clause is to mitigate the effect on utility revenues of relatively volatile cost items which a utility purchases on a continual basis. The most important of such cost items is fuel.

Generally, there are two basic circumstances which are important to consideration of automatic adjustment clause provisions. First, the expense for which automatic adjustment is allowed is a relatively uncontrollable and recurring expense. Second, the expense is variable with the volume of electricity sales; otherwise cost allocation is difficult and the adjustment cannot be made so as to recover for the utility precisely the increase (or decrease) which has occurred in operating costs.

The inclusion of fuel costs in adjustment clauses is intended to ensure the stability of utility earnings as fuel costs rise, while permitting rapid credits to consumers if fuel costs decline. Fuel costs are particularly significant because they account for a substantial percentage (over 50 percent for some utilities) of the total cost of supplying electricity and have increased dramatically in recent years. For this reason, this guideline focuses primarily on an automatic fuel adjustment clause.

While a fuel clause is intended to protect a utility's earnings stability, it does not ensure that a utility's fuel purchase policies and practices are the most economical and efficient possible. In fact, fuel adjustment clauses, in providing for automatic pass-through of certain costs, may permit, and even foster, inefficiency in fuel procurement practices and other utility management decisions. The automatic adjustment clauses standard established by PURPA is intended to address this situation by requiring regulatory authorities to consider and make determinations regarding the inclusion of efficiency incentives in automatic adjustment clauses. Section 131 of PURPA gives the Secretary of Energy the authority to prescribe voluntary guidelines respecting consideration of the standards. On April 24, 1980, DOE issued the proposed Voluntary Guideline for the Automatic Adjustment Clauses Standard (45 FR 29234, May 1, 1980) and solicited public comment for consideration in the development of the final guideline. A public hearing was held in Washington, D.C., on June 19, 1980. Testimony was received from 9 speakers. In all, oral and/or written comments were received from 66 respondents.

DOE evaluated the proposed guideline in light of each of the comments received. Part II of the Preamble describes the comments received and DOE's response. The guideline does not encourage or discourage the use of an automatic adjustment clause. In addition, except for certain purchased power transactions, the guideline does not suggest that any particular cost item be included in or excluded from an automatic adjustment clause. However, in the Preamble, discussion of comments received at times reflects upon the inclusion or exclusion of certain items in automatic adjustment clauses. Nonetheless, ultimate authority for determining what to include in an automatic adjustment clause and under what circumstances to employ such clauses resides with the State regulatory authority or the nonregulated utility.

II. Discussion of Comments and DOE's Response

The following is a discussion of comments received on the proposed guideline and DOE's response to these

comments. The discussion is organized according to the four issues identified in the proposed guideline and other major issues raised by commenters.

A. Provision of Incentives for Effective Fuel and Power Procurement Practices

Many comments pertaining to this guideline issue addressed the subjects of audits and potential refunds. Due to the number and variety of these comments, they are discussed separately in section E of this part of the Preamble. The remaining comments on this guideline issue dealt with automatic adjustment clause treatment of interchange power transactions and fuel and power transactions with affiliates.

With respect to interchange sales, commenters asserted that profits from such sales should be (a) flowed through in full to ratepayers, (b) retained in full by the utility, or (c) divided between the ratepayers and the utility. It was argued, on one hand, that ratepayers should benefit from such profits because, in the event of less sales than those envisioned in establishing the base rates, ratepayers would be required to pay the fixed charges not recovered in the interchange sales. On the other hand, commenters argued that the utility should retain these profits as an incentive to seek out opportunities for interchange sales. In addition, they asserted that equity holders of investor-owned utilities are entitled to a "reward" on facilities they financed.

Since ratepayers pay for the generation plant, they should benefit fully from any profits from interchange sales. Moreover, if costs of interchange purchases are passed through the automatic adjustment clause to the ratepayers, it would be inconsistent to treat profits from interchange sales in a different manner. Finally, as a regulated corporation, a utility should seek out opportunities for profitable interchange sales to reduce generation plant costs to its ratepayers. Nonetheless, the extent to which profits from interchange sales are to be flowed through to the ratepayers is a local issue and must be decided by State regulatory authorities and nonregulated utilities. No change has been made to the guideline in response to these comments.

With respect to interchange purchase of power, commenters asserted, variously, that (a) the costs of all interchange purchases should be included in automatic adjustment clauses calculations, (b) only the costs of emergency power purchases and economy purchases should be included in such calculations, or (c) only the fuel component of purchased power costs should be included.

All the costs of power purchases which are made to displace higher cost self-generation should be included in automatic adjustment clause calculations to the extent such costs are not included in the base rates. Permitting only a percentage of such costs to be passed through to ratepayers would create a disincentive for a utility to engage in cost saving purchases and ultimately result in higher rates.

The question of automatic adjustment clause treatment of those purchases which do not displace higher cost self-generation is more complex. Individual utility circumstances determine the particular reasons for such purchases. For example, when fuel supply shortages occur, utilities dependent on impacted fuels can stretch their supplies by aggressively engaging in interchange purchases of power generated from non-impacted fuels. In addition, utilities are encouraged under Section 202(a) of the Federal Power Act to enhance coordination of planning and operations with other utilities. Such coordination reduces the amount of needed installed reserve capacity and benefits ratepayers and utilities while increasing the likelihood of interchange purchases when equipment breakdowns occur. On the other hand, large non-cost saving interchange purchases may be attributable to serious utility management deficiencies resulting in a pervasive pattern of equipment outages.

The proposed guideline took the position that individual utility circumstances should be the determining factors in automatic adjustment clause treatment of non-cost saving power purchases. This position has not been changed in the final guideline.

The proposed guideline suggested careful assessment of automatic adjustment factors when either fuel or purchased power is obtainable from an affiliate or through an interlocking directorate in order to ensure arms length negotiations and reasonable prices or costs. Several commenters were concerned that the guideline not discourage entry by utilities into fuel production activities and that utilities not be arbitrarily denied full pass through of affiliate fuel charges. Other commenters agreed with the proposed guideline that fuel transactions between affiliates should receive careful evaluation.

The guideline does not discourage entry by utilities into fuel production activities. Investment in affiliate fuel production activities may provide needed fuel supply assurance. Such investment may also serve to moderate the cost of outside fuel purchases by providing cost experience useful in negotiating purchases and by providing, in effect, a ceiling on the delivered cost of fuels. However, the nature of affiliate transactions requires special regulatory evaluation. Accordingly, no changes have been made to the guideline.

One commenter suggested clarification of the phrase "lowest evaluated long-term fuel price" as used in the guideline in the context of measuring the quality of a utility's procurement practices. The phrase is intended to convey the concept that the lowest quoted price may not always be the lowest cost of fuel for a utility and its ratepayers when other factors are taken into consideration. For example, the evaluated price of coal may take into account the quoted price, Btu's/ton, quality of the coal (e.g., ash, sulphur, shale content), supplier delivery performance and price escalation provisions. A utility should, however, be able to substantiate its decision to choose other than the lowest quoted price. No change has been made to the guideline in response to this comment, since it is intended that regulatory authorities have considerable flexibility in determining, with respect to individual utility circumstances, the "lowest evaluated long term fuel price."

B. Provision of Incentives for Economic and Efficient Generation of Electricity

A number of commenters questioned whether an automatic adjustment clause is an appropriate context for examining the efficiency of utility plant operation. The comments ranged from whether it is possible to assess operating efficiency adequately, to whether such reviews are even necessary, to advocating that such reviews be undertaken exclusively in base rate proceedings.

The guideline recommends that utilities and regulatory authorities identify current performance parameters, establish cost-effective goals mindful of the utility-specific operating environment, establish procedures and programs to achieve identified goals and periodically monitor progress toward achieving these goals. There is no fundamental barrier to undertaking such an effort as part of an automatic adjustment clause process provided the performance parameters are evaluated over a reasonable time period.

The PURPA standard on automatic adjustment clauses includes the specific criterion that such clauses be determined "to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy)" by the utility. In order to ensure that resources

are used efficiently, performance goals should be proposed by the utility, and evaluated and approved by the regulatory authority. Progress in achieving those goals should be monitored by the regulatory authority. The approach taken in the guideline assures ratepayers that, while bills rapidly respond to changing fuel prices, all reasonable measures are being undertaken by the utility and regulators to minimize fuel costs.

A number of commenters expressed concern that the utility performance efficiency goals recommended in the guideline would be interpreted by regulators as suggesting that rigid performance standards be made a part of an automatic adjustment clause process. In proposing that performance efficiency goals be set, DOE is not suggesting that precise and firm performance standards be established. Any such goals should be established by the utility and its regulatory authority in the context of the operating environment of the individual utility.

Performance efficiency goals should in particular, be evaluated for their implications for utility operating decisions. For example, adoption of a capacity factor standard may cause a utility to forego cost-saving electricity purchases and increase on-system generation in order to achieve a high capacity factor; or a utility may be induced to unnecessarily purchase high-cost, high-purity fuel in order to achieve a non-cost effective high plant availability factor. Thus, setting rigid performance efficiency standards may induce utilities to make improper operating decisions.

Appropriate changes have been made to the guideline to clarify that individual utility circumstances should determine the goals for relevant performance parameters and that the utility should achieve maximum economic efficiency over time (lowest $/Mwh) for the energy it supplies. The guideline suggests that plant data available from the Nuclear Regulatory Commission (NRC) and the National Electric Reliability Council (NERC) may be useful in establishing individual goals. The guideline does not recommend that such data automatically be adopted for this purpose. In addition, the final guideline does not reference the Economic Regulatory Administration as a source for data on fossil fuel burning plants since the primary source of such data is the NERC.

Finally, DOE disagrees with one commenter who asserted that membership in a power pool assures that the least costly mix of generation and purchased power will be used. Membership in a power pool does not ensure that fuel is purchased at the lowest evaluated cost nor does it ensure that generation units are maintained for maximum efficiency.

C. Incorporation of Automatic Adjustment Charges Into the Rate Structure

A number of commenters asserted that, for a variety of reasons, fuel adjustment charges should not be based on marginal costs or time-of-use rates. These commenters reasoned that (1) advocating rates based on marginal costs is irrelevant and inappropriate to the automatic adjustment clause guideline, (2) not enough is known about designing time-of-day rates with a fuel adjustment charge, or (3) marginal cost based fuel (adjustment) charges are not necessary, especially if the month-to-month fluctuation in fuel costs is small.

Rate structures should be considered along with any automatic adjustment clause which adjusts such rates. A utility's rates provide the best incentives for end-use efficiency (conservation) and for efficient use of its own resources when they reflect marginal costs. The guideline recommends that special attention be given to the way in which fuel adjustment surcharges affect a utility's rate structure. Such surcharges should not distort incentives for energy conservation that have been incorporated into a basic rate structure which is based on marginal costs. Where time-varying rates are in effect, it is important to maintain the appropriate onpeak/offpeak price differential. The challenge is to develop a procedure for a fuel adjustment surcharge that comes as close as practicable to capturing the proper differentials in both fuel prices and generation mix used in different time periods.

One way to handle this problem is to assign surcharge increases to rating periods in a manner which reflects the assumptions about fuel use that were made when base rates were established. If, in the basic rate structure, the use of fuels, by rating periods, was analyzed and energy costs were assigned on the basis of this analysis, the automatic adjustment surcharge can be assigned to rating periods in a similar manner. For example, if in the basic rate structure, 60 percent of total oil fuel costs are identified as being applicable to the onpeak period, then 60 percent of any surcharge attributed to oil would also be assigned to onpeak useage. A procedure of this type can only be employed as long as surcharges are a small proportion of total energy costs. The basic rate structure should be readjusted when fuel cost changes become large. This requires no change to the guideline.

Comments were almost evenly divided on the issue of zero-based fuel costs, where the entire fuel expense is covered in the adjustment surcharge. Some commenters contended that zero-based fuel rates promote customer understanding of fuel costs, while others agreed with the proposed guideline that this practice may be misleading to consumers. Other commenters took the position that whether or not fuel costs are zero-based is inconsequential.

DOE does not agree with the comment that zero-based fuel costs promote customer understanding of fuel costs. Rate structures should clearly distinguish between the level of the fuel cost component at the time rates were last approved by a regulatory commission or nonregulated utility and the current fuel adjustment surcharge. Distinguishing between these two components of fuel costs on a customer's bill reduces the possibility that misunderstandings will occur about regulatory treatment and review of fuel costs. No change has been made to the guideline in this area.

Several commenters suggested that the fuel adjustment amount be based on estimated fuel costs with a provision for subsequent reconciliation. With this approach, the fuel adjustment surcharge may move accurately reflect both current fuel costs and customer usage. However, a number of regulatory jurisdictions prohibit the use of estimated costs. The guideline does not take a position on this approach.

A number of comments were received on the impact of deferred fuel accounting and regulatory lag on incorporating fuel adjustment charges into the rate structure. Some commenters raised objections to the use of deferred fuel accounting by regulatory authorities, arguing that it violates ratemaking fundamentals and may be illegal as retroactive ratemaking.

The guideline does not express a position on the use of deferred fuel accounting. The State regulatory authorities and nonregulated electric utilities should determine the appropriateness of deferred fuel accounting considering individual utility circumstances.

A number of commenters observed that regulatory lag cannot be entirely avoided in the normal ratemaking process and may create an incentive to cost minimization.

Regulatory lag usually does exist and to some extent may provide an incentive for the utility of minimize costs. On the other hand, an automatic adjustment

procedure which permits current pass-through of costs, subject to regualtory review, also provides a cost minimization incentive. In addition, regulatory lag may cause distortions in the price signals provided by rates, and impair, on a continuous basis, a utility's ability to earn its allowed rate of return. Lags in the pass-through of fuel costs to customers should be minimized. The guideline has been modified to reflect this position.

Several commenters observed that an automatic adjustment clause should reflect energy requirements (line losses) of the ratepayers served by customer class.

Line losses attributable to a primary service customer would usually be less than for a secondary service customer. Therefore, to allocate more accurately the actual costs of serving each customer class, voltage level should be considered in the fuel adjustment surcharge. The guideline has been modified to reflect this.

D. Incentive for Displacement of Scarce Fossil Fuels in the Generation Mix

Several commenters suggested that, as an incentive for replacement of oil and gas-fired capacity, a penalty (such as less than 100 percent pass-through) be imposed on oil and gas fuel-cost recovery. One commenter recommended that a coal conversion surcharge be included in automatic adjustment calculations to stimulate coal conversion.

The objective of an automatic adjustment clause is to mitigate the effect on utility revenues of relatively volatile cost items which a utility purchases on a continual basis. A coal conversion surcharge provision or a selective penalty for certain fuels may undermine this purpose. In addition, partial recovery of actual expenditures provides ratepayers with price signals which do not reflect the actual cost of service and may impair, on a continuous basis, a utility's ability to earn its allowed rate of return. Therefore, neither a coal conversion surcharge nor a selective penalty for certain fuels is recommended in the guideline.

Some commenters stated that the guidelines should clearly indicate that automatic fuel adjustment clauses should not be used to aid utilities in dealing with cash flow problems created by their construction programs.

The guideline recommends that the automatic fuel adjustment charge should track fuel and certain power transaction costs. Inclusion of other utility expenditures in an automatic adjustment clause is a local issue to be decided by the State regulatory authority or the nonregulated utility.

Several commenters contended that the guidelines is not the proper vehicle for encouraging the replacement of scarce fossil fuels with more abundant domestic fuels.

Incentives for efficient use of resources should include incentives to improve the efficiency of utility operations. In many cases, with current prices, the use of oil and natural gas in baseload units is economically inefficient. The State regulatory authority and nonregulated utility should determine the impact an automatic adjustment clause has on encouraging the continued use of high-cost fuels in the generation mix and act accordingly toward minimizing overall costs of generation. Therefore, it is appropriate for the guideline to advocate that special attention be given in automatic adjustment clause proceedings to oil and gas cost changes to ensure that utilities are sensitive to minimizing total generation costs over time. Accordingly, no change has been made to the guideline as a result of these comments.

A commenter observed that spent fuel disposal costs are fuel related and should be included in the fuel adjustment clause.

Such costs are controllable and are more appropriately included in the base rates. However, the treatment of spent fuel disposal costs is a matter for the State regulatory authorities or nonregulted utility to decide and is not addressed in the final guidelines.

E. Accounting and Management Audits

The comments submitted to DOE raise two areas of concern: (1) the nature and scope of audits, and (2) the advisability of refunds.

(1) *Audits.* The proposed guidelines recommended that review of a utility's management activities and procurement practices include an account audit of fuel transactions and a management audit of procurement practices. Many commenters supported this recommendation but made a number of suggestions or modifications. Several commenters offered suggestions regarding the frequency of audits. Some commenters reasoned that frequent management audits are not necessary or justified, since, generally, the operations of an electric utility do not change drastically over a short period of time.

The guideline recommends that management audits, as they relate to the operation of an automatic adjustment clause, should be performed every 4 years unless individual utility circumstances warrant more frequent audits. The recommendations developed as part of a management audit should, if appropriate, be implemented after an evidentiary hearing. In addition, an interim review of the utility's current management practices, relative to the operation of an automatic adjustment clause, should be undertaken at an evidentiary hearing every 2 years, or more frequently at the discretion of the regulatory authority. Such interim management reviews should include a comparison of the utility's current practices with the recommendations implemented after the management audit. Account audits should be performed as frequently as the regulatory authority considers necessary. It is DOE's opinion that this recommended audit/review procedure, combined with an evidentiary hearing, is an effective means of carrying out the provisions of section 115(e) of PURPA.

Several commenters, while supporting the use of management and account audits, were concerned that audits may be used to judge retrospectively whether utility operations were carried out perfectly, and that the scope of the proposed audits may be unnecessarily broad. One commenter suggested (1) an initial management audit of a utility's purchasing practices; and, (2) subsequent reviews to ascertain that approved practices are being observed.

As indicated above, the guidelines differentiates between a prior year management audit and an interim management review. The former would serve to establish, after an evidentiary hearing, accpetable fuel and purchased power procurement and generation practices for the utility. The interim management review, conducted at an evidentiary hearing, would service to determine if the utility's current procurement activities are in compliance with these practices. The scope and depth of both the management audit and the interim management review should be determined by the regulatory authority in accordance with its needs and the particular situation of the utility. No change has been made to the guidelines regarding account audits, since periodic account audits are necessary to ensure the accuracy of a utility's records concerning fuel and power transactions.

A number of commenters opposed the guideline requirement for account and management audits of utilities or contended that such audits should be subject to a cost/benefit analysis. Other commenters contended that utilities should participate in the selection of auditors

Account and management audits, conducted by auditors independent of

utility control, concerning utility operations are one method to "insure the maximum economies in those operations and purchases which affect the rates to which such [automatic adjustment] clause applies" (Section 115(e) of PURPA). The automatic flow-through of a substantial portion of the costs a utility incurs necessitates the adoption of a review process to insure that consumers are protected from unjustified activities on the part of the utility.

One commenter observed that public participation in the audit process, as mentioned in the proposed guideline, is not advisable since a number of procurement activities are confidential in nature, i.e., bid offerings, contract terms, etc.

The regulatory authority should determine the scope of public participation in any audit or review process to protect the interests of both the utility and the ratepayers. Consequently, the guideline, both proposed and final, suggest "appropriate opportunities" for public participation.

A suggestion was made that joint audits be performed in the case of multi-jurisdictional utilities.

Since there are potential economic advantages to joint audits, this approach may be considered and adopted at the discretion of the regulatory authorities. However, the guideline expresses no position on this issue.

(2) *Refunds.* A number of commenters contended that refunds to ratepayers should not be required under any circumstances. In support of this position, commenters argued that the threat of refund would result in increased costs of capital and would undermine a utility's financial stability. On the other hand, several commenters agreed with the proposed guidelines position on potential refunds.

To establish clear and fair practices for procurement of fuel and power is an appropriate function of regulators. To the extent utility management fails to follow such practices, an increase in the risk to investors and thus an increase in the cost of capital is also appropriate. If a utility has the benefit of an automatic adjustment clause, it should be expected to engage in efficient fuel and power procurement activities. It is the responsibility of the regulatory authority to determine which costs, if any, are unjustified based on the account audit and interim management review of current procurement practices.

One commenter suggested that since the proposed guideline provides a penalty for poor performance, a reward should be provided for exceptionally good performance.

With an automatic adjustment clause, a utility is given an extraordinary opportunity to quickly recover increased costs associated with a major portion of its revenues. Concomitant with this opportunity is a responsibility to act in a prudent manner.

Several commenters suggested that prospective adjustments to a utility's authorized rate of return, as opposed to refunds, should be the procedure for dealing with imprudent or fraudulent (unjustified) automatic adjustment clause activities.

The fuel adjustment revenue may have a different impact on various classes of ratepayers. Adjusting the rate of return to deal with adjustments attributable to unjustified activities may raise cost allocation questions in terms of who paid the over-charge and who receives the benefits of a lower overall rate of return. In addition, it is more appropriate to relate the penalty (refund) to the relevant activity (unjustified past fuel and purchased power transactions).

Some commenters contended that an automatic adjustment clause which contains a refund provision is, in effect, an interim rate which is excluded from the PURPA section 115(e) provisions.

The use of a refund mechanism as a means for enforcing automatic adjustment clause requirements does not constitute an interim rate. Moreover, there is nothing in the legislative history of PURPA to indicate that Congress intended to equate the possible use of a refund in this manner with the operation of an interim rate.

One commenter asserted that a provision for refunds may be illegal under the laws of certain States. Another commenter recommended that any refund obligation should be limited with respect to time and amount.

Although the final guideline recommends that the utility have a potential refund obligation of unjustified fuel and power procurement expenses, it contains no recommendations regarding specific details of a refund provision. The regulatory authority operating within a State should establish a refund provision only to the extent permitted by and consistent with applicable law. In addition, the regulatory authority should determine how its particular refund provision should operate.

F. Design of an Automatic Adjustment Clause

A majority of commenters argued that regulatory review, as opposed to a fuel price index, is the appropriate method for providing incentives for effective fuel and purchased power procurement practices and for efficient generation of electricity. In the proposed guideline DOE had requested comments on the fuel price index as a means of incorporating incentives into a fuel adjustment clause. The final guideline does not recommend the fuel price index approach at this time.

Some commenters recommended that an automatic adjustment clause be designed to provide less than 100 percent recovery of fuel cost increases.

This approach may be inconsistent with the purpose of an automatic adjustment clause. In addition, partial recovery of actual expenditures provides ratepayers with price signals which do not reflect the actual cost of service and may impair, on a continuous basis, a utility's ability to earn its allowed rate of return. Therefore, partial recoveries of fuel costs should be minimized.

Several commenters suggested that increases (or decreases) in fuel costs should not be automatically passed through to ratepayers unless such cost changes exceed a certain percentage and are approved by the appropriate regulatory body.

This position is not adopted in the guideline because changes in fuel costs should be passed through to ratepayers as rapidly and accurately as possible in order to keep costs and revenues in balance as well as to provide ratepayers with correct price signals. In addition, during periods of volatile fuel cost fluctuations, such a procedure could result in frequent hearings which could excessively burdensome and costly to the utility and to the regulatory body.

Several commenters suggested that the guideline be expanded to provide explicit guidance on other types of costs, other than fuel related, which might be included in an automatic adjustment clause.

As mentioned above, there are two basic circumstances which are important to consideration of automatic adjustment clause provisions. First, the expense for which automatic adjustment is allowed is a relatively uncontrollable and recurring expense. Second, the expense is variable with the volume of electricity sales; otherwise cost allocation is difficult and the adjustment cannot be made so as to recover for the utility precisely the increse (or decrease) which has occurred in operating costs. Fuel costs clearly and directly meet both circumstances. While an automatic adjustment clause may be the appropriate vehicle for recovery of other than fuel costs, the guideline has not been expanded to identify such costs explicitly. Most non-fuel costs are more appropriately treated within the basic rate case framework.

G. Need for an Automatic Adjustment Clause

Several commenters cautioned that the guideline should not undermine the basic purpose of the automatic adjustment clause which is to stabilize the financial condition of utilities.

An automatic adjustment clause is intended to recover (or refund) legitimate costs which change significantly between rate cases. The clause should not become a financial prop or catch-all which circumvents thorough regulatory review. The guideline provides advice to regulators on incentives for effective fuel procurement practices and for the efficient and economic generation of electricity while not undermining the basic purpose of the automatic adjustment clause.

A number of commenters contended that a fuel adjustment clause is unnecessary for utilities not faced with volatile and uncontrollable changes in fuel costs. Other commenters indicated that, because fuel cost revenues dominate utility cash flow, any appreciable lag in the recovery of these costs would be extremely detrimental to the future of the utility industry.

Depending on the type of fuel used and other factors, the need for an automatic adjustment clause differs from one utility to another. The issue of the need for an automatic adjustment clause is not properly within the scope of this guideline; it is an issue which should be addressed by the regulatory authority familiar with the particular circumstances of the utility concerned.

III. PURPA Guideline for the Automatic Adjustment Clauses Standard

The appendix to this notice contains the final guideline. The guideline is adopted as proposed except for the modifications described above and minor clarifying and conforming modifications.

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*); Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7101 *et seq.*))

Issued in Washington, D.C., on December 3, 1980.

Hazel R. Rollins,

Administrator, Economic Regulatory Administration.

Appendix.—PURPA Voluntary Guideline Number 3: Automatic Adjustment Clauses

A. Introduction

On November 8, 1978, the President signed into law the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*) as one part of the National Energy Act.

Section 113(b)(2) of PURPA establishes a standard for automatic adjustment clauses for State regulatory authorities and certain nonregulated electric utilities. The standard provides that no electric utility may increase any rate pursuant to an automatic adjustment clause unless such clause meets the requirements set forth in PURPA section 115(e). Automatic adjustment clauses are tariff provisions that permit electric utilities to incorporate changes in selected costs—the most important and largest of which is fuel costs—into their rates without going through a full rate hearing. The adjustments to rates that occur under these clauses are intended to protect an electric utility's financial condition from large unavoidable cost changes which, because of their frequency, are difficult and costly for regulatory authorities to deal with in a timely manner.

Under section 115(e) of PURPA, an automatic adjustment clause is defined as:

A provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to later determination of the appropriate amount of the rate.

Section 115(e) further requires that an automatic adjustment clause, which is consistent with the standard, must be determined, at least every 4 years, by the State regulatory authority or nonregulated electric utility, after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy), and must be reviewed at least every 2 years, at an evidentiary hearing, to insure the maximum economies in those operations and purchases which affect the rates to which the clause applies.

Although the standard is primarily procedural in its orientation, it does clearly indicate that incentives for the economical purchase and use of fuel and electric energy should be part of any automatic adjustment clause. Such incentives may be provided through regular public review and in-depth staff analysis of utility fuel procurement practices and use of generating resources.

In addition, incentives for the efficient use of resources may also emerge as a consequence of the rates charged for electricity. Electric utility rates based on marginal costs confront users with a price for electricity which more closely reflects the cost of the fuel used in its generation than rates based on average cost. If electric energy must compete with other sources of energy on its economic merits, through a system of marginal cost-based rates, utilities will have strong incentives to purchase and use fuels economically.

B. Coverage

This guideline covers the PURPA standard on automatic adjustment clauses and applies specifically to all automatic fuel adjustment clauses for covered electric utilities.

C. Definitions

As used in this guideline, except as otherwise specifically provided—

"Automatic adjustment clause" means a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

"Electric consumer" means any person, State agency or Federal agency to which electric energy is sold other than for purposes of resale.

"Electric utility" means any person, State agency, or Federal agency which sells electric energy.

"Nonregulated electric utility" means any electric utility other than a State regulated electric utility.

"Rate" means (a) any price, rate, charge, or classification made, demanded, observed, or received with respect to sale of electric energy by an electric utility to an electric consumer, (b) any rule, regulation or practice respecting any such rate, charge, or classification, and (c) any contract pertaining to the sale of electric energy to an electric consumer.

"Rate schedule" means the designation of the rates which an electric utility charges for electric energy.

"State agency" means a State, political subdivision thereof, and any agency or instrumentality of either.

"State regulatory authority" means any State agency which has ratemaking authority with respect to the sale of electric energy by any electric utility (other than such State agency), and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority.

D. DOE Guidance

Incentives which are established by regulators must be carefully designed. They can promote the effecient use of resources, but they can also place a utility in a position where its continued ability to provide reliable service to its customers is jeopardized. Extreme financial disincentives can seriously imperil a utility's cash flow and thus its ability to provide needed manintenance on its existing plants and equipment, and finance construction projects needed to meet increasing demands for electricity or displace existing oil or gas fired generating capacity. Therefore, in designing incentives for incorporation into an automatic adjustment clause, it is important to consider whether the incentives would tend to impede a utility's ability to provide reliable service.

This guideline is organized around four major issues which State regulatory authorities and nonregulated utilities should address in their consideration of the automatic adjustment clauses standard to determine if a utility is achieving the highest levels of economy and efficiency in fuel procurement and system operations. There are as follows:

(1) Provision of Incentives for Effective Fuel and Purchased Power Procurement Practices;

(2) Provision of Incentives for Economic and Efficient Generation of Electricity;

(3) Incorporation of Fuel Adjustment Charges into the Rate Structure;

(4) Provision of Incentives for the Displacement of Oil and Natural Gas in the Generation Mix.

Each of these issues is discussed below.

1. *Incentives for Effective Procurement Practices.* Incentives for effective procurement practices are most appropriately provided by a periodic review of fuel and power purchases with potential refunds for costs deemed to have been unjustifiably incurred. With respect to economic purchase of fuel, standardized methods for measuring management effectiveness are not readily available. Whether a utility has used sound procurement practices in purchasing fuels is best determined on a case-by-case basis, with appropriate opportunities for public participation.

Procedural review of management activities and procurement practices can be especially effective when tied to a potential refund obligation of unjustified expenses. The utility should carry the burden of showing that its policies and practices are economical and efficient. The review process should include, but not be limited to, the following items:

(a) An account audit, as required by the State regulatory authority or nonregulated utility, of fuel (and purchased power) transactions to:

i. Determine if fuel and associated costs (handling, etc.) are properly identified and recorded in the appropriate Uniform System of Accounts (Accounts 151, 501, 518, 555 etc.). Included in this determination should be a review of the current treatment of nuclear fuel costs (handling, storage and disposal costs, depreciation, etc.), a review of invoices, and a review of discount dates;

ii. Determine if purchased power and associated costs included therein are properly identified. Assure that purchases displacing higher cost self-generation are distinguished from purchases made for other reasons; and

iii. Determine if the accounting treatment of interchange transactions is proper.

(b) A management audit of the utility's practices for economical purchase and use of fuel and electric energy, conducted by auditors independent of utility control, at least every 4 years unless individual utility circumstances warrant more frequent audits. This audit should assess performance, identify opportunities for improvement, and develop recommendations for improvements or further action. Using the audit recommendations and other relevant information, such as the utility's generation performance goals discussed in section 2 below, the State regulatory authority or nonregulated utility should determine, in an evidentiary hearing, those utility practices which provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy) and, if appropriate, require the utility to implement them. The audit should include such practices as delegation of responsibility for procurement (organization); capacity to address both near and long-term requirements (current planning); updating procurement plans and monitoring the effectiveness of them (plan execution); allowance and treatment of specific accounts within the fuel adjustment clause and fuel source bids; procedures to check fuel quality, sizing of fuel stock levels, contract price measured against reasonably available alternatives (e.g., regional market prices), relevant contract terms and conditions, and any variations from contract terms. Also included would be an evaluation of the utility's plans to improve procurement procedures and to measure quality of procurement operations (develop an effective planning and decision model for achieving lowest evaluated long-term fuel prices).

(c) An interim review of the utility's current management practices for economical purchase and use of fuel and electric energy should be performed by the State regulatory authority or nonregulated utility at least every 2 years unless individual utility circumstance warrant more frequent review. This review should be conducted at an evidentiary hearing and should consist of an examination of the utility's current practices for economical purchase and use of fuel and electric energy relative to those implemented as a result of the management audit and the evidentiary hearing. During this review, the regulatory authority should make a determination as to whether opportunities for profitable sales and cost-saving purchases (especially when scarce fuels can be displaced) or interchange capacity and energy are being aggressively pursued by the utility. As a result of this interim management review, the State regulatory authority or nonregulated utility should determine whether the utility's fuel and power procurement activities were justified.

Scrutiny of automatic adjustment factors by the regulatory authority should cover an additional item where either fuel or purchased power is obtainable from an affiliate or through an interlocking directorate. The existence of such a relationship may necessitate reviewing transactions to insure arms-length negotiations as well as reasonableness of prices or costs passed through to the utility's customers. The Federal Energy Regulatory Commission (FERC) has some authority and responsibility in this area; however, utility systems operation and planning (which affect utility rates) occur at a regional level. As such, it is the responsibility of the State regulatory authority to determine the reasonableness of costs ultimately to be paid by ratepayers within its jurisdiction.

2. *Incentives for Economic and Efficient Generation of Electricity.* The econcomical use of fuel should be assessed, where possible, by identifying relevant performance parameters and establishing cost-effective goals for baseload units mindful of the operating environment, such as membership in an economically dispatched powerpool or the opportunity for economy purchases, of the individual utility. Procedures, practices and programs to achieve identified goals should be proposed by the utility and evaluated and approved by the regulatory authority. Progress

toward achieving those goals should be periodically monitored by the regulatory authority.

Performance data considered in the goal setting process should cover a sufficent historical period to provide adequate perspective. Therefore, compilation of adequate and accurate performance and maintenance data by the utility is essential to the goal setting process.

While local operating conditions usually preclude adoption of national performance data to establish local goals, national data may be useful for comparison purposes. National data for nuclear plants are available from the Nuclear Regulatory Commission. Similar data for fossil fuel burning plants are available from the National Electric Reliability Council.

The absence of abuse in the utility's administration of the fuel adjustment clause and, where appropriate, utility efforts to implement cost-effective programs for reducing consumption of scarce fuels and achieving maximum economic efficency over time (lowest $/Mwh) should be made review criteria for continuation or approval of an automatic adjustment clause. This review of a utility's performance should address the following in the context of the utility's operating environment:

(a) Availability and equivalent availability factors of baseload units,

(b) capacity factors of baseload units,

(c) Forced outage rates of baseload units,

(d) Utility's forecast for improved availability and proposals to achieve cost effective higher levels of performance of baseload units,

(e) Identification of needed capital improvements,

(f) Plans for effective preventive and outage maintenance of baseload generation units,

(g) Capital and operating cost increases necessary to achieve improved productivity from baseload units,

(h) specific plans for decreased use of scarce fuels,

(i) analysis of fuel cost implications of meeting environmental standards, e.g., low sulfur coal versus high sulfur coal with scrubbers based on minimum present worth of life cycle revenue requirements,

(j) demonstrations that purchased power displaced higher cost self-generation as a condition of recovering the total cost of such purchases, and

(k) Demonstrations that power purchases, for reasons other than displacement of higher cost self-generation, were prudent and justified as a condition of recovering the excess of the total cost of such purchases over the fuel cost component.

Reliance on after-the-fact reviews places a burden on the regulatory authority to determine whether a utility is fully identifying and exploiting cost-effective opportunities for increasing the performance of baseload generation. In addition, regulatory authorities will also need to be able to differentiate between situations in which an unplanned outage is due to events beyond the utility's control and those in which it is not. Some regulatory authorities may have to increase their expertise in the area of powerplant performance and maintenance in order to determine the level of expenditures which is in the best interest of utility customers.

3. *Incorporation of Fuel Adjustment Charges Into the Rate Structure.* The economical use of electric power by end-users can be affected by the way base period fuel costs are incorporated into rate structues. Fuel adjustment charges should be incorporated into rate structures in such a manner as to least distort the incentives for conservation.

Automatic adjustment clauses have generally been designed to track changes in average fuel costs because, like rates in general, they must conform to a revenue requirement based on average total costs. However, rates provide the best incentives for end-use efficiency (conservation) and for efficient use of utility resources when they reflect marginal costs rather than average costs. Therefore, where the energy cost component in the base rates varies by time of use, special attention must be given to the way in which fuel adjustment surcharges affect the rate structure of an electric utility to ensure that fuel adjustments (even if based on average fuel costs) do not unnecessarily distort incentives for energy conservation that have been incorporated into that rate structure.

The maintenance of appropriate onpeak/offpeak price differentials, where time-varying rates are in effect, is a specific problem that arises in this regard. The problem is likely to be greatest where the onpeak rate reflects the costs of oil-fired generation and the offpeak rate does not. If oil prices increase more rapidly than the prices for coal or nuclear fuel, then the onpeak/offpeak rate differential should widen. The challenge is to develop a fuel adjustment procedure that comes as close as possible to capturing the proper differentials in both fuel prices and generation mix used in different time periods.

Customers taking service at high voltage generally require less fuel per kilowatt-hour consumed than those taking service at low voltages. Thus, voltage level should be considered in the fuel adjustment surcharge to more accurately allocate the actual costs of serving each customer class.

Automatic adjustment surcharges should reflect current fuel costs to provide incentives for conservation. In this regard, any lag in reflecting the true cost of fuel and purchased power in the billing should be minimized.

Automatic adjustment surcharges should be small; the basic rate structure should be readjusted when fuel cost changes become large. Rate structures with zero-based fuel costs, where the entire fuel expense is covered in the adjustment surcharge, are generally inappropriate and misleading to the consumer.

4. *Incentives for Displacement of Scarce Fossil Fuels in the Generation Mix.* By allowing a utility to pass through fuel price increases automatically, automatic adjustment clauses can reduce incentives for cost effective replacement of oil and gas-fired capacity with new coal or nuclear capacity. Utility decisions to invest in new generation sources which use alternative fuels and which displace uneconomic uses of oil and gas can reduce the total revenues (and present value of life-cycle revenue requirements) collected from utility customers over the operating life of a new plant using coal, nuclear, or renewable energy resources.

Automatic adjustment clauses directly limit the timing and level of recovery of fuel costs and can bias decisions involving the replacement of oil and gas in the generation mix with coal and nuclear. Since the large capital costs of new baseload powerplants frequently result in cash flow problems, even when all increased fuel expenses are completely recovered through an automatic adjustment clause, financial penalties permitting only partial recovery of increased fuel costs may impede a utility's ability to undertake construction programs which would replace scarce fossil fuels with coal, nuclear, or renewable resources in the generation mix. Conversely, automatic flowthrough of fuel costs may also dissuade financially constrainted utilities from investing in capital intensive generating capacity.

In the consideration of the standard, the impact of any clause on a utility's ability and incentive to implement a system generation plan which minimizes total generation costs over time should receive careful analysis, including periodic reviews of system expansion plans, to establish that the long-term system fuel mix is economically justified.

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Federal Register

Wednesday
December 10, 1980

Part IV

Office of the Federal Register

Approval of Incorporations by Reference; 49 CFR Parts 170–179, Hazardous Materials Regulations

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

Approval of Incorporations by Reference

AGENCY: Office of the Federal Register.

ACTION: Approval of incorporations by reference.

SUMMARY: On September 30, 1980, the Office of the Federal Register published a document which listed materials approved by the Director of the Federal Register for incorporation by reference into Titles 42–50 of the Code of Federal Regulations. At that time, the Director also granted some extensions. This document today list final approvals for some documents previously given extensions in the September 30th document and found to meet the requirements for incorporation by reference.

DATES: The Director approves the following incorporations by reference from December 5, 1980 through September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Susan Schruth, (202) 523–4534.

SUPPLEMENTARY INFORMATION:

Authority

Each agency that wishes material incorporated by reference in the CFR to remain effective must annually submit to the Director a list of that material and the date of its last revision (1 CFR 51.13).

The materials included on the table below are incorporated by reference in the CFR under 5 U.S.C. 552(a) and 1 CFR Part 51. These procedures provide that material approved for incorporation by reference by the Director of the Federal Register has the same legal status as if it were published in full in the Federal Register.

Extensions

The Director granted extensions of approval for some material in Titles 42–50 of the Code of Federal Regulations, and indicated this in documents published in the Federal Register on September 30, 1980 (45 FR 64816) and on October 31, 1980 (45 FR 72464). These extensions were necessary to complete the review process under 1 CFR 51.13. The table in this document lists material which has received final approval for incorporation by reference by the Director of the Federal Register.

Availablity

Before an agency may incorporate by reference any material into the *Code of Federal Regulations,* it must make the material reasonably available to the class of persons affected by it. Agencies have indicated where you can obtain each item included in the table. The materials approved for incorporation by reference are available for inspection and copying at the Office of the Federal Register, 1100 L Street, N.W. Washington, D.C. (202) 633–6930.

Amendments

If the producer of materials approved for incorporation by reference changes or updates the material, and the agency wishes to enforce the changed or updated version, the agency shall publish an amendatory document in the Federal Register indicating that the material is amended. The agency also shall make the amended material available as indicated on the table, or as modified in the amendatory document. Amendments are not properly incorporated until a document is published in the Federal Register, and the amendment is filed at the Office of the Federal Register and made available to the public.

Other CFR Titles

For materials approved for incorporation by reference in Titles 28 through 41 of the CFR, see documents published on June 30, 1980 at 45 FR 44090; on July 14, 1980 at 45 FR 47111; and on September 9, 1980 at 45 FR 59297.

For materials approved for incorporation by reference in Titles 1 though 16 of the CFR, a document will be published on December 31, 1980.

For materials approved for incorporation by reference in Titles 17 through 27 of the CFR, a document will be published on March 31, 1981.

Problems

If you have any problems getting the material, notify the agency. If you find the material is not available, notify the Director of the Federal Register (NARS), Washington, D.C. 20408 or call (202) 523–4534.

Dated: December 5, 1980.

John E. Byrne,

Director of the Federal Register.

49 CFR Parts 170–179—Hazardous Materials Regulations

	CFR Citation
THE ALUMINUM ASSOCIATION	
420 Lexington Avenue, New York, New York 10017	
Aluminum Standards and Data, 1970–71, Dated December 1969	173.266; 178.65–5
AMERICAN NATIONAL STANDARDS INSTITUTE	
1430 Broadway, New York, N.Y. 10018	
ANSI MH6.11972 "Pictorial Marking for Handling of Goods,"	172.312
ANSI B16.5, Steel Pipe Flanges, Flanged Fittings, 1977	178.34
ANSI N14.1, "Packaging of Uranium Hexafluoride for Transport", 1971.	171.7; 173.396
AMERICAN SOCIETY OF MECHANICAL ENGINEERS	
United Engineering Ctr., 345 47th Street, New York, N.Y. 10017	
ASME Code, Sec. VIII (Div. I) and IX of 1977 edition of American Society of Mechanical Engineers Boiler and Pressure Code and Addenda through 12/31/78.	171.7; 173.33; 173.306, 173.315, 177.814; 178.251; 178.255; 178.337; 178.340; 178.342; 178.343; 178.245; 173.32; 179.400
ASME Code, Section V (FR Nondestructive examination, 1977)	173.33
ASME Code, Section IX (FR Welding and Brazing Qualification 77 + Add 79.	178.245
AMERICAN SOCIETY FOR TESTING AND MATERIALS	
1916 Race Street, Philadelphia, Pa. 19103, Annual Book of ASTM Standards	
ASTM A20–72a, "General Requirements for Delivery of Steel Plates for Pressure Vessels".	178.337
ASTM A47–68, "Malleable Iron Castings"	179.200
ASTM A53–69a, Welded and Seamless Steel Pipe	179.12–2
ASTM A178–70, "Electric Resistance Welded Carbon Steel Boiler Tubes".	179.12
ASTM A192–69, "Seamless Carbon Steel Boiler Tubes for High Pressure Service".	179.12
ASTM A–240–70, Spec. for Chrome and Chromium-Nickel Stainless Steel Plate, Sheet and Strip for Fusion-Welding Unfired Pressure Vessels.	179.200; 179.201; 179.220
ASTM A–240, Type 304	178.57; 179.100; 179.200; 179.201; 179.220; 179.400
ASTM A–240, Type 304L, 316L	179.200; 179.201; 179.220
ASTM A242–68, Spec. for High-Strength Low Alloy Structural Steel	179.100
ASTM A262–44–T, Boiling Nitric Acid Test for Corrosion Resisting Steels.	178.83
ASTM A265–69, Spec. for Nickel and Nickel-Base Alloy Clad Steel Plate.	173.252
ASTM A300–58, Steel Plates for Pressure Vessels for Service at Low Temperatures.	178.337
ASTM A312–70, Seamless and Welded Austentic Stainless Steel Pipe	179.12
ASTM A370–68, Methods and Definitions for Mechanical Testing for Steel Products (FR 370–68).	179.102
ASTM A388–67, Ultrasonic Testing and Inspection of Heavy Steel Forgings.	178.45
ASTM A515–69, Carbon Steel Plates for Pressure Vessels for Intermediate and Higher Temperature Service.	179.100; 179.200; 179.220; 174.300
ASTM A516 (–72), Spec. for Carbon Steel Plates for Pressure Vessels for Moderate and Low Temp. Service.	179.100, 179,102; 179.200; 178.337
ASTM A516–70a, Carbon Steel Plates for Pressure Vessels for Moderate and Lower Temperature Service.	179.100; 179.102; 179.200; 179.220
ASTM A537–69, Spec. for Carbon-manganese—Silicon Steel Plates Heat Treated for Pressure Vessels.	179.100
ASTM A572–68, Spec. for High-Strength Low Alloy Columbium-Vanadium Steels of Structural Quality.	179.100
ASTM A612–72a, High-Strength Steel Plates for Pressure Vessels for Moderate and Lower Temperature Service.	178.337
ASTM B–90–69, Magnesium Alloy Sheet and Plate	178.251
ASTM B161–70, Spec. for Nickel Seamless Pipe and Tube, 1970	179.12
ASTM B162–69, Spec. for Nickel Plate, Sheet, and Strip	173.252; 179.200
ASTM B209–69, Aluminum Alloy Sheet and Plate	178.340, 179.100; 179.200; 179.220

49 CFR Parts 170–179—Hazardous Materials Regulations—Continued

	CFR Citation
ASTM B210–70, Aluminum Alloy Drawn Stainless Tables (FR B210–68 (78)).	179.12
ASTM B221–69, Aluminum Alloy Extruded Bars, Rods, Shapes, and Tubes.	179.12
ASTM C148–77, Polariscopic Examination of Glass Containers	171.7; 178.17
ASTM D56–70, Flash Point by Tag Closed Tester	171.7; 173.115
ASTM D–88–56, Saybolt Viscosity	173.115
ASTM D93–71, Flash Point by Pensky Martens Closed Tester	173.115
ASTM D323, 1958, 68, Vapor Pressure of Petroleum Products (Rec'd Method).	171.7; 173.119; 173.300
ASTM D1505–68, Density of Plastics by the Density Gradient Technique.	Appendix B to Part 178
ASTM D1838–64, Copper Strip Corrosion by Liquefied Petroleum (LP) Gases.	173.315
ASTM D445–65, Viscosity of Transparent and Opaque Liquids (Rinematic and Dynamic Viscosities).	173.115
ASTM D638 (61T), Tensile Properties of Plastics	178.19
ASTM D638–68, Tensile Properties of Plastics	Appendix B to Part 178
ASTM D1056–68, Testing Sponge and Expanded Cellular Rubber Products.	171.7; 178.121
ASTM D1238 (62T), Measuring Flow Rates of Thermoplastics By Extrusion Plastometer.	178.19
ASTM D1238–65T, Measuring Flow Rates of Thermoplastics By Extrusion Plastometer (FR 57–T).	Appendix B to Part 178
ASTM D2161–66, Conversion of Kinematic Viscosity to Saybolt Universal Viscosity or to Saybolt Furol Viscosity.	173.115
ASTM D3243–73T, Flash Point of Aviation Turbine Fuels by Setaflash Closed Tester.	173.115
ASTM D3278–73, Flash Point of Liquids by Setaflash Closed Tester	173.115
ASTM E112–63, Estimating the Average Grain Size of Metals	Appendix A to Part 178
ASTM D445–72, "Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity)".	171.8
ASTM D1200–70, "Viscosity of Paints, Varnish, and Lacquers by Ford Viscosity Cup".	171.8
ASTM E8–69, Tension Testing of Metallic Materials	178.45
ASTM E8–78, Tension Testing of Metallic Materials	178.36; 178.37; 178.38; 178.39; 178.40; 178.41; 178.43; 178.44, 178.48; 178.49; 178.50; 178.51; 178.52; 178.53; 178.54; 178.55; 178.56; 178.57; 178.58; 178.59; 178.60; 178.61; 178.68
ASTM E487–74, "Standard Method of Test for Constant Temperature Stability of Chemical Materials".	171.7; 173.21
ASTM G23–69, "Standard Recommended Practice for Operating Light-and-Water Exposure Apparatus (Carbon-Arc Type) for Exposure of Nonmetallic Materials".	171.7; 172.407; 172.519
ASTM G26–70, "Standard Recommended Practice for operating Light-and-Water-Exposure Apparatus (Xenon-Arc-Type) for Exposure of Nonmetallic Materials.	171.7; 172.407; 172.519
AMERICAN WATER WORKS ASSOCIATION 2 Park Avenue, New York, N.Y. 10016	
AWWA Standard C207–55, "AWWA Standard for Steel Pipe Flanges"; 1955.	171.7; 178.34
AMERICAN WELDING SOCIETY 345 East 47th Street, New York, N.Y. 10016	
AWS Code B 3.0; "Standard Qualification Procedure;" 1972 (FRB 3.0–41 rev. May 73).	171.7; 178.12
AWS Code D–1.0 "Code for Welding in Building Construction," (FR D1.0–66).	171.7; 178.120

49 CFR Parts 170–179—Hazardous Materials Regulations—Continued

	CFR Citation
ASSOCIATION OF AMERICAN RAILROADS	
59 East Van Buren Street; Chicago, Ill. 60605	
"Association of American Railroads Specification from Tank Cars", 1970, exclusive of: (1) pp. 28–80, "AAR Part 179, changes to DOT regulations proposed by AAR Committee on Tank Cars"; and (2) DOT Regulations in effect January 1, 1970.	171.7; 173.31; 173.31; 179.12; 179.100; 179.101; 179.102; 179.103; 179.105; 179.200; 179.202; 179.220; 179.300; 179.400; 179.201; 179.6
AAR Catalog Nos. F70BHT; F70BHTE; F71BHT; F72BHT; F73HT; F79BHT.	179.14
AAR Catalog Nos. SE60CHTM; SE60CHTE; SF70CHT; SF70CHTE	179.14
AAR Catalog Nos. F70CHT; F70CHTE; F73AHT; F73AHTE; F79CHT; F79CHTE.	179.14
AAR Catalog Nos. SE67BHT; SE67BHTE; SE68BHT; SE68BHTE; SF79CHT; SF79CHTE.	179.14
AAR Catalog Nos. SE60CHT; SE60CHTE; SE67BHT; SE67BHTE; SE68BHT; SE68BHTE.	179.105
AAR Catalog Nos. SF70CHT; SF70CHTE; SF79CHT; SF79CHTE	179.105 179.000
AAR Specification for Design Fabrication and Construction of Freight Cars; September 1, 1964.	179.100
BUREAU OF EXPLOSIVES	
1920 L Street NW., Washington, D.C. 20036	
Bureau of Explosives Impact Apparatus (test), January 24, 1961	173.53; 173.64; 173.65; 173.114
Bureau of Explosive Closed Drum Apparatus (test)	173.300
Bureau of Explosive Open Drum Apparatus Test	173.300
Fetterley's Formula (The Determination of the Relief Dimensions for Safety Valves on Containers in which Liquefied gas is charged and when the exterior Surface of the container is Exposed to a Temperature of 1200° F.).	173.315
Flame Projection Test Jan. 24, 1958	173.300
Bureau of Explosive Pamphlet 6 "Illustrating Methods for Loading and Bracing Carload and Less Than Carload Shipments of Explosives and Other Dangerous Articles" 1962.	171.7; 174.55; 174.101; 174.112; 174.115; 174.290
Bureau of Explosive Pamphlet 6a (includes Appendix No. 1, October 1944 and Appendix 2, December 1945) "Illustrating Methods for Loading and Bracing Carload and Less Than Carload Shipments of Loaded Projectiles, Loaded Bombs, Etc." 1943.	171.7; 174.101; 174.290
Bureau of Explosive Pamphlet 6c "Illustrating Methods for Loading and Bracing Trailers and Less-Than Trailer Shipments of Explosives and Other Dangerous Articles Via Trailer-on-Flat-Car (TOFC) or Container-on-Flat-Car (CDFC)", September 1968.	171.7; 174.55; 174.63; 174.101; 174.112; 174.115
Bureau of Explosive Pamphlets 1 & 2 "Emergency Handling of Hazardous Materials in Surface Transportation; June 1973".	171.7; 177.861
CANADIAN TRANSPORT COMMISSION	
275 Slater Street, Ottawa, Ontario KIA ON9	
Canadian Transport Commission Regulations; 1974	173.8; 174.11
COMPRESSED GAS ASSOCIATION, INC.	
500 Fifth Avenue, New York, N.Y. 10036	
CGA Pamphlet C–6 "Standards for Visual Inspection of Compressed GAS Cylinders," 1975.	171.7; 173.31; 173.34; 173.126
CGA Pamphlet C–7 "A Guide for the Preparation of Precautionary Marking for Compressed Gas Containers", Appendix A, May 15, 1971, and Addenda January 1976.	171.7; 172.400
CGA Pamphlet C–8 "Standard for Requalification of ICC–3HT Cylinders" 1972.	171.7; 173.34
CGA Pamphlet S–1.2 "Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases," 1966.	171.7; 173.315
CGA Pamphlet G–2.2 "Tentative Standard Method for Determining Minimum of 0.2% Water in Anhydrous Ammonia," 1975.	173.315
CGA Technical Bulletin TB–2; "Guidelines for Inspection and Repair of MC–330 and MC–331 Cargo Tanks," 1975.	173.33
U.S. DEPARTMENT OF DEFENSE	
2461 Eisenhower Avenue, Alexandria, Virginia	
Department of Defense—DOD TB 700–2, "Explosives Hazard Classification Procedures".	173.86

49 CFR Parts 170–179—Hazardous Materials Regulations—Continued

	CFR Citation
U.S. DEPARTMENT OF ENERGY	
1000 Independent Avenue SW., Washington, D.C. 20545	
International Atomic Energy Agency (IAEA); Regulations for the Safe Transport of Radioactive Materials Safety Series No. 6, 1967 edition.	171.7; 171.12; 172.203; 173.389; 173.393; 173.394; 173.395; 173.296
USAEC, ORO–651 "Uranium Hexafluoride Handling Procedures and Container Criteria," Revision 3, 1972.	171.7; 173.396
THE FERTILIZER INSTITUTE	
1015 18th Street, Washington, D.C. 20036	
"Definitions and Test Procedures for Ammonium Nitrate Fertilizer Revised May 7, 1971," January 16, 1973.	173.182; 174.510
U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	
Public Health Service, Center for Disease Control, National Institute for Occupational Safety and Health, Cincinnati, Ohio 45226	
NIOSH Registry—"Registry of Toxic Effects of Chemical Substances;" 1978.	171.7; 172.203
INSTITUTE OF MAKERS OF EXPLOSIVES	
420 Lexington Avenue; New York, N.Y. 10017	
"IME Standard for the Safe Transport of Class C Detonators (Blasting Caps) in a Vehicle with Certain Other Explosives," March 21, 1979.	171.7; 177.835
INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION	
101–104 Piccadilly, London, WIV OAE, England	
International Maritime Dangerous Goods Codes, Volumes I, II, III, IV, 1977, and Amendments 14–76, 15–77, and 16–78 thereto.	171.7; 171.12; 172.102; 172.401; 172.407; 176.5; 176.11; 176.27; 176.30
NATIONAL ASSOCIATION OF CORROSION ENGINEERS	
240 West Loop South, Houston, Texas 77027	
NACE Standard TM–01–69 "Test Method Laboratory Corrosion Testing of Metals for the Process Industries;" 1969.	171.7; 173.240; 173.500
NATIONAL BUREAU OF STANDARDS	
Department of Commerce, 5285 Port Royal Road, Springfield, VA. 22151	
NBS Handbook H–28 (1957) "1957 Handbook of Screw-Thread Standards for Federal Services, Part II," December 1966 Edition.	171.7; 178.45
USDC, USDOE—Material and Equipment Specification No. SP–9, Revision 1 and Supplement "Fire Resistant Phenolic Foam".	171.7; 178.120
NATIONAL FIRE PROTECTION ASSOCIATION	
60 Batterymarch Street, Boston, Mass. 02110	
NFPA Pamphlet No. 58 "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1972.	171.7, 173.315
SOCIETY OF THE PLASTICS INDUSTRIES, INC.	
Organic Peroxide Producers Safety Division, 355 Lexington Avenue, New York, N.Y. 10017	
"Self Accelerating Decomposition Temperature Test"	171.7; 173.21
UNIFORM CLASSIFICATION COMMITTEE	
222 South Riverside Plaza, Chicago, Ill. 60606	
UFC Classification 13	171.7; 173.620; 173.630; 173.650; 173.1060
UNITED NATIONS	
United Nations Sales Section, New York, N.Y. 10017	
"Transport of Dangerous Goods"	171.7; 172.401; 172.407; 172.519

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Part V

Department of Justice

Attorney General

Implementation of Executive Order 12065, "National Security Information"

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 17

[Order No. 920-80]

Regulations Implementing Executive Order 12065, "National Security Information"

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This Order revises Part 17 of Title 28, Code of Federal Regulations, to update the security regulations of the Department of Justice so that they reflect provisions of Executive Order 12065, entitled "National Security Information," and the Information Security Oversight Office's Implementing Directive to E.O. 12065. Both the order and the directive became effective on December 1, 1978. They replaced Executive Order 11652 and its implementing directive. Since Executive Order 12065 and its implementing directive made numerous substantive changes in the system of classification, declassification and downgrading of National Security Information, a complete revision of the Department's document security regulations, as contained in Part 17 of Title 28, Code of Federal Regulations, became necessary.

EFFECTIVE DATE: December 10, 1980.

FOR FURTHER INFORMATION CONTACT: Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530 (202-633-3101).

By virtue of the authority vested in me by E.O. 12065, 5 U.S.C. 301, 28 U.S.C. 509, 510, Part 17 of Title 28, Code of Federal Regulations is revised to read as set forth below.

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Authority: Executive Order 12065 of June 28, 1978, 5 U.S.C. 301 28 U.S.C. 509 and 510.

Subpart A—General Provisions

§ 17.1 Purpose.

The purpose of this regulation is to insure that information within the Department of Justice, herein referred to as the Department, relating to the national security (as used hereinafter, a collective term which means the national defense and foreign relations of the United States) is protected, pursuant to the provisions of Executive Order No. 12065 and its implementing directive (see § 17.2(a) and § 17.2(b)). This regulation prescribes: a progressive system for classification, downgrading and declassification; safeguarding policies and procedures; a monitoring system to insure the effectiveness of the National Security Information Program throughout the Department; and a system for reporting and investigating security violations and sanctions for such violations. The provisions of this regulation become effective upon approval by the Attorney General.

§ 17.2 Authority.

This regulation is issued in compliance with, and as a supplement to, the provisions of:

(a) Executive Order No. 12065 entitled, "National Security Information," dated June 28, 1978.

(b) The "Information Security Oversight Office Directive No. 1 Concerning National Security Information," dated October 2, 1978.

(c) 28 CFR 0.75(p), which outlines the security policy functions of the Justice Management Division (Security Programs Staff).

(d) Department Order 2600.2A entitled, "Security Programs and Responsibilities."

§ 17.3 Applicability.

This regulation governs the Department's National Security Information Program and takes precedence over all Department publications affecting that program. It establishes, for uniform application throughout the Department, the policies, standards, criteria and procedures for the classification, downgrading, declassification and safeguarding of National Security Information or material originated, produced or handled by, or in the custody of, the Department.

§ 17.4 Application to non-executive branch personnel.

Except as otherwise provided herein (see § 17.111), the provisions of this regulation apply to non-contractor personnel outside of the Executive Branch and to contractor personnel or employees who are entrusted with National Security Information originated within or in the custody of the Department. Clearance procedures for the aforementioned personnel are contained in Department Orders 2620.6 and 2600.3, respectively. Procedures for clearing Department personnel are contained in § 17.113 of this regulation.

§ 17.5 Atomic Energy Act.

Nothing in this regulation supersedes any requirements made by or under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq. as amended. "Restricted Data" shall be handled, protected, classified, downgraded and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and the regulations issued pursuant thereto.

Subpart B—Security Classification

§ 17.6 Policy.

(a) Except as provided in § 17.5, Executive Order No. 12065, as implemented by this regulation, provides the only basis for classifying information. The purpose of Executive Order No. 12065, as stated in its preamble, is "* * * to balance the public's interest in access to Government information with the need to protect certain National Security Information from disclosure * * *."

(b) Unnecessary classification and higher than necessary classification shall be scrupulously avoided. Executive Order No. 12065 provides that "If there is reasonable doubt which designation is appropriate, or whether the information should be classified at all, the less restrictive designation should be used, or the information should not be classified."

(c) Classification shall be continued no longer than is necessary for the protection of national security. Each decision to classify also requires a simultaneous determination of the length of time such classification must remain in force.

§ 17.7 Improper use of classification.

(a) Information may not be classified as Top Secret, Secret or Confidential, except for the purpose of preventing damage to the national security and in accordance with the provisions of Executive Order No. 12065, its

implementing directive and this regulation.

(b) Improper classification actions shall be reported initially to the appropriate Security Programs Manager within the Department. The Department Security Officer should, in all cases, be notified of the number of cases of improper classification within the Department by the Security Programs Manager concerned.

§ 17.8 Classification categories.

(a) *General.* Official information or material which requires protection against unauthorized disclosure in the interests of national security shall be classified in one of three categories, namely, "Top Secret", "Secret" or "Confidential". No other categories shall be used to identify official information or material as requiring protection in the interests of national security, except as otherwise expressly provided by statute.

(b) *Top Secret.* "Top Secret" is the designation which shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" could include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of extremely sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification shall be used with restraint.

(c) *Secret.* "Secret" is the designation which shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security. Examples of "serious damage" could include disruption of foreign relations affecting the national security; impairment of a program or policy directly related to the national security; revelation of military plans or intelligence operations; and compromise of scientific or technological developments relating to national security.

(d) *Confidential.* "Confidential" is the designation which shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause identifiable damage to the national security. Examples of "identifiable damage" could include the compromise of information which indicates strength of armed forces in the United States and overseas areas; disclosure of technical information used for intelligence operations; a written inspection report of classified areas; revelation of performance characteristics, test data, design, and production data on intelligence gathering equipment.

§ 17.9 Original classification authority.

Authority for original classification of information as Top Secret, Secret or Confidential may be exercised only by the Attorney General and by officials to whom such authority is specifically delegated in accordance with and subject to the restrictions of this Section. In the absence of an authorized classifier, the person designated to act in his or her absence may exercise the classifier's authority.

(a) *Top Secret.* Only the Attorney General may delegate original Top Secret classification authority. Such delegation may only be made to principal subordinate officials who are determined to have frequent need to exercise such authority. The delegation of authority must specify whether the Top Secret classification authority is authorized to delegate original Secret and Confidential classification authority.

(b) *Secret and Confidential.* Only the Attorney General and officials with delegated original Top Secret classification authority who are specifically authorized in writing to do so, may delegate original Secret and Confidential classification authority to subordinate officials whom they determine to have frequent need to exercise such authority.

(c) Each delegation of original classification authority shall be in writing, maintained by the Department Security Officer and shall specify the title of the position held by the recipient.

(d) Except for the Attorney General, officials to whom original classification authority is delegated may not, under any circumstances, redelegate such authority. However, those officials so designated by the Attorney General may delegate a lesser level of classification authority.

(e) Annual reviews, and special review as requested by the Department Security Officer, shall be made by Security Programs Managers to ensure that those to whom such authority has been delegated have demonstrated a continuing need to exercise it. The annual reviews are to be conducted at the end of each calendar year. Findings of this review are to be forwarded to the Department Security Officer.

§ 17.10 Classification duration.

(a) At the time a determination is made by an official to originally classify information as Top Secret, Secret or Confidential, a simultaneous decision must be made by that official as to the duration of time such classification must remain in force. In arriving at the latter decision, the classifier must exercise careful judgment as to how far in the future the basis for original classification will remain valid.

(b) Except as provided in § 17.10(c) officials designated to exercise original classification authority, pursuant to this regulation, are authorized to prolong classification as follows:

(1) Original Top Secret classification authorities may prolong classification no more than 20 years from the date of original classification.

(2) Original Secret and Confidential classification authorities may prolong classification no more than six years from the date of original classification.

(c) The classification of Foreign Government Information may be prolonged by an original Top Secret classification authority up to 30 years from the date of original classification or the date it was acquired or classified by the United States, whichever is earlier.

§ 17.11 Propriety of classification actions.

In accordance with § 17.155, all personnel assigning classifications to information within the Department are accountable for the propriety of such classifications, whether in the exercise of original classification authority or in the determination and application of classifications assigned in source documents or classification guides (i.e., derivative classification), and are required to maintain adequate records to support their classification actions.

§ 17.12 Challenges to classification.

If holders of classified information have reason to believe that the information is classified improperly or unnecessarily or that an overly-restrictive period for continued classification has been assigned, they are encouraged to challenge such classification with their Security Programs Manager or the classifier of the information, with a view to bringing about corrections.

§ 17.13 Accounting for classification actions.

The Department Security Officer shall establish, in coordination with the Information Security Oversight Office, a system for maintaining information on classification actions within the Department.

§ 17.14 Identification of classification authority.

Information or material classified under the provisions of this regulation shall indicate on its face, in the case of documents, or by notice or other means, in the case of material, the identity of the classifier. Such identification shall be shown on the "Classified by" line. In those cases where the personal identity of the authorized classifier would be classifiable, an alternate identification method may be used provided it is approved by the Department Security Officer.

§ 17.15 Derivative classification.

Information or material extracted or derived from a classified source document or classification guide and used in a Department originated document will be classified, or not classified, as the case may be, in accordance with the classification and downgrading markings shown in the source document or classification guide. The overall marking and paragraph marking of the source document should supply adeqate classification guidance to the person making the extraction. However, if paragraph markings are lacking, and if no classification guidance is included in the source document and no reference is made to an applicable classification guide which is available for use by the person making the extraction, the extracted or derived information or material will be classified in accordance with guidance specifically sought and received from the original classifier of the source material. If such guidance cannot be obtained, the information or material will be given the classification which corresponds to the overall marking of the source document.

§ 17.16 Positive judgment requirement.

Classification is a positive judgment, i.e., there must be an identifiable basis for classification, but both advantages and disadvantages to classifying must be weighed. All principles and criteria within this Subpart must be considered before a classification determination is made or a classification marking is applied. If there is reasonable doubt which classification designation is appropriate, or whether the information should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 17.17 Reasons for classification.

An evaluation of information pursuant to § 17.8 and § 17.18 forms the basis for classification. A document or other material is classified either: (1) because of the classified information it contains which may be ascertained by study, analysis, observation or use of it; or (2) because of the classified information it may reveal when associated with other information, including that which the classifier knows already has been officially released into the public domain.

§ 17.18 Criteria for classification.

A determination to classify shall be made only if the information meets one or more of the criteria in § 17.18 (a) through (g) and if the unauthorized disclosure of the information could reasonably be expected to cause at least identifiable damage to the national security. The fact that information falls under one or more of the criteria shall not be presumed to mean that the information automatically meets the damage criteria. Information may not be considered for classification unless it concerns:

(a) Military plans, weapons, or operations;

(b) Foreign government information;

(c) Intelligence activities, sources or methods;

(d) Foreign relations or foreign activities of the United States;

(e) Scientific, technological, or economic matters relating to the national security;

(f) United States Government programs for safeguarding nuclear materials or facilities; or

(g) Other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the President, by a person designated by the President or by an Agency Head. Requests for any such additional category of information shall be forwarded through the Department Security Officer to the Attorney General. Any additional categories of information must be reported promptly to the Director of the Information Security Oversight Office.

§ 17.19 Duration of classification.

(a) Except as provided in § 17.19(b), dates or events on which automatic declassification or review for declassification should occur shall be as early as the national security will permit and shall be no more than six years from the date of original classification.

(b) Classification may be prolonged for more than six years only by officials designated as original Top Secret classification authorities. This authority shall be used sparingly. In such cases, a declassification date or event, or a date for review, shall be set. This date or event shall be as early as national security permits and shall be no more than 20 years after original classification, except that for Foreign Government Information, the date or event may be up to 30 years after original classification. Classification may be extended beyond six years for one or more of the following reasons:

(1) The information is Foreign Government Information as defined in Executive Order No. 12065.

(2) The information reveals intelligence sources or methods which, if lost, would cause identifiable damage to the intelligence operation or to the safety of the source(s) involved.

(3) The information reveals capability data, the unauthorized disclosure of which can reasonably be expected to result in negating or nullifying the effectiveness of a system, installation, project or plan important to the national security.

(4) The information reveals specific foreign relations matters.

(c) In every case that classification is continued for more than six years, the identity of the original Top Secret classification authority and the reason(s), as set forth above, for the extension of classification beyond six years will be recorded as prescribed by Subpart D of this regulation. A specific reference to the pertinent subparagraph(s) above will suffice to meet the requirement concerning the recording of the reason for extension of classification beyond six years on the document.

§ 17.20 Presumption of Classification of Foreign Government Information.

Unauthorized disclosure of Foreign Government Information or the identity of a confidential foreign source is presumed to cause at least identifiable damage to the national security and accordingly shall be assigned a classification of at least "Confidential."

§ 17.21 Prohibitions.

(a) Classification may not be used to conceal violations of law, inefficiency, or administrative error, to prevent embarrassment to a person, organization or agency, or to restrain competition.

(b) Basic scientific research information not clearly related to the national security may not be classified.

(c) A product of non-government research and development that does not incorporate or reveal classified information to which the producer or developer was given prior access may not be classified under this Order until and unless the government acquires a proprietary interest in the product. This prohibition does not affect the

provisions of Chapter 17 of Title 35, United States Code.

(d) References to classified documents, when such references do not disclose classified information, may not be classified or used as a basis for classification.

(e) Classification may not be used to limit dissemination of information that is not classifiable under the provisions of Executive Order No. 12065 or to prevent or delay the public release of such information.

(f) No document originated on or after 1 December 1978 may be classified after receipt of a request for the document under the Freedom of Information Act or the Mandatory Review provisions of this regulation (Subpart C) unless such classification is consistent with this regulation and is authorized by the Attorney General or the Deputy Attorney General pursuant to paragraph 1-606, Executive Order No. 12065. Documents originated before 1 December 1978 and subject to such a request may not be classified unless such classification is consistent with this regulation and is authorized by an official with Top Secret classification authority or by the Chairman, Department Review Committee. Classification authority under this provision shall be exercised personally, on a document by document basis.

(g) Classification may not be restored to documents already declassified and released to the public under this or prior Orders.

(h) Under no circumstances may a compilation of official public releases be classified.

§ 17.22 Effect of open publication.

Appearance in the public domain of information currently classified or being considered for classification does not preclude initial or continued classification; however, such disclosures require reevaluation of the information to determine whether the publication has been compromised to the degree that downgrading or declassification is required. Similar consideration must be given to related items of information in all programs, projects, cases or items incorporating or pertaining to the compromised items of information. In these instances, if the release is shown to have been competently made or authorized by an official of the Executive Branch authorized to declassify and release such information, classification of identified items shall no longer be continued. However, holders should continue classification until advised to the contrary by a competent Government authority.

§ 17.23 Compilation of information.

The general rule is that a compilation of unclassified items of information shall not be classified. In some circumstances, however, classification may be required if the combination of unclassified items of information together provide a basis for which classification is warranted. Classification on this basis shall be used sparingly and shall be fully supported with a written rationale which will be included in the material so classified.

§ 17.24 Requirement for issuance of classification guides.

If the head of the Office, Board, Division or Bureau determines that benefit would be obtained from the use of classification guides, such guides shall be issued, based upon classification determinations made by appropriate classification authorities.

§ 17.25 Responsibility for preparation.

Classification guides shall be prepared in writing by the appropriate system, program, project, or case manager, or by a knowledgeable authorized classifier.

§ 17.26 Classification guide components.

Classification guides shall:

(a) Identify the information elements to be protected, using categorization and subcategorization to the extent necessary to insure that the information involved can be readily and uniformly identified.

(b) State which of the classification designations, i.e., Top Secret, Secret, or Confidential apply to the identified information.

(c) State the duration of each such specified classification in terms of a period of time or future event. When such duration is to exceed six years, the specific reason for prolonging classification beyond the six-year period shall be provided in the guidance in accordance with the provisions of § 17.19(b) of this regulation. A specific reference to the pertinent portion(s) of § 17.19(b) of this regulation will suffice to meet the requirement of this Subsection concerning the recording of the reason(s) for extension of classification.

§ 17.27 Classification guide approval.

Each classification guide shall be approved and signed by an official with original Top Secret classification authority within the Department element with primary responsibility for guide preparation. The identity of this official will be shown on the guide. Such approval constitutes an original classification decision.

§ 17.28 Review of classification guides.

Classification guides shall be reviewed for currency and accuracy not less than once a year. Changes shall be in strict conformance with the provisions of this regulation and shall be issued promptly. If no changes are made, the originator or his representative shall so annotate the record copy and show the date of the review. A listing of all Department classification guides in use shall be maintained by the Department Security Officer.

§ 17.29 Emergency classification.

(a) If a person not authorized to classify National Security Information within the Department originates or develops information which requires immediate classification and safeguarding and no authorized classifier is available, that person shall:

(1) Safeguard the information in the manner prescribed for the intended classification.

(2) Mark the information (or cover sheet if applicable) with the appropriate classification.

(b) When designating information as classified with such security classification markings, the requirements pertaining to overall classification markings contained in this regulation shall be followed.

§17.30 Final classification.

(a) Classified information which is marked with a classification not assigned by an authorized classifier shall be forwarded to an appropriate Department classifying authority for evaluation and decision concerning final classification action. Forwarding of such information to an authorized classifier for final classification shall be accomplished as soon as possible but no more than five working days from the time of initial classification. Upon any decision by the classifying authority to maintain the classification, appropriate markings shall be applied as prescribed in Subpart D.

(b) If a Department original classifying authority is not readily identifiable, the material shall be forwarded to the appropriate Security Programs Manager for action.

§ 17.31 Emergency action.

If an emergency requires immediate communication of information believed to require classification, after taking the action prescribed in § 17.29, such information may be transmitted; however the procedures contained in § 17.30 should then be followed. Care shall be taken that the security clearance of the person to whom the

classified material or information is being transmitted is correspondent to or higher than the initial classification, in accordance with the provisions of Subpart G of this regulation. Additionally, the means of transmission shall be commensurate with the level of the initial classification, as prescribed in Subpart G.

§ 17.32 Raising to higher level of classification.

The upgrading of classified information to a higher level than previously determined, by officials with appropriate authority, is permitted only when all known holders of the information can be notified promptly.

§ 17.33 Classification of previously unclassified information.

Unclassified information, once communicated as such, may be classified only when a classifying authority satisfies the requirements described for upgrading in § 17.32 and determines that control of the information has not been lost by public dissemination or access.

§ 17.34 Notification.

Prompt notification of all upgrading and unscheduled downgrading actions shall be provided to all known holders of the information.

Subpart C—Declassification and Downgrading

§ 17.35 Policy.

Declassification of information shall be given emphasis comparable to that accorded classification. Information classified pursuant to Executive Order No. 12065 and prior orders shall be declassified as early as national security considerations permit. Decisions concerning declassification shall be based on the loss of sensitivity of the information with the passage of time or on the occurrence of an event which permits declassification. When information is reviewed for declassification pursuant to this regulation or the Freedom of Information Act, it shall be declassified unless the declassification authority established pursuant to § 17.36 determines that the information continues to meet the classification criteria requirements prescribed in § 17.18 depsite the passage of time.

§ 17.36 Authority.

(a) Authority to declassify and downgrade information classified under the provisions of this or prior Orders shall be exercised as follows:

(1) By the Attorney General and the heads of the Offices, Boards, Divisions or Bureaus, with respect to all information over which their respective components exercise classification authority.

(2) By the official who authorized the original classification, if that official is still serving in the same position, by a successor, or by a supervisory official of either.

(3) By other officials designated for the purpose in accordance with § 17.36(b).

(b) The Attorney General shall designate additional officials at the lowest practicable echelons of supervision to exercise declassification and downgrading authority over classified information in their functional areas of responsibility. A list of officials so designated is to be maintained by the Department Security Officer in the same manner as is prescribed for records of designations of original classification authority. The Department Security Officer will ensure that all declassification and downgrading officials are knowledgeable of basic classification/declassification principles.

§ 17.37 Balancing test.

(a) It is presumed that information which continues to meet the classification criteria and requirements described in Subpart B requires continued protection. In some cases, however, the need to protect such information may be outweighed by the public interest in disclosure of that information and in these cases the information should be declassified. When such questions arise, the Attorney General or the head of the Office, Board, Division or Bureau concerned possessing Top Secret classifying authority (or his designee who also must possess such authority), shall determine whether the public interest in disclosure outweighs the damage to the national security that might be reasonably expected from disclosure and, if the determination is affirmative, declassify the information. The Security Programs Manager of the Office, Board, Division or Bureau concerned will establish internal procedures to ensure that these cases are referred to an appropriate reviewing official.

(b) When determining whether the public interest in disclosure outweighs the damage to the national security that might be reasonably expected from disclosure, the head of the Office, Board, Division or Bureau concerned should consider whether there exist any special circumstances so that the disclosure of the information would result in identifiable and significant benefit to the public. Such could include:

(1) Saving of human life;

(2) Avoidance of hostilities between sovereign powers;

(3) Accurate and appropriate public analysis of issues of national importance.

§ 17.38 Declassification by the Director of the Information Security Oversight Office.

If the Director of the Information Security Oversight Office determines that Department information is classified in violation of Executive Order No. 12065, the Director may require the information to be declassified by the Department. Any such decision by the Director may be appealed to the National Security Council, through the Department Review Committee. The information shall remain classified until the appeal is decided or until one year from the date of the determination by the Director of the Information Security Oversight Office, whichever occurs first.

§ 17.39 Systematic review for declassification.

Except for Foreign Government Information as provided in Subpart F, classified information constituting permanently valuable records of the Department as defined by 44 U.S.C. 2103, and information in the possession and under control of the Administrator of General Services pursuant to 44 U.S.C. 2107, shall be reviewed for declassification as it becomes 20 years old. Transition to systematic review at 20 years shall be implemented as rapidly as practicable and shall be completed by December 1, 1988.

§ 17.40 Classification extension beyond 20 years.

(a) The Attorney General may extend classification of information over which he exercises classification jurisdiction beyond 20 years using the procedures outlined in § 17.43. When classification is extended beyond 20 years, a date no more than 10 years later will be set for declassification or the next review. That date and the action specified shall be marked on the document. Subsequent reviews for declassification shall be set at no more than 10 year intervals, except as provided in § 17.40(b).

(b) Only the Director of the Information Security Oversight Office may extend the period between subsequent reviews for specific categories of documents or information beyond 10 years. A request for such extension shall be submitted through the Chairman, Department Review Committee to the Attorney General and shall include:

(1) a personal certification by the Attorney General that the classified

information for which the waiver is sought was systematically reviewed as required,

(2) a statement that a date for declassification could not be determined; and

(3) results of the review which establishes an identifiable need to retain classification for a period in excess of 20 additional years and a recommendation concerning the interval before the next required review.

§ 17.41 Systematic review assistance.

When requested by the National Archives and Records Service, the Attorney General shall designate experienced personnel to assist the Archivist of the United States in the systematic review of 20 year old United States originated information and 30 year old Foreign Government Information. The Department Security Officer may recommend the appropriate qualified personnel who shall:

(a) Provide guidance and assistance to National Archives employees in identifying and separating documents and specific categories of information within documents that are deemed to require continued classification; and

(b) Develop and submit through the Department Review Committee to the Attorney General recommendations for continued classification that identify documents or specific categories of information so separated.

§ 17.42 Systematic review guidelines.

(a) The Attorney General shall, after consultation with the Archivist of the United States and review by the Information Security Oversight Office, issue and maintain guidelines for systematic review covering 20 year old classified information under the Department's jurisdiction. (See also Subpart F, Foreign Government Information.) These guidelines shall state limited categories of information which, because of their national security sensitivity, should not be declassified automatically but should be reviewed, item by item, to determine whether continued protection beyond 20 years is needed.

(b) The Department Security Officer shall coordinate with Security Programs Managers and appropriate records management personnel within the Department in the development of guidelines for systematic review and shall submit such guidelines to the Attorney General for approval. The guidelines for systematic review shall, once approved and issued, be kept current through review by the Department Security Officer and the Security Programs Managers at least every two years and revised as necessary, unless earlier review for revision is requested by the Archivist of the United States. Copies of systematic review guidelines and changes thereto promulgated by the Department shall be provided to the Information Security Oversight Office. All unclassified guidelines for systematic review will be published in the Federal Register.

(c) All systematic review guidelines shall be authorized for use by the Archivist of the United States and may, upon approval of the Attorney General, be used by any other federal agency having custody of the information. All such information, except Foreign Government Information, not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established, shall be automatically declassified at the end of 20 years from the date of original classification.

§ 17.43 Systematic review procedures.

(a) Only permanently valuable records shall be subjected to systematic review for declassification. Classified nonpermanent records that are scheduled to be retained for more than 20 years need not be systematically reviewed, but shall be reviewed for declassification upon request.

(b) The Attorney General, through the Department Security Officer, shall direct that all such classified records 20 years old or older, whether held in storage areas under Department control or in Federal Records Centers, be surveyed to identify those that require scheduling for future disposition. If possible such scheduling should be accomplished by December 1, 1980. The Security Programs Managers and Records Management Officials shall coordinate this effort with the Department Security Officer and Department Records Management Officials, respectively.

(c) All Department information and material accessioned into the National Archives and Records Service that is permanently valuable and more than 20 years old is to be systematically reviewed for declassification by the Archivist of the United States (using the guidelines issued pursuant to § 17.42(c)) with the assistance of the Department's personnel designated for that purpose pursuant to § 17.41. The Archivist shall refer to the appropriate Security Programs Manager such information and material as has been indicated by the Department guidelines as requiring further review. The Security Programs Manager shall cause a review to be conducted by a knowledgeable Top Secret classifying authority in the Office, Board, Division or Bureau concerned. The Security Programs Manager shall also cause such review to be conducted in cases involving 20 year old information and material in the custody of the Office, Board, Division or Bureau concerned. Security Programs Managers within the Office, Board, Division or Bureau with primary jurisdiction over the classified information or material either received from the Archivist or in the Office, Board, Division or Bureau's custody, shall proceed as follows:

(1) Classified information or material over which the Office, Board, Division or Bureau exercises exclusive or final original classification authority and which, in accordance with the systematic review guidelines developed under § 17.42, is to be declassified, shall be marked and handled as such.

(2) Classified information or material over which the Office, Board, Division or Bureau exercises exclusive or final original classification authority and which the head of such organization recommends should be kept protected, shall be identified under appropriate category headings. Such information shall then be referred by the head of the Office, Board, Division or Bureau concerned through the Department Review Committee (for further review and recommendation) to the Attorney General. This recommendation shall:

(i) Identify the specific categories of classified information or material involved.

(ii) Recommend classification beyond 20 years to a specific future event scheduled to happen or for a specific period of time not to exceed 10 years or, in the alternative, recommend a subsequent review date not to exceed 10 years.

(iii) State the reason for the recommended continued classification.

(d) The Attorney General shall personally consider and determine which category of information and material shall be kept classified and the dates for automatic declassification or subsequent review. When the Attorney General makes a determination that National Security Information requires continued classification beyond 20 years under this Subpart, such extension of classification shall begin from the date of the Attorney General's decision. The Archivist of the United States will be notified in writing of this decision.

§ 17.44 Mandatory review for declassification.

All classified information, upon request by a member of the public or a Government employee or agency to declassify and release such information under the provisions of Executive Order

No. 12065, shall be subject to mandatory review by the originating Office, Board, Division or Bureau for possible declassification in accordance with the procedures of this Subpart. Requests for declassification under this provision shall be acted upon within 60 days.

§ 17.45 Mandatory review for Presidential Papers.

(a) Information less than 10 years old which was originated by the President, by the White House Staff, or by committees or commissions appointed by the President, or by others acting on behalf of the President, is exempted from mandatory review for declassification.

(b) Such information 10 years old or older is subject to mandatory review for declassification in accordance with procedures developed by the Archivist of the United States which shall provide for consultation with the Department in matters of primary subject interest to this Department.

§ 17.46 Submission of requests for mandatory review.

Requests for mandatory review of classified information shall be submitted in accordance with the following:

(a) Requests for mandatory declassification review under this Subpart shall be submitted to the Director, Office of Privacy and Information Appeals, 10th and Constitution Avenue, Washington, D.C. 20530. The Office of Privacy and Information Appeals shall promptly forward such requests to the Office, Board, Division or Bureau concerned provided:

(1) A department (any agency of the Government or other governmental unit) or employee thereof, or a member of the public requests the review.

(2) The request is in writing and reasonably describes the classified information or material with sufficient particularity to enable the Department to identify it.

(3) The classified information or material can be located with a reasonable amount of effort.

(b) When the description in a request is deficient, the requester should be asked to provide as much additional identifying information as possible. Before denying a request on the basis that the information or material is not obtainable with a reasonable amount of effort, the requester should also be asked to limit his request to information or material that is reasonably obtainable. If the requester then fails to describe the information or material he seeks with sufficient particularity, or if it cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal the decision to the Department Review Committee.

(c) The Office of Privacy and Information Appeals shall assign the request to the appropriate Office, Board, Division or Bureau within the Department for action, and shall immediately acknowledge receipt of the request to the requester in writing. The Office, Board, Division or Bureau concerned shall thereafter make a determination within 30 days of receipt of the request or shall explain to the requester the reasons why further time is necessary (including where consultation with other agencies is required pursuant to § 17.52(b)). If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Department Review Committee for a determination.

(d) If the Office, Board, Division or Bureau determines that continued classification is required, the requester shall promptly be notified, and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Department Review Committee and the notice of determination shall advise him of this right. If, after appeal by the requester, the Department Review Committee determines that continued classification is required, it shall promptly so notify the requester.

(e) In making its determinations concerning requests for declassification of classified information or material, the Department Review Committee shall impose, for administrative purposes, the burden of proof on the originating Office, Board, Division or Bureau to show that continued classification is warranted.

(f) After review, the information or any reasonably segregable portion thereof that no longer requires protection under this regulation shall be declassified and released to the requester unless withholding is otherwise warranted under applicable law. If the information, although declassified, is withheld, the requester shall be given a brief statement as to the reasons for denial, a notice of the right to appeal the determination to the Office of Privacy and Information Appeals, 10th and Constitution Avenue, Washington, D.C. 20530, and a notice that such an appeal must be filed with the agency within 60 days in order to be considered.

(g) Requests for declassification which are submitted under the provisions of the Freedom of Information Act shall be processed in accordance with the provisions of that Act.

§ 17.47 Information classified by agencies other than the department subject to mandatory review.

When the Office, Board, Division or Bureau receives a request from the Office of Privacy and Information Appeals for information in Department custody that involves information classified by another agency, it shall forward a copy of the request to the appropriate agency for review, together with a copy of the document containing the information requested, where practicable, along with its recommendation to withhold any of the information, where appropriate. Unless the agency that classified the information objects on grounds that its association with the information requires protection, the Office, Board, Division or Bureau shall also notify the requester of the referral. After the agency that classified the information completes its review (in coordination with other agencies that have a direct interest in the subject matter) a response shall be sent by the classifying agency to the requester in accordance with § 17.46. If requested, the agency shall also communicate its determination to the Office, Board, Division or Bureau.

§ 17.48 Mandatory review appeal.

The Director, Office of Privacy and Information Appeals shall establish detailed procedures to insure action within 30 days upon all appeals of denials of requests for declassification. These procedures shall provide for meaningful appellate consideration by the Department Review Committee, shall be forwarded to the Information Security Oversight Office for review, and shall be published in the Federal Register. In accordance with these procedures, the Department shall determine whether continued classification is required in whole or in part, notify the requester of the determination, and make available any information that is declassified and otherwise releasable. If continued classification is required under the provisions of Section 3-3 of Executive Order No. 12065, the requester shall be notified of the reasons therefor. If requested, the Department shall also communicate the appeal determination to any referring agency.

§ 17.49 Fees.

If the request requires the rendering of services for which fair and equitable

fees may be charged pursuant to 31 U.S.C. 483a, such fees may be imposed at the discretion of the Office of Privacy and Information Appeals, Office of the Associate Attorney General, in accordance with the schedule set forth in 28 CFR 16.9(b).

§ 17.50 Prohibitions.

No Office, Board, Division or Bureau in possession of classified information may, in response to a request for the document under this Subpart, refuse to confirm the existence or nonexistence of the document unless the fact of its existence or nonexistence would itself be classifiable under this regulation.

§ 17.51 Material officially transferred.

In the case of classified information or material transferred by or pursuant to statute or Executive Order from one department or agency to another in conjunction with a transfer of functions (as distinguished from transfers merely for the purpose of storage) the receiving department or agency shall be deemed to be the original classifying authority over such material for purposes of downgrading and declassification.

§ 17.52 Material not officially transferred.

(a) When any Office, Board, Division or Bureau of the Department has in its possession any classified information or material originated in an agency or department outside of the Department, which has since ceased to exist, and whose files and other property have not been officially transferred to another agency or department within the meaning of § 17.51, the head of the Office, Board, Division or Bureau (or his designee) with custodial jurisdiction over the information shall have the authority to declassify or downgrade such information. Further, if it is impossible for the possessing Office, Board, Division or Bureau of the Department to identify the originating agency, and a review of the material indicates that the classified information contained therein should be downgraded or declassified, the head of the Office, Board, Division or Bureau concerned (or his designee) shall have the authority to declassify or downgrade such classified information.

(b) If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing Office, Board, Division or Bureau within the Department shall not exercise the declassification authority discussed in § 17.52(a), except with the consent or consultation of the other department or agency, until 60 days after the Office, Board, Division or Bureau concerned has notified in writing, such other department or agency of the nature of the information and of its intention to downgrade or declassify the information concerned. During such a 60 day period, the other department or agency may, if it so desires, express its objections to downgrading or declassifying the particular information; however the authority to make the ultimate decision shall reside with the head of the possessing Office, Board, Division or Bureau (or his designee).

(c) Classification guidance may be sought from appropriate officials of the Office, Board, Division or Bureau concerned, from the Department Security Officer or from the Department Review Committee, in such instances, as described in this Subpart. In cases of conflict, the Department Review Committee shall be the resolving authority.

§ 17.53 Information transferred for storage or retirement.

Insofar as practicable, documents containing classified information shall be reviewed to determine whether or not such information can be downgraded or declassified prior to being forwarded to the Archives of the United States for permanent preservation. When this is accomplished, certification of classification review shall be entered on or affixed to the transmittal form or on the document itself by an authorized classifying or declassifying official. Appropriate markings reflecting downgrading or declassification shall also be indicated, pursuant to § 17.73, on each document reviewed. Classified information transferred to the General Services Administration for accession into the Archives of the United States shall be downgraded or declassified by the Archivist of the United States in accordance with Executive Order No. 12065, the directives of the Information Security Oversight Office, and Department guidelines.

§ 17.54 Automatic downgrading.

Classified information that is marked for automatic downgrading is downgraded accordingly without notification to holders.

§ 17.55 Downgrading upon reconsideration.

Classified information that is not marked for automatic downgrading may be assigned a lower classification designation by the originator or by an official authorized to declassify the same information (see § 17.36). Notice of downgrading shall be provided to known holders of the information to the extent practicable.

§ 17.56 Notification of changes in classification or declassification.

When documents containing classified information have been properly marked with specific dates or events for declassification, it is not necessary to issue notices of declassification to any holders. However, when declassification action is taken earlier than originally scheduled, the authority making such changes shall ensure prompt notification to all addressees to whom the information or material was originally transmitted. The notification shall specify the marking action to be taken, the authority therefor and the effective date. Upon receipt of notification, recipients shall effect the proper changes and shall notify addressees to whom, in turn, they have transmitted the classified information or material.

§ 17.57 Foreign relations series.

In order to permit the Department of State editors of the publication "Foreign Relations of the United States" to meet their mandated goal of publishing appropriate Government information 20 years after a particular event, all Offices, Boards, Divisions and Bureaus shall assist such editors by facilitating access to applicable classified information in their custody and by expediting declassification review of items from their files selected for publication.

Subpart D—Identification and Marking

§ 17.58 Policy.

Information determined to require classification protection under the provisions of this regulation shall be so designated. Designation by means other than physical markings may be used but shall be followed by physical marking as soon as possible.

§ 17.59 Marking Documents (General).

(a) At the time of original classification, the following shall be shown on the face of paper copies of originally classified documents:

(1) The identity of the original classification authority, unless he or she is the signer or approver of the document;

(2) The date of classification and office of origin. The document date and office of origin may be considered the date of classification and identification of the office of origin;

(3) The date or event for automatic declassification or for review for declassification;

(4) The identity of the extension authority and reason for extension. Documents classified for more than six years shall also be marked with the identity of the TOP SECRET classification authority who authorized prolonged classification, unless that official also is the signer or approver, and annotated with the reasons the classification is expected to remain necessary despite the passage of time. The reasons may be stated by reference to the appropriate criteria listed in § 17.19(b) of this regulation;

(5) Any downgrading markings or action to be taken and the date thereof;

(6) The classification of the subject or title, if any;

(7) The overall classification of the document;

(8) The level of classification of each paragraph.

(b) At the time of origin, paper copies of derivatively classified documents shall show on their face:

(1) The source of classification, i.e., a source document(s) or classification guide. If classification is derived from more than one source, the phrase "multiple sources" will be shown and the identification of each source will be maintained with the file or record copy of the document;

(2) The identity of the office within the Department originating the derivatively classified document;

(3) The classification of the individual paragraphs and the overall classification of the document;

(4) The date or event for automatic declassification or for review for declassification, which shall be carried forward from the source material or classification guide. If the classification is derived from multiple sources, the latest date or event for declassification or review applicable to the various source documents shall be applied to the new document, unless that date is more than 20 years later, in which case the new document shall be marked for declassification or review on the twentieth anniversary of the latest original classification of the source documents.

(c) In addition to the foregoing, paper copies of classified documents shall be marked as prescribed in this Subpart or in Subpart F if the document contains Foreign Government Information. Such notations shall be carried forward from source documents to derivatively classified documents when appropriate.

(d) To the extent practical, material other than paper copies of documents shall show the foregoing on the material itself or in related or accompanying documentation.

§ 17.60 Marking the document with the identity of classifier.

(a) Identification of a classification authority shall be shown on the "Classified by" line prescribed under § 17.73 and shall be such that, standing alone, it is sufficient to identify a particular official, source document or classification guide.

(1) If any information in a document or material is classified as an act of original classification, the classification authority who made the determination shall be identified on the "Classified by" line, unless the classifier is also the signer or approver of the document.

(2) If the classification of all information in a document or material is derived from a single source (for example, a source document or classification guide), the "Classified by" line shall identify the source of original classification or classification guide, including its date.

(3) If the classification of information contained in a document or material is derived from more than one source document, classification guide, or combination thereof, the "Classified by" line shall be marked "multiple sources" and identification of all such sources shall be maintained with the file or record copy of the document.

(4) If an official with requisite classification authority has been designated by the head of an Office, Board, Division or Bureau to approve security classifications assigned to all information leaving that component, the name and title of that designated official shall be shown on the "Classified by" line. The designated official shall maintain records adequate to support derivative classification actions.

(5) If the identification of the classifier in itself is classified information, a substitute identifier can be used provided that adequate records are maintained by the classifying organization to identify the classifier by name, if necessary.

(b) Guidance concerning the identification of the classification authority on electronically transmitted messages is contained in § 17.67.

§ 17.61 Overall and page marking.

Except as otherwise specified for working papers, the overall classification of a document, whether or not permanently bound, or any copy or reproduction thereof, shall be conspicuously marked, stamped or affixed permanently at the top and bottom on the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any). Each interior page shall be marked on the top and bottom according to its content, including the designation "UNCLASSIFIED" when appropriate. Alternatively, the overall classification of the document may be conspicously marked or stamped at the top and bottom of each interior page (regardless of the actual classification of the information contained on that page) when such marking is necessary to achieve reproduction efficiency and the particular information to which classification is assigned is otherwise sufficiently identified consistent with the intent of § 17.63. In any case, the overall classification marking of a page shall not take the place of the classification marking of portions of the page marked with lower levels of classification.

§ 17.62 Marking components of documents.

When major components of complex documents are likely to be used separately, each major component shall be marked as a separate document. Examples include: (a) each annex, appendix, or similar component of a plan or program; (b) attachments and appendices to a memorandum or letter; (c) each major part of a report.

§ 17.63 Paragraph or portion marking.

(a) Each section, part or paragraph, of a classified document shall be marked to show the level of classification of the information contained in or revealed by it, or that it is unclassified. Portions of documents shall be marked in a manner that eliminates doubt as to which of its portions contains or reveals classified information. Classification levels of paragraphs or portions of a document shall be shown by placing a parenthetical designator immediately preceding or following the text that it governs. In marking sections, parts, paragraphs, subparagraphs, or similar portions, the parenthetical designators "(TS)" for Top Secret, "(S)" for Secret, "(C)" for Confidential, and "(U)" for Unclassified, shall be used. When appropriate, the symbols "RD" for Restricted Data and "FRD" for Formerly Restricted Data shall be added, e.g., "(S-RD)" or "(C-FRD)". In addition, portions that contain Critical Nuclear Weapon Design Information will be marked "CNWDI" following the classification.

(b) Illustrations, photographs, figures, graphs, drawings, charts and similar portions of classified documents will be clearly marked to show their classification or unclassified status. Such markings shall not be abbreviated and shall be prominent and placed within or contiguous to the portion. Captions of such portions shall be marked on the basis of their content

alone, by placing the symbol "(TS)," "(S)," "(C)," or "(U)," immediately preceding the caption.

(c) If in an exceptional situation, the parenthetical portion marking is determined to be impracticable, the document shall contain a statement sufficient to identify the information that is classified and the level of such classification. Thus, for example, each portion or paragraph of a classified document need not be separately marked if all portions or paragraphs are classified at the same level, provided a statement to that effect is included in the document.

(d) When elements of information in one portion require different classifications, but segregation into separate portions would destroy continuity or context, the highest classification required for any item shall be applied to that portion or paragraph.

(e) The Director of the Information Security Oversight Office may, for good cause, grant and revoke waivers of the foregoing portion marking requirements. Requests for a waiver of portion marking requirements shall be submitted to the Department Security Officer from the Security Programs Managers and shall include the following: (1) identification of the information or class of documents for which such waiver is sought: (2) a detailed explanation of why the waiver should be granted; (3) the Office's, Board's, Division's or Bureau's judgment as to the anticipated dissemination of the information or class of documents for which the waiver is sought and (4) the extent to which such information subject to the waiver may be a basis for derivative classification in future documents.

§ 17.64 Subjects and Titles of Documents

Classified subjects or titles of documents shall be marked with the appropriate symbol, "(TS)," "(S)," "(C)," or "(U)," and shall be placed immediately to the right of such subjects or titles. When applicable, other appropriate symbols, e.g., "(RD)" and "(FRD)," shall be added. Every effort should be made to use unclassified titles or subjects.

§ 17.65 Files, Folders, or Groups of Documents.

Files, folders or groups of documents shall be marked conspicuously according to the highest classification of any classified document included therein. Document cover sheets may be used for this purpose.

§ 17.66 Transmittal Documents.

A transmittal document shall carry on its face a prominent notation as to the highest classification of the information transmitted with it and a legend showing the classification, if any, of the transmittal document standing alone. For example, an unclassified document that transmits an attachment classified SECRET shall bear a notation substantially as follows: "UNCLASSIFIED WHEN SEPARATED FROM SECRET ENCLOSURE."

§ 17.67 Messages.

It is recognized that marking some electronically transmitted classified messages poses serious technical problems, requiring certain exceptions. However, every reasonable effort shall be made to mark such messages consistent with the provisions of this Subpart.

§ 17.68 Translations.

Translations of United States classified information into a language other than English shall be marked to show the United States as the country of origin, with the appropriate United States classification markings and the foreign language equivalent thereof.

§ 17.69 Markings on special categories of material.

Security classification and declassification instructions assigned by the classifier shall be conspiciously stamped, printed, written, painted, or affixed by means of a tag, sticker, decal or similar device, on classified material other than paper copies of documents, and on containers of such material, if possible. If marking the material or container is not practicable, written notification of the security classification and declassification instructions shall be furnished to recipients. The following procedures for marking various kinds of material containing classified information are not all inclusive and may be varied to accommodate the physical characteristics of the material containing the classified information as well as organizational and operational requirements.

§ 17.70 Charts, maps and drawings.

Charts, maps and drawings shall bear the appropriate classification marking under the legend, title block or scale, in a manner that differentiates between the overall classification of the document and the classification of the legend or title itself. The higher of these markings shall be inscribed at the top and bottom of each such document. If folding or rolling charts, maps or drawings would cover the classification markings, additional markings shall be applied that are clearly visible when the document is folded or rolled.

§ 17.71 Photographs, films and recordings.

Photographs, films (including negatives), recordings, and their containers shall be marked in such a manner as to assure that a recipient or viewer will know that classified information of a specified level of classification is involved.

§ 17.72 Applying derivative declassification markings.

(a) New material that derives its classification from information classified on or after December 1, 1978 shall be marked with the declassification date, event, or date for review assigned to the source information.

(b) New material that derives its classification from information classified prior to December 1, 1978, shall be treated as follows:

(1) If the source material bears a declassification date or event not more than 20 years from the date of origin, the date or event shall be carried forward to the new material;

(2) If the source material bears no declassification date or event, or bears an indeterminate date or event such as "Upon Notification by Originator," "Cannot Be Determined," "Impossible to Determine," etc., or is marked for declassification beyond 20 years from date of origin, the new material shall be marked with a date for review for declassification at 20 years from the date of original classification of the source material; and

(3) If the source material is Foreign Government Information bearing no date or event for declassification or is marked for declassification beyond 30 years from date or origin, the new material shall be marked for review for declassification at 30 years from the time the information was originated by the foreign government or international organization of governments, or acquired or classified by the Department, whichever is earlier.

§ 17.73 Examples of commonly used markings.

At the time of origin, each classified document is marked on its face with one or more standard markings substantially as follows:

(a) Original Classification Not to Continue More than Six Years. The following markings are used with an original classification that will not continue beyond six years (§ 17.59(a)):

Classified by: (Classification Authority)

Declassify on: (Date or Event)
Message Abbreviation: DECL (Date or Event)

(b) Original Classification to Continue More than 6 Years but Not in Excess of 20 Years. The following markings are used with an original classification that will continue beyond 6 years but not in excess of 20 years (see § 17.59(a) for additional applicable markings):

Classified by: (Classification Authority)
Declassify on: (Date or Event)
Or Review for Declassification on: (Date 6–20 yrs from origin)
Extended by: (Top Secret Authority)
Reason: (a)(b)(c) or (d)
Message Abbreviations:
DECL (Date)
Or REVW (Date)
REAS (a)(b)(c) or (d)

(c) *Derivative Classification.* The following markings are used with a derivative classification (see § 17.59(b) for additional applicable markings):

Classified by: (Guide or Source Document)
Derivative Classification Applied by: (Identity of individual by name and office)
Declassify on: (Date carried forward)
Or Review on: (Date carried forward)
Message Abbreviations:
DECL (Date Carried Forward)
Or REVW (Date Carried Forward)

(d) *Downgrading.* The following marking is used to specify a downgrading (see § 17.59 (a) and (b) for additional applicable markings):

Downgrade to: (Classification) on (Date)
Message Abbreviation DG/(S)/ (6 June 84)

(e) The Restricted Data and Formerly Restricted Data markings (see § 17.77 and § 17.78) are, in themselves, evidence of extended classification. Therefore, except for electronically transmitted messages, only a completed "classified by" line is required with such a marking.

§ 17.74 Upgrading.

When material is upgraded it shall be promptly and conspicuously marked, except that in all such cases the old classification markings shall be cancelled and new markings substituted therefor.

§ 17.75 Limited use of posted notice for large quantities of material.

(a) When the volume of material is such that prompt remarking of each classified item cannot be accomplished without unduly interfering with operations, the custodian may attach upgrading, downgrading or declassification notices to the storage unit. Each notice shall specify the authority for the classification action, the date of the action, and the storage unit to which it applies.

(b) When individual documents or materials are permanently withdrawn from storage units, they shall be remarked promptly. However, when documents or materials subject to a downgrading or declassification notice are withdrawn from one storage unit solely for transfer to another, or a storage unit containing such documents or materials is transferred from one place to another, the transfer may be made without remarking if the notice is attached to or remains with each shipment. Items permanently withdrawn from such storage units shall be promptly remarked in accordance with this Subpart.

§ 17.76 Additional warning notices.

(a) In addition to the marking requirements prescribed in § 17.59, warning notices shall be prominently displayed on classified documents or materials, when applicable. In the case of documents, these warning notices shall be marked conspicuously on the outside of the front cover, or on the first page, if there is no front cover.

(b) When display of warning notices on other materials is not possible, their applicability to the information shall be included in the written notification of the assigned classification.

§ 17.77 Restricted data.

Classified documents or material containing Restricted Data as defined in the Atomic Energy Act of 1954, as amended, shall be marked as follows on the bottom of each page:

"RESTRICTED DATA

This document contains Restricted Data as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to Administrative and Criminal Sanctions."

§ 17.78 Formerly restricted data.

Classified documents or material containing Formerly Restricted Data, as defined in Section 142.d, Atomic Energy Act of 1954. as amended, but no Restricted Data, shall be marked as follows on the bottom of each page:

"FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to Administrative and Criminal Sanctions. Handle as Restricted Data in Foreign Dissemination, Section 144.b, Atomic Energy Act, 1954, 42 U.S.C. § 2011 et seq."

§ 17.79 Intelligence sources and methods information.

Classified information or material involving intelligence sources and methods and subject to specific dissemination controls shall be marked with the following additional warning notice:

"WARNING NOTICE—Intelligence Sources and Methods Involved."

§ 17.80 Dissemination and reproduction notice.

Classified information that is determined by a Department originator to be subject to special dissemination or reproduction limitations, or both, shall include, an appropriate statement(s) on its cover sheet, first page or in the text, substantially as follows:

"Reproduction requires approval of originator or higher Department of Justice authority."

"Further dissemination only as directed by (Insert appropriate office or official) or higher Department of Justice authority."

§ 17.81 Remarking old material.

Documents and material already marked under Executive Order 11652, as amended, or predecessor orders and directives shall be remarked in conformity with this Subpart when (a) the document or material itself is to be disseminated outside the Department, or (b) the document or material is reviewed by the Office, Board, Division or Bureau concerned for specific purposes under Subpart C. When such document or material is withdrawn temporarily from files or storage merely for reference purposes, or for transfer to other files or storage within the same activity, it need not be remarked. Whenever remarking of such documents or material is required, it shall be accomplished in accordance with this Subpart.

§ 17.82 Remarking documents or material marked "Subject to the General Declassification Schedule" or "Advanced Declassification Schedule".

A document or material, classified prior to December 1, 1978 and marked for automatic declassification in accordance with the General Declassification Schedule or an Advanced Declassification Schedule under Executive Order 11652 need not be remarked. However, should a determination be made under Subpart B to extend classification beyond the declassification date or event specified by the General Declassification Schedule or an Advanced Declassification Schedule, the document or material shall be remarked in accordance with this Subpart.

§ 17.83 Remarking Documents or Material Marked as "Exempt from the General Declassification Schedule" or Not Marked With Any Declassification Instructions.

A document or material classified before December 1, 1978 and marked as exempt from the General Declassification Schedule under Executive Order 11652 with a date or event for declassification 20 years or less from the date of origin, shall not be remarked. However, if a document or material exempted from the General Declassification Schedule is marked with a declassification date in excess of 20 years from the date of origin or does not bear a specific declassification date or event, it shall be marked with a date for review for declassification at 20 years from the date of origin of the document, e.g., "Review on (insert date)."

§ 17.84 Remarking Documents or Material Marked Group 4.

(a) Information classified under Executive Order 10501, as amended, that is contained in a document or material marked as Group 4 and still so marked, was redesignated by Executive Order 11652 under the General Declassification Schedule and became subject to automatic declassification thereunder as follows:

(1) All such information originally classified as Top Secret becomes downgraded at two year intervals and is declassified on December 31 of the tenth year from the year of origin or December 31, 1982, whichever is earlier;

(2) All such information originally classified as Secret becomes downgraded after two years and declassified on December 31 of the eighth year from the year of origin or December 31, 1980, whichever is earlier; and

(3) All such information originally classified as Confidential should have become declassified on December 31, 1978.

(b) When such information is determined to have been automatically declassified under subparagraph (a) (1), (2), or (3), above, remarking of a document or material is not necessary but old classification markings shall be canceled on at least the first page. In cases where such information remains classified under subparagraph (a) (1), (2), or (3), a finite date for declassification shall be shown on a "declassify on" line; prior classification markings shall be canceled on at least the first page, and current classification designations substituted therefor. However, should a determination be made under Subpart B to extend classification beyond the declassification date or event specified by the General Declassification Schedule, the document or material shall be remarked in accordance with this Subpart. Such extension may be made only in accordance with § 17.19(c).

§ 17.85 Remarking Documents or Material Marked Group 1, 2 or 3, or Not Group Marked.

Information (not including Foreign Government Information) classified before June 1, 1972 that is contained in a document or material marked as Group 1, 2 or 3 under Executive Order 10501 as amended, or not group marked, shall be remarked to show a date for review for declassification 20 years from the date of origin, e.g., "review on (insert date)."

Subpart E—Safekeeping and Storage

§ 17.86 Policy.

(a) Classified information may be used, discussed, held, or stored only where there are facilities or under conditions adequate to prevent unauthorized persons from gaining access to it. The exact nature of security requirements will depend on a thorough security evaluation of local conditions and circumstances. Security requirements must permit the accomplishment of essential functions while affording selected items of information reasonable degrees of security with a minimum of risk. The requirements specified in this regulation represent the minimum acceptable standards.

(b) Funds, weapons, medical items, or other items of intrinsic value will not be stored in containers along with classified National Security Information. Likewise, combinations and keys to containers used to store such items will not be kept in security containers used to store classified information. This restriction does not apply to valuable items which are themselves classified.

§ 17.87 Standards for storage equipment.

The General Services Administration establishes and publishes minimum uniform standards, specifications, and supply schedues for containers, vaults, alarm systems and associated security devices suitable for storage and protection of classified information and material throughout the Government. Department Order 2620.4 entitled "Physical Security Manual for Safeguarding Classified National Security Information" contains information regarding acceptable security equipment for the physical protection of National Security Information within the Department. No other equipment to be used for the storage of classified National Security Information shall be procured without the prior approval of the Department Security Officer.

§ 17.88 Storage of classified material.

Whenever classified material is not under the personal control of an authorized and appropriately cleared person, whether during or outside of working hours, it will be guarded or stored in a locked security container as prescribed below:

(a) *Top Secret.* Top Secret information or material shall be stored in:

(1) A safe-type steel file container having a built-in, three position, dial-type combination lock approved by the General Services Administration or a vault or secure area which meets the standards as contained in Department Order 2620.4 or

(2) An alarmed area, provided such facilities are judged by the Department Security Officer to afford protection equal to or greater than that prescribed in § 17.88(a)(1). When an alarmed area is utilized for the storage of Top Secret information and material, the physical barrier must be adequate to prevent surreptitious removal of the material, and observation, when such observation would result in the compromise of the classified information. The physical barrier must also be such that attempted forcible entry will give evidence of such entry into the area or room. As a minimum the alarm system must provide for an immediate response by a security force to an attempted surreptitious or forced entry.

(b) *Secret and Confidential.* Secret and Confidential material may be stored in a manner authorized for Top Secret; or in a vault-type room, or secure storage room which has been approved in accordance with the standards prescribed in Department Order 2620.4, or until phased out, in containers described in § 17.88(d).

(c) *Specialized Security Equipment.*

(1) *One and Two Drawer Containers.* One and two drawer security containers which are approved by the General Services Administration shall be used primarily in mobile facilities or in areas where small amounts of classified information is stored. Such containers should be securely fastened or guarded to prevent the theft of the container.

(2) *Map and Plan File.* A General Services Administration approved Map and Plan File container has been developed for storage of odd sized items such as computer cards and tapes, maps, charts, plans, and other classified material.

(d) *Non-General Services Administration Approved Containers.* In addition to the security containers

meeting General Services Administration standards, Secret and Confidential classified information may be stored in a steel filing cabinet equipped with a built-in, three-position, dial-type combination lock; or as a last resort, in an existent steel filing cabinet equipped with a steel lock bar, provided it is secured by a General Services Administration approved changeable combination padlock.

(e) *Sensitive Compartmented Information Storage.* Sensitive Compartmented Information will be stored only in accredited facilities which meet approved physical security standards for such material pursuant to Director of Central Intelligence Directive 1/19 entitled "Uniform Procedures for Administrative Handling and Accountability of Sensitive Compartmented Information" and other applicable Department regulations. When maintained in Sensitive Compartmented Information facilities, classified information may be stored in the same container prescribed for storage of Sensitive Compartmented Information, however, when removed from the Sensitive Compartmented Information facility the provisions of § 17.88 (a) through (d), apply.

§ 17.89 Procurement and phase-in of new storage equipment.

Whenever new security storage equipment is procured, it will be from the security containers listed on the Federal Supply Schedule, General Services Administration. Further acquisition for unapproved security containers or modification of cabinets to bar-padlock type as storage equipment for classified information and material is prohibited. Exceptions may be made by the Department Security Officer, upon written request from the Security Programs Manager concerned.

§ 17.90 Designations of security containers.

There shall be no external marking as to the level of classified information authorized to be stored in a container. However, each vault, secure area or security container shall be assigned a number or symbol for the purpose of identifying what level or category of classified information is stored therein. The number or symbol shall be affixed in a conspicuous location on the outside of the vault or security container. Security Programs Managers shall keep a record of the vaults and security containers under their cognizance along with the designation of the level of classified information authorized to be stored therein.

§ 17.91 Changing combinations to security containers.

Combinations to security containers will be changed only by individuals having an appropriate security clearance and who have received instruction on how to correctly change such combinations. Combinations shall be changed:

(a) When the container is placed in use;

(b) When an individual knowing the combination no longer requires or is authorized access to classified information stored in the container;

(c) When the combination or record of combination has been subject to compromise;

(d) At least annually; and

(e) When taken out of service. At this time built-in combination locks shall be reset to the standard combination 50–25–50; combination padlocks shall be reset to the standard combination 10–20–30.

§ 17.92 Classification of combinations.

The combination of a vault or container used for the storage of classified information and material shall be assigned a security classification equal to the highest level of the classified material authorized to be stored therein. No downgrading/declassification instructions or classifier identity are required to be made when classifying records of combinations to security containers. Accordingly, classification actions for such combinations are not required to be reported.

§ 17.93 Recording stroage facility data.

A record shall be maintained by Security Programs Managers or their designees for each vault, secure area, or container used for the storage of classified information. The record shall show its location, and the names and other appropriate identifying data of persons having knowledge of the combinations to such storage facilities. General Services Adminstration Optional Form 63, entitled "Security Container Information" may be used within the Department for these purposes. The OF–63 containing security combinations shall be marked with the appropriate overall classification, and shall be safeguarded and stored in accordance with the protection afforded to that classification.

§ 17.94 Care during working hours.

Each individual shall take all necessary precautions to prevent access to classified information by unauthorized persons (i.e., persons who do not possess an appropriate security clearance, and who do not possess the required need-to-know). Among the precautions to be followed are:

(a) Classified documents, when removed from storage for working purposes, shall be kept under constant surveillance and turned face-down or covered when not in use. Use of legal and standard size Department Cover Sheets should be utilized to cover classified documents.

(b) Preliminary drafts, carbon sheets, plates, stencils, stenographic notes, worksheets, and all similar items containing classified information shall be either destroyed by the person responsible for their preparation immediately after they have served their purposes, or shall be given the same classification and safeguarded in the same manner as the classified information they contain.

(c) Typewriter ribbons used in typing classified information shall be protected in the same manner as the highest level of classification for which they have been so used. When destruction is necessary, it shall be accomplished in the manner prescribed for classified working papers (See Subpart H) of the same classification. After the upper and lower sections of the ribbon have been cycled through the typewriter five times in the course of regular typing, all fabric ribbons may be treated as unclassified. Carbon and plastic typewriter ribbons and carbon paper which have been used in the production of classified information shall be destroyed after initial usage in the manner prescribed for working papers of the same classification. As an exception to the foregoing, any typewriter ribbon which remains substantially stationary in the typewriter after it has received at least five consecutive impressions may be treated as unclassified.

§ 17.95 Care after working hours.

Heads of Offices, Boards, Divisions and Bureaus shall require and institute through their Security Programs Managers, a system of security checks at the close of each working day to ensure that the classified information in the possession of such Offices, Boards, Divisions and Bureaus is properly protected. Security Program Managers shall require the custodians of classified information in their Office, Board, Division or Bureau to make periodic inspections of their respective areas which shall ensure that the following minimum requirements are met:

(a) All classified information is stored in approved security containers.

(b) Burn bags, if utilized, are either stored in approved security containers or destroyed.

(c) Classified shorthand notes, carbon paper, carbon and plastic typewritter ribbons, rough drafts and similar papers have been properly stored or destroyed. As a matter of routine during working hours, such classified items should be placed in burn bags or other trash receptacles designated only for classified trash and shall be destroyed as soon as possible thereafter.

§ 17.96 Administrative aids for safeguarding classified material.

Appropriate forms shall be used on security containers for check purposes. Such forms shall be conspicuously attached to the outside of each container used for the storage of classified information. Each authorized person will record the time and date that he or she unlocks or locks the security container, followed by the person's initials. At the close of each working day, a person other than the individual locking the container will check the container, in the presence of the individual locking the container, to insure that it is secure. The time of the check followed by the checker's initials will be recorded. The check will be conducted each working day. If a container has not been opened, the date and the phrase "Not Opened" will be noted in addition to the time and the checker's intitials. A container will not be left unattended until it has been locked by an authorized person and checked by a second person. The person locking a container is responsible for insuring that another person checks the container.

Reversible "Open-Closed" signs, shall be utilized on security containers containing classified information. The respective side of the sign shall be displayed to indicate when the container is open or closed.

§ 17.97 Telephone or telecommunication conversations.

Classified information shall not be discussed over nonsecure telephones. Classified telephone conversations are authorized over approved secure (encrypted) communication circuits. Information concerning which telephones are secured in the Department may be obtained from Security Programs Managers or the Department Security Officer.

§ 17.98 Security of meetings and conferences.

The official responsible for arranging or convening a conference or other meeting is also responsible for instituting procedures and selecting facilities which provide adequate security if classified information is to be discussed or disclosed (see Department Order 2660.1). The responsible official will:

(a) Notify each person who is to be present or who is to discuss classified information of any security limitations that must be imposed because of:

(1) The level of access authorization.

(2) Requirement for access to the information by the attendees.

(3) Physical security conditions.

(b) Insure that each person attending the classified portions of the meetings has been authorized access to information of equal or higher classification than the information to be disclosed.

(c) Insure that the area in which classified information is to be discussed affords adequate acoustical security against unauthorized disclosure.

(d) Insure that adequate storage facilities are available, if needed.

(e) Control and safeguard any classified information furnished to those in attendance and retrieve the material or obtain receipts, as required.

(f) Monitor the meetings to insure that discussions are limited to the level authorized.

(g) Insure that meetings at which classified information is to be discussed will be held only in a United States Government area or at a cleared facility of a Department contractor or consultant. When necessary for the accomplishment of essential functions, a meeting involving classified information may be held at another location provided it has been specifically authorized by the Department Security Officer.

Subpart F—Foreign Government Information

§ 17.99 Identification.

Foreign Government Information encompasses:

(a) Information provided to the United States by a foreign government or international organization of governments in the expectation, expressed or implied, that the information is to be kept in confidence; or

(b) Information produced by the United States pursuant to a written joint agreement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint agreement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

§ 17.100 Classification.

(a) Foreign Government Information classified and provided by a foreign government or international organization of governments shall retain its original classification designation or be assigned a United States classification designation that will ensure a degree of protection equivalent to that required by the government or organization that furnished the information. Original classification authority is not required for this purpose.

(b) Foreign Government Information that was not classified by a foreign entity but was provided with the expectation, expressed or implied, that it be held in confidence must be classified. The procedure for classification prescribed in Subpart B does not apply to the classification of Foreign Government Information because Executive Order No. 12065 provides for a presumption of at least identifiable damage to the national security in the event of unauthorized disclosure of such information. Therefore, Foreign Government Information shall be classified at least Confidential, and higher whenever the damage criteria of Secret and Top Secret are determined to be met.

§ 17.101 Duration of classification.

(a) Foreign Government Information shall be exempt from the automatic declassification and 20 year systematic review requirements of Subpart C.

(b) Unless guidelines developed pursuant to Subpart B prescribe dates or events for declassificaiton or for review for declassification:

(1) Foreign Government Informtion shall not be assigned a date or event for automatic declassification unless specified or agreed to by the foreign government or international organization of governments.

(2) Foreign Government Information classified by the Department on or after December 1, 1978, shall be assigned a date for review for declassification up to 30 years from the time the information was classified or acquired, whichever is earlier. Such information received undated shall be dated upon receipt. The provisions of § 17.19(b) are applicable to the classification duration of Foreign Government Information.

(3) Documents or material classified before December 1, 1978 that contain Foreign Government Information shall be marked for review for declassification 30 years from the date of origin, e.g., "Review on (insert date)."

§ 17.102 Declassification policy.

In weighing the need to protect information against the possible public interest in disclosure as prescribed in § 17.37, Department officials shall respect the intent of this regulation to protect Foreign Government Information and confidential foreign sources.

§ 17.103 Systematic review.

(a) The Attorney General shall, in consultation with the Archivist of the United States and, where appropriate, with the foreign governments or international organizations concerned, develop systematic review guidelines for 30-year old Foreign Government Information in the possession or under the control of the Department. These guidelines shall be kept current through review by the Attorney General at least once every two years unless earlier review for revision is requested by the Archivist of the United States. The Director, Office of Privacy and Information Appeals shall perform administrative functions necessary to effect such review by the Attorney General. These guidelines shall be authorized for use by the Archivist of the United States and may, upon approval of the Attorney General, be used by any agency having custody of the same categories of information.

(b) Thirty-year old Foreign Government Information originally received by the Department shall be reviewed in accordance with guidelines developed under paragraph (a) of this section. If, after applying the guidelines to this information, the reviewer determines that continued classification would be appropriate, the reviewer shall submit a recommendation for extension to the Attorney General.

(c) The Attorney General may extend the classification of Foreign Government Information originally received by the Department beyond 30 years when, in accordance with the provisions of this regulation, such extension is warranted. This authority may not be delegated. When classification is extended beyond 30 years, a date no more than 10 years later may be set for declassification or for the next review. That action and date shall be marked on the document. Subsequent reviews for declassification shall be set at no more than ten year intervals unless a longer interval has been authorized pursuant to § 17.40(b).

§ 17.104 Mandatory review.

Requests for mandatory review for declassification of Foreign Government Information shall be processed and acted upon in accordance with the provisions of § 17.44 through § 17.52, except that Foreign Government Information will be declassified only in accordance with the guidelines developed for such purpose and after necessary consultation with Offices, Boards, Divisions or Bureaus or other government agencies with subject matter interest. In cases where these guidelines cannot be applied to the Foreign Government Information requested, or in the absence of such guidelines, consultation with the foreign originator through appropriate channels normally should be effected prior to final action on the request. When the responsible Office, Board, Division or Bureau is knowledgeable of the foreign originator's view toward declassification or continued classification of the types of information requested, consultation with the foreign originator may not be necessary.

§ 17.105 Equivalent United States classification designations.

Except for the foreign security classification designation restricted, foreign classification designations, including those of international organizations of governments, i.e., NATO and CENTO, generally parallel United States classification designations.

§ 17.106 Marking other foreign government documents.

(a) If the security classification designation of foreign government documents is shown in English, no other classification marking shall be applied. If the security classification designation is not shown in English, the equivalent overall United States classification designation shall be marked conspicuously on the document. In those cases where foreign government documents are marked with a classification designation having no United States equivalent, such documents shall be marked and handled in accordance with § 17.106(b).

(b) Certain foreign governments and international organizations of governments use a fourth classification designation below Confidential. Such classification may be designated as Restricted. If foreign government documents are marked with such a classification designation, whether or not in English, no United States classification marking shall be applied but the Foreign Government Information so designated shall be protected as United States Confidential information.

(c) Dates for declassification or for review for declassification shall be marked on foreign government documents only as required by § 17.101 and § 17.103(c).

(d) In most cases, other marking requirements prescribed by this regulation for United States classified documents are not applicable to documents of foreign governments or international organizations of governments.

§ 17.107 Marking of information provided in confidence.

Documents containing Foreign Government Information not classified by the foreign government but provided to the Department in confidence shall be classified and marked with an appropriate United States classification.

§ 17.108 Marking of foreign government information in Department documents.

Except where such markings would reveal intelligence information Foreign Government Information incorporated into Department documents shall be identified in a manner that ensures that such information is not declassified prematurely or made accessible to nationals of a third country without consent of the originator. This requirement may be satisfied by including the appropriate identification in the portion or paragraph classification markings, e.g., (NATO–S) or (U.K.–C).

§ 17.109 Other foreign government information.

Classified Foreign Government Information shall be safeguarded or protected as prescribed by this regulation for United States classified information of a comparable level.

Subpart G—Access, Dissemination and Accountability

§ 17.110 Policy.

(a) No person may be given access to classified information or material originated by, in the custody or under the control of the Department, unless that person has been determined to be trustworthy and (except as provided in § 17.111(e)) unless access is necessary for the performance of official duties. Procedures shall be established by the Security Programs Managers of the Offices, Boards, Divisions and Bureaus to prevent any unnecessary access to classified information. No person is authorized to have access to classified information solely by the virtue of rank or position. Accordingly, all requests from the heads of the Offices, Boards, Divisions and Bureaus to the Department Security Officer for a personnel security clearance shall contain a demonstrable need for access to classified information. Further, the number of persons cleared and granted access to classified information shall be

maintained at the minimum number that is consistent with operational requirements and needs.

(b) The determination of trustworthiness for eligibility for access to classified information (referred to as a security clearance) shall be made by the Department Security Officer or his designee and shall be based on appropriate security background investigations in accordance with applicable Executive Orders, Department regulations, Intelligence Community directives and Office of Personnel Management guidelines. Current and valid clearances issued to persons by other agencies of the Executive Branch may be accepted, for access purposes only, in lieu of granting such clearances by the Department Security Officer. Such clearance certification shall be accomplished by the Department Security Officer, upon request.

(c) The Department Security Officer may delegate, in writing, the authority to grant Department employees security clearances to qualified Security Programs Managers when, in the estimation of the Department Security Officer, he is assured that the operational need justifies such delegation and that such officials shall continually apply all clearance criteria in a uniform and correct manner during the adjudication of personnel security investigations. In those instances where such authority is delegated, the Department Security Officer shall reserve the right to review all personnel security cases which contain derogatory information that could be a deterrent to eligibility for clearance. The Department Security Officer shall reserve the right to withdraw such authority in any instance where it is determined that Department clearance policy and criteria set forth herein are not being expressly followed.

§ 17.111 Access by persons outside the Executive Branch.

(a) *General.* In accordance with the provisions of Department Order 2620.6, classified information originated by, or in the custody of, the Department may be made available to individuals or agencies outside the Executive Branch provided that such information is necessary for performance of a function from which the Government will derive a benefit or advantage, and that such release is approved by the Attorney General or the Assistant Attorney General for Administration, and is not prohibited by the originating department or agency (or foreign government in the case of Foreign Government Information). Recipients must be shown to be trustworthy by the Department Security Officer and recipients must agree to safeguard the information in accordance with the provisions of this regulation. Heads of Offices, Boards, Divisions and Bureaus shall determine, prior to the release of classified information, the propriety of such action, in the interest of the national security and the recipient's security clearance status and need-to-know.

(b) *Congress.* Access to classified information by Congress, its committees, members, and staff representatives shall be in accordance with the provisions of Department Order 2620.6. Any Department employee testifying before a Congressional Committee in executive session in relation to a classified matter shall obtain the assurance of the committee that individuals present have a security clearance commensurate with the highest classification of the information that may be discussed. Members of Congress, by virtue of their elected positions, are not investigated or cleared by the Department.

(c) *Non-Contractor Personnel.* Personnel outside the Executive Branch who are not subject to any Department contracts or grants and therefore are exempt from the provisions of the Defense Industrial Security Program and who require access to classified information originated by or in the custody of the Department, shall be processed for such clearance in accordance with the provisions of Department Order 2620.2.

(d) *Contractor Personnel.* Personnel who are subject to a Department contract or grant or who are rendering consultant services to the Department and require access to classified information originated by or in the custody of the Department shall be processed for such access/clearance in accordance with the provisions of the Defense Industrial Security Program and Department Order 2600.3.

(e) *Historical Researchers and Former Presidential Appointees.* (1) The requirement in § 17.110 that access to classified information may be granted only as is necessary for the performance of official duties may be waived for persons who:

(i) Are engaged in historical research projects or

(ii) Have previously occupied policy-making positions to which they were appointed by the President.

(2) All persons receiving access pursuant to this subparagraph must have been determined to be trustworthy by the Department Security Officer as a precondition before receiving access. Such determination shall be based on such investigation as the Department Security Officer deems appropriate. Historical researchers and former Presidential appointees shall not have access to Foreign Government Information without the written permission from appropriate authority of the foreign government concerned.

(3) Waivers of the "need-to-know" requirement under this subparagraph may be granted by the Department Security Officer provided that the Security Programs Manager of the Office, Board, Division or Bureau with classification jurisdiction over the information being sought:

(i) Makes a written determination that such access is consistent with the interests of national security;

(ii) Limits such access to specific categories of information over which the Department has classification jurisdiction;

(iii) Maintains custody of the classified information at a Department facility;

(iv) Obtains the recipient's written and signed agreement to safeguard the information in accordance with the provisions of this regulation and to authorize a review of any notes and manuscript for determination that no classified information is contained therein;

(v) And in the case of former Presidential appointees, limits their access to items that such former appointees originated, reviewed, signed or received while serving as a Presidential appointee and insures that such appointee does not remove or cause to be removed any classified information reviewed.

(4) If access requested by historical researchers and former Presidential appointees requires the rendering of services for which fair and equitable fees may be charged pursuant to 31 U.S.C. 483a, the requestor shall be so notified and fees may be imposed.

(f) *Judicial proceedings.* (1) Any Department employee or organization receiving an order or subpoena from a Federal or State court to produce National Security Information; required to submit National Security Information for official Department litigative purposes; or receiving National Security Information from another organization for production of such in litigation, shall immediately determine from the agency originating the classified information whether the information can be declassified.

(2) If declassification is not possible, the Department employee or organization and the assigned Department legal counsel in the case shall take all appropriate action to protect such information pursuant to the provisions of this paragraph.

(3) If a determination is made to produce such information in a judicial proceeding in any manner, the assigned Department legal counsel shall take all steps necessary to ensure the cooperation of the court and where appropriate, opposing counsel, in safeguarding and retrieving the information pursuant to the provisions of this regulation. The following *minimum* security safeguards shall be requested of the court and, where appropriate, sought to be included in a judicial protective order:

(i) Every effort shall be made to limit production of classified information to an *in camera exparte* review by the court to determine the relevancy of the classified information in question.

(ii) Classified information shall not be introduced into evidence or otherwise disclosed at a proceeding without the prior approval of either the originating agency, the Attorney General, or the President.

(iii) Attendance at any proceeding where classified information is to be introduced or disclosed should be limited to the judge(s) of the court and to those other persons whose duties require knowledge or possession of the classified information *and* who have been determined to be trustworthy by the Department Security Officer.

(iv) All such proceedings shall be held in a secured court or hearing room pursuant to Department security procedures and regulations.

(v) Dissemination and accountability controls shall be established for all classified information offered for identification or introduced into evidence at such proceedings.

(vi) All transcripts of such proceedings shall be appropriately marked to show the classified portions and placed under seal upon transcription.

(vii) All classified information including the appropriate portions of the transcript shall be handled and stored in a manner consistent with the provisions of this regulation.

(viii) At the conclusion of the proceeding, all classified information shall be returned to the Department or placed under seal by the court.

(ix) All classified notes, drafts, or any other documents generated during the course of the proceedings and containing classified information shall be retrieved by Department employees and immediately transferred to the Department for safeguarding and destruction as appropriate.

(x) All persons who become privy to classified information disclosed under the provisions of this section shall be fully advised as to the classification level of such information, all pertinent safeguarding and storage requirements, and their liability in the event of unauthorized disclosure.

(4) This subparagraph shall apply to all litigation, including matters arising under the Freedom of Information Act, 5 U.S.C. 552, as amended.

§ 17.112 Access by foreign national, foreign governments, International organizations, and immigrant aliens.

(a) Classified information may be released to foreign nationals, foreign governments and international organizations, only when authorized under the provisions of the National Disclosure Policy 1/10.

(b) If it is in the interest of the national security, Secret and Confidential information may be released, on a limited basis, to immigrant aliens in the performance of official duties, provided that the Department Security Officer determines the individual is reliable and trustworthy in accordance with this Subpart.

(c) Immigrant aliens may be granted a Limited Access Authorization to Top Secret information provided that the head of the Office, Board, Division or Bureau concerned makes a personal written request and determination to the Department Security Officer that such access is essential to meet Government requirements and that the Department Security Officer determines that the individual is reliable and trustworthy in accordance with this Subpart.

§ 17.113 Procedures For Requesting a Security Clearance for a Department Employee.

Requests for determination of eligibility for a security clearance shall be in the form of a memorandum addressed from the head of the Office, Board, Division or Bureau concerned to the Department Security Officer. Exception to this requirement may be granted in accordance with the provisions of § 17.110(c). Two copies of the request shall be submitted. The memorandum shall contain the following items:

(a) *Degree of clearance requested.* National security clearances are categorized into three categories, namely Top Secret, Secret, and Confidential. The categories of security clearances are related directly to the levels of National Security Information to which access is required.

(b) *Justification for requested clearance.* A person must have a need for access to the particular classified information or material sought in connection with his/her official duties or obligations. This need-to-know is the essence for any justification for a security clearance. The justification for a clearance does not have to be long or detailed, however, a strict need-to-know shall be established before consideration to grant a security clearance can be given.

(c) *Continuous evaluation of need-to-know.* A continuing review of the established need-to-know shall be conducted by the Security Programs Manager.

(d) *Request for administrative withdrawal.* The head of each Office, Board, Division or Bureau shall make provision to request the administrative withdrawal of a security clearance of persons for whom there is no foreseeable need for access to classified information or material in connection with the performance of their official duties, for example, termination of employment or change in position. Likewise, when a person no longer needs access to classified material bearing a particular security classification category, a request that the security clearance be adjusted to the classification category still required for the performance of his/her official duties and obligations shall be made by the Security Programs Manager of the Office, Board, Division or Bureau concerned. In both instances, such action resultant from these requests will be without prejudice to the person's eligibility for future security clearances.

§ 17.114 Other access situations.

When necessary in the interests of national security, the Attorney General or the Assistant Attorney General for Administration may authorize access by persons outside the Federal Government, other than those enumerated above, to classified information upon determining that (a) the recipient is trustworthy for the purpose of accomplishing a national security objective and (b) that the recipient can and will safeguard the information from unauthorized disclosure. The clearance procedures and provisions of Department Order 2620.6 shall be followed in such instances.

§ 17.115 Dissemination.

(a) *Policy.* Expect as otherwise provided by section 102 of the National Security Act of 1947, 50 U.S.C. 403, classified information originating within the Department may not be disseminated outside any other agency to which it has been made available without the consent of the Department. Conversely, classified information originating in a department or agency

other than the Department shall not be disseminated outside the Department without first obtaining the consent of the originating department or agency. Office, Board, Division and Bureau Security Programs Managers shall establish procedures consistent with this regulation for the dissemination of classified information. The originating official or Office, Board, Division or Bureau may prescribe specific restrictions on dissemination of classified information when necessary.

(b) *Restraint on Reproduction.* All or portions of documents and materials that contain Top Secret information shall not be reproduced without the consent of the originator or higher authority. Any stated prohibition or marking on any classified document (regardless of classification) against reproduction shall be strictly observed (see Subpart D). The following measures apply to reproduction equipment and to the reproduction of classified information:

(1) Copying of documents containing classified information shall be minimized;

(2) Officials within each Office, Board, Division or Bureau shall be authorized by the Security Programs Manager, in writing, to approve the reproduction of Top Secret and Secret information; shall be designated by position title, and shall review the need for reproduction of classified documents with a view toward minimizing reproduction;

(3) Specific reproduction equipment shall be designated for the reproduction of classified information. Rules for reproduction of classified information shall be posted on or near the designated equipment;

(4) Notices prohibiting reproduction of classified information shall be posted on equipment used only for the reproduction of unclassified information;

(5) Security Programs Managers shall ensure that equipment used for reproduction of classified material does not leave latent images in the equipment or on other material;

(6) All copies of classified documents reproduced for any purpose, including those incorporated into a working paper, are subject to the same controls prescribed for the document from which the reproduction is made and;

(7) Records shall be maintained to show the number and distribution of reproduced copies of all Top Secret documents and of all classified documents covered by special access programs distributed outside the Department. Also, records shall be maintained concerning all Secret and Confidential documents which are marked with special dissemination and reproduction limitations.

§ 17.116 Transmission of top secret information.

Transmission of Top Secret information shall be effected only by:

(a) Authorized and cleared Department messenger-courier services,

(b) The Department of State Courier System,

(c) The Armed Forces Courier Service,

(d) Cleared and designated Department employee traveling on a conveyance owned, controlled or chartered by the Government,

(e) Cleared and designated Departmernt employees traveling by surface transportation,

(f) Cleared and designated Department employees traveling on scheduled commercial passenger aircraft within and between the United States, its Territories and Canada,

(g) Cleared and designated Department contractors traveling within and between the United States and its Territories provided that the transmission has been authorized in writing by the appropriate contracting officer or his designated representative and, the designated employees have been briefed in their responsibilities as couriers or escorts for the protection of Top Secret material,

(h) A crytographic communication system authorized by the Director, National Security Agency, or other secure communications circuits approved by the Department Security Officer.

§ 17.117 Transmission of secret and confidential information.

Transmission of Secret and Confidential information may be effected by:

(a) Any of the means approved for the transmission of Top Secret information except that Secret information may be introduced into the Armed Forces Courier Service only when the control of such information cannot be otherwise maintained in United States custody;

(b) Appropriately cleared Department contractors within and between the United States and it Territories provided that (1) the designated individuals have been briefed in their responsibilities as couriers or escorts for protecting classified information; and (2) the classified information remains under the constant custody and protection of the contractor personnel at all times;

(c) United States Postal Service registered mail with registered mail receipt within and between the 50 States, the District of Columbia, and Puerto Rico;

(d) United States Postal Service registered mail with registered mail receipt through DOD Postal Service facilities outside the 50 States, the District of Columbia, and Puerto Rico, provided that the information does not at any time pass out of United States citizen control and does not pass through a foreign postal system or any foreign inspection;

(e) United States Postal Service and Canadian registered mail with registered mail receipt between United States Government and Canadian government installations in the United States and Canada;

(f) Government and Government contract vehicles including aircraft, ships of the United States Navy, civil service operated United States Naval ships, and ships of United States registry when these carriers are under appropriately cleared escort personnel. Appropriately cleared operators of vehicles, officers of ships or pilots of aircraft who are United States citizens may be designated as escorts provided the control of the carrier is maintained on a 24-hour basis. The escort shall protect the shipment at all times, through personal observation or authorized storage to prevent inspection, tampering, pilferage, or unauthorized access. However, observation of the shipment is not required during the period it is stored in an aircraft or ship in connection with flight or sea transit, provided the shipment is loaded into a compartment that is not accessible to any unauthorized persons or in a specialized secure, safe-like container.

§ 17.118 Transmission of classified information to foreign governments.

Subsequent to a determination by competent authority that classifed information may be released to a foreign government, it shall be transmitted only to an embassy or official agency or representative of the recipient government.

§ 17.119 Envelopes or containers.

(a) Whenever classified information is transmitted, it shall be enclosed in two opaque sealed envelopes or similar wrappings where size permits, except as provided below.

(b) Whenever classified material is transmitted and the size of the material is not suitable for transmission in accordance with § 17.119(a), it shall be enclosed in two opaque sealed containers, such as boxes or heavy wrappings.

(c) Material used for packaging shall be of such strength and durability as to provide security protection while in transit, to prevent items from breaking

out of the container, and to facilitate the detection of any tampering with the container. The outer wrappings shall conceal all classifed characteristics.

§ 17.120 Addressing.

(a) Addresses forwarding classified information shall be specific so that couriers/messengers may easily identify the intended recipients. Use of office code numbers or such phrases in the address as "Attention: Research Department," or similar aids in expediting internal routing, in addition to the organization address is encouraged.

(b) Classified written information should be folded in such a manner that the text will not be in direct contact with the inner envelope or container. A receipt form shall be attached to or enclosed in the inner envelope or container for all classified information. When written materials of different classifications are transmitted in one package, they shall be wrapped in a single inner envelope or container. A receipt listing all classifed information shall be attached or enclosed. The inner envelope or container shall be marked with the highest classification of the contents.

(c) The inner envelope or container shall show the address of the receiving activity, classification, including, where appropriate, the "Restricted Data" marking, and any applicable special instructions. It shall be carefully sealed to minimize the possibility of access without leaving evidence of tampering.

(d) An outer or single envelope or container shall show the complete and correct address of the receiving activity and the return address of the sender.

(e) An outer cover or single envelope or container shall not bear a classification marking, a listing of the contents divulging classified information, or any other unusual data or marks that might invite special attention to the fact that the contents are classified.

(f) Care must be taken to ensure that classified information intended only for the United States elements of international staffs or other organizations is addressed specifically to those elements.

§ 17.121 Receipt systems.

(a) Top Secret information shall be transmitted under a chain of receipts covering each individual who receives custody.

(b) Secret and Confidential information shall be transmitted by a receipt between activities and other authorized addressees. Except that in lieu of receipts, the heads of Offices, Boards, Divisions and Bureaus may prescribe such procedures as are necessary to control effectively Secret and Confidential information.

(c) Receipts shall be provided by the transmitter of the material and the forms shall be attached to the inner envelope or cover.

(1) Receipt forms shall be unclassified and contain only such information as is necessary to identify the material being transmitted.

(2) Receipts shall be retained for at least two years.

§ 17.122 Transmission exceptions.

Exceptions to the transmission requirements for classified information may be authorized by the Department Security Officer, provided the exception affords an equal amount of protection and accountability as that provided by the requirements set forth above. Proposed exceptions that do not meet these minimum standards shall not be approved.

§ 17.123 General courier restrictions.

Appropriately cleared personnel may be authorized to escort/hand-carry classified material between their organization and an office to be visited, subject to the following conditions:

(a) The storage provisions of this regulation shall apply at all stops enroute to the destination, unless the information is retained in the personal possession and constant surveillance of the individual at all times. The hand-carrying of classified information on trips that involve an overnight stopover is not permissible without advance arrangements for proper overnight storage in a Government installation or a cleared contractor's facility.

(b) Classified material shall not be read, studied, displayed, or used in any manner in public conveyances or places.

(c) When classified material is carried in a private, public, or Government conveyance, it shall not be stored in any detachable storage compartment such as automobile trailers or luggage racks.

(d) Security Programs Managers shall provide a written statement to all individuals escorting or carrying classified material aboard commercial passenger aircraft authorizing such transmission. This authorization statement may be included in official travel orders and should ordinarily permit the individual to pass through passenger control points without the need for subjecting the classified material to inspection. Specific procedures for carrying classified documents aboard commercial aircraft are contained in § 17.125. The Security Programs Managers shall ensure that employees carrying classified information abroad have obtained an official passport and other necessary documentations as required by the Department of State.

(e) Each activity shall account for all classified information carried or escorted by travelling personnel.

(f) Individuals authorized to carry or escort classified material shall be fully informed of the provisions of this Subpart prior to departure from their duty station.

§ 17.124 Restrictions on hand-carrying classified information aboard commercial passenger aircraft.

Classified information shall not be hand-carried aboard commercial passenger aircraft unless:

(a) There are no other authorized means available to move the information to accomplish operational objectives or contract requirements in a timely manner.

(b) The hand-carrying has been authorized by the Department Security Officer or the Security Programs Manager of the Office, Board, Division or Bureau concerned, or by their designated Security Officers.

(c) The hand-carrying is accomplished aboard a United States carrier. Foreign carriers will be utilized only when no United States carrier is available and then the information must remain in the custody and physical control of the United States escort at all times.

§ 17.125 Procedures for hand-carrying classified information on commercial passenger aircraft.

(a) *Basic Requirements.* (1) Advance and continued coordination by the Office, Board, Division or Bureau shall be made with departure airline and terminal officials and, where possible, with intermediate transfer terminals to develop mutually satisfactory arrangements within the terms of this issuance and FAA guidance. Specifically, a determination should be made beforehand as to whether documentation described in § 17.125(c), will be required. Local Federal Aviation Administration Security Officers can be of assistance in making this determination.

(2) The individual designated as courier shall be in possession of a Department picture identification card and written authorization from the Security Programs Manager of the organization concerned or the Department Security Officer to carry classified information.

(3) The courier shall be briefed as to the provisions of this Subpart.

(b) *Procedures for Carrying Classified Information.* Persons carrying classified information should process through the airline ticketing and boarding procedure in the same manner as all other passengers except for the following:

(1) The classified information being carried shall contain no metal bindings and shall be contained in sealed envelopes or other suitable containers. Should such envelopes or packages be contained in a briefcase or other carry-on luggage, the briefcase or luggage shall be routinely offered for opening and inspection for weapons.

(2) Opening or reading of the classified document by the screening official is not permitted.

(c) *Procedures for Transporting Classified Information in Large Packages.* Classified information in large sealed or packaged containers shall be processed as follows:

(1) The Department official who has authorized the transport of the classified information shall notify the appropriate air carrier in advance.

(2) The passenger carrying the information shall report to the affected airline ticket counter prior to boarding, present his documentation and the package or cartons to be exempt from screening. The airline representative will be requested to review the documentation and description of the containers to be exempt.

(3) If satisfied with the identification of the passenger and his documentation, the airline official will be requested to provide the passenger with an escort to the screening station and authorize the screening personnel to exempt the container from physical or other type inspection.

(4) If the airline officials or screening personnel refuse to permit the package to be loaded onto the aircraft without inspection, the courier will contact the appropriate Department official for further instructions.

(5) The actual loading and unloading of the information will be under the supervision of a representative of the air carrier; however, appropriately cleared personnel shall accompany the material and keep it under surveillance during loading and unloading operations. In addition, appropriately cleared personnel must be available to conduct surveillance at any intermediate stops where the cargo compartment is to be opened.

§ 17.126 Accountability of Top Secret Information.

(a) Top Secret Control Officers and alternate Top Secret Control Officers shall be designated, in writing, by Security Programs Managers within all Offices, Boards, Divisions and Bureaus. Copies of such designations shall be forwarded to the Department Security Officer. Such officers shall be responsible for receiving, transmitting, and maintaining accountability registers for Top Secret information. They shall be selected on the basis of experience, reliability, and shall have appropriate security clearances. Further, Security Programs Managers shall ensure that written procedures concerning accountability of Top Secret information are promulgated. A copy of such procedures shall be forwarded to the Department Security Officer.

(b) All Top Secret information received or originated with the Department shall be immediately registered by an appropriate Top Secret Control Officer or alternate. Such registering process shall include the recording of: the date the document was received and originated; the classification of the document; the number of copies; the title and description of the document; the disposition and date; the location of the document; and the serial number assigned to the document. For example, the 25th Top Secret document received within Criminal Division during 1980 could be assigned the following Top Secret control number: CRM-80-0025.

(c) Top Secret accountability registers shall be maintained by each originating and receiving office for all Top Secret documents received or in its custody.

(d) The name and title of all individuals, including stenographic and clerical personnel, to whom information in Top Secret documents has been disclosed, and the date of such disclosure, shall be recorded. The use of a sheet of paper permanently attached to the document concerned may serve as a disclosure record or log for these purposes. Disclosures to individuals who may have had access to containers in which Top Secret information is stored need not be recorded on disclosure records. Disclosure records shall be retained for two years after the document concerned is transferred, downgraded or destroyed.

§ 17.127 Inventories.

Top Secret documents and material shall be inventoried at least once annually. Repositories, libraries, or activities which store large volumes of classified information, however, may limit their annual inventory to documents and material which have been disclosed within the past year, and 10 percent of the remaining inventory. If a storage system contains large volumes of information and security measures are adequate to prevent access by unauthorized persons, a request for waiver of the annual inventory requirement accompanied by full justification may be submitted to the Department Security Officer.

§ 17.128 Accountability of secret and confidential information.

Security Programs Managers within all Offices, Boards, Divisions, and Bureaus are responsible for ensuring that accountability procedures for Secret and Confidential information are established within their respective organizations. Such procedures shall be written and shall pertain to Secret and Confidential information originated or received by a Department component; distributed or routed to a subelement of such component; and disposed of by the component by transfer of custody or destruction. Copies of written procedures for the accountability and control of Secret and Confidential information shall be forwarded to the Department Security Officer. As a minimum, such procedures shall provide for the identity of the document; the date of receipt; and the disposition of the document.

§ 17.129 Accountability of reproduced documents.

Reproduced copies of Top Secret, Secret and Confidential documents are subject to the same accountability and controls as the original documents (see § 17.115(b)).

§ 17.130 Working papers.

Working papers are classified documents and material accumulated or created in the preparation of finished documents and material. Working papers containing classified information shall be dated when created; marked with the highest classification of any information contained therein; protected in accordance with the assigned classification; destroyed when no longer needed; marked with a declassification or review date when placed in permanent files. Working papers shall be accounted for and controlled in the manner prescribed for a finished document of comparable classification when released by the originator or transmitted through message center channels; filed permanently; or retained more than 180 days from date of origin.

Subpart H—Disposal and Destruction of Classified Information

§ 17.131 Policy.

All record and nonrecord National Security Information shall be destroyed in a manner described herein whenever the operational or historical need for the particular classified information ceases

to exist. Every effort shall be made to destroy National Security Information as soon as practical for two basic reasons:

(a) First, the longer large volumes of National Security Information are existent, the greater the potential for compromise.

(b) Second, the physical and document security requirements involving National Security Information are expensive to fulfill and maintain. The smaller the amount of National Security Information in existence within the Department, the fewer storage containers and security areas are required and the smaller the budgetary allotment must be allocated by the Department to fulfill security requirements.

§ 17.132 Record material.

Documentary record material made by an Office, Board, Division or Bureau of the Department in connection with the transaction of public business, and preserved as evidence of the organization, functions, policies, operations, decisions, procedures, or other activities of any Department or Agency of the government, may be disposed of or destroyed only in accordance with Department Order 2710.3, Chapter 4.

§ 17.133 Nonrecord material.

Nonrecord material containing classified information (including shorthand notes, used carbon paper, one-time typewriter ribbons, preliminary drafts, plates, records and tapes, stencils, negatives, and the like, and wastage incidental thereto) shall be destroyed, in accordance with this Subpart, as soon as it has served its purpose. Prior to destruction, this material must be protected in a manner to prevent unauthorized disclosure of the information in accordance with the safeguarding procedures contained in this regulation.

§ 17.134 Methods of destruction.

Top Secret, Secret and Confidential classified information and material (record and nonrecord) shall be destroyed in the presence of an appropriately cleared official by burning, melting, chemical decomposition, pulping, pulverizing, shredding or other mutilation sufficient to preclude recognition or reconstruction of the classified information.

§ 17.135 Records of destruction.

(a) Records of destruction are required for Top Secret and Secret information and shall be dated and signed by two officials (destruction and witnessing officials) witnessing actual destruction. If destruction is accomplished by an approved central disposal system, the destruction record shall be signed by the witnessing officials at the time the material is delivered at the facility. Records of destruction shall be maintained for a minimum of two years after which they may be destroyed. Such records shall contain the identification of the document(s) destroyed, the method of destruction used, the time and place of destruction, the reason for destruction, and the name of the destroying official and witness.

(b) The Security Programs Manager, his appointed Security Officer(s) when appropriate, Top Secret Control Officers or their alternates, or custodians of classified information, are authorized to destroy National Security Information. An additional person, who possesses a security clearance at the same or higher level than the classification of the material being destroyed, shall witness the destruction thereof. The destruction officials shall be trained in the operation of the equipment being used for destruction and shall assure that destruction is accomplished in accordance with provisions of this Subpart.

Subpart I—Special Access Programs

§ 17.136 Policy.

It is the policy of the Department to utilize the standard classification categories and the applicable sections of Executive Order No. 12065 and its implementing Information Security Oversight Office Directive to limit access to classified information on a "need-to-know" basis to personnel who have been determined to be trustworthy. It is the further policy to apply the "need-to-know" principle so that there will be no need by the Department to resort to formal special access programs which further restrict access to classified information. However, special access programs may be created or continued on a specific showing that:

(a) Normal management and safeguarding procedures are not sufficient to limit "need-to-know" or access;

(b) The number of persons who will need access will be reasonably small and commensurate with the objective of providing extra protection for the information involved; and

(c) The special access controls balance the need to protect the information against the full spectrum of need to use the information.

§ 17.137 Authority for establishing special access programs.

The Attorney General or the Assistant Attorney General for Administration may establish special access programs to control access to, distribution and protection of, particularly sensitive information, originated within the Department and classified pursuant to Executive Order No. 12065. Such establishment shall be in writing. However, special access programs involving intelligence sources and methods, such as the Sensitive Compartmented Information Program, may be established only by the Director of Central Intelligence.

§ 17.138 Requesting the establishment or renewal of special access programs.

(a) Special access program requests shall be in writing and shall contain the information specified in § 17.139, below. Such requests shall be from the head of the Office, Board, Division or Bureau concerned and addressed to the Assistant Attorney General for Administration through the Department Security Officer. After a decision has been made concerning approval/disapproval, the original copy shall be maintained for records purposes by the Department Security Officer.

(b) Special access programs approved within the Department are required to be reviewed regularly (at least annually) by the Office, Board, Division or Bureau concerned and by the Department Security Officer. All special access programs established within the Department shall terminate automatically every five years unless renewed in accordance with the procedures established in § 17.140.

§ 17.139 Information required in requests for special access programs.

Each special access program request, whether for establishment or renewal, shall contain the following information:

(a) Office, Board, Division or Bureau concerned (including subunit),

(b) Unclassified name or short title of the program,

(c) Relationship, if any, to other special access programs within the Department or other departments,

(d) Rationale and justification for establishment of a special access program, including the reason(s) why normal management and safeguarding procedures for classified information are inadequate,

(e) Estimated number of persons to be granted special access within the Department, in other departments, and outside the Executive Branch or United States Government,

(f) All instructions pertaining to the program security requirements including, but not limited to, those governing access to program information.

§ 17.140 Review, continuation and accounting for special access programs.

(a) Within 180 days after the effective date of this regulation, the Department Security Officer shall review all existing special access programs. Such programs shall be continued only in accordance with the procedures specified in § 17.138 and § 17.139.

(b) The Department Security Officer shall account for and maintain a listing of, those special access programs requested and approved by the Attorney General. The Director, Information Security Oversight Office shall have non-delegable access to all such accountings.

Subpart J—Executive Branch Oversight and Policy Direction

§ 17.141 National Security Council.

Pursuant to the provisions of Executive Order No. 12065, the National Security Council may review all matters with respect to its implementation and shall provide overall policy direction for the Information Security Program.

§ 17.142 Administrator of General Services.

The Administrator of General Services is responsible for implementing and monitoring the Information Security Program established pursuant to Executive Order No. 12065. In accordance with the Order, this responsibility has been delegated to the Information Security Oversight Office.

§ 17.143 Information Security Oversight Office.

(a) *Composition.* The Information Security Oversight Office has a full time Director appointed by the Administrator of General Services with approval of the President. The Director is supported by a staff appointed by the Administrator of General Services.

(b) *Functions.* The Director of the Information Security Oversight Office is charged with the following principal functions that pertain to the Department:

(1) Oversee Department actions to ensure compliance with Executive Order No. 12065 and implementing Directives and this regulation;

(2) Consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the Information Security Program, including appeals from decisions on declassification requests;

(3) Report annually to the President through the Administrator of General Services and the National Security Council on the implementation of Executive Order No. 12065;

(4) Review all Department implementing regulations and agency guidelines for systematic declassification review. The Director shall require any regulation or guideline to be changed if it is not consistent with this regulation or implementing directives. Any such decision by the Director may be appealed to the National Security Council. The Department regulation or guideline shall remain in effect until the appeal is decided or until one year from the date of the Director's decision, whichever occurs first.

(5) Conduct on-site reviews of the Department Information Security Program and to require of the Department such reports, information, and other cooperation as necessary to fulfill his responsibilities. If such reports, inspection, or access to specific categories of classified information would pose an exceptional national security risk, the Attorney General may deny access. The Director may appeal denials to the National Security Council. The denial of access shall remain in effect until the appeal is decided or until one year from the date of the denial, whichever occurs first.

(6) Require that Department information classified in violation of Executive Order No. 12065 be declassified.

(c) *Coordination.* Security Programs Managers of the Offices, Boards, Divisions and Bureaus shall ensure that any requirements levied directly on their organizations by the Information Security Oversight Office are brought to the attention of the Department Security Officer.

§ 17.144 Interagency Information Security Committee.

Pursuant to Executive Order No. 12065, an Interagency Information Security Committee has been established. It is chaired by the Director of the Information Security Oversight Office and is comprised of representatives of the Secretaries of State, Defense, Treasury, and Energy, the Attorney General, the Director of Central Intelligence, the National Security Council, the Domestic Policy Staff, and the Archivist of the United States. Representatives of other agencies may be invited to meet with the Committee on matters of particular interest to those agencies. The Committee shall meet at the call of the Chairperson or at the request of a member agency and shall advise the Chairperson on implementation of Executive Order No. 12065. The Deputy Assistant Attorney General, Office of Legal Counsel, or a designee, is the representative of the Attorney General on the Committee.

Subpart K—Department of Justice Security Responsibilities

§ 17.145 General responsibilities and duties.

It shall be the responsibility and duty of each officer and employee of the Department having knowledge of classified information or material relating to the national security no matter how much knowledge was obtained to familiarize himself with, and adhere to the provisions of this regulation concerning National Security Information and material. It shall be the responsibility of the Department Security Officer to establish an orientation program throughout the Department for the instruction and familiarization of employees with the provisions of this regulation. Such program shall initially emphasize the changes in the rules governing classification, declassification, and protection of National Security Information and material resulting from Executive Order No. 12065, the Information Security Oversight Office's implementing directive and this regulation. In addition, the Department Security Officer shall establish a continuing program for the instruction of employees regarding National Security Information and the provisions of this regulation.

§ 17.146 The Attorney General.

The Attorney General, upon request by the head of an agency or his duly designated representative, shall personally or through authorized representatives of the Department render an interpretation of Executive Order No. 12065, its implementing directive or this regulation with respect to any question arising in the course of its administration.

§ 17.147 Assistant Attorney General for Administration.

The Assistant Attorney General for Administration is the senior Department official having authority and reponsibility to ensure effective and uniform compliance with implementation of Executive Order No. 12065 and Information Security Oversight Office Directive No. 1. As such, the Assistant Attorney General for

Administration has delegated primary responsibility for providing guidance, oversight, developing policy and procedures governing the Department Information security Program to the Department Security Officer.

§ 17.148 Department Review Committee.

(a) The Department Review Committee is hereby established and is responsible for the following functions:

(1) To resolve all issues concerning implementation and administration of Executive Order No. 12065, Information Security Oversight Office Directive No. 1 concerning National Security Information and this regulation, including those issues concerning overclassification, failure to declassify, delays in declassification not otherwise resolved (the compromise of National Security Information excepted).

(2) To review all appeals of requests for records under the provisions of Mandatory Review for Declassification (Section 3-5, Executive Order No. 12065) and under the Freedom of Information Act (Title 5 U.S.C., Section 552) when the proposed denial is based on their continued classification under Executive Order No. 12065.

(3) To recommend to the Attorney General appropriate administrative sanctions to correct abuse or violation of any provision of Executive Order No. 12065, the Information Security Oversight Office Directive, or this regulation (the compromise of National Security Information excepted).

(4) To review, on appeal, challenges to classification actions.

(b) The voting members of the Department Review Committee shall consist of a senior representative from each of the following elements within the Department:

(1) Office of Legal Counsel (Chairman);

(2) Criminal Division;

(3) Office of the Deputy Attorney General;

(4) Federal Bureau of Investigation;

(5) Justice Management Division.

(c) The head of each component listed above will designate a voting member and an alternate in writing to the Chairman of the Department Review Committee.

(d) The Office of Privacy and Information Appeals, Office of the Associate Attorney General, shall provide the necessary administrative staff in support of the Department Review Committee.

§ 17.149 The Office of Professional Responsibility.

The Office of Professional Responsibility shall investigate, or cause to be investigated, all suspected or known security violations or compromises of National Security Information detected within the Department or involving Department classified information, and shall make appropriate recommendations to the Attorney General concerning administrative and criminal sanctions.

§ 17.150 The Department Security Officer.

(a) There shall be a Department Security Officer, and such assistants as he may designate, whose duty it shall be to supervise the administration of these regulations. Except as otherwise provided in this regulation, the Department Security Officer shall also carry out the functions and exercise the authority of the Attorney General and the Department Review Committee in the administration of this regulation within the Department.

(b) As provided in Paragraph 6.c., Department Order 2600.2A, the Department Security Officer is also responsible for the development, supervision, and administration of Department Security Programs, including the promulgation of Department-wide policy and procedures and auditing for compliance with security directives.

§ 17.151 Heads of offices, boards, divisions and bureaus.

Pursuant to Department Order 2600.2A, the heads of Offices, Boards, Divisions and Bureaus are responsible for effective implementation within their respective organizations of all Department security regulations and programs including the Department National Security Information Program. Heads of Offices, Boards, Divisions and Bureaus or their Security Programs Managers shall immediately report any violations of the provisions of this order to the Department Security Officer and the Office of Professional Responsibility.

§ 17.152 Security programs managers.

Pursuant to Paragraph 6.d., Department Order 2600.2A, the Security Programs Managers possess the delegated responsibility for the management and coordination of the document security program within his/her organization. In such a capacity, the Security Programs Managers are responsible for the implementation and administration of the Department's Security Program are responsible for observing, enforcing, and implementing security regulations or procedures pertaining to the classification, declassification, safeguarding, handling, and storage of classified National Security Information. Further, Security Programs Managers are responsible for insuring that all employees are given adequate instructions in the provisions of Department security regulations and procedures.

§ 17.153 Security officers.

Security Officers are responsible to their appointing authority for implementation and administration of the Document Security Program as delegated and assigned in accordance with Paragraph 6.e. of Department Order 2600.2A.

§ 17.154 Employees.

The responsibility for the protection of classified information rests with each employee of the Department having possession of such information or knowledge of such information, no matter how that information was obtained. Each employee having access to classified information is personally responsible for familiarizing himself with and adhering to the provisions of this regulation. Further, all employees, upon receipt of the notification of security clearance for access to classified information, shall sign a statement that they understand and shall conform to the provisions herein.

Subpart L—Security Violations and Administrative Sanctions

§ 17.155 Violations subject to sanctions.

Officers and employees of the Department are subject to appropriate administrative sanctions if they:

(a) Knowingly and willfully classify or continue the classification of information in violation of Executive Order No. 12065, any implementing directives or this regulation;

(b) Knowingly, willfully and without authorization disclose information classified under Executive Order No. 12065 or prior orders or compromise classified information through negligence; or

(c) Knowingly and willfully violate any other provision of Executive Order No. 12065, any implementing directives or this regulation.

Sanctions include but are not limited to warning notices, reprimands, termination of classification authority, suspension or termination of security clearance, and as permitted by law, suspension without pay, forfeiture of pay, removal or dismissal. Sanctions will be imposed upon any person subject to these regulations and responsible for a violation specified under this Subpart as determined by the appropriate Department official upon recommendation by the Office of Professional Responsibility. In cases

involving the compromise of classified information, the Attorney General, upon receiving a recommendation from the Office of Professional Responsibility, shall determine and impose appropriate sanction.

§ 17.156 Reporting security violations.

Any person subject to these regulations who suspects or has knowledge of a violation pursuant to § 17.155 (including the known or suspected loss or compromise of National Security Information) shall promptly report and confirm in writing the circumstances to the Security Programs Manager of the Office, Board, Division or Bureau concerned or to that official's appropriate representative. The Security Programs Manager shall take the following action forthwith:

(a) Prompt notification of the violation to the Department Security Officer and the Office of Professional Responsibility, to the originating office and any interested department or agency, if appropriate.

(b) The submission of a written report to the Department Security Officer and the Office of Professional Responsibility. Such report shall include the date the violation occurred, if known; the date of the discovery of the violation; the specific identification of the information involved in the violation; the national security classification or any caveats regarding the information involved; the probability of loss or compromise; an assessment of the damage incurred from a national security standpoint; corrective measures taken; the person(s) responsible for the violation; recommended administrative, disciplinary or legal action which should be taken. The written report should be received no later than ten working days after the discovery of the violation.

§ 17.157 Corrective action.

The Department Security Office shall ensure that appropriate and prompt corrective action is taken whenever a violation of § 17.155 occurs or repeated administrative discrepancies or repeated disregard of requirements of this regulation occurs. The Director, Information Security Oversight Office and the Office of Professional Responsibility shall be informed by the Department Security Officer, as appropriate, when such violations occur.

§ 17.158 Administrative Discrepancies.

Repeated administrative discrepancies in the marking and handling of classified documents and material such as failure to show classification authority, failure to apply internal classification markings and incorrect computation of dates for declassification, or other repeated disregard of requirements of this regulation that are determined not to constitute a violation under § 17.155, may be grounds for adverse administrative action including warning, admonition, reprimand or termination of classification authority as determined appropriate by the head of the Office, Board, Division or Bureau concerned, in accordance with applicable policies and procedures.

Dated: December 4, 1980.

Benjamin R. Civiletti,

Attorney General.

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Part VI

Environmental Protection Agency

Pesticide Products Containing Ethylene Dibromide (EDB); Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration; Availability of Position Document 2/3

ENVIRONMENTAL PROTECTION AGENCY

[OPP 30000/25B; PH-FRL 1697-1]

Pesticide Products Containing Ethylene Dibromide (EDB) Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration; Notice of Availability of Position Document 2/3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Preliminary Notice of Determination and Availability of Position Document.

SUMMARY: On December 14, 1977, the Environmental Protection Agency issued a Notice of Rebuttable Presumption against Registration (RPAR) and continued registration of pesticide products containing ethylene dibromide (EDB). After reviewing all available information, the Agency has concluded that the presumptions for oncogenicity, mutagenicity and reproductive disorders have not been rebutted. After evaluating the human health risks and the economic benefits, the Agency has reached a preliminary decision to immediately cancel use of EDB on stored grain, flour mill machinery, and felled logs; to cancel use of EDB for post-harvest fumigation of citrus and tropical fruits effective July 1, 1983; to allow continued but restricted use for fumigation of soil, stored beehives, stored furniture and clothing, and nursery stock; and to defer a decision on use of EDB for control of termites, but require use restrictions in the interim.

DATE: Written comments should be submitted on or before January 9, 1981.

ADDRESS COMMENTS TO: Document Control Office, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-793), Room E-447, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard Johnson, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs (TS-791), Environmental Protection Agency, Rm 709, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703-557-7451). Three copies of the comments should be submitted bearing the identifying notation [OPP 30000/25B].

SUPPLEMENTARY INFORMATION: The Preliminary Notice of Determination and the EDB Position Document 2/3 (PD 2/3) set forth in detail the reasons for these proposed regulatory actions. As required by FIFRA, copies of this Preliminary Notice of determination and the Position Document are being transmitted to the Secretary of Agriculture and the Scientific Advisory Panel for comment; these documents are also being provided to the affected registrants and applicants for registration. Other interested persons may receive a copy of the PD 2/3 by contacting Richard Johnson, Project Manager, at the address given.

I. Introduction

On December 14, 1977, the Agency issued a Notice of Rebuttable Presumption against Registration (RPAR) and continued registration of pesticide products containing ethylene dibromide (EDB), a soil and commodity fumigant. This action, published in the Federal Register [42 FR 63134], initiated the Agency's public review of the risks and benefits of EDB. The rebuttable presumption was issued on the basis of oncogenicity, mutagenicity and reproductive disorders. The Agency also requested registrants and other interested parties to submit data on these effects: acute toxicity to humans, teratogenicity and the levels of EDB to which humans may be exposed.

This notice constitutes the Agency's Notice of Preliminary Determination pursuant to 40 CFR 162.11(a)(5). The determination is not yet final. Final determination is pending following external review by the United States Department of Agriculture (USDA) and the Scientific Advisory Panel, pursuant to sec. 6(b) and 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. The action does not become final until the Ageny has evaluated the comments of these reviewers and issued a final notice.

In summary, the Agency has determined that EDB continues to meet or exceed the risk criteria outlined in 40 CFR 162.11 for oncogenicity, mutagenic damage and reproductive disorders. The risks that EDB poses to certain exposed groups are significant and require the Agency to consider whether these risks can be reduced. The Agency has considered benefits information including that submitted by registrants, interested persons, and the USDA, and has analyzed the economic, social and environmental benefits of the uses of EDB. The Agency has weighed risks and benefits together to determine whether the risks of each EDB use are warranted by the benefits of that use. In weighing risks and benefits, the Agency considered what risk reductions could be achieved and how risk reduction measures would affect the benefits of the use.

The Agency has determined that the risks to human health of certain uses of EDB are greater than the social, economic, and environmental benefits of these uses, and that risk reduction measures cannot reduce the risks to an acceptable level. Accordingly, the Agency proposes to initiate action to immediately cancel or deny registrations for all such uses, including fumigation of stored grains, spot fumigation of grain milling machinery, and fumigation of felled logs, and to cancel post-harvest quarantine fumigation of citrus, imported tropical fruits and vegetables on July 1, 1983. As required by FIFRA, the Agency has evaluated the impact of these actions on the agricultural economy. This evaluation is summarized later in this notice, and is discussed in detail in Position Document 2/3.

For certain other uses of EDB, including preplant soil fumigation, fumigation of beehive supers, vault fumigation of stored clothing and furniture, and Japanese Beetle control, the Agency has determined that the risks of EDB uses are greater than the social, economic, and environmental benefits of these uses, unless the terms and conditions of registration are amended to reduce risk. Accordingly, the Agency is proposing to initiate action to cancel or deny registration for all such uses unless the terms and conditions of registration are amended. These amendments include classifying EDB for restricted use by certified applicators only, requiring aplicators to wear respirators and protective clothing, and requiring that signs be posted on the treated site to warn persons not to enter the area for a specified length of time after EDB treatment. To better determine the exposure and risks associated with the preplant use of EDB, the Agency is also requiring a study of EDB's potential to leach from soil into groundwater and another study to determine whether detectable residues of EDB appear in crops. Additionally, food residue data will be required for beehive super fumigation.

The Agency has determined that these amendments to the terms and conditions of registration will significantly reduce risk, and that these risk reductions can be achieved without a significant impact on the benefits of the uses.

Finally, a decision on the use of EDB to control termites will be deferred until a comprehensive risk-benefit analysis of all termiticides is performed. In the interim, the Agency proposes to amend the terms and conditions of registration to reduce exposure to applicators and other persons in the immediate area, and to require exposure data.

The remainder of this Notice and the Agency's Position Document (PD 2/3) set forth in detail the Agency analysis of

comments submitted during the rebuttal phase of the EDB RPAR, and the Agency's reasons and factual bases for the regulatory actions it proposes. The Notice is organized into four units. Unit I is this introduction. Unit II, titled "Legal Background," is a general discussion of the regulatory framework within which these actions are taken. Unit III sets forth the Agency's determinations concluding the EDB RPAR and initiating the regulatory actions which result from these determinations. Together with the Position Document 2/3, this unit also sets forth the bases for these determinations. Unit IV, titled "Procedural Matters," briefly discusses the procedures which will be followed to implement the regulatory actions which the Agency is proposing in this Notice.

II. Legal Background

To obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment". This is defined as "any unreasonable risk to a man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide" [FIFRA sec. 2(bb)].

In effect, the standard requires a finding that the benefits of each use of the pesticide exceed the risks of that use, when the pesticide is used in accordance with commonly recognized practices. The burden of proving that a pesticide satisfies the registration standard is on the proponent(s) of registration and continues as long as the registration remains in effect. Under sec. 6 of FIFRA, the Administrator is required to cancel the registration of a pesticide or amend the terms and conditions of registration whenever he determines that the pesticide no longer satisfies the statutory standard for registration.

The Agency created the RPAR process to identify pesticide uses which may not satisfy the statutory standard for registration. This process provides the public with an informal procedure to gather and evaluate information about the risks and benefits of these uses. The regulations governing the RPAR process are set forth in 40 CFR 162.11, which provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the specified risk criteria.

The Agency announces that an RPAR has arisen by publishing a notice of this determination in the Federal Register. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption. Respondents may rebut the presumption of risk by showing that use of the pesticide is not likely to result in any significant exposure to humans or to the environment with regard to the adverse effects in question under 40 CFR 162.11(a)(4). In addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to whether the economic, social, and environmental benefits of the use of the pesticide outweigh the risks.

The regulations require the Agency to conclude an RPAR by issuing a Notice of Determination in which the Agency states and explains its position on whether or not the risk presumptions have been rebutted. If the Agency determines that a presumption is not rebutted, it will then consider information relating to the social, economic and environmental costs and benefits which registrants have submitted, and other benefits information known to the Agency.

After weighing the risks and the benefits of a pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to cancel or deny registration pursuant to FIFRA sec. 6(b)(1) and sec. 3(c)(6), or by issuing a notice of intent to hold a hearing pursuant to sec. 6(b)(2) of FIFRA to determine if the registrations should be cancelled and applications for registration denied.

In determining if a pesticide's use poses risks which are greater than its benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and their impacts on the benefits of the use. Among the risks reduction measures short of cancellation which are available to the Agency are changes on the pesticide's label in the directions for use and also classification of the pesticide for restricted use under FIFRA sec. 3(d).

FIFRA sec. 6(b) requires the Agency to submit notices issued pursuant to sec. 6 to the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy. The Agency is required to submit these documents to the Secretary at least 60 days before sending the notice to registrants or making the notice public. If the Secretary of Agriculture comments in writing within 30 days of receiving the notice, the Agency is required to publish the Secretary's comments and the Administrator's response with the notice. FIFRA sec. 25(d) requires the Administrator to submit sec. 6 notices to the SAP for comment on the impact of the proposed action on health and the environment.

Although not required to do so by FIFRA, the Agency also makes copies of the Position Document available to registrants and other interested persons when the decision documents are transmitted for formal external review. The Agency does this by publishing a notice of availability in the Federal Register or by other means. Registrants and other interested persons are allowed the same 30-day period to comment that the statute provides for receipt of comments from the Secretary of Agriculture and the Scientific Advisory Panel.

After these external review procedures are completed, the Agency makes any changes in the proposed action which are deemed appropriate as a result of the comments received. The Agency proceeds to implement the desired regulatory action by preparing appropriate documents and releasing them in the manner prescribed by the statute and by the Agency's rules.

III. Determination and Initiation of Regulatory Action

The Agency has considered information on the risks from the uses of EDB, including information submitted by registrants and other interested persons in rebuttal to the EDB RPAR. The Agency has also considered information on the social, economic, and environmental benefits of the uses of EDB, including benefits information submitted by registrants and other interested persons in conjunction with their rebuttal submissions, and information from the USDA.

The Agency's assessment of the risks and benefits of the uses of EDB, its conclusions or determinations of whether or not any uses of EDB cause unreasonable adverse effects on the environment, and its determination of whether or not amendments in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects are set forth in detail in the Position Document. This Position Document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this Notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the Position Document, the Determinations of the Agency with respect to EDB are as follows:

A. Determination of Risk

The EDB RPAR was based on information indicating that EDB posed three risks to humans or the environment: oncogenicity, mutagenicity and reproductive disorders. As developed fully in PD 2/3, the Agency has determined that the information submitted to rebut these risk criteria are insufficient to rebut the presumption against EDB for these effects.

1. *Oncogenicity.* In issuing the RPAR, the Agency relied on evidence of oncogenicity reported in a study sponsored by the National Cancer Institute (NCI) (Weisburger, 1977) that showed a statistically significant increase in the incidence of squamous cell carcinomas of the forestomach in both rats and mice as compared to the controls. It was determined that EDB causes a significant increase in the incidence of gastric carcinomas in both sexes of rats and mice. Metastases of these tumors were reported; the tumor rates appear to be high and the differences are highly significant.

Six respondents addressed rebuttal comments to the oncogenicity criterion. The Agency has divided these rebuttals into two broad categories: those which address uncertainties in extrapolating to man from the laboratory studies conducted on animals, and those studies which investigate the health of workers occupationally exposed to EDB.

In the first category, related to animal oncogenicity, rebutters claimed that: intubation of EDB into the animals could not easily be extrapolated to inhalation, the primary exposure route of humans; massive does of EDB masked true effect levels and metabolic and detoxification processes; humans do not have a forestomach, where most of the tumors occurred in animals; and irritation at the site of intubation caused the oncogenic response.

These rebuttals were addressed as follows: To the first, human exposures to EDB occur both from its inhalation and its presence in the human diet. A new study by Midwest Research Institute (MRI), demonstrating an increase in the incidence of tumors in a group of animals exposed by inhalation to 20 ppm of EDB alone, was used to quantify the cancer risks to persons exposed to EDB via inhalation. A very recent study by NCI provides additional support for the Agency's analysis. To the second, the use of maximum tolerated dose (mtd) ½ mtd is now accepted by the Agency, the MRI study demonstrated cancer at low doses, and the Agency supports a no-threshold concept of cancer induction. To the third, tumor sites differ depending on many factors; thus the absence of a forestomach does not make humans immune to the carcinogenic effects of EDB. To the fourth, the Agency has concluded that there is no correlation between carcinogenic potency of the agent and the degree of irritant injury produced.

Regarding the second category of comments, one rebutter responded with three studies investigating the health of workers exposed to EDB. The Agency found only one of these studies to be technically acceptable. This particular study demonstrated a slight increase in the incidence of stomach cancer and deaths due to all causes; however, this increase cannot be solely attributed to EDB exposure, because workers were also exposed to other chemicals.

2. *Mutagenicity.* In the RPAR Notice the Agency evaluated all of the available studies on the mutagenic potency of EDB and concluded that EDB is positive in both prokaryotic (microbial) and eukaryotic (higher forms including mammals) organisms for point (gene) mutational effects, with and without mammalian metabolic activation. Four respondents submitted rebuttals specific to the presumption of the mutgenic risk of EDB, including general arguments about the mutagenicity testing system used and specific statements about the studies reviewed in PD–1. The general comments addressed the limitations of the test systems used and the validity of specific studies. The Agency's response to these general comments is that the methodology currently used in mutagenesis assay studies has been generally accepted on theoretical grounds and offers the only means to predict adverse genetic effects in humans.

3. *Reproductive Disorders.* In the RPAR Notice the Agency cited several studies in bulls and rodents which established that EDB could adverely affect mammalian reproductive development by interfering with the production of male gametes and the development of embryos. Adverse effects in hen egg production were also noted.

No rebuttals seriously questioned the validity of the animal reproductive studies evaluated in the RPAR Notice. However, all respondents noted the reversibility of the effects at all but the highest doses in hens and the general reversibility of effects in bulls following cessation of dosing. Respondents argued the the effects produced in hens are probably specific to the hen and that the bull is specifically sensitive to EDB. Generally, the rebuttals disputed the significance which the Agency placed on the animal studies. More specifically, the rebuttals argued that the reproductive disorders observed in bulls orally administrated EDB cannot be used to determine a safe level of human exposure to inhaled EDB. The basis for this argument was that the bull is unusually sensitive to reproductive disorders. In addition, the rebuttals contended that it is inappropriate to determine a margin of safety by comparing levels to which humans are exposed via inhalation with the amount of EDB to which bulls were exposed orally.

The Agency concluded that these rebuttals are not valid and do not change the Agency's position. In the absence of adequate human data, the Agency's normal policy is to used data from the most sensitive species which in this case is the bull. This procedure is dictated by regulatory prudence. In the absence of adequate human data it is reasonable to assume that man is at least as sensitive as the most sensitive species for which data are available. The question of asssuming that all EDB inhaled is retained is basically similar to the question of the most sensitive species: In the absence of adequate data it is prudent to assume that the worst case applies (e.g., all inhaled EDB is retained). Thus, the Agency concludes that it is in the interest of public health to use the results from the reproductive studies on bulls to evaluate the reproductive risks to humans. In further support of this assumption, the Agency has recently completed an inhalation study on rats (Short et al., 1976) which demonstrates that this exposure route also causes deleterious effects upon reproductive tissues.

4. *New Studies.* Since the issuance of the RPAR Notice, studies of EDB's oncogenic potential by the Midwest Research Institute (Wong, 1979) and the National Cancer Institute (NCI, 1980) have been completed. These studies demonstrate that inhaled EDB produces a statistically significant increase in tumors of several sites in exposed animals.

The Agency has also reviewed new studies which support the position presented in the RPAR notice that EDB causes point mutations and primary DNA damage. The Agency's reevaluation of one study (Ehrenberg et al., 1979) further indicates that EDB poses the potential risk of chromosome-damaging effects to humans.

The Agency has reviewed two epidemiology studies submitted in rebuttal to the reproductive risk criterion (Wong, 1977; Ter Haar, 1978). Both studies, examined in detail in the PD 2/3, were rejected on the basis of numerous technical flaws. At the same

time, the Agency sponsored two reproductive studies: a human epidemiology study (Griffith et al., 1978) and an animal exposure study in rats (Short et al., 1976). Discussions and references for these studies are presented in the PD 2/3. The Agency-sponsored human epidemiology study is being re-evaluated, although it is considered of limited significance because it consisted of a very small number of exposed individuals. However, the reproductive study of rats exposed to EDB via inhalation suggests that a no observable effect level (NOEL) for atrophy of the prostate is 19 ppm in the rat.

5. *Exposure Analyses.* After evaluating the rebuttal submissions, the Agency extensively reviewed all human exposures from pesticidal uses of EDB. Human dietary exposures were examined for the following EDB-treated commodities: grain and flour products; fruits, nuts or vegetables; and commodities grown in EDB-treated soils. Inhalation and dermal exposures were examined for agricultural workers during soil fumigation, and for agricultural workers who fumigate stored grains, citrus, and tropical fruits. In addition, exposures of workers in mills processing grains into flour, those handling treated fruits and vegetables, and people in the vicinity of these processes were discussed. The lower volume uses of EDB, such as termite control, forestry uses, vault fumigation of clothes and furniture, application to sod, grasses, and plants, and production of honey where beehive supers have been fumigated were all examined for possible health effects from exposure to EDB. The Agency found residues of EDB in flour and bread, on fruits and vegetables, in air inhaled by exposed workers, and from dermal contact with treated commodities.

6. *Conclusions on Risk.* Using these exposure data, Agency scientists developed lifetime cancer risk estimates by extrapolating from the cancer incidence observed in exposed animals. The range of cancer risk was from moderate (10^{-5}) to very high (10^{-1}) depending upon the persons exposed and the routes of exposure. In addition, from the accumulation of evidence demonstrating mutagenic activity in a variety of organisms, the Agency concludes that EDB presents a risk of inducing mutagenic damage to humans.

Reproductive studies have demonstrated effects on animals and consequently the Agency concludes that exposure to EDB also poses risks of reproductive disorders in exposed human's.

In sum, the Agency concludes that EDB poses risks of oncogenicity, mutagenicity and reproductive disorders to applicators, who may be exposed during application both dermally and via inhalation, and to the general population, exposed to residues of EDB in treated commodities and potentially in drinking water. These risks are of sufficient magnitude to require the Agency to determine whether the uses of EDB offer offsetting social, economic, or evironmental benefits.

B. Determinations of Benefits

The uses of EDB which are subject to this RPAR include: fumigation of stored grain to prevent insect infestations; fumigation of citrus, tropical fruits and vegetables to prevent spread of fruit flies; spot fumigation of grain milling machinery to prevent insect infestations; preplant soil fumigation to control nematodes; spraying of felled logs to control bark beetles; fumigation for subterranean and drywood termite control; fumigation of beehive supers and honeycombs during storage to control greater wax moths; fumigation of stored furniture and clothing as a control measure against moths and other insects; and fumigation of plants, soil and grass sod as a quarantine measure against Japanese beetles.

1. *Fumigation of Stored Grain.* EDB is used in combination with ethylene dichloride and carbon tetrachloride to control insects in stored grain. About 2 percent of the grain produced in this country is treated annually with fumigants containing EDB.

The most likely alternative to EDB-containing mixtures is an 80 percent/20 percent mixture of carbon tetrachloride and carbon disulfide at on-farm storage facilities, and aluminum phosphide at off-farm storage centers. Fumigation costs would actually decline if EDB became unavailable and were replaced with these alternatives. The Agency estimates a $500,000 to $2,260,000 annual savings from use of the alternatives to EDB.

2. *Quarantine Fumigation of Citrus, Tropical Fruits and Miscellaneous Fruits and Vegetables.* USDA's Animal and Plant Health Inspection Service (APHIS) requires use of EDB to destroy certain fruit flies. Japan also requires that all fresh grapefruit imported from the U.S. be treated with EDB. In 1977, approximately 83,500 pounds active ingredient of EDB were used in the APHIS program.

There are currently no registered chemical alternatives to EDB for quarantine purposes. Vapor heat and cold storage can control flies as effectively as EDB, but often result in fruit damage.

Another method, gamma irradiation, shows promise as a substitute; however, the Food and Drug Administration, which is responsible for evaluating use of this method on food, has not yet completed its review of the use of irradiation on fruits and vegetables.

The overall impact of EDB cancellation on the APHIS Quarantine Program is an estimated increase of $538,900 in annual treatment costs and an estimated decrease of $24,800,800 per year in the value of production.

Under current trade agreements, the cancellation of EDB use in the APHIS quarantine programs would have an adverse impact, roughly estimated at $18.4 million, on the U.S. balance of payments with Japan.

3. *Spot Fumigation of Grain Milling Machinery.* EDB has been used for over 20 years as a spot fumigant to control insect infestations in flour milling equipment. Currently, an estimated 465,000 pounds of EDB active ingredient are used annually for this purpose. A 70 percent EDB/30 percent methyl bromide combination is commonly used. The only alternative spot fumigant that does not contain EDB is a mixture of 75 percent ethylene dichloride and 25 percent carbon tetrachloride. However, the dosage required for this pesticide is so large that it would result in clogging of machinery; as a result, the milling industry does not consider this mixture to be a viable substitute. The only viable alternative to spot fumigation is general fumigation of the entire mill space. Methyl bromide and aluminum phosphid are currently the two most commonly used general space fumigants.

The principal economic impact of the cancellation of EDB for this use would be the increased cost of substituting general space fumigation of the entire mill for the current practice of spot fumigation of individual pieces of milling equipment. Based on the relative cost of the present versus the projected systems, the most likely increase in total annual costs would be $3,800,000 in the wheat, durum, and rye milling industries and $800,000 in the dry corn milling industry.

If five rather than four general fumigations are necessary per year, wheat and rye mill costs would increase $6.4 million annually, and corn mill costs would increase $1.3 million annually.

4. *Preplant Soil Fumigation*—a. *Tobacco.* EDB is used to control root-knot, root lesion, and stunt nematodes on flue-cured tobacco in Florida, Georgia, North Carolina, South Carolina and Virginia. About 2.1 million pounds

of EDB as an active ingredient were used in 1977.

Registered chemicals that may be alternatives to EDB include other fumigants (DD and Telone II), multi-purpose fumigants (Telone C-17, DD/Pic, Vorlex), and non-fumigants (ethoprop, fensulfothion, carbofuran and oxamyl). Growers switching from EDB to other fumigants or from multi-purpose formulations containing EDB to other multi-purpose fumigants would not experience any significant change in yield regardless of nematode population levels; however, the alternatives to EDB are more expensive. If EDB were to become unavailable, tobacco growers would pay approximately $1.2 million more for control than they now pay using EDB.

b. *Pineapple.* All commercial U.S. pineapple production is located in Hawaii, and all Hawaiian pineapple acreage must be treated with nematicides. Damage is caused either by the root-knot nematode or the reniform nematode. Approximately 572,400 pounds of EDB are used annually for nematode control in Hawaiian pineapple fields. The alternative to EDB is DBCP, which is applied in combination with either DD or Telone. EDB is used on the approximately 11,500 acres where high soil moisture makes it the most desirable nematicide to use.

The net present cost of the combination of these economic impacts, over the entire production cycle following removal of EDB (a 5½ year period), is estimated to be $5.3 million (using a 7 per cent discount rate). In the long run, approximately $1.5 million in additional costs per year would be paid by Hawaiian pineapple growers until a satisfactory substitute for EDB is registered.

c. *Citrus.* EDB is registered for preplant use in fruit tree planting sites, including citrus groves. Target pests are the citrus nematode and the burrowing nematode. EDB use in citrus growing (preplant) has been estimated at 20,000 pounds active ingredient per year, treating less than one percent of new citrus acreage planted annually. The most viable alternatives to EDB for preplant citrus use are DD and Telone.

A second use of EDB in citrus is barrier establishment and maintenance to control the burrowing nematode in Florida. About 250,000 pounds active ingredient are annually chisel-injected in barrier zones.

Economic impacts from cancellation of EDB for use on citrus are expected to be minimal. The limited use of EDB in preplant application indicates that the total cost increases to affected growers will be only $3,500 per year; however, in the burrowing nematode control program, use of alternatives will increase grower costs from $25,000 to $63,000 per year, depending on the alternative nematicide chosen.

d. *Peaches.* EDB is used as a preplant nematicide for peaches. Prior to the suspension of DBCP, approximately 170,000 pounds of EDB active ingredient were used annually, and DBCP was used to treat an additional 8,325 acres annually. If the suspension of DBCP becomes a permanent cancellation, EDB would be the preferred chemical on these acres.

Registered alternatives to EDB for use in peach orchards are numerous, and include DBCP (suspended), DD, Telone, Vorlex, methyl bromide, zinophos, and chloropicrin. The major alternatives (DBCP, DD, and Telone) are as effective as EDB.

If DBCP use is allowed to continue on peaches, increased grower costs would range between $20,300 and $118,180 annually depending on the alternative chemical of choice. However, if DBCP is permanently cancelled and EDB is assumed to be the preferred chemical on 10,325 acres, added grower costs from EDB cancellation would range from $378,700 to $610,100 annually. At industry level, the increased costs are not significant under either scenario (with and without DBCP).

e. *Peanuts.* About 17 percent of peanut acreage in the major U.S. peanut-producing regions is treated with EDB, resulting in annual EDB usage of approximately 4.2 million pounds of the active ingredient.

There are several registered alternatives to EDB for use on peanuts, although none are as effective. The major liquid fumigant alternatives are Telone II and DD. Viable granular alternatives are Furadan, Dasanit, Mocap, Nemacur, and Temik, which are all applied at planting. All of these alternatives are more expensive than EDB. It is estimated that substituting one of the several alternatives for EDB would increase control costs to peanut growers by approximately $2.5 million per year.

More important than the increased control costs is the decreased value of production which would result from the cancellation of EDB. Yield losses would reduce producers' revenues by $11 million per year in addition to the $2.5 million per year increase in control costs. Government price support programs would probably prevent these losses from influencing consumer prices, however.

f. *Cotton.* EDB is registered for use throughout the cotton belt. An estimated 721,800 pounds were used in 1977, primarily to control the root-knot nematode. However, since that time, the suspension of DBCP may have increased usage to 1.6 million pounds annually. Telone II and DD remain as viable alternatives, and are equally effective under good soil conditions.

The only economic impact expected from cancellation of EDB would be an increase in cost of control of $435,700 per year. When compared to the approximate $3 billion value of the U.S. annual cotton crop, this increase is negligible.

g. *Vegetables.* Approximately 180,000 acres of various vegetables are treated by preplant soil fumigation with EDB to control nematodes. An estimated 4.7 million pounds active ingredient of EDB are used annually.

Alternatives to EDB (Vorlex, DD, and Telone II) are considered equally effective. The loss of EDB would result in increased pest control costs to vegetable producers of $3.8 million per year. There would be no loss in vegetable production due to the cancellation of EDB. Given a producer value of about $3 billion, the increased costs of the alternative fumigants would not have a significant impact on prices of these vegetables.

5. *Fumigation of Felled Logs.* Several bark beetle species in the West attack coniferous trees and cause demage which can be reduced through the use of EDB. The alternatives are lindane and endosulfan. However, lindane is not being considered a viable alternative because it is in RPAR review. Limited information indicates that endosulfan is less effective than EDB. Nonchemical controls are effective, but during pest epidemics chemical control may also be needed.

The extent to which EDB has been used for forestry purposes is not sufficient to appreciably affect commercial timber harvests. Rather, EDB is generally used where bark beetle damage may have aesthetic impacts. Cost of control could be reduced by as much as $36,000 per year if endosulfan were to replace EDB; however, endosulfan may not be as effective as EDB.

6. *Termite Control.* EDB is the only pesticide registered by EPA as a fumigant for subterranean termite control. EDB is also state-registered in California for the control of drywood termites. Alternatives include aldrin, dieldrin, menthyl bromide, chlordane and heptachlor for subterranean termites, and pentachlorophenol (an RPAR chemical), methyl bromide, silica aerogel and hydrogen cyanide for drywood termites. Estimates of EDB use

vary from approximately 11,500 to 27,600 pounds of the active ingredient per year.

Economic impact data on the use of EDB and alternative termiticides are limited; therefore, the magnitude of user, market, and consumer impacts cannot be precisely identified. Because the current use of EDB is small relative to other insecticides, overall impacts should be minor. There are no known chemical alternatives for homeowners in the southeast and southwest. The only known solution is this case is removal of the infested wood, and rebuilding.

7. *Fumigation of Stored Beehive Supers and Honeycombs.* Honeycombs being stored between honey producing seasons are fumigated with EDB to control the larvae of the greater wax moth (GWM), which damages the comb bases held by hive supers. Alternatives to EDB for this use are paradichlorobenzene (PDB) and carbon dioxide. In the North, cold weather is a natural control. Paradichlorobenzene is more practical to use than carbon dioxide, as the latter requires elaborate monitoring equipment to ensure effectiveness and safety for the user. Paradichlorobenzene is somewhat less effective than EDB because it does not provide control of the egg stage of the GWM.

The use of PDB to replace EDB in the treatment of honeycombs will increase beekeeping costs by about $3.7 million annually. Further, with PBD and CO_2 there would be 7 additional treatments needed per super per year. Using the best alternative, PDB, it is estimated that the volume of marketable honey would be reduced 20 percent in a super previously treated with EDB. The total quantity of domestic honey would thus be reduced by 6.67 percent. The annual loss to beekeepers would be 12.7 million pounds, valued at $6.5 million. In addition to these economic impacts, there will probably be some losses attributable to the reduced pollination service which bees provide. It is impossible to estimate the impact on pollination which could result from the cancellation of EDB.

8. *Fumigation of Stored Clothing and Furniture.* Two products containing 5 percent EDB are registered for use in vault fumigation to control insects, including clothes moths, which invade clothing and furniture. The fumigant evaporates and the gaseous fumes fill the vault to penetrate items being treated.

Four alternatives to EDB were found for this use. The first is a mixture of carbon tetrachloride and ethylene dichloride. Because carbon tetrachloride is undergoing RPAR review, this alternative is not considered fully viable. The second registered alternative is chloropicrin. It is a disagreeable material to work with, but this property tends to discourage mishandling and exposure. Methyl bromide is the third alternative. Extreme care must be exercised before applying methyl bromide, because it reacts with a number of organic materials to produce foul-smelling odors.

The fourth chemical registered for this site/pest combination is sulfuryl fluoride. This chemical, like methyl bromide, is released as a gas through copper tubing from a pressure tank into the structure being fumigated. The economic impacts of ending EDB use in vault fumigation were not evaluated but are expected to be small.

9. *Fumigation of Quarantined Plants, Soil and Grass Sod.* The Japanese Beetle Domestic Quarantine program (7 CFR 301.48) requires the treatment of specific regulated articles moved from an infested area into any other area. The specific articles include grass sod, bare root plants, plants balled or in containers, and potting and bench soil. Ethylene dibromide #440 (20 percent EDB), miscible ethylene dibromide #434 (2.5 percent EDB), and methyl bromide are authorized fumigants for regulated articles to control the Japanese beetle. Chlordane has been cancelled for all uses other than structural termite control and dipping the roots and tops of non-food use plants. Therefore, chlordane is limited to only some uses. Methyl bromide is thus the single alternative for all use sites. Cost estimates were not made for the various uses, but the impact is expected to be small.

C. Determinations of Unreasonable Adverse Effects

For the reasons set forth in detail in the Position Document 2/3, the Agency makes the following determinations about unreasonable adverse effects resulting from the uses of EDB.

The Agency has determined that the risks arising from uses of EDB for fumigation of stored grains, spot fumigation of grain milling machinery, and fumigation of felled logs are greater than the social, economic, and environmental benefits. The Agency has determined that these uses of EDB cause unreasonable adverse effects on the environment when used in accordance with widespread and commonly recognized practices, and that the labeling of EDB products will not comply with the provisions of FIFRA. Accordingly, the Agency proposes to initiate action to immediately cancel registrations and deny applications for registration for fumigation of stored grain, spot fumigation of grain milling machinery and fumigation of felled logs. For these uses, the Agency has evaluated all feasible actions short of outright cancellation and has determined that immediate cancellation for these uses is the only means to adequately and effectively reduce the health risks of applicators and the general public. The Agency has determined that the cancellation and denial or registrations of these uses of EDB will not have a significant impact on the production and prices of agricultural commodities, retail food prices and other segments of the agricultural economy.

The Agency has also determined that the risks arising from the use of EDB in quarantine fumigation of citrus, tropical fruits, and vegetables are greater than the social, economic and environmental benefits. The Agency has determined that this use of EDB causes unreasonable adverse effects on the environment when used in accordance with widespread and commonly recognized practices, and that the labeling of EDB products will not comply with the provisions of FIFRA. Therefore, the Agency proposes to cancel EDB registrations and deny applications for EDB registrations for quarantine fumigation of citrus, tropical fruits and vegetables, effective July 1, 1983. This phase-out period is being proposed to allow time for the development and implementation of efficacious alternative treatment methods. In the interim, the Agency will require that specific actions be taken to reduce the exposures of workers at fumigation centers and citrus warehouses. The Agency has determined that these actions can be implemented without significantly affecting the benefits. Unless these interim changes in the terms and conditions of registration described in subpart E. are accomplished, the risks arising from EDB use in quarantine fumigation of citrus, tropical fruits, and vegetables will generally cause unreasonable adverse effects on the environment when used in accordance with widespread and commonly recognized practices, and that the labeling of EDB products will not comply with the provisions of FIFRA. It should be emphasized that the Agency believes that, in the long run, measures short of outright cancellation will not reduce the risks sufficiently to alter the conclusion that the use of EDB for quarantine fumigation of citrus, tropical fruits, and vegetables poses unreasonable adverse effects on the environment. The Agency's decision on

the use of EDB in quarantine fumigation will become effective in the Final RPAR Determination and Notice unless a hearing request is made within the statutory 30-day period.

The Agency has further determined that the risks of EDB from its use in preplant soil fumigation, fumigation of beehives and supers, vault fumigation, and Japanese Beetle control are greater than the social, economic, and environmental benefits of these uses unless risk reductions are accomplished. Accordingly, the Agency proposes to initiate actions to cancel or deny registration for these uses unless the terms and conditions of registration are amended, as described in subpart E. The Agency has determined that these amendments to the terms and conditions of registration will significantly reduce risk and that these risk reductions can be achieved without significant impacts on the benefits of the use. These stricter label requirements will not have a significant impact on production and prices of agricultural commodities. The Agency has determined that, unless these amendments in the terms and conditions of registration are accomplished, the uses of EDB in preplant soil fumigation, beehive supers, vault fumigation and Japanese Beetle control will generally cause unreasonable adverse effects on the environment, when used in accordance with commonly recognized practices, and that the labeling of EDB products will not comply with the provisions of FIFRA.

Based on currently available information, the Agency has determined that the risks posed by the use of EDB for control of termites exceed the economic, social, and environmental benefits for this use, unless risk reductions are accomplished by modifying the terms and conditions of registration as described below in subpart E. In the Agency's judgment, these modifications to the terms and conditions of registration will significantly reduce the risks and will not have a major impact on the benefits of this use of EDB. The Agency has concluded on a preliminary basis that without these proposed registration changes, the use of EDB for termite control will generally cause unreasonable adverse effects on the environment when used in accordance with generally recognized practice, and that the labeling of EDB products will not generally comply with the provisions of FIFRA. This decision on the use of EDB for the control of termites will remain in effect until the Agency has reviewed all termite pesticides and has implemented any necessary further regulatory actions.

D. Other Determinations

The Agency has determined that registrants of EDB products must submit additional data pursuant to FIFRA Section 3(c)(2)(B) with respect to certain uses of this pesticide.

1. *Preplant Soil Fumigation.* The Agency will require that data be submitted in order to set a tolerance for residues of EDB in or on food crops grown in EDB-fumigated soils. The Agency also proposes to require that a study be undertaken by the registrant(s) to determine the potential for EDB to leach into groundwater or drinking water supplies.

2. *Fumigation of Beehives and Supers.* Registrants will be required to measure the air levels to which applicators are exposed, to survey the approximate number of applicators for this use, and to conduct a residue study on fumigated supers and honeycombs to determine whether detectable residues of EDB occur in honey.

3. *Vault Fumigation of Stored Clothing and Furniture; and Japanese Beetle Control.* For these uses, registrants will be required to conduct a monitoring study of the levels of EDB to which applicators are exposed before, during and after application. Registrants must also survey the approximate number of vault fumigation centers, the number of applicators involved and the amount of EDB applied annually for this use.

4. *Termite Control.* To provide data for use in a risk/benefit analysis planned for all pesticides used for control of termites, the Agency will require EDB registrants to conduct air monitoring studies which measure air concentrations to which applicators and other persons (such as homeowners) are exposed indoors. Registrants will also be required to report the approximate number of applicators using EDB for termite control, the amount of formulation sold annually, and the frequency of use of EDB by applicators.

E. Initiation of Regulatory Action

Based upon the determinations summarized in this Notice and set out in detail in the PD-2/3, the Agency proposes to initiate these regulatory actions:

1. Immediate cancellation and denial of registration of EDB products for use in grain storage fumigation, spot fumigation of grain milling machinery, and fumigation of felled logs.

2. Cancellation and denial of registration of EDB products for use in quarantine fumigation of citrus, tropical fruits and vegetables on July 1, 1983. This phase-out period will allow for the development and implementation of alternative treatment methods.

3. Cancellation and denial of registration of EDB products for use in preplant soil fumigation, beehive super fumigation, vault fumigation and Japanese Beetle control, *unless* applicants or registrants modify the terms and conditions of registration as described in the following subsections. The use of EDB in quarantine fumigation is also subject to immediate cancellation unless the applicable interm terms and conditions of registration which follow are met.

The label modifications described in the subpart (a) will apply to EDB products used in soil fumigation, beehive super fumigation, vault fumigation, Japanese Beetle control, termite control and quarantine fumigation. The label modifications described in subpart (b) will apply to EDB use in connection with beehive super fumigation. The label modifications, described in subpart (d) will apply to EDB additional products used for control of termites. Subpart (e) lists additional interim label modifications and other requirements which apply to quarantine fumigation.

a. The following restrictions must appear on the label of EDB products for use in preplant soil fumigation, beehive super fumigation, vault fumigation, Japanese Beetle control, termite control, and quarantine fumigation.

i. *Warning.* EDB has caused cancer, mutagenic effects and reproductive disorders in laboratory animal tests and may present these health risks to humans.

ii. *Restricted use pesticide.* For retail sale to and use only by certified applicators or persons under their direct supervision, and only for those uses covered by the applicator's certification.

iii. *Required clothing and equipment for application.* Applicators must wear the following EDB-resistant protective clothing: butyl rubber gloves and butyl rubber, nitrile or polyethylene aprons, coveralls, and boot covers. Articles made of natural rubber must not be used. Contaminated clothing must be removed immediately, and exposed skin washed with soap and water. Gloves and boot covers must be thrown away immediately if contaminated, and after each use. Other clothing must be commercially laundered daily after use or aired for at least 24 hours. A full-face, black canister respirator must be worn at all times during application and when reentering treated sites throughout the specified reentry period.

iv. *Reentry period.* The following information must be posted clearly at

the entrances to treated areas. For preplant soil fumigation and Japanese Beetle control a sign should read: Danger. Premises fumigated with (Product Name) on (Date). Do not reenter treated area until (reentry date) or until EDB air level is less than 0.4 ppm. Wear an approved respirator if you must reenter this area before the posted reentry interval.

For quarantine fumigation centers, beehive supers, vault fumigation and termite fumigation, a sign should read: Danger. Premises fumigated with (Product Name) on (Date). Treatment period lasts until (Data). Wear a full-face, black canister respirator before reentering premises. After treatment period, open all windows, doors and vents. Reentry without a respirator is only permitted after 24 hours of aeration or when EDB air level is below 0.4 ppm.

v. *Other safety precautions.* The label must also include statements expressing the following requirements: Fumigation may take place only when personnel will not be in the areas (i.e., treated field or building) during the treatment period and the reentry period. Humans and animals must be vacated from treatment area before fumigation. EDB may not be used or stored in domestic dwellings. Soap and water must be available for washing skin or flushing eyes in case of contact with EDB. Applicators must wash hands before eating or smoking. Transferring activities (i.e., pouring) must be conducted outdoors, unless a closed transfer system is used. Spills must be cleaned up immediately. If a spill is on soil, cover with six inches of soil. If a spill occurs on other surfaces, remove EDB with an appropriate cleaning agent; Pesticide containers must be disposed of either by burying in a State-approved pesticide disposal site or by returning them to a container reprocessor. Containers or equipment made of aluminum, magnesium, or their alloys must not be used, because EDB will corrode them.

b. In addition to containing the above-mentioned restrictions the label of EDB products registered for fumigation of beehive supers must be modified to include the following restrictions.

i. *Use directions.* Hives and/or combs (supers) must be placed in a gas-tight room or under a gas-tight covering such as a polyethylene tarpaulin held down with sand-filled "snakes." All windows, doors and vents must be sealed. All persons not involved with the fumigation must be vacated from the building.

ii. *Prevention to food residues.* To avoid possible contamination of honey or honeycombs, treatments is limited to use on clean supers in storage and is prohibited on other sites.

c. In addition to including the restrictions mentioned in subsection a, the labels of EDB products registered for use in Japanese Beetle control must be modified to include the following requirements. The USDA/APHIS manual should be revised to contain requirements consistent with the label restrictions described below.

i. *Grass sod.* Treated sod must be covered with a heavy plastic or tarp during the treatment period to ensure an efficacious treatment and to minimize air exposures. The tarp must be aired before re-use.

ii. *Bareroot plants.* The proper method for disposing of the used EDB-water mixture must be specified.

iii. *Balled or containerized plants.* The "enclosed place" into which plants are placed after treatment must be posted with signs indicating the minimal reentry information described previously. Proper disposal methods must be described.

iv. *Potting and bench soil.* Soil must be covered with plastic or heavy tarp for duration of the treatment period.

v. *Beds and other uses.* Soil must be covered with plastic or heavy tarp for duration of the treatment period.

vi. *For all above uses:* The APHIS Manual states that for balled or containerized plants, treatment is approved only when beetle grubs (larvae and pupae) are present.

d. In addition to the restrictions required under subsection a, the terms and conditions of registration for EDB products used in the control of termites must contain the following modifications.

i. *Certified applicators.* Fumigation may be conducted only by certified *commercial* applicators.

ii. *Protective clothing.* Same as stated in subpart a.

iii. *Posting.* The applicable requirements for termite control should be posted continuously until reentry is permitted.

iv. *Use directions for drywood termites.* Person not involved with the fumigation must leave the premises before fumigation. Holes of appropriate size and spacing must be drilled and the recommended dosage of EDB injected into these holes using a calibrated syringe or like device. Holes must be sealed immediately and permanently.

v. *Use directions for subterranean termites.* Persons not involved with the fumigation must leave the premises before fumigation. Use is not permitted under slabs which contain air ducts. Recommended dosage must be injected through holes drilled in infested concrete slab structures. Holes must be sealed immediately and permanently.

vi. *Ventilation.* During and after fumigation, all doors, windows and vents in the treatment area and connected buildings must be opened.

e. In addition to including the restrictions mentioned in subsection a, EDB labels for quarantine fumigation of citrus, tropical fruits, and vegetables must be modified to require that the EDB concentration in air does not exceed 0.4 ppm (15 min. avg.) in warehouses where treated fruit or vegetables are stored. EDB labels must also be modified to require the following notice be posted prominently in warehouses containing EDB-treated fruits or vegetables: WARNING. Fumigated commodities may emit harmful ethylene dibromide vapors. If EDB air levels exceed 0.4 ppm wear a full-face, black canister respirator.

In order for fumigation centers or warehouses to meet the 0.4 ppm standard, the following measures are recommended. If these measures are not adequate to meet the standard, additional measures may be implemented.

—Install closed dispensing system (EDB-resistant tubing with soldered connections), including an air coupling (with which to purge the line before opening it), and a pressure relief valve. Valves would be designed for handling EDB.

—Install an air monitoring device in fumigation centers and warehouses with an IR detector connected to an alarm and calibrated to be triggered if the EDB air levels exceed 0.4 ppm.

—Adjust the ventilation system so that there is greater pressure in the fumigation center than in the fumigation chambers.

—Train all applicators and warehouses employees in all aspects of fumigation procedures, protective equipment, safety precautions and emergency plans.

—Test fumigation chambers for leaks before the USDA inspector approves a fumigation permit.

—Restart exhaust fan after opening chamber door to move EDB vapors away from workers.

—Monitor personnel in both fumigation centers and warehouses to detect EDB exposure levels on a scheduled basis.

—Post operating instructions and emergency procedures in both fumigation centers and fruit warehouses.

—Replace cardboard fruit containers with a bulk loading sytem.

IV. Procedural Matters

This Preliminary Notice of Determination notifies the United States Department of Agriculture, the Scientific Advisory Panel, pesticide registrants and other interested persons and provides these entities and individuals with the opportunity to comment on these determinations.

As discussed in Unit II of this Notice, the Agency's decision to initiate the regulatory action described in Unit III must be referred for review to the Secretary of Agriculture and the Scientific Advisory Panel. The EPA Position Document 2/3, setting forth in detail the reasons and factual bases for the regulatory actions which the Agency proposes, and this Notice of Determination are being transmitted immediately to the Secretary of Agriculture and the Scientific Advisory Panel for comments. The Agency also will offer registrants and other interested persons an opportunity to comment on the bases for the Agency's action by making copies of the PD 2/3 available upon request. Interested persons may receive copies of the documents by communicating their requests to Richard Johnson, Project Manager, Special Pesticide Review Division, Office of Pesticide Programs, EPA (TS-791), Room 709, Crystal Mall II, 1921 Jefferson Davis Highway, Arlington, Virginia 22202, (703) 557-7451. Registrants and other interested persons have the same 30-day period in which to submit comments that the statute provides for comments from the Secretary of Agriculture and the Scientific Advisory Panel.

All comments on the proposed actions should be sent to the Document Control Office, Management Support Division, EPA (TS-793), Room E-447, 401 M Street SW., Washington, D.C. 20460. In order to facilitate the work of the Agency and of others inspecting the comments, registrants and other interested persons should submit three copies of their comments. The comments should bear the identifying notation [OPP 30000/25B] and should be submitted by January 9, 1981.

After completion of these review procedures, the Agency will consider the comments received and publish an analysis of them, together with any changes in the regulatory actions announced in this Notice which it determines are appropriate. Until this final review phase is concluded, it is not necessary for registrants or other interested persons to request a hearing to contest any regulatory action resulting from the conclusion of this RPAR.

Dated: December 2, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides & Toxic Substances.

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Federal Register

Wednesday,
December 10, 1980

Part VII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Interim Regulatory Program; Coal Processing Waste Banks

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Surface Coal Mining and Reclamation Operations; Interim Regulatory Program; Coal Processing Waste Banks

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

ACTION: Consideration of petition to amend 30 CFR Chapter VII, Subchapter B, concerning coal processing waste banks performance standards.

SUMMARY: OSM seeks public comment on whether to grant a petition for certain amendments to interim program regulations found in 30 CFR Subchapter B concerning coal processing waste disposal in surface coal mining and reclamation operations. If OSM grants the petition, rulemaking will be initiated to consider appropriate amendments to OSM's regulations.

DATES: Comments must be received by January 10, 1981, at the address below by no later than 5 p.m. A public hearing will as held on December 29, 1980. Representatives of OSM will be available to meet with interested persons upon request between December 10, 1980, and January 10, 1981.

ADDRESSES: Written comments must be mailed or hand delivered to Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. The public hearing will be held in the Department of the Interior Auditorium, 18th and C Streets, NW., Washington, D.C. Persons wishing to testify at the hearing should contact the person listed below under "For Further Information Contact." Notices of meetings will be posted in room 153 of the Interior South Building, and summaries of meetings will be prepared and made available for public review at the same location.

FOR FURTHER INFORMATION CONTACT: C. Y. Chen, Mining Engineer, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, Interior South Building, Room 146, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-5261.

SUPPLEMENTARY INFORMATION: On December 13, 1977, OSM issued interim program regulations which include coal waste piles performance standards. A petition of October 21, 1980, to amend the interim program on coal waste piles has been submitted to OSM by the Public Lands Institute, the Environmental Policy Institute, the Council of the Southern Mountains, Inc., the Tug Valley Recovery Center, and the Appalachian Coalition (a copy is appended to this notice). The petition seeks amendment of the interim program standards to make them identical to the permanent program standards for coal waste piles found in 30 CFR Chapter VII, Subchapter K.

The petitioners contend that the interim program coal processing waste regulations do not clearly and adequately address the disposal of coal waste, particularly in valley and head-of-hollow fills. *See* 30 CFR 715.15 and 717.15 and 30 CFR 710.5, definitions of "head-of-hollow fill" and "valley fill." Petitioners assert that OSM policy statements and positions taken in litigation have contributed to confusion on this issue. Petitioners believe that the permanent program regulations, which "heavily control the construction, monitoring, and performance of coal waste piles, 30 CFR 816.81-816.88," more adequately deal with the serious hazards posed by coal waste piles.

OSM seeks public comment as to whether this petition should be granted in whole or part. Public comment on the petition may consider the entire OSM administrative record relevant to the disposal of coal waste generated by surface coal mining operations including, but not limited to, the technical and other materials identified in the preambles to 30 CFR 710.5, 715.14, 715.15, 717.15, 816.71-816.74, 816.81-816.88, 817.71-17.74, and 817.81-817.88. If this petition is granted, a rulemaking proceeding will be undertaken to consider appropriate amendments to subchapter B in accordance with 30 CFR 700.12(d). Publication of this petition for public consideration and comment should in no way be construed to affect the effectiveness or enforceability of the existing regulations in Subchapter B.

Public Hearing

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and facilitate the job of the court reporter. Submission of written statements to the person identified above under "For Further Information Contact," in advance of the hearing date, whenever possible, would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions that could be asked to clarify or elicit more specific information from the person testifying.

Persons in the audience who have not been scheduled to speak and wish to do so will be heard after the scheduled speakers, but they assume the risk of having the hearing adjourned if they are not present when all scheduled speakers have concluded.

Public Meetings

Representatives of OSM will be available to meet between December 10, 1980, and January 10, 1981, at the request of members of the public, State representatives, industry officials, labor representatives, and environmental organizations, to receive their advice and recommendations concerning the content of proposed regulations. Persons wishing to meet representatives of OSM during this period may request a meeting at the Washington office. OSM will be available for such meetings from 9 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding holidays. Notices of meetings will posted for public review in Room 153 of the Interior South Building, and summaries of meetings will be prepared and made available for public review at the same location.

Public Comment Period

All written comments must be received at the OSM Headquarters, Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240, by 5 p.m., January 10, 1981. Comments received after that hour will not be considered or included in the administrative record on this petition.

OSM cannot ensure that written comments received at or delivered to any location other than specified above will be considered and included in the administrative record on this petition.

Availability of Copies

Copies of the petition and copies of 30 CFR Chapter VII, Subchapters B and K, are available for inspection and may be obtained at the following offices:

OSM Headquarters, Department of the Interior, South Building, Room 153, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-4728.

OSM Region I, 603 Morris Street, Charleston, WV 25301; 304-342-8125.

OSM Region II, 530 Gay Street, SW., Suite 500, Knoxville, TN 37902; 615-637-8060.

OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204; 317-331-2609.

OSM Region IV, 818 Grant Avenue, Scarritt Building, 5th Floor, Kansas City, MO 64106; 816-758-2193.

OSM Region V, Brooks Tower, 1020 15th Street, Denver, CO 80202; 303-837-5511.

Dated: December 3, 1980.

Walter N. Heine,

Director, Office of Surface Mining.

Petition to Initiate Rulemaking

Pursuant to section 201(g) of the Surface Mining Control and Reclamation Act of 1977 ("Act"), 30 U.S.C. 1211(g), the Public Lands Institute, the Environmental Policy Institute, the Council of the Southern Mountains, Inc., the Tug Valley Recovery Center, and the Appalachian Coalition, hereby petition for rulemaking on the performance standards to be met by coal waste piles under the interim regulatory program.

Under the interim program regulations, coal processing waste embankments are not adequately regulated. *See* 30 CFR 715.14(j) and 715.17(g). One major example of inadequate regulation is that, while coal waste may not be mixed with excess spoil in valley or head-of-hollow fills, fills composed *only* of coal waste may be placed in valleys or head-of-hollows. 30 CFR 710.5 and 715.15(a)(11). This is allowed despite the agency's recognition of the fact that "fills in such steeper areas are more prone to failure, and the effects of failure [are] more damaging" and that "coal waste frequently has properties that contribute to instability." 44 FR 30614 (May 25, 1979).

There has been considerable confusion surrounding the regulation of coal waste piles during the interim program. Regulations, for example, initially appeared to prohibit coal waste piles in valleys or heads-of-hollows. *See* 30 CFR 715.15(b), 42 FR 62683 (December 13, 1977). Following a legal challenge to the regulations by the coal industry based on that interpretation, in *In Re: Surface Mining Regulation Litigation,* C.A. No. 78-0162 (D.D.C. 1978), the agency clarified its position, in a newsletter dated January 23, 1978, that coal waste piles in valleys or heads-of-hollows were permissible as long as the waste was not combined with spoil or overburden in valley or head-of-hollow fills. Industry then dropped its challenge to the regulation. Subsequently, new regulations concerning valleys and heads-of-hollow fills were promulgated, 44 FR 30610 et seq. (May 25, 1979), which again appeared to prohibit coal waste piles in valleys or heads-of-hollows. In the course of litigation brought by the Public Lands Institute ("PLI"), the agency stated its position that the new regulations did not alter its previous position with respect to the regulation of coal waste. *See PLI, et al. v. OSM and Snowmass Coal Co.,* Docket No. DV-0-4-R (1979).

For this and other reasons, coal waste piles are not adequately regulated under the interim program. The permanent program regulations, by contrast, heavily control the construction, monitoring, and performance of coal waste piles. 30 CFR 816.81-816.88.

The many serious hazards posed by coal waste piles, to the environment and to the public health and safety, are well recognized. These hazards include surface and groundwater pollution caused by toxic and acid-forming wastes, air pollution caused by burning wastes, harmful effects of such pollution on people and on plant and animal life, slides of unstable waste piles, and even explosions of waste piles when water comes in contact with burning matter. *See* Permanent program regulations on coal waste embankments, 30 CFR 816.81-816.88; Preamble discussion, 44 FR 15209-15213 (March 13, 1979), and record materials relied upon by the agency.

The failure to regulate coal waste piles adequately during the interim program of course results in increased and unnecessary exposure of the public and the environment to these hazards during this interim time period. It also will result in their continued exposure to many such hazards during the *permanent* program, since pre-existing coal waste piles will be subject to the pre-existing structure exemption provisions of 30 CFR 701.11(d). Under those exemption provisions, existing structures will be exempted from meeting design standards of the permanent regulations if the structure is shown to meet the applicable performance standards.

This exemption decision, of course, will occur as part of the re-permitting process which must take place with respect to all operations in each state within an eight-month period. Section 502(d) of the Act. The determination whether existing coal waste piles meet the performance standards is a complicated one because they have been constructed in varying ways in varying conditions. It is unlikely that adequate methods and data will exist to make an accurate determination. The states, moreover, will be under intense pressure during the re-permitting process, given the many determinations they must make in a very short period of time for each mine in the state. It will be difficult for a state to deny exemptions, and perhaps close mines without an adequate alternative waste disposal method, without positive showings that various coal waste piles cannot meet the permanent performance standards.

Pre-existing coal waste piles will be used for decades. Given the gravity of the hazards to the environment and to the public posed by such waste piles, and the practical problems concerning exemption of pre-existing waste piles, it is all the more imperative that they be regulated adequately during the interim program.

Petitioners request a proposed rulemaking to promulgate standards for the interim program identical to the permanent program standards for coal waste piles. The need for such a rulemaking, to protect the environment and public health and safety, is quite clear. The legal authority for such a rulemaking also is clear. Judge Flannery, in *In Re: Surface Mining Regulation Litigation,* 452 F. Supp. 327, 337 (D.D.C. 1978), ruled that the Secretary has the authority to regulate coal processing waste during the interim program in order to protect the hydrologic balance. All aspects of the permanent program regulations governing coal waste piles are necessary to protect against ultimate harm to the hydrologic balance as well as to protect against other adverse effects of polluting and unstable waste piles.

For the foregoing reasons, Petitioners request that their Petition for Rulemaking be granted.

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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 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

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

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74478 11-10-80 / Air quality, West Virginia; approval of revision of State implementation plan

INTERIOR DEPARTMENT

Indian Affairs Bureau—

74688 11-10-80 / Indian fishing on Hoopa Valley Indian Reservation, Conservation regulations

[Corrected at 45 FR 79031, 11-28-80]

Surface Mining Reclamation and Enforcement Office—

74680 11-10-80 / Grants for mining and mineral resources research institutes and mineral research projects

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80117 12-3-80 / Navel oranges grown in Ariz. and parts of Calif.; extension of minimum size regulation; comments by 12-18-80

Animal and Plant Health Inspection Service—

70224 10-23-80 / Exportation of animals from rinderpest or foot-and-mouth Disease infected countries; comments by 12-19-80

Farmers Home Administration—

68661 10-16-80 / Discontinuation of making section 502 weatherization loans through public utilities; comments by 12-15-80

68952 10-17-80 / Relocation and real property acquisition provisions; comments by 12-16-80

CIVIL AERONAUTICS BOARD

67680 10-14-80 / Air taxi operators, elimination of requirement to reregister every 2 years; comments by 12-15-80

73085 11-4-80 / Imposition of 2-year limit for starting service or continuing service after a fitness determination; comments by 12-15-80

COMMERCE DEPARTMENT

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67681 10-14-80 / Review of regulations concerning special subzones and operations detrimental to the public interest; comments by 12-15-80

Maritime Administration—

68393 10-15-80 / Construction-differential subsidy repayment; total repayment policy (interim rule); comments by 12-15-80

77445 11-24-80 / Construction-differential subsidy repayment; total repayment policy; interest calculation; comments by 12-14-80

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74948 11-13-80 / Foreign fishing; 1981 fee schedule; collection procedures, etc.; comments by 12-15-80

70525 10-24-80 / Proposed amendments to High Seas Salmon Fishery Management Plan; comments by 12-15-80

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77043 11-21-80 / Contract market rules and practices for imposition and maintenance of price limits; comments extended to 12-18-80

[Originally published at 45 FR 55469, 8-20-80]

CONSUMER PRODUCT SAFETY COMMISSION

75685 11-17-80 / Stuffed toy animals, suspended; potential strangulation hazard; comments by 12-17-80

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78727 11-26-80 / Privacy Act of 1974; exemptions; comments by 12-16-80

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69378 10-20-80 / Research in education of the handicapped; comments by 12-19-80

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[*See also* 45 FR 53368, 8-11-80]

Federal Energy Regulatory Commission—

76700 11-20-80 / Ceiling prices; high cost gas from tight formations; comments by 12-15-80

74934 11-13-80 / Eligibility, rates and exemptions for qualifying and utility-owned small power production facilities; comments by 12-15-80

78701, 78702, 78703 11-26-80 / High-cost gas produced from tight formations; ceiling prices; Colorado; comments by 12-19-80 (3 documents)

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[*See also* 41 FR 22981, 6-7-76; 42 FR 40939, 8-4-77]

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74946 11-13-80 / TV Broadcast Station in East St. Louis, Ill.; changes in table of assignments; comments by 12-15-80

67400 10-10-80 / TV broadcast stations in Indiana, changes in table of assignments; reply comments by 12-18-80

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68902 10-16-80 / Grants for establishment of Department of Family Medicine; comments by 12-15-80

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68886 10-16-80 / Proposal to determine the Borax Lake chub to be an Endangered Species and Borax Lake, Harney Co., Oregon to be its critical habitat; comments by 12-15-80

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68665 10-16-80 / Intent to develop requirements to be used for periodic structural inspection of fixed offshore oil and gas platforms; comments by 12-15-80

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79516 12-1-80 / Grazing administration and trespass on public lands; Amendments to grazing regulations; comments extended to 12-16-80

[See also 45 FR 79516, 12-1-80]

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86867 10-16-80 / Noise Abatement plan for Jackson Hole Airport; comments by 12-15-80

[Corrected at 45 FR 70287, 10-23-80 and 45 FR 70916, 10-27-80]

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69249 10-20-80 / West Virginia, permanent program submission; partial approval/partial disapproval; comments by 12-19-80

INTERSTATE COMMERCE COMMISSION

72233 10-31-80 / Motor vehicles, loading and unloading responsibility, information; required on bills and receipts; comments by 12-15-80

72665 11-3-80 / Rail carriers; joint rates; surcharge or cancellation; rail variable cost and revenue determination procedures; comments by 12-18-80

LABOR DEPARTMENT

Labor-Management Standards Enforcement Office—

80555 12-5-80 / Labor organizations; election enforcement provisions; comments by 12-17-80

[Originally published at 45 FR 65925, 10-3-80]

NATIONAL CREDIT UNION ADMINISTRATION

68396 10-15-80 / Flood insurance regulations; revision of; comments by 12-15-80

NUCLEAR REGULATORY COMMISSION

67673 10-14-80 / Petition to permit persons exempt from regulation to receive ionizing radiation measuring instruments which contain more than one source of byproduct material; comments by 12-15-80

PERSONNEL MANAGEMENT OFFICE

75217 11-14-80 / Retirement; current survivor benefits; comments by 12-15-80

67669 10-14-80 / Subsistence payments for training assignments lasting more than 30 days; comments by 12-15-80

SECURITIES AND EXCHANGE COMMISSION

69476 10-21-80 / Exemption from registration of interests and participations in certain H.R. 10 Plans; comments by 12-15-80

63724 9-25-80 / Reports; informal quarterly reports to stockholders and financial information requirements; form 10-Q revision; comments by 12-15-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

67677 10-14-80 / Type certification procedures for gliders; comments by 12-15-80

Federal Highway Administration—

68663 10-16-80 / Traffic safety in highway and street work zones; separation of opposing traffic and edge of pavement excavation requirements; comments by 12-15-80

National Highway Traffic Safety Administration—

71832 10-30-80 / Federal motor vehicle safety standards, controls and displays; comments by 12-15-80

71834 10-30-80 / Federal motor vehicle safety standards, tire selection and rims for motor vehicles other than passenger cars; comments by 12-15-80

TREASURY DEPARTMENT

Comptroller of the Currency—

68611 10-15-80 / Rules, policies, and procedures for corporate activities; comments by 12-15-80

68586 10-15-80 / Rules, policies, and procedures for corporate activities; comments by 12-15-80

68607 10-15-80 / Rules, policies, and procedures for corporate activities; change in bank control; comments by 12-15-80

68603 10-15-80 / Rules, policies, and procedures for corporate activities; charter policy; comments by 12-15-80

68612 10-15-80 / Rules, policies, and procedures for corporate activities: organization of an interim national bank; delegated authority; comments by 12-15-80

Internal Revenue Service—

68399 10-15-80 / Secretarial authority to add items to the list of items eligible for the residential energy credit; comments by 12-15-80

Deadlines for Comments On Proposed Rules for the Week of December 21, 1980 through December 27, 1980

AGRICULTURE DEPARTMENT

Farmers Home Administration—

69847 10-22-80 / Insured emergency loans; graduation review, etc.; comments by 12-22-80

69469 10-21-80 / Housing-Mobile home and mobile home site loans; comments by 12-22-80

Food and Nutrition Service—

80804 12-5-80 / Food Stamp Program; monthly reporting/retrospective accounting demonstration project, comments by 12-22-80

70473 10-24-80 / Provisions for handling suspected fraud and criminal acts in school nutrition program; comments by 12-23-80

Office of the Secretary—

70471 10-24-80 / Proposed changes in 4-H Club name and emblem; comments by 12-23-80

Rural Electrification Administration—

78157 11-25-80 / Proposed adoption of a uniform system of accounts for community antenna television utilities; comments by 12-26-80

DEFENSE DEPARTMENT

Army Department—

78727 11-26-80 / Privacy Act of 1974; amendment of regulations; comments by 12-26-80

Navy Department—

76713 11-20-80 / Personal privacy and rights of individuals regarding records pertaining to themselves; comments by 12-22-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

66620 10-7-80 / Federal Energy Management and Planning Programs; Methodology and Procedures for Life Cycle Cost and Analysis (marginal prices and adjustments); comments by 12-24-80

[*See also* 45 FR 71326, 10-27-80]

ENVIRONMENTAL PROTECTION AGENCY

77459 11-24-80 / Air pollution control, New Jersey; alternative emission reduction options within State implementation plan for multiple sources of volatile organic compounds; comments by 12-24-80

76714 11-20-80 / Air quality implementation plans; Connecticut; comments by 12-22-80

76715 11-20-80 / Hazardous waste management; submission for approval of Oklahoma Interim Authorization Plan, Phase I; comments by 12-22-80

77465 11-24-80 / Air quality, Ohio; sulfur dioxide emissions from B. F. Goodrich Co.; comments by 12-24-80

75240 11-14-80 / Alabama's application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 12-22-80

77075 11-21-80 / Approval and promulgation of State implementation plans; revision to Wyoming regulations; comments by 12-22-80

77053 11-21-80 / Approval and promulgation of implementation plans; State of Missouri; comments by 12-22-80

77077 11-21-80 / Calcium hypochlorite; exemption from requirement of tolerance; comments by 12-22-80

77078 11-21-80 / Certain inert ingredients; exemption from the requirement of a tolerance; comments by 12-22-80

75241 11-14-80 / Delaware application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 12-22-80

70515 10-24-80 / Designation of areas for air quality planning purposes, section 107 attainment status designations; comments by 12-23-80

77079 11-21-80 / Fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole; proposed tolerance; comments by 12-22-80

74945 11-13-80 / Georgia's application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 12-22-80

77079 11-21-80 / Isophorune; exemption from the requirement of a tolerance; comments by 12-22-80

76210 11-18-80 / Massachusetts application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 12-24-80

[*See also* 45 FR 33063, 5-19-80]

78730, 78734 11-26-80 / Michigan State Implementation Plan; State and Federal administrative orders; comments by 12-26-80 (2 documents)

78731 11-26-80 / Minnesota; approval and promulgation of implementation plan; comments by 12-26-80

77075 11-21-80 / Review of standards of performance for new stationary sources; phosphate fertilizer plants; comments by 12-22-80

73523 11-5-80 / Revisions of the procedural regulations governing the Rebuttal Presumption Against Registration (RPAR) process and conduct of hearings under section 6 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); comments extended from 11-5-80 to 12-22-80

[*See also* 45 FR 52628, 8-7-80]

FEDERAL COMMUNICATIONS COMMISSION

69499 10-21-80 / FM broadcast station in Alliance, Nebr.; proposed changes in tables of assignments; reply comments by 12-22-80

69502 10-21-80 / FM broadcast station in Hilton Head Island, S.C.; proposed changes in table of assignments; reply comments by 12-22-80

79842 12-2-80 / FM broadcast station in Munsing, Mich.; reply comments period extended to 12-21-80

[*See also* 45 FR 63530, 8-16-80]

79516 12-1-80 / Radio broadcast services TV channels 5 and 6 and FM channels 251-300 in the State of Hawaii; comments by 12-24-80

69501 10-21-80 / TV broadcast stations in Madisonville, Owensboro and Princeton, Ky., proposed changes in tables of assignments; reply comments by 12-22-80

69497 10-21-80 / TV broadcast station in Rio Grande City, Tex.; proposed changes in table of assignments; reply comments by 12-22-80

73718 11-6-80 / TV broadcast station in Sierra Vista, Ariz., proposed changes in table of assignments; comments by 12-22-80

FEDERAL EMERGENCY MANAGEMENT AGENCY

78181 11-25-80 / National Flood Insurance Program coverage; sales and loss prevention provisions; comments by 12-26-80

69904 10-22-80 / Radiological emergency response planning and preparedness; comments by 12-22-80

69470 10-21-80 / Equal credit opportunity; comments extended to 12-22-80

[First published at 45 FR 56818, 8-26-80]

FEDERAL TRADE COMMISSION

70882, 70883 10-27-80 / Chrysler Corp. et al.; prohibited trade practices; consent agreement and analysis, (2 documents); comments by 12-26-80

69470 10-21-80 / Control Data Corp., et al.; consent agreement with analysis to aid public comment; comments by 12-22-80

66474 10-7-80 / Credit practices; extension of post-record comment period from 10-21-80 to 12-22-80

[*See also* 43 FR 47197, 10-13-78 and 45 FR 56070, 8-22-80]

HEALTH AND HUMAN SERVICES DEPARTMENT

Child Support Enforcement Office—

69495 Child Support Enforcement Program; comments by 12-22-80

Food and Drug Administration—

63876 9-26-80 / Anorectal drug products (OTC); reopening of record for camphor-containing products; reply comments by 12-26-80

69817 10-21-80 / Caffeine; deletion of GRAS status; proposed declaration that no prior sanction exists; and use on an interim basis pending additional study; comments by 12-22-80

63874 9-26-80 / Cold, cough, allergy, bronchodilator, and antiasthmatic products (OTC); reopening of record for camphor-containing drug products; reply comments by 12-26-80

63878 9-26-80 / External analgesic drug products (OTC); reopening of record for camphor-containing products; reply comments by 12-26-80

76998 11-21-80 / Providing for the safe use of 5-ethyl-1,3-diglycidyl-5-methylhydanfoin as a component of adhesive formulations employed in the manufacture of food-packaging materials; objections by 12-22-80

76999 11-21-80 / Providing for the use of octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate as an antioxidant and/or stabilizer for polymers in food-contact applications; objections by 12-22-80

76997 11-21-80 / Providing for the use of chloride copolymer coatings for nylon film; objections by 12-22-80

69816 10-21-80 / Soda water; standard of identity; comments by 12-22-80

Health Care Financing Administration—

70516 10-24-80 / Revision of time requirements for reviews of medicaid quality control; comments by 12-23-80

Social Security Administration—

70521 10-24-80 / Public assistance program quality control system review completion requirements; comments by 12-23-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

70949 10-27-80 / Endangered and Threatened plants; proposal to determine *paronychia argyrocoma* var. *albimontan* a (silvering), to be threatened species; comments by 12-26-80

Indian Affairs Bureau—

69932 10-22-80 / Indian mineral development regulations; comments extended from 10-10-80 to 12-22-80
[*See also* 45 FR 53164, 8-11-80]

National Park Service—

77049 11-21-80 / Motor boat regulations; restricted access to cave systems; Buffiao National River, Ark.; comments by 12-22-80

Surface Mining Reclamation and Enforcement Office—

78499 11-25-80 / Partial approval and disapproval of Indiana's proposed State program for the regulation of surface coal mining and reclamation operations; as amended; comments by 12-26-80

INTERSTATE COMMERCE COMMISSION

73524 11-5-80 / Car hire charges; zone of reasonableness; comments by 12-22-80

73481 11-5-80 / Railroad transportation contracts; (interim rules); comments by by 12-22-80

73981 11-7-80 / Revision of vehicle leasing regulations; comments by 12-22-80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

77048 11-21-80 / Proposed supplement to Arizona State plan; comments by 12-22-80

Office of the Secretary—

77047 11-21-80 / General provisions; waiver of rulemaking exemption; comments by 12-22-80

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

76710 11-20-80 / Relocation; life estate leases; comments by 12-22-80

NUCLEAR REGULATORY COMMISSION

79819 12-2-80 / Action Plan developed as a result of the Three Mile Island accident; comment period extended from 12-12-80 to 12-24-80
[*See also* 45 FR 50613, 7-30-80 and 45 FR 76446, 11-19-80]

PERSONNEL MANAGEMENT OFFICE

69469 10-21-80 / Reduction in force; qualifications for assignment; comments by 12-22-80

SECURITIES AND EXCHANGE COMMISSION

78157 11-25-80 / Proposed availability of simplified registration form to certain mining companies; comments by 12-21-80

STATE DEPARTMENT

70282 10-23-80 / Denial of passport facilities in cases involving a criminal court order; comments by 12-23-80

78163 11-25-80 / Proposed requirement for possession of individual passport by children under thirteen; comments by 12-26-80

TRANSPORTATION DEPARTMENT

Office of the Secretary—

71236 10-27-80 / Washington National Airport; special air traffic rules and airport traffic patterns; allocation of hourly number of instrument flight operations; comments by 12-26-80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

70910, 70911, 70913, 70914 10-27-80 / Alcoholic beverages; establishment of viticulture areas for wine labeling; Fennville, Mich.; Geunoc, Lime Kiln, and San Pasqual Valleys, Calif. (4 documents); comments by 12-12-80

Customs Service—

70907 10-27-80 / Bonded merchandise, carriage by private carriers; simplification of requirements; comments by 12-26-80

70476 10-24-80 / Personal declarations and exemptions; comments by 12-23-80
[*See also* 45 FR 78704, 11-26-80]

Internal Revenue Service—

69933 10-22-80 / Gift taxes; transfer of life income interest; exercise of nongeneral powers of appointment; comments by 12-22-80

70909 10-27-80 / Limited partnerships; tax classification; comments by 12-26-80

69933 10-22-80 / Manufacturers and retailers excise taxes on special fuels; comments by 12-22-80

75478 10-24-80 / Reporting requirements for certain grantor trusts; comments by 12-23-80

VETERANS ADMINISTRATION

77050 11-21-80 / Veterans education; Farm cooperative courses; comments by 12-22-80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

76720 11-20-80 / Bridger-Teton National Forest Grazing Advisory Board, Pinedale, Wyo. (open), 12-17-80

78193 11-25-80 / Gila National Forest Grazing Advisory Board, Silver City, N. Mex. (open), 12-19-80

Office of the Secretary—

74953 11-13-80 / Equal Opportunity Citizens Advisory Committee, Wash., D.C. (open), 12-14 through 12-16-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

79204 11-28-80 / Humanities Panel, Washington, D.C. (closed), 12-16 and 12-17-80

75369 11-14-80 / Humanities Panel, Washington, D.C. (closed), 12-15 and 12-16-80
[Corrected at 45 FR 78848, 11-26-80]

78848 11-14-80 / Media Arts Panel (In Residence/Workshop), Washington, D.C. (closed), 12-15 and 12-16-80

78849 11-26-80 / Visual Arts Panel (Drawing/Printmaking/Artists Books), Washington, D.C. (closed), 12-15 and 12-16-80

CIVIL RIGHTS COMMISSION

80324 12-4-80 / New Jersey Advisory Committee, Newark, N.J. (open), 12-15-80

COMMERCE DEPARTMENT

Maritime Administration—

79525 12-1-80 / U.S. Merchant Marine Academy Board, Wash., D.C. (open), 12-16-80

National Oceanic and Atmospheric Administration—

79133 11-28-80 / Computer Systems Technical Advisory Committee, Hardware Subcommittee, Washington, D.C. (closed), 12-16-80

79089 11-28-80 / Deep seabed mining, Washington, D.C. (open), 12-17-80

79526 12-1-80 / New England Fishery Management Council, Scientific and Statistical Committee, Boston, Mass. (open), 12-18-80

Office of the Secretary—

77102 11-21-80 / Economic Advisory Board, Wash., D.C. (open), 12-16-80

DEFENSE DEPARTMENT

Office of the Secretary—

73120 11-4-80 / Electron Devices Advisory Group, New York, N.Y. (closed), 12-16-80

ENERGY DEPARTMENT

Bonneville Power Administration—

78201 11-25-80 / Northwestern Montana/North Idaho Support and Libby Integration, Sandpoint, Idaho (open), 12-16-80 and Libby, Mont. (open), 12-17-80

Energy Research Office—

79143 11-28-80 / Energy Research Advisory Board, Biomass Panel, Washington, D.C. (open), 12-18 and 12-19-80

79144 11-28-80 / Energy Research Advisory Board, Inertial Confinement Fusion Review Panel, Wash., D.C. (open), 12-18-80

79555 12-1-80 / Energy Research Advisory Board, Research and Development Panel, Wash., D.C. (open), 12-19-80

Federal Energy Regulatory Commission—

77043 11-21-80 / Revision of annual report of gas supply for certain natural gas pipelines: Form No. 15, Washington, D.C. (open) 12-16-80

FEDERAL COMMUNICATIONS COMMISSION

80182 12-3-80 / Radio Technical Commission for Marine Services, Executive Committee, Washington, D.C. (open), 12-12-80

HANDICAPPED, NATIONAL COUNCIL ON

77222 11-21-80 / Council Meeting, Arlington, Va. (open), 12-15 and 12-16-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

68760 10-16-80 / Research Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism, Rockville, Md. (open), 12-15-80

Food and Drug Administration—

75325 11-14-80 / Miscellaneous External Drug Products Panel, Bethesda and Rockville, Md. (open), 12-14 and 12-15-80 respectively.

75325 11-14-80 / Ophthalmic Device Section of the Ophthalmic Ear, Nose, and Throat and Dental Device Panel, Washington, D.C. (open), 12-17 and 12-18-80

[Rescheduled at 45 FR 80594, 12-5-80]

74062 11-7-80 / Small Business Exchange Meeting, San Francisco, Calif. (open), 12-17-80

Human Development Services Office—

75328 11-14-80 / White House Conference on Aging, Technical Committee, Washington, D.C. (open), 12-16-80

77520 11-24-80 / White House Conference on Aging, Technical Committee on Older Americans as a Growing National Resource, Washington, D.C. (open), 12-17-80

INTERGOVERNMENTAL RELATIONS ADVISORY COMMISSION

79519 12-1-80 / Proposed Grants Policymaking, San Francisco, Calif. (open), 12-16 and 12-17-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

76012 11-17-80 / Endangered species unarmored threespine stickleback (fish species); proposed critical habitat; Valencia, Calif. (open), 12-19-80

Land Management Bureau—

75330 11-14-80 / Arizona Strip District Grazing Advisory Board, St. George, Utah (open), 12-16-80

73807 11-6-80 / Grand Junction District; Multiple Use Advisory Council, Grand Junction, Colo. (open), 12-15 and 12-16-80

75771 11-17-80 / Susanville District Grazing Advisory Board, Susanville, Calif. (open), 12-18-80

Surface Mining Reclamation and Enforcement Office—

74728 11-12-80 / State-Federal Cooperative Agreements; Montana; comments by 12-17-80

INTERNATIONAL CONVENTION ADVISORY COMMISSION

79611 12-1-80 / Meeting, Wash., D.C. (open), 12-16-80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

78297 11-25-80 / Construction Safety and Health Advisory Committee Wash., D.C. (open), 12-16 and 12-17-80

78297 11-25-80 / Occupational Safety and Health National Advisory Committee, Wash., D.C. (open), 12-18 and 12-19-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

77527 11-24-80 / NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Weather, Climate and Oceans Subcommittee, Greenbelt, Md. (open), 12-18 and 12-19-80

NUCLEAR REGULATORY COMMISSION

80214 12-3-80 / Decontamination of Three Mile Island, Unit 2, Advisory Panel, Harrisburg, Pa. (open), 12-18-80

74598 11-10-80 / Reactor Safeguards Advisory Committee, Babcock and Wilcox Water Reactors Subcommittee, Washington, D.C. (open), 12-18-80

[*See also* 45 FR 68817, 10-16-80]

79955 12-2-80 / Screening Committee for lawyer vacancies on the Atomic Safety and Licensing Board, Bethesda, Md. (closed), 12-18 and 12-19-80

SMALL BUSINESS ADMINISTRATION

66281 10-6-80 / Region V Advisory Council, Minneapolis, Minn. (open), 12-16-80

79215 11-28-80 / Small business continuity, Washington, D.C. (open), 12-16-80

STATE DEPARTMENT

Office of the Secretary—

76564 11-19-80 / International Radio Consultative Committee, Study Group 4 of the U.S. Organization, Washington, D.C. (open) 12-17-80

68496 10-15-80 / Overseas School Advisory Council, Washington, D.C. (open), 12-17-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

77531 11-24-80 / Radio Technical Commission For Aeronautics, Special Committee 143—Ground Based Automated Weather Observation Equipment, Washington, D.C. (open), 12-16 and 12-17-80

79622 12-1-80 / Radio Technical Commission for Aeronautics (RTCA), Separation Study Review Group, Wash., D.C. (open), 12-18 and 12-19-80

WOMEN, PRESIDENT'S ADVISORY COMMITTEE

79209 11-28-80 / Meeting, Washington, D.C. (open), 12-16-80

Next Week's Public Hearings

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

80166 12-3-80 / Calaveras County Water District, application for major license for proposed North Fork. Stanislaus River Project No. 2409, Angels Camp, Calif., 12-18-80

INTERIOR DEPARTMENT

Land Management Bureau—

80190 12-3-80 / Powder River Regional Coal Team, Billings, Mont., 12-18-80

List of Public Laws

Last Listing December 9, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 3152 / Pub. L. 96-506 To amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years (Dec. 8, 1980; 94 Stat. 2745) Price $1.

H.R. 4892 / Pub. L. 96-507 To repeal section 506 of the Communications Act of 1934 (Dec. 8, 1980; 94 Stat. 2747) Price: $1.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

79669 12-1-80 / DOT/UMTA—Innovative techniques and methods in the management and operation of public transportation, comments by 2-25-81

APPLICATIONS DEADLINES

80162 12-3-80 / Commerce/MBDA—General Business Services Program, 19 Dallas region projects; apply by 12-31-80

79664 12-1-80 / DOT/FHwA—Comprehensive transportation system management assistance program; apply by 3-1-81

79666 12-1-80 / DOT/FHwA—National ridesharing discretionary program; apply by 3-1-81

79664 12-1-80 / DOT/NHTSA—Comprehensive transportation system management assistance program, apply by 3-1-81

79664 12-1-80 / DOT/UMTA—Comprehensive transportation system management assistance program; apply by 3-1-81

79878 12-2-80 / ED—FY 1981 Biomedical Sciences Program; application deadline extended to 1-7-81

[*See also* 45 FR 66575, 10-7-80]

80575 12-5-80 / ED—Grants for research on knowledge use and school improvement; preapplications by 1-6-81; applications by 5-6-81

80594 12-5-80 / HHS/HRA—Allied health traineeship grants for advanced training—training institutes (short-term); apply by 2-13-81

80358 12-4-80 / HHS/HRA—Grants for Graduate Programs in Health Administration; apply by 1-9-81

80359 12-4-80 / HHS/HRA—Grants for traineeships for Students in Schools of Public Health (Formula); apply by 12-12-80

80358 12-4-80 / HHS/HRA—Grants for Traineeships for Graduate Programs in Health Administration; apply by 1-9-81

80358 12-4-80 / HHS/HRA—Grants for Traineeships for Graduate Programs in Health Administration; apply by 1-9-81

79965 12-2-80 / Synthetic Fuels Corporation—Initial solicitation of project proposals; apply by 3-30-81

MEETINGS

79519 12-1-80 / ACIR—Proposed grants policymaking, San Francisco, Calif. (open), 12-16 and 12-17-80

79862 12-2-80 / Commerce/NTIS—Grant Appeals Board of the Public Telecommunications Facilities Program, Washington, D.C. (open), 12-23-80

OTHER ITEMS OF INTEREST

79662 DOT / Secy—Comprehensive transportation system management assistance and complementary DOT programs; submit proposals to 3-1-81

79573 12-1-80 / EPA—Grants for construction of treatment works, exclusion of major industrial users; impact analysis, comments by 12-31-80

80358 12-4-80 / HHS/CDC—Project Grants for Health Programs for Refugees

79912 12-2-80 / HHS/HDSO—Bi-annual publication of allotment percentages for States under the Child Welfare Services State Grants Program

80594 12-5-80 / HHS/NIH—Recombinant DNA research; actions under guidelines; effective data corrected from 12-21-81 to 11-21-80

[*See also* 45 FR 77372, 11-21-80]

80598 12-5-80 Labor/ETA—Applications received for grants, loans, and loan gurantees under the Consolidated Farm and Rural Development Act

80563 12-5-80 / USDA/FNS—Donated foods to nutrition programs for the elderly; level of assistance for Fiscal Year 1980; correction

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: January 16 and 30; February 13 and 27; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.