3-12-80
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Wednesday
March 12, 1980

Highlights

16012 **National Health Service Corps Scholarship Program** HEW/PHS gives notice of designation of Health Professions for school year 1980–81

16010 **Training of Interpreters for Deaf Individuals** HEW/HDS announces that applications will be accepted from public or private nonprofit agency or organization or post secondary institution wishing to compete for grants; apply by 4–30–80

16126 **Delinquency: Prevention Research and Development** Justice/LEAA proposes addition to the National Priority Program and Discretionary Program Announcement; comments by 4–1–80 (Part II of this issue)

15955 **Commercial Fishing** Commerce/NOAA is making $10,000 available to compensate persons eligible on Financial Compensation of Participants in Administrative Proceedings; apply by 3–21–80

16142 **Commissioner's Discretionary Program** HEW/OE proposes regulations to govern grants from funds reserved under the Education Amendments; comments by 5–12–80 (Part IV of this issue)

15919 **Management Assistance to Borrowers** USDA/FmHA revises regulations governing eligibility date for filing claims for compensation for construction defects; effective 3–12–80

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15942 **Securities Exchanges** SEC proposes to exempt rule's reporting requirements notices of uncontested summary disciplinary sanctions; comments by 4-18-80

15927 **Small Cities Program** HUD eliminates requirement for a three-year community development plan assessment and strategy; effective 4-11-80

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15920 **Credit by Brokers and Dealers** FRS issues regulations for payment in general and cash accounts and extension of time requests received through the mail; effective 6-2-80; comments by 4-30-80

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15941 **Confidential Treatment of Records** SEC issues proposed rule relating to requests that records provided to or obtained by the Commission be treated in confidence; comments by 4-4-80

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16071 **Sunshine Act Meetings**

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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 947

Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon Except Malheur County; Order Directing That Referendum Be Conducted Among Producers; Determination of Representative Period; Designating Agents To Conduct Such Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule authorizes a referendum be conducted to determine if producers of potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County favor continuation of the marketing agreement and order.

DATES: Referendum Period April 1–10, 1980.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter (202) 447–2615.

SUPPLEMENTARY INFORMATION: Pursuant to the applicable provisions of Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County, and the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.) to determine whether continuation of the order is favored by producers, as defined under the terms of the order, who during the representative period were engaged in the Oregon-California production area in the production of Irish potatoes for market.

The representative period for the conduct of such referendum is hereby determined to be July 1, 1978, to June 30, 1979.

The representatives of the Secretary to conduct this referendum are designated to be Joseph Perrin, Dennis L. West, and James B. Wendland.

This rule has been reviewed under the USDA criteria for implementing Executive Order 12044 and has been classified "significant." An Impact Analysis is available from Charles W. Porter (202) 447–2615.

Signed at Washington, D.C., on March 6, 1980.

Jerry C. Hill,
Deputy Assistant Secretary for Marketing & Transportation Services.

[FR Doc. 80-7674 Filed 3-11-80; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1924

Management Assistance to Borrowers (Individual); Complaints and Compensation for Construction Defects

AGENCY: Farmers Home Administration (USDA).

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises regulations governing the eligibility date for filing claims for compensation for construction defects. This action results from a provision of a public law which required the agency to extend the date by which FmHA Section 502 rural housing borrowers who received financial assistance on or between the dates of April 12, 1976, and October 12, 1977, could file claims.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: M. Howard Boatman, FmHA, USDA, Room 5309, South Agriculture Building, Washington, D.C. 20250. Telephone (202) 447–3766.

SUPPLEMENTARY INFORMATION: FmHA is amending § 1924.257 of Subpart F, Part 1924, Chapter XVIII, Title 7 in the Code of Federal Regulations. FmHA amends its regulations concerning accepting claims for compensation for construction defects in accordance with authority conferred by section 509 of the Housing Act of 1949 (42 U.S.C. 1479) as amended by the Housing and Community Development Act of 1979 (Pub. L. 96–153). This change extends the date thru which claims may be filed from April 12, 1979, to October 12, 1980, for section 502 rural housing borrowers who received financial assistance on or between April 12, 1976, and October 12, 1977.

This change extends the period for affected borrowers to file claims with the agency.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These rules however, are not published for proposed rulemaking since the change is mandated by Pub. L. 96–153. Therefore § 1924.257(a)(3) is amended to read as follows:

§ 1924.257 Eligibility for compensation for construction defects.

(a) * * *

* * * * *

(3) The claim must be filed with FmHA within 18 months after the date financial assistance is granted. (Claims involving assistance granted on or between April 12, 1976, and October 12, 1977, may be filed through October 12, 1980.) For loans made to buy a dwelling, financial assistance is granted on the date the loan is closed. For all other loans, financial assistance is granted on the date of final construction inspection and acceptance by the borrower and FmHA.

* * * * *

This action is taken because of the requirement of the Public Law that all potential borrowers be notified of their right to file a claim by a certain date.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are unnecessary and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Further, this final rule has not been designated as "significant" and no impact analysis has been prepared. Since the rule change is self-executing and mandated by statute it is exempt

from Executive Order 12044 and Secretary's Memorandum 1955.

Note.—This document has been reviewed in accordance with FmHA Instruction 1901-G, "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 human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: February 21, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-7632 Filed 3-11-80; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T; Docket No. R-0245]

Credit by Brokers and Dealers; Time for Payment in General and Cash Accounts and Extension of Time Requests Received Through the Mail

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In response to requests, the Board is adopting amendments to Regulation T that will: (1) change the time period within which deposits must be made in the margin accounts from five to seven business days; (2) allow a self-regulatory organization (a securities exchange or association) to approve extension of time requests for payment received from any broker-dealer; (3) permit the postmark date to serve as evidence of timely filing of a request for an extension of time by certain broker-dealers while withdrawing at the same time a prior Board interpretation that holds otherwise; and (4) increase the *de minimis* amount which triggers regulatory action both in the margin and special cash accounts from $100 to $500.

The Board is taking this action to reduce the administrative burden placed on broker-dealers and their self-regulatory organizations by recognizing the geographic dispersion of the financial community and recent developments in information processing technology.

EFFECTIVE DATE: June 2, 1980 with comments to be accepted until April 30, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0245, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Consititution Avenue, N.W., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rule Regarding Availability of Information (12 CFR § 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Patsy Abelle, Senior Attorney, or Theodore W. Prush, Senior Securities Regulation Analyst, Securities Regulation Section, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: Because this is a rule change which relieves a restriction, the requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed before adoption. However, a deferred effective date has been provided and comments on the amendment will be accepted until April 30, 1980. In response to requests from the New York Stock Exchange, Inc. and the National Association of Securities Dealers, Inc. the Board of Governors amends Regulation T (12 CFR 220) to extend the time within which payment is due in the margin accounts from five to seven business days. The Board also amends the provisions of the general rule to permit any self-regulatory organization to approve extension of time requests for payment received from any broker-dealer. These two changes will bring the provisions of the margin accounts into conformity with those of the special cash account. Another amendment will permit a self-regulatory organization to accept as timely filed extension of time requests received from certain broker-dealers via the mail which are postmarked no later than midnight of the date payment is due. This amendment replaces an interpretation (1939 Federal Reserve Bulletin 253) concerning this subject.

In addition, both the margin accounts and the special cash account allow a broker-dealer to refrain from taking action to achieve compliance with the regulation (such as calling for additional cash or collateral or liquidating the account) if the amount due does not exceed $100. This figure has been unchanged in the cash account since 1949 and in the margin account since 1951. Given the increased costs of doing business, the Board increases the *de minimis* amount to $500.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78 g and w), the Board adopts the following amendments to §§ 220.3 and 220.4 of Regulation T (12 CFR Part 220):

§ 220.3 [Amended]

1. To amend § 220.3(b)(1) (i) and (ii) by deleting the words "5 full business days" and substituting therefor the words "7 full business days";

2. To amend § 220.3(e) by deleting the words "5-day period" and substituting therefor the words "7-day period";

(3) To revise § 220.3(f) to read as follows:

§ 220.3 General accounts.

* * * * *

(f) Extensions of time. If an appropriate committee of a national securities exchange or a national securities association is satisfied that the creditor is acting in good faith in making the application, and that exceptional circumstances warrant such action, such committee may extend the 7-day period specified in paragraph (b) of this section for one or more limited periods commensurate with the circumstances. Applications should be filed and acted upon prior to the end of the 7-day period or the expiration of any subsequent extension. However, an application may be acepted as timely filed from firms having no direct electronic access to the exchange or association if it is postmarked no later than midnight of the last day of the 7-day period or any subsequent extension.

4. To amend § 220.3(g)(3) by deleting the figure "$100" and substituting therefor the figure "$500";

5. To revise § 220.4(c)(6) to read as follows:

§ 220.4 Special accounts.

* * * * *

(c) Special cash account.

* * * * *

(6) If an appropriate committee of a national securities exchange or a national securities association is satisfied that the creditor is acting in good faith in making the application, that the application relates to a *bona fide* cash transaction, and that exceptional circumstances warrant such action, such committee (i) may extend any period specified in subparagraphs (2), (3), (4), or (5) of this paragraph for one or more limitied periods commensurate with the circumstances, or (ii), in case a security purchased by the customer in the special cash account is a margin or exempted security, may authorize the transfer of the transactions to a general account, special bond

account, special convertible security account, or special omnibus account, and the completion of such transaction pursuant to the provisions of this part relating to such an account.
Applications under (i) above should be filed and acted upon prior to the end of the 7-day period or the expiration of any subsequent extension. However, an application may be accepted as timely filed from firms having no direct electronic access to the exchange or association if it is postmarked no later than midnight of the last day of the 7-day period or any subsequent extension.
* * * * *

§ 220.4 [Amended]

6. To amend § 220.4(c)(7) by deleting the figure "$100" and substituting therefor the figure "$500".

7. To amend § 220.4(h)(2) by deleting the words "5 full business days" and substituting therefor the words "7 full business days";

By order of the Board of Governors of the Federal Reserve System.

March 6, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-7631 Filed 3-11-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[No. 80-145]

Preemption of State Usury Laws

March 7, 1980.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of agency interpretation of statute.

SUMMARY: The Federal Home Loan Bank issues further Interpretations regarding the effect of the temporary Federal preemption of State interest limitations contained in Public Law 96-161. The Board concludes:

(1) If a national bank makes a loan secured by a first mortgage on residential real property during the statutory preemption period, it would not be subject to any restraints in setting interest rates;

(2) If, prior to the effective date of Public Law 96-161, a lender made a short-term balloon payment loan secured by a mortgage on residential real estate and that note comes due during the statutory preemption period, the rate of interest chargeable on a renewal or refinancing will depend on whether the lender is under a continuing obligation to renew or refinance the note;

(3) If, during the December 28, 1979 to March 31, 1980 preemption period, a lender makes a commitment to a builder to provide permanent mortgage financing to qualified purchasers of homes to be built or makes a commitment to a realtor to provide permanent mortgage financing to purchasers of homes listed with the realtor, loans closed to individual buyers as part of this arrangement will be exempt from State interest limitations, if closed within two years of the effective date of Public Law 96-161 and the other requirements of the statute are satisfied; and

(4) A loan will be considered Federally-related for purposes of Public Law 96-161, if made by a creditor which makes or invests in over $1,000,000 worth of residential real property loans per year regardless of whether the loans used to meet the $1,000,000 requirement are secured by first or second mortgages.

EFFECTIVE DATE: March 6, 1980.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552 (202-377-6457)

SUPPLEMENTARY INFORMATION: Part 590 of Title 12 of the Code of Regulations is hereby amended by adding to Appendix A the following:

Appendix A.—*Interpretations*

Subject	Interpretation No.	Date	Fed. Reg. volume and page
National banks.	590-9	Mar. 12, 1980	45 FR 15921
Renewal notes.	590-10	do	Do.
Blanket commitments.	590-11	do	Do.
Creditors who make or invest in over $1,000,000 worth of residential real property loans.	590-12	do	Do.

The text of these Interpretations reads as set forth below and will not appear in the Code of Federal Regulations.

Pursuant to the authority granted by section 105(c) of Public Law 96-161, the Federal Home Loan Bank Board is issuing four additional Interpretations (Nos. 590-9 through 590-12) relating to the temporary preemption of State usury laws with respect to Federally-related first mortgage loans as prescribed by that statute. The reader is also invited to consult the Regulations published at 45 FR 1853 (Jan. 9, 1980) and previous Interpretations published at 45 FR 8000 (Feb. 6, 1980); 45 FR 6165 (Jan. 25, 1980); and 45 FR 2840 (Jan. 15, 1980). Federal Home Loan Bank Board Interpretation No. 590-9 (*National Banks*)

Section 105 of Pub. L. 96-161 provides that "[t]he provision of the constitution or law of any State expressly limiting the rate or amount of interest, discount points, or other charges which may be charged, taken, received, or reserved shall not apply to any loan, mortgage, or advance" described in that section. The Federal Home Loan Bank Board has been asked to determine the effect of this provision on national banks.

National banks are not directly subject to State interest ceilings. They are subject, however, to Section 30 of the National Bank Act, the first sentence of which provides that a national bank may charge—

> interest at the rate allowed by the laws of the State * * * where the bank is located, or at a rate of 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve bank in the Federal reserve district where the bank is located, * * * whichever may be the greater, and no more * * *.

12 U.S.C. § 85. The second sentence of that section specifies that:

> [w]hen no rate is fixed by the laws of the State, * * * the bank may take * * * a rate not exceeding 7 per centum or 1 per centum in excess of the discount rate on ninety-day commercial paper in effect at the Federal reserve district where the bank is located * * * whichever may be the greater * * *.

Id. The question has arisen whether, as a result of the temporary Federal preemption of State usury laws, national banks may only charge the rate described in the second sentence of 12 U.S.C. § 85.

It is our view that Pub. L. 96-161 would not so limit national banks. National banks would not be subject to any constraints in setting interest rates on residential first mortgage loans made or committed to during the preemption period.

Although the provisions of 12 U.S.C. 85 may suggest that national banks are governed by a separate rate formula when State interest ceilings are lifted, the section cannot be read without considering past judicial construction of its impact. In *Daggs* v. *Phoenix National Bank*, 177 U.S. 549 (1900), the Supreme Court held that the phrase "[w]hen no rate is fixed by the laws of the State * * *" must be construed as only applicable when State law does not allow the taking of *any* interest. *Id.* at 555. The *Daggs* construction of 12 U.S.C. § 85 continues to have vitality. *See Hiatt*

v. *San Francisco National Bank*, 361 F. 2d 504 (9th Cir.), *cert. denied*, 385 U.S. 948 (1966). Accordingly, unless State law prohibits the taking of any interest, the interest rate charged by national banks generally would be governed by the first sentence of 12 U.S.C. 85 and would be the greater of the State rate or one percent above the ninety-day discount rate.

This is not to say, however, that, during the preemption period, national banks would be limited to a rate of one percent in excess of the ninety-day discount rate on commercial paper as provided by the first sentence in 12 U.S.C. § 85. In interpreting that sentence, the Supreme Court has consistently held that the provision is intended to put national banks on an equal footing with State banks. *See Marquette National Bank* v. *First of Omaha Service Corp.*, 439 U.S. 299, 314 (1978); *Tiffany* v. *National Bank*, 85 U.S. 409, 413 (1874). Accordingly, if local banks in the State in which a national bank is located are charging a rate in excess of that prescribed in 12 U.S.C. 85, the case law previously cited in this Interpretation indicates that national banks are authorized to charge the latter rate.

Our interpretation of the effect of Pub. L. 96-161 fully comports with the intent underlying the temporary usury preemption. In both the committee reports and the Congressional debate, it was repeatedly emphasized that an override of artificial usury restraints was necessary to insure the flow of mortgage money into those States affected. *See* S. Rep. No. 387, 96th Cong., 1st Sess. 19 (1979); 125 Cong. Rec. S18959 (daily ed. Dec. 18, 1979) (remarks of Sen. Cranston). Federal Home Loan Bank Board Interpretation No. 590-10 (*Renewal Notes*)

Section 105(a)(1) of Pub. L. 96-161 provides that the "provisions of the constitution or law of any State expressly limiting the rate or amount of interest, discount points, or other charges which may be charged * * * shall not apply" to a Federally-related residential first mortgage loan made during the December 28, 1979-March 31, 1980 statutory preemption period. The Board has been asked to determine the effect of this section on renewals of short-term mortgage notes which come due during the statutory preemption period.

In states in which these transactions are permitted, many commercial banks extend mortgage credit by the use of short-term mortgage notes. The notes are usually for terms of several years with balloon payments due at maturity. At maturity, the renewal is accomplished by the execution of a new mortgage note for the unpaid balance of the original transaction with payment terms and interest rate determined by the bank and borrower at the time of renewal. The renewal note is likely to be for another short-term. The renewal note continues to be secured by a first lien mortgage on residential property executed and recorded at the time of the original transaction. The recorded mortgage expressly secures the original note and any renewal of the original note. Given these circumstances, the issue is whether a lender would be permitted, under Pub. L. 96-161, to raise the interest charged above State ceilings on a new note, if the previous short-term note matures during the statutory preemption period.

In our view, a lender would not be permitted to raise the interest rate, if it is already obligated to refinance the note after maturity. In Federal Home Loan Bank Board Interpretation No. 590-1, 45 FR 2840 (Jan. 15, 1980), the Board ruled that Pub. L. 96-161 would not be applied retroactively and would have no impact on prior contractual commitments. Accordingly, if a lender has a continuing obligation to renew these notes, it is our opinion that renewals must adhere to State ceilings.

If, however, the lender making such a short-term loan would not have an absolute obligation to renew or refinance a note falling due during the statutory preemption period, the renewal would be the making of a new loan for purposes of Pub. L. 96-161. In these circumstances, a lender would be authorized to charge interest at a rate in excess of that specified by State law, if the other requirements of the Federal statute are satisfied. Federal Home Loan Bank Board Interpretation No. 590-11 (*Blanket Commitments*)

Section 105(d) of Pub. L. 96-161 provides that when a commitment for a Federally-related residential mortgage loan is made during the December 28, 1979-March 31, 1980 statutory preemption period, the resulting loan will be exempt from State interest ceilings, if closed within two years of the December 28, 1979 effective date of the statute. In Interpretation No. 590-5, the Board held, pursuant to the above section, that if a lender issues a commitment to a home builder during the preemption period to provide permanent Federally-related mortgage loans to qualified purchasers of the builder's homes, such loans will be exempt from State usury laws if closed within two years of the effective date of Pub. L. 96-161.

Interpretation No. 590-5 was written in response to a set of facts which specified that the homes involved were currently being constructed by the builder. The Board since has received a number of inquiries as to whether Interpretation No. 590-5 would apply equally to other situations including:

(1) A builder receiving a commitment during the December 28, 1979 to March 31, 1980 preemption period to cover homes on which construction will not begin until after March 31, 1980;

(2) A realtor receiving a commitment from a lender during the December 28, 1979 to March 31, 1980 preemption period to provide mortgage financing to purchasers of homes listed with the realtor during the December 29, 1979-March 31, 1980 preemption period; and

(3) Same as (2) except the commitment would cover homes listed until December 28, 1981, the end of the two year period beginning on the effective date of Pub. L. 96-161.

In all of the above examples, the commitment would be made to the realtor or builder for the benefit of qualified purchasers. Interest rates on the loans to individual purchasers would be fixed as required by Federal Home Loan Bank Board Interpretation No. 590-4 and the commitment would be binding on the lender.

In accordance with Interpretation No. 590-5, the loans made to individual purchasers pursuant to the above commitments would be exempt from State interests ceilings, if closed within the two year period specified in § 105(d). Such loans would meet all the requirements of Pub. L. 96-161 in that they would be secured by first mortgages on residential real property and would be closed within the statutory time period, pursuant to commitments given during the preemption period. Federal Home Loan Bank Board Interpretation No. 590-12 (*Creditors Which Make or Invest in Over a Million Dollars Worth of Residential Real Property Loans Per Annum*)

Under Pub. L. 96-161 and the implementing Regulations (12 CFR Part 590), a residential first mortgage is exempt from State interest ceilings if made during the December 28, 1979-March 31, 1980 statutory preemption period by a "lender which regularly extends, or arranges for the extension of, credit which is payable by agreement in more than four installments or for which the payment of a finance charge is or may be required, which makes or invests in residential real property loans aggregating more than $1,000,000 per year." *See* § 105 (a)(1)(C) of Pub. L. 96-161 and § 590.2(e)(6) of the Regulations, 45 Fed. Reg. 1853 (Jan. 9, 1980). In the Preamble to the Regulations, it was inadvertently stated that a lender could

only meet this requirement by investing in over $1,000,000 worth of residential *first* mortgages. This limitation is not required by either the Regulations or the Statute and should be disregarded.

By the Federal Home Loan Bank Board.

J. J. Finn

Secretary.

[FR Doc. 80-7678 Filed 3-11-80; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2, Amdt. 7]

Administration; Delegations of Authority to Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: SBA is amending authority delegated to certain field positions. These amendments are a result of a recent reorganization of field offices and are intended to ensure the most effective prompt delivery of program service to small businesses.

EFFECTIVE DATE: March 12, 1980. Actions taken prior to this date are hereby ratified.

FOR FURTHER INFORMATION CONTACT: Lee Waugh, Paperwork Management Branch, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653-6703.

SUPPLEMENTARY INFORMATION: Because Part 101 consists of rules relating to the Agency's organization and procedures, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures. Accordingly, pursuant to authority contained in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, Chapter I, § 101.3-2, Title 13 of the Code of Federal Regulations is amended as follows:

§ 101.3-2 Delegations of authority to conduct program activities in field offices.

* * * * *

Part I—Financing Program

Section A—Loan Approval Authority

1. *Business and Handicapped Assistance Loans* * * *

a. * * *

* * * * *

	Approve	Decline
(6) Branch Manager, Buffalo and Elmira	$350,000	$350,000
(7) Branch Manager, Except Fairbanks, Buffalo and Elmira B/O	250,000	350,000
(8) Assistant Branch Manager for F&I, Biloxi, Milwaukee and Springfield B/O's only	250,000	350,000
(9) Branch Manager, Fairbanks B/O only	150,000	150,000

b. *Guaranty Loans* * * *

* * * * *

	Approve	Decline
(3) Assistant District Director for F&I	$500,000	$500,000
(4) Chief, Financing Division D/O	500,000	500,000
(5) * * *		
(6) Branch Manager, Buffalo and Elmira	350,000	500,000
(7) Branch Manager, Except Fairbanks, Buffalo and Elmira B/O	250,000	500,000
(8) Assistant Branch Manager for F&I Biloxi, Milwaukee and Springfield B/O's only	250,000	500,000
(9) Branch Manager, Fairbanks B/O only	150,000	150,000

2. * * *

3. *Product Disaster and Economic Disaster Loans* * * *

a. *Direct and Immediate Participation Loans:*

(1) Regional Administrator	Unlimited	

* * * * *

b. *Guaranty Loans:* * * *

(1) Regional Administrator	Unlimited	
(2) * * *		
(3) Assistant District Director for F&I	$1,000,000	
(4) Chief, Financing Division, D/O	1,000,000	

* * * * *

4. *Sections 7(b)(3), 7(b)(5), 7(b)(6), 7(b)(7), 7(b)(8) and 7(g) Loans* * * *

a. *Direct and Immediate Participation Loans:*

	Approve
(1) Regional Administrator	Unlimited

* * * * *

b. *Guaranty Loans:* * * *

	Approve
(1) Regional Administrator	Unlimited
(2) * * *	
(3) Assistant District Director for F&I	$1,000,000
(4) Chief, Financing Division, D/O	1,000,000

* * * * *

Part II—Disaster Program * * *

Section A—Disaster Loan Authority

1. *Direct and Immediate Participation 7(b)(1) Physical Disaster Loans* * * *

a. * * *

(1) * * *

(2) *Business Loans:* * * *

(a) Regional Administrator	Unlimited	

* * * * *

2. *Guaranteed Physical Disaster Loans 7(b)(1)* * * *

	Home loans	Business loans
a. Regional Administrator	Unlimited	Unlimited
b. * * *		
c. Assistant District Director for F&I	$200,000	$1,000,000

* * * * *

3. *Direct and Immediate Participation Economic Injury Disaster Loans* * * *

	Business loans
a. Regional Administrator	Unlimited
b. * * *	
c. Assistant District Director for F&I	$500,000

* * * * *

4. *Guaranteed Economic Injury Disaster Loans* * * *

a. Regional Administrator	Unlimited	
b. * * *		
c. Assistant District Director for F&I	$1,000,000	

* * * * *

Part III—Other Financial and Guarantee Programs

* * * * *

Section C—Surety Guarantee

1. To guarantee sureties against portion of losses resulting from the breach of bid, payment, or performance bonds on contracts, not to exceed the following amounts:

a. Regional Administrator, $500,000

b. Assistant Regional Administrator for Regional Programs, Regions I, II, V, VI, VIII, IX, and X, $500,000

c. Assistant Regional Administrator for Management (District Programs), Region IV, $500,000

d. Assistant Regional Administrator for Management, Regions III and VII, $500,000

e. District Director, Philadelphia, San Francisco, Baltimore and all Region IV District Offices only, $500,000

f. Assistant District Director for F & I, Philadelphia, San Francisco, Baltimore and all Region IV District Offices only, $500,000

g. Surety Bond Coordinator, $250,000

h. Senior Surety Bond Guarantee Specialist, $250,000

i. Surety Bond Officer, $250,00

j. Chief, Financing Division, Philadelphia D/O only, $250,000

k. Chief, CED Division, Philadelphia District Office only, $250,000

* * * * *

Part V—Claims Review Committee

Section A—Authority to Compromise Claims

1. *District Claims Review Committee* * * *

a. Claims not in excess of $50,000 (excluding interest) upon *majority* vote of the committee.

b. Claims not in excess of $100,000 (excluding interest) upon *unanimous* vote of the committee.

c. Claims in excess of $100,000 (excluding interest) when the amount * * *.

d. * * *

2. *Regional Claims Review Committee* * * *

a. Claims not in excess of $100,000 (excluding interest) upon *majority* vote of the committee.

b. Claims in excess of $100,000 but not exceeding $150,000 (excluding interest) upon *unanimous* vote of the committee.

c. * * *

Part VI—Procurement Assistance Program (PA)

Section A—Certificate of Competency Approval Authority

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $500,000 bid value received from small business concerns located within the geographical jurisdiction:

a. Regional Administrator

b. Assistant Regional Administrator for Regional Programs

2. To deny an applicant for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:

a. Regional Administrator

b. Assistant Regional Administrator for Regional Programs

Part VII—Minority Small Business and Capital Ownership Development Program (MSB-COD)

Section A—Call Contracts Authority

1. *Administration and Management of Call Contracts.* To take all necessary actions in connection with the administration and management of contracts awarded under the authority granted in Section 7(j) of the Small Business Act, as amended, (formerly under Section 406 of the Economic Opportunity Act of 1964) except changes, amendments, or termination of the contract.

a. Regional Administrator

b. Assistant Regional Administrator for Minority Small Business and Capital Ownership Development (MSB/COD)

c. Chief, Office of Business Development, Regional Office, Reg VII

d. District Director

e. Assistant District Director for Minority Small Business and Capital Ownership Development

Section B—Section 8(a)(1)(A). Contracting Authority (SBAct)

1. To enter into contracts on behalf of the Small Business Administration with the United States Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, services or materials to the Government or to perform construction work for the Government, subject to the following monetary limitations:

a. Regional Administrator; Unlimited

b. Assistant Regional Administrator for MSB/COD; Unlimited

c. Deputy Assistant Regional Administrator for MSB/COD, Reg II only; Unlimited

d. Chief, Office of Business Development, Reg I only; $2,000,000

e. Chief, Office of Business Development, Region III, R/O only; $250,000

f. District Director, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only; Unlimited

g. District Directors, Detroit, Cleveland, Indianapolis, Salt Lake City, D/O's only; $350,000

h. District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only; $500,000

i. Deputy District Director, Washington D/O; Unlimited

j. Assistant District Director for MSB/COD, Columbia D/O only; $500,000

k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only; $100,000

l. All Contract Specialists in Region X only; Unlimited

m. Branch Manager, El Paso Branch Office only; Unlimited

2. Subcontracting. To arrange for the performance of such procurement contracts as stated in paragraph 1 above by negotiating or otherwise letting subcontracts to socially and economically disadvantaged small business concerns for the construction work, services or the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts subject to the following monetary amounts:

a. Regional Administrator; Unlimited

b. Assistant Regional Administrator for MSB/COD; Unlimited

c. Deputy Regional Administrator for MSB/COD, Reg II; Unlimited

d. Chief, Office of Business Development, Reg I only; $2,000,000

e. Chief, Office of Business Development, Region III, R/O only; $250,000

f. District Director, Washington, Denver, Richmond, Philadelphia, Baltimore, and all Region VI and Region VII D/O's only; Unlimited

g. District Directors, Detroit, Cleveland, Indianapolis, Salt Lake City, D/O's only; $350,000

h. District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only; $500,000

i. Deputy District Director, Washington D/O; Unlimited

j. Assistant District Director for MSB/COD, Columbia D/O only; $500,000

k. Assistant District Director for MSB/COD, San Francisco, Los Angeles, Washington, Richmond, Philadelphia and Baltimore D/O's only; $100,000

l. All Contract Specialists in Region X only; $250,000

m. Chief of Contract Negotiation and Administration, Regional Office, Region VII only; $1,000,000

n. Branch Manager, El Paso Branch Office only; $350,000

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent and responsible to perform any specific Government procurement contract to be let by any such officer. Such contracts not to exceed the following amount:

a. Regional Administrator; Unlimited

b. Assistant Regional Administrator for MSB/COD; Unlimited

c. Deputy Assistant Regional Administrator for MSB/COD, Reg II only; Unlimited

d. Chief, Office of Business Development, Reg I only; $2,000,000

e. Chief, Office of Business Development, Region III, R/O only; Unlimited

f. District Director, Washington, Denver, Philadelphia, Richmond, Baltimore, and all Region VI and Region VII D/O's only; Unlimited

g. District Directors, New York, Newark, Syracuse, Detroit, Cleveland, Indianapolis, Salt Lake City and Puerto Rico D/O's only; $350,000

h. District Directors, all Region IX, all Region X, Columbia, Chicago, Columbus, Boston and Hartford D/O's only; $500,000

i. Deputy District Director, Washington D/O; Unlimited

j. Assistant District Director for MSB/COD, Columbia D/O only; $500,000

k. Assistant District Director for PA, Region IX; $500,000

l. Assistant District Directors for MSB/COD, Washington, Richmond, Philadelphia, and Baltimore; $100,000

m. All Contract Specialists in Region X only; $250,000

n. Branch Manager, El Paso Branch Office only; Unlimited

Part IX—Eligibility and Size Determinations

* * * * *

Section B—Size Determination

1. *Size Determinations Authority* * * *

* * * * *

2. Size Determinations for Government Procurement and Sales. * * *

a. Regional Administrator

b. Assistant Regional Administrator for Regional Programs

c. Chief, Procurement and Technical Assistance, Region II only

Part X—Administrative

Section A—Authority to Purchase, Rent, or Contract for Equipment, Services and Supplies

* * * * *

6. *Contract for Services.* To contract for services for the agency not exceeding the monetary amount of $2,500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Regional Administrator

b. Assistant Regional Administrator for Management, Regions II, III, VII, VIII and X only

c. Assistant Regional Administrator for Administration, Reg I only

d. Assistant Regional Administrator for Management (Internal), Reg IV only

e. Assistant Regional Administrator for Management (Resources, Administration and Planning), Reg VI only

f. Assistant Regional Administrator for Resources, Planning and Analysis, Reg IX

g. Regional Personnel Officer, Reg V only

* * * * *

Dated: March 6, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-7681 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6195; 34-16629; 35-21467; IC-11070; AS-276]

Bank Holding Companies and Banks—Requirements for Form and Content of Financial Statements

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting amendments to Article 9 of Regulation S-X which relates to form and content of financial statements of bank holding companies and banks. The amendments reduce the detail required to be disclosed on a schedule reporting information about receivables from nonofficer directors and revise reporting of certificates of deposit and other time deposits in amounts exceeding $100,000.

EFFECTIVE DATES: Financial statements for periods ending on or after December 15, 1980 as to amendments to §§ 210.9-02, 9-03 and 9-04. Financial statements for periods ending on or after December 15, 1979 as to amendment to § 210.9-05.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Bloch, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2130).

SUPPLEMENTARY INFORMATION: The Commission is adopting amendments to its requirements as to form and content of financial statements of bank holding companies and banks known as Article 9 of Regulation S-X. These amendments were proposed in November 1979 [1] and relate to disclosure of amounts due from nonofficer directors and reporting of certificates of deposit and other time deposits.

Thirty-eight letters were received commenting on the proposed amendments. Of these letters, thirty-three were from bank holding companies, banks or their counsel, two from banking associations, to from accounting firms and one from a law firm.

Disclosure of Loans to Nonofficer Directors

In Release No. 33-6145 the Commission proposed amendment of Schedule I of Rule 9-05 to provide for aggregate reporting of amounts receivable from nonofficer directors incurred in the ordinary course of business. Schedule I as adopted in September 1978 in connection with a comprehensive revision of Article 9 of Regulation S-X [2] provides for detailed disclosure of indebtedness of directors, executive officers and principal holders of equity securities (and their associates) of the registrant bank holding company and its principal subsidiaries [3] which exceeds the lesser of $500,000 or 2½ percent of stockholders' equity.

The Commission received requests from approximately 60 registrants and a banking industry association for reconsideration of that part of Schedule I which calls for disclosure of the names of nonofficer directors and their associates.

In view of those requests and the limitations in the Financial Institutions Regulatory and Interest Rate Control Act of 1978 [4] on when banks can make loans to executive officers, directors and certain stockholders, the Commission requested comment in Release No. 33-6145 on whether the required detailed disclosure of loans to nonofficer directors in a schedule to the financial statements was useful in evaluating the financial condition and future prospects of bank holding companies and banks.

Thirty-seven of the letters of comment expressed support for the proposal to require aggregate in lieu of separate disclosure of nonofficer director's loans.

Some commentators suggested further extension of the aggregate disclosure provision to loans to executive officers and major stockholders as well. The Commission has considered this suggestion and believes that it is inappropriate in light of the relationship of these persons to the bank holding company and its subsidiaries. Other commentators questioned whether even aggregate disclosure about loans to nonofficer directors is useful to investors. The Commission believes, however, that an investor should be aware of the extent, at least in the aggregate, to which a bank makes loans to insiders as against loans to the general public.

The proposed amendment to Schedule I is being adopted in substantially the form in which it was proposed.

[1] Release Nos. 33-6145, 34-16326, 35-21284, IC-10932 (44 FR 65774; November 15, 1979).

[2] Release Nos. 33-5973, 34-15135, 35-20699, IC-10389, AS-254 (43 FR 41022; September 14, 1978).

[3] For the purpose of this disclosure the term "principal subsidiaries" is defined to include the subsidiary with the greatest amount of deposits of all consolidated bank subsidiaries and any other consolidated subsidiary in which deposits exceed fifteen percent of consolidated deposits.

[4] Pub. L. 95-630, approved November 10, 1978.

Revision of Reporting of Large Certificates of Deposit and Time Deposits

Release No. 33-6145 also proposed disclosure of the aggregate amount of time certificates of deposit (CD) and other time deposits (TD) in denominations of $100,000 or more in both domestic and foreign categories. Informative disclosure of such large denomination deposits appears necessary to show the increasing significance of large CD's and TD's and in some banks the increasing reliance on large interest bearing deposits in foreign offices.

A number of banks commented that at least in the foreign area virtually all deposits are in large denominations. Consequently, we have revised the proposal for disclosure of large foreign CD's and TD's so that separate disclosure would not be necessary if the aggregate of such deposits is a majority of total foreign deposit liabilities. In such cases, a note should explain that the aggregate amount of deposits in excess of $100,000 is a majority of total foreign deposits.

The proposal for reporting large domestic CD's and other TD's has been adopted substantially as proposed. Interest income, however, is currently required by § 210.9-03-7 to be detailed in the same categories as those specified for deposit liabilities. In view of the fact that interest related to large CD's is determinable relatively easily while interest related to large other TD's cannot be as easily determined because the deposits fluctuate in amount, § 210.9-03-7 has been revised to continue the existing reporting of interest expense related to large CD's but not extended to interest related to large other TD's.[5]

Effective Date

The amendments to §§ 210.9-02, 03 and 04 shall be applicable to financial statements for fiscal periods ending on or after December 15, 1980. The amendment to § 210.9-05 shall be applicable to financial statements for fiscal periods ending on or after December 15, 1979.

[5] In recent years, there has been a significant change in the nature of deposit liabilities and related interest expense which is not reflected in reporting requirements of either the three Federal bank regulatory agencies or the SEC. Deposits include such accounts and instruments as large CD's and TD's, money market TD's, other fixed rate time CD's in amounts less than $100,000, NOW accounts and savings passbooks. Registrants should consider the relevance to investors of disclosures of such information as may be available about these categories of deposit liabilities and related interest expense.

COMMISSION ACTION: The Commission hereby amends Part 210 of title 17, Chapter II, of the Code of Federal Regulations (Regulation S-X) as follows:

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

Bank Holding Companies and Banks

1. In § 210.9-02, paragraph 11(e) is revised to read as follows:

§ 210.9-02 Balance sheets.

* * * * *

11. * * *

(e) State separately in a note (1) the aggregate amount of time certificates of deposit in denominations of $100,000 or more in domestic bank offices and (2) the aggretate amount of other time deposits in amounts of $100,000 or more in domestic bank offices.

* * * * *

2. In § 210.9-03, paragraph 7 is revised as follows:

§ 210.9-03 Income statements.

* * * * *

7. *Interest on deposits.* Include interest on all deposits. State separately on the income statement or in a note interest on deposits detailed in the same categories as those specified for deposits at § 210.9-02-11(a) and § 210.9-02-11(e)(1).

* * * * *

3. In § 210.9-04, paragraph (f) is deleted and replaced with the following:

§ 210.9-04 Foreign activities.

* * * * *

(f) *Deposit liabilities.* (1) State separately deposits of (i) banks in foreign countries (including balances of foreign branches of other United States banks), (ii) deposits of foreign governments and official institutions, (iii) other foreign demand deposits, and (iv) other foreign time and savings deposits.

(2) State also the amount of time certificates of deposit and other time deposits in amounts of $100,000 or more include in total deposit liabilities. If the aggregate of such certificates of deposit and time deposits in amounts exceeding $100,000 represents a majority of total deposit liabilities, the disclosure need not be given: *Provided,* That there is a statement that a majority of deposits were in amounts in excess of $100,000.

* * * * *

4. In § 210.9-05, the last sentence under Schedule I is deleted and replaced with the following:

§ 210.9-05 What schedules are to be filed.

* * * * *

Schedule I. * * *

Notwithstanding the foregoing and the requirement of Column A of § 210.12-03, indebtedness incurred in the ordinary course of business by directors (and related persons specified above) who are neither executive officers nor principal holders of equity securities may be stated in the aggregate in Columns B, C, D and E of § 210.12-03 and need not be reported on an individual basis. The number of directors whose indebtedness is included in the aggregate amount shall be stated in Column A. It shall not be necessary to include in the individual or aggregate indebtedness reported those amounts related to installment loans as defined in § 210.9-02-5(c)(3) made in the ordinary course of business. For the purpose of this schedule, loans or indebtedness made or incurred in the ordinary course of business shall be those which (i) were made on substantially the same terms, including interest rates and collateral, as those prevailing at the same time for comparable transactions with other persons, and (ii) did not involve more than normal risk of collectibility or present other unfavorable features.

* * * * *

These amendments are adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s(a)] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78l, 78m, 78o(d), 78w(a)) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79n, 79t(a)) of the Public Utility Holding Company Act of 1935; and Sections 8, 30, 31(c) and 38(a) (15 U.S.C. 80a-8, 80a-29, 80a-30(c) and 80a-37(a)) of the Investment Company Act of 1940.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these amendments on competition and is not aware of any burden that they would impose on competition. In any event, the Commission has determined that any possible burden will be outweighed by, and is necessary and appropriate to achieve, the benefits of these amendments to investors and registrants.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 6, 1980.

[FR Doc. 80-7680 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-777]

Community Development Block Grants; Small Cities Program; Revision of Small Cities Program Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule that eliminates the requirement for a three-year community development plan needs assessment and strategy for applicants with a population over 25,000 or located in an urbanized area of a Standard Metropolitan Statistical Area (SMSA), who are applying for Single Purpose grants.

EFFECTIVE DATE: April 11, 1980.

FOR FURTHER INFORMATION CONTACT: James N. Forsberg, Small Cities Division, Office of Block Grant Assistance, Community Planning and Development, Washington, D.C. 20410, telephone (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTAL INFORMATION: Section 104(b)(3) of the Housing and Community Development Act of 1974, as amended through 1978, authorized the Secretary to waive the application requirements described in Section 104(a) (1), (2) and (3) of the Act regarding an applicant's community development plan and program, if (1) the application for assistance was on behalf of a locality having a population of less than 25,000 and was located outside an urbanized area of an SMSA, (2) the application did not involve a comprehensive community development program, and (3) the Secretary determined that, having regard to the nature of the activity to be carried out, such waiver was not inconsistent with the purpose of Title I of the statute. A 1979 statutory amendment eliminated the 25,000 population and locational requirement.

24 CFR 570.430(a) of the block grant regulations, implemented prior to the 1979 statutory amendment exempted single purpose grant applicants having a population of less than 25,000 and located outside an urbanized area of an SMSA from the requirement, otherwise applicable under that section to single purpose grant applicants, that an application must include a three-year community development plan needs assessment and strategy. This limited waiver of the application provisions of Section 104(a) (1) and (3) was authorized on the ground that single purpose programs are essentially one-time activities for which the submission of the multi-year planning documents with the application are not necessary. The block grant regulations are now being amended to delete § 570.430(a), thereby exempting all single purpose grant applicants from the requirement to submit a three-year community development needs assessment and strategy, regardless of the population or location of the applicant, as permitted by the 1979 statutory amendment of section 104(b)(3) of the Act.

This change is published as a final rule because it implements a statutory change to the Housing and Community Development Act of 1974, and simply eliminates an existing requirement.

A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR Part 570 is amended as set forth below:

§ 570.430 [Amended]

Section 570.430(a) is cancelled and reserved for future use.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., March 4, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-7558 Filed 3-11-80; 8:45 am]

BILLING CODE 4210-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 905

Standards of Conduct

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: On March 28, 1979, the Office of the Federal Register issued a final rule on incorporation by reference in the Code of Federal Regulations (44 FR 18630). In reviewing this rule, the Corporation has determined that in 36 CFR Part 905, a cross reference to 5 CFR Part 735 was erroneously termed an "incorporation by reference". This document will remove the incorrect reference.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: David W. Briggs, Attorney, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004. Telephone: (202) 566-1078.

36 CFR Part 905 is amended by deleting the last sentence of Section 905.735-102.

Dated: March 6, 1980.

Thomas F. Murphy,

Chairman.

[FR Doc. 80-7579 Filed 3-11-80; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[80P-37; FRL 1433-3]

Dimethylformamide; Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the chemical dimethylformamide on blueberries, cranberries, and peaches. The amendment to the regulations was requested by EM Industries. This rule allows the presence of residues of dimethylformamide on blueberries, cranberries, and peaches in certain circumstances.

EFFECTIVE DATE: March 12, 1980.

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

SUPPLEMENTARY INFORMATION: On February 5, 1980, the EPA published a notice of proposed rulemaking in the Federal Register (45 FR 7822) in response to a pesticide petition (PP 7E1943) submitted to the Agency by EM Industries, Inc., 500 Executive Blvd., Elmsford, NY 10523.

This petition proposed that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the solvent dimethylformamide in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]) applied between early bloom and petal fall. (Two related documents, one establishing tolerances for residues of triforine on blueberries, cranberries, and peaches and the other establishing an exemption from the requirement of a tolerance for residues of *N*-methylpyrrolidone in triforine formulations on blueberries, cranberries, and peaches, appear elsewhere in today's Federal Register.) No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before April 11, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective March 12, 1980, Part 180, Subpart D, is amended by revising the item "Dimethylformamide" and by adding a new section as set forth below.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Part 180, Subpart D, is amended by revising the item under the column headed "Inert ingredients" for Dimethylformamide in § 180.1001(d) and by adding the new § 180.1046, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Dimethylformamide (see also § 180.1046)	* * *	* * *
* * *	* * *	* * *

§ 180.1046 Dimethylformamide; exemption from the requirement of a tolerance.

Dimethylformamide is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in accordance with good agricultural practice in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent dimethylformamide and are applied from early bloom through petal fall.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: March 6, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-7614 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

[80P-36; FRL 1433-4]

N-Methylpyrrolidone, Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the chemical *N*-methyl-pyrrolidone on blueberries, cranberries, and peaches. The amendment to the regulations was requested by EM Industries Inc. This rule allows the presence of residues of *N*-methylpyrrolidone on blueberries, cranberries, and peaches in certain circumstances.

EFFECTIVE DATE: March 12, 1980.

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

SUPPLEMENTARY INFORMATION: On February 5, 1979, the EPA published a notice of proposed rulemaking in the Federal Register (45 FR 7821) in response to a pesticide petition (PP 7E 1922) submitted to the Agency by EM Industries, Inc., 500 Executive Blvd., Elmsford NY 10523, under provisions of the Federal Food, Drug, and Cosmetic Act.

This petition proposed that 40 CFR 180 be amended by the establishment of an exemption from the requirement of a tolerance for residues of the solvent *N*-methylpyrrolidone in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) applied between early bloom and petal fall. (Two related documents, one establishing tolerances for residues of triforine on blueberries, cranberries, and peaches and the other establishing an exemption from the requirement of a tolerance for residues of dimethylformamide in triforine formulations on blueberries, cranberries, and peaches, appear elsewhere in today's Federal Register.) No comments or requests for referral to an advisory committee were received in response to this notice or proposed rulemaking.

It has been concluded, therefore, that the amendment to 40 CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before April 11, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

procedural requirements of Executive Order 12044.

Effective March 12, 1980, Part 180, Subpart D, is amended by adding a new section as set forth below.

Part 180, Subpart D, is amended by adding the new § 180.1047 to read as follows:

§ 180.1047 N-Methylpyrrolidone; exemption from the requirement of tolerance.

N-Methylpyrrolidone is exempted from the requirement of a tolerance for residues in or on the raw agricultural commodities blueberries, cranberries, and peaches when used in accordance with good agricultural practice in formulations with the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) if such formulations contain not more than 30 percent *N*-methylpyrrolidone and are applied to the growing crops from early bloom through petal fall.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))).

Dated: March 6, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-7815 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

[FRL 1433-2; 80P-35]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the fungicide triforine on blueberries, cranberries, and peaches at 0.1 part per million (ppm). The regulation was requested by EM Industries. This rule establishes maximum permissible levels for residues of triforine on blueberries, cranberries, and peaches.

EFFECTIVE DATE: Effective March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767), Office of Pesticide Programs, Environment Protection Agency, 401 M St., SW, Washington, DC 20460 (202-755-2562).

SUPPLEMENTARY INFORMATION: On March 21, 1977, and April 9, 1979, notices were given (42 FR 15361 & 44 FR 21069, respectively) that EM Industries Inc., 500 Executive Blvd., Elmsford, NY 10523, had filed two pesticide petitions (PP 7F1921 & 9F2184) with the EPA under provisions of the Federal Food, Drug, and Cosmetic Act. PP 7F1921 proposed that 40 CFR 180 be amended to establish tolerances for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on the raw agricultural commodities peaches at 5 ppm and blueberries and cranberries at 0.1 ppm.

Subsequently, the petitioner amended the petition by deleting the proposed tolerance of 0.1 ppm in or on cranberries and by reducing the proposed tolerance of 5 ppm in or on peaches to 0.1 ppm.

PP 9F2184 proposed that 40 CFR Part 180 be amended to establish tolerances for residues of triforine in or on the raw agricultural commodity cranberries at 0.1 ppm. No comments were received in response to these notices of filing.

The data submitted in these petitions and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included a two-year dog feeding study, an 18-month mouse feeding study, a three-generation rat reproduction study, and two rat metabolism studies. Based on the dog study, the no-observed-effect level (NOEL) is 100 ppm or 2.5 milligrams (mg)/kilogram (kg) of body weight (bw). Using a 100-fold safety factor, the acceptable daily intake (ADI) is 0.025 mg/kg bw/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. The proposed tolerances result in a maximum theoretical exposure of 0.0014 mg/day. No tolerances have previously been established for residues of triforine. An adequate analytical method (gas chromatography with an electron capture detector) is available for enforcement purposes.

No actions are currently pending against continued registration of triforine. Other considerations in the registration of triforine include exemption from the requirement of a tolerance for residues of the solvents *N*-methylpyrrolidone and dimethylformamide used in the formulated product when applied to blueberries, cranberries, and peaches (early bloom through petal fall). Related documents establishing tolerance exemptions for residues of these two solvents appear elsewhere in today's Federal Register.

The pesticide is considered useful for the purpose for which the tolerances are sought. The proposed tolerances are adequate to cover residues in or on blueberries, cranberries, and peaches. There are no livestock feed items involved; thus there will be no problem with secondary residues in eggs, milk, meat, or poultry as a result of the proposed uses.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances on blueberries, cranberries, and peaches at 0.1 ppm established by amending 40 CFR 180 will protect the public health. It is concluded, therefore, that the tolerances be established as set forth below.

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

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

Effective March 12, 1980, Part 180 is amended as set forth below.

Part 180, Subpart C, is amended by adding the new § 180.382 to read as follows:

§ 180.382 Triforine; tolerances for residues.

Tolerances are established for residues of the fungicide triforine (*N,N*-[1,4-piperazinediylbis(2,2,2-trichloroethylidene)]bis[formamide]) in or on the following raw agricultural commodities:

Commodity	Parts per million
Blueberries	0.1
Cranberries	0.1
Peaches	0.1

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

Dated: March 6, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-7613 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

VETERANS ADMINISTRATION

41 CFR Part 8-7

Procurement; Contract Clauses

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration Procurement Regulations are amended by revising two contract clauses. A supply contract clause is revised to increase the amount charged contractors for remarking improperly marked containers. A construction contract clause is revised to clarify the allowable calculation of profit on changes to such contracts.

EFFECTIVE DATE: April 7, 1980.

FOR FURTHER INFORMATION CONTACT: A. G. Vetter (202-389-2334).

SUPPLEMENTARY INFORMATION: The Veterans Administration proposed to revise the clauses on October 25, 1979 (44 FR 61396) and interested persons were invited to submit comments by November 26, 1979. No comments were received and the proposed regulations are hereby adopted without change and are set forth below.

Approved: March 6, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

1. In § 8-7.150-23, the clause is revised to read as follows:

§ 8-7.150-23 Noncompliance with packaging, packing, and/or marking requirements.

* * * * *

Noncompliance With Packaging, Packing, and/or Marking Requirements

Failure to comply with the packaging, packing, and marking requirements indicated herein, or incorporated herein by reference, may result in rejection of the merchandise and request for replacement, or repackaging, repacking, and/or marking. The Government reserves the right without obtaining authority from the Contractor to perform the required repackaging, repacking, and/or marking services and charge the Contractor therefor at a rate of $16 per man-hour for the first or fractional hour and $10 for any succeeding or fractional hour, or have the required repackaging, repacking, and/or marking services performed commercially under Government orders and charge the Contractor therefor at the above rates. In connection with any discount offered, time will be computed from the date of completion of such repackaging, repacking, and/or marking services.

2. In § 8-7.650-21, paragraph (d) is revised to read as follows:

§ 8-7.650-21 Contract changes.

Clause 3, Changes, and Clause 4, Differing Site Conditions, of General Provisions, SF 23A, are supplemented as follows:

* * * * *

(d) Allowances not to exceed 10 percent each for overhead and profit for the party performing the work will be based on the value of labor material, and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit. Allowable percentages on changes will not exceed the following: 10 percent overhead and 10 percent profit on first $20,000; 7½ percent overhead and 7½ percent profit on next $30,000; 5 percent overhead and 5 percent profit on balance over $50,000. Profit shall be computed by multiplying the profit percentage by the sum of the direct costs and computed overhead costs.

* * * * *

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 80-7628 Filed 3-11-80; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 11

[Docket No. FEMA-Gen-11]

Administrative Claims; Final Rule

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: On December 17, 1979, 44 FR 73035, the Federal Emergency Management Agency (FEMA) published its interim regulation implementing, for FEMA, the Department of Justice procedures with respect to filing claims under the Federal Tort Claims Act. While this regulation has been fully effective since December 17, 1979, FEMA did offer an opportunity for public comment on the regulations by February 15, 1980. This date has now passed and the regulation should be given final effect immediately.

EFFECTIVE DATE: March 12, 1980.

ADDRESS: Federal Emergency Management Agency, 1725 I Street, NW, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, (202) 634-4113.

SUPPLEMENTARY INFORMATION: No comments were received on the rule. Accordingly, the interim Part 11 rules published at 44 FR 73036-73038 hereby become final Part 11 of Title 44, Code of Federal Regulations.

Dated: March 5, 1980.

John W. Macy, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 80-7616 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 67

[Docket No. FI-5678]

National Flood Insurance Program; Final Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of final rule.

SUMMARY: Due to a clerical error, the notice of final flood elevation determination for the Township of Woodbury, Blair County, Pennsylvania, should be corrected.

In order to correctly correspond to the Flood Insurance Study (profile) and Flood Insurance Rate Map for the Township of Woodbury, the elevation of the Township Route 397 (Upstream Side) from the source of Clover Creek should be amended to read 995 feet.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of final determinations of base (100-year) flood elevations for selected locations in the Township of Woodbury, Blair County, Pennsylvania, previously published at 44 FR 76291 on December 26, 1979, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a)).

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44

FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: February 25, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-7617 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free (800) 424-9080), Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter X, § 1917.4(a) of the Code of Federal Regulations). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60 (formerly 24 CFR Part 1910).

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Santa Cruz County Unincorporated Areas (Docket No. FI-4652).	Sonoita Creek	Pendleton Drive	*3,439
			Unimproved Road	*3,523
			Confluence with Fresno Canyon	*3,561
		Josephine Canyon	Southern Pacific Railroad	*3,299
			Jeep Trail (most downstream crossing)	*3,361
			Jeep Trail (most upstream crossing)	*3,532
		Nogales Wash	Confluence with Potrero Creek	*3,607
			Old Tucson Highway	*3,628
		Potrero Creek (Tributary No. 1)	Confluence with Potrero Creek	*3,647
			Interstate 19, Northbound Lane	*3,654
		Potrero Creek (flow west of Southern Pacific Railroad and Sewage Lagoon Levee).	Confluence with Santa Cruz River	*3,446
			Waste Treatment Plant Road	*3,478
			Southern Pacific Railroad Branch Line (most upstream crossing)	*3,490
		Potrero Creek	Sewage Lagoon Levee	*3,476
			Pena Blanca Road	*3,521
			Navajo Street	*3,625
		Agua Fria Canyon	Rio Rico Drive	*3,419
			Calle Teruno	*3,501
			Camino Agua Fria	*3,522
			Coronado National Forest Boundary	*3,619
		Peck Canyon	Interstate Highway 19 (northbound lane) 50 feet downstream from centerline.	*3,353
			Pulido Road	*3,369
			Peck Canyon Drive	*3,437
			Coronado National Forest Boundary	*3,451
		Sopori Wash	Confluence with Santa Cruz River	*3,032
			East Frontage Road	*3,065
			Confluence with Toros Wash	*3,110
			Sopori Ranch Road	*3,197
			Confluence with Proctor Wash	*3,234
			Confluence with Elias Draw	*3,298
		Sopori Wash (flow north along U.S. Highway 89) Santa Cruz River (flow east of Southern Pacific Railroad).	U.S. Highway 89	*3,070
			Gravel Road	*3,062
			Kennedy Road 50 feet downstream from centerline	*3,215
			Kennedy Road 50 feet upstream from centerline	*3,218
			Santa Gertrudis Lane	*3,270
			Rio Rico Drive	*3,410
		Santa Cruz River	Pima-Santa Cruz County Line	*3,028
			Amado Road	*3,060
			Crebbs Road	*3,144
			Williams Road	*3,218
			Sant Gertrudis Lane	*3,257
			Confluence with Peck Canyon	*3,351
			Rio Rico Drive 50 feet downstream from centerline	*3,414
			Rio Rico Drive 50 feet upstream from centerline	*3,418
			Pena Blanca Road	*3,502
			Confluence with Burro Canyon	*3,543
			River Road	*3,615
			Xavier Way 55 feet downstream fro centerline	*3,666
			Xavier Way 55 feet downstream from centerline	*3,671
			International Boundary, Mexico	*3,727
Maps available at the County Planners Office, Santa Cruz Courthouse, Nogales, Arizona.				
Maryland	Luke, Town, Allegheny County (Docket No. FI-4553).	North Branch Potomac River	Downstream Corporate Limits	*930
			(Old) Cromwell Street	*934
			West Vaco Conveyor	*947

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			West Maryland Railroad Siding	*950
			West Vaco Dam	*960
			Upstream Corporate Limits	*969
Maps available at the Council Chambers, Luke City Hall, Luke, Maryland.				
Nebraska	(Unincorporated) Hall County (Docket No. FI-5059).	Middle Channel Platte River	At mouth	*1,843
			1.2 miles upstream of mouth	*1,850
			790 feet downstream of County Road	*1,860
			500 feet upstream of Union Pacific Railroad	*1,873
			Just upstream of U.S. Route 34 and U.S. Route 281	*1,880
			Upstream side of Interstate 80	*1,885
			1.5 miles upstream of Interstate 80	*1,895
			Just upstream of Highway R11W and Highway R10W	*1,922
			3.5 miles downstream of County Road	*1,935
			2.0 miles downstream of County Road	*1,945
			0.2 mile downstream of County Road	*1,957
			850 feet upstream of County Road	*1,962
			3.2 miles upstream of County Road	*1,980
			2.4 miles downstream of western county boundary	*1,995
			At western county boundary	*2,010
		South Channel Platte River	0.6 mile downstream of U.S. Route 34	*1,835
			0.4 mile downstream of confluence with Middle Channel Platte River	*1,842
			1.5 miles upstream of confluence with Middle Channel Platte River	*1,854
			Just downstream of County Road	*1,867
			Just upstream of Union Pacific Railroad	*1,879
			Upstream side of U.S. Route 34 and U.S. Route 281	*1,880
			2.0 miles upstream of U.S. Route 34 and U.S. Route 281	*1,895
			0.8 mile downstream of Highway R11W and Highway R10W	*1,920
			1.6 miles upstream of Highway R11W and Highway R10W	*1,935
			4.0 miles upstream of Highway R11W and Highway R10W	*1,950
			At divergence with Middle Channel Platte River	*1,961
		Wood River	At Grand Island Extraterritorial Limits	*1,868
			5,550 feet upstream of Grand Island Extraterritorial Limits	*1,875
			2,700 feet downstream of County Road Bridge No. 1	*1,880
			Downstream side of County Road Bridge No. 2	*1,892
		Silver Creek	Just upstream of County Road Bridge No. 1	*1,855
			Just upstream of U.S. Route 281	*1,858
			Just upstream of County Road Bridge No. 3	*1,870
			Just upstream of Burlington Northern Railroad	*1,876
			Just upstream of County Road Bridge No. 6	*1,884
			Just upstream of County Road Bridge No. 7	*1,889
			Just upstream of U.S. Government Railroad	*1,893
			Just upstream of County Road Bridge No. 8	*1,895
			2.0 miles upstream of County Road Bridge No. 8	*1,899
		Prairie Creek	Just upstream of Highway R10W and Highway R9W	*1,861
			200 feet downstream of County Road Bridge No. 1	*1,868
			Just upstream of County Road Bridge No. 1	*1,870
			Just downstream of County Road Bridge No. 3	*1,879
			Just upstream of County Road Bridge No. 3	*1,881
			Just downstream of County Road Bridge No. 4	*1,887
			Just upstream of County Road Bridge No. 4	*1,889
			Just upstream of County Road Bridge No. 5	*1,895
			Just upstream of County Road Bridge No. 8	*1,901
		Moores Creek	Just upstream of County Road, 1.86 miles downstream of U.S. Route 281.	*1,946
			900 feet downstream of U.S. Route 281	*1,954
			Just upstream of U.S. Route 281	*1,957
			2,100 feet upstream of U.S. Route 281	*1,958
			2,600 feet upstream of U.S. Route 281	*1,959
Maps available at County Court House, Grand Island, Nebraska 68801.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963).

Issued: February 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-7618 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Town of Cheektowaga, New York; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Town of Cheektowaga, New York. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Town of Cheektowaga, New York that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for the property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 360231 Panel 0005C, published on October 23, 1979, in 44 FR 61008, indicates that the property consisting of Sub Lot 155 and the northerly 36 feet of Sub Lot 156, Part of Lot 25, Township 11, Range 7, as recorded under Map Cover 1230 in the Office of the Clerk of Erie County, New York, is within the Special Flood Hazard Area.

Map No. H & I 360231 Panel 0005C is hereby corrected to reflect that those portions of the above-mentioned property between the building setback line and the eastern property line as shown on the property survey prepared by Elwood Hummel, Land Surveyor, as revised September 12, 1979 are not within the Special Flood Hazard Area identified on July 5, 1977. These portions are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: February 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-7619 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Harris County, Texas; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Harris County, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Harris County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street S.W., Washington, D.C. 20410 (202) 755-6570 or toll-free line (800) 424-8872 (in Alaska and Hawaii call toll-free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 480287B Panel 52, published on October 23, 1979, in 44 FR 61022, indicates that Lots 6 through 8 and Reserve C, Block 8; Lots 18 through 34, Block 9; Lots 11 through 21, Block 10; Lots 34 through 100 and 105, Block 11; all of Block 12; Lots 6 through 31, Block 13; Lots 9 through 29, Block 14; Lots 19 through 23, Block 15, Inwood North, Section Five, Harris County, Texas, as recorded in Volume 288, Page 146 of Map Records, under File Number G124653, in the Office of the Clerk, Harris County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 52 is hereby corrected to reflect that the above mentioned properties are not within the Special Flood Hazard Area identified on July 30, 1976. These properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963).

Issued: February 19, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-7620 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Bering Sea and Aleutian Islands Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Final regulations.

SUMMARY: Regulations applicable to foreign fishing for groundfish in the Fishery Conservation Zone (FCZ) of the Bering Sea and Aleutian Islands area are amended to require vessels of foreign nations to report amounts of herring caught, and to require foreign trawl vessels to conform to the requirements of § 611.4 which prohibit the taking of species for which the nation has no allocation for the area specified in § 611.93(e) of these regulations. The purpose of the regulation is to facilitate enforcement of 50 CFR 611.12 and 611.13, and to gather further information on amounts of herring taken by foreign vessels fishing for groundfish. The regulation is necessary to assure full compliance with the February 8, 1980 order of U.S. District Court Judge von der Heydt (*George Napoleon et al.* v. *Philip*

Klutznick et al., D. Alaska, Civil No. A80-005).

DATE: Final regulations are effective March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, Juneau, Alaska 99802, telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: On January 4, 1980, final regulations governing foreign fishing for groundfish (50 CFR 611.93) and herring (50 CFR 611.95) in the FCZ of the Bering Sea and Aleutian Islands were published (45 FR 1028). The regulations pertaining to herring specified a total allowable level of foreign fishing of 6,000 metric tons (m.t.) and provided that foreign vessels could be authorized to receive from U.S. vessels and process at sea an additional 6,000 m.t. of herring. Vessels of foreign nations holding herring allocations or permitted to receive U.S.-caught herring at sea were required, under 50 CFR 611.9 (d), (e) and (f), to maintain daily cumulative catch logs and submit weekly reports on amounts of herring taken or received.

On February 7, 1980, an order was entered by Judge von der Heydt in the U.S. District Court for Alaska (*George Napoleon et al.* v. *Philip Klutznick, et al.*, Civil No. A80-005) invalidating the herring regulation in 50 CFR 611.95. As a result of this order, foreign nations are no longer authorized to take and retain, or to direct their fishing effort toward herring. The agency has rescinded all foreign vessel permits authorizing retention of herring in the Bering Sea, and has informed all nations and vessels holding groundfish permits that herring must be treated as an incidental catch and prohibited species pursuant to 50 CFR 611.12 and 611.13.

Because the herring regulations have been invalidated, herring is no longer an "allocated species" under § 611.9 (d) and (e). Without these reporting requirements, NOAA's ability to monitor how much herring has been taken by foreign vessels, and from what areas has been substantially impaired. This information is considered essential to continuing effective management of the resource, both to determine accurately the amount of incidental catch required to harvest groundfish resources, and to aid in evaluating the general condition of the herring resource in the Bering Sea.

Adequate reporting is considered necessary for effective enforcement of 50 CFR 611.12 and 611.13 as to herring. 50 CFR 611.12 prohibits vessels of foreign nations from conducting a fishery directed toward a species for which the nation has no allocation. 50 CFR 611.13(a) requires foreign nations to minimize catch of prohibited species.

In the absence of any known gear or fishing method which will allow harvest of groundfish without an incidental harvest of herring, the most effective means of meeting these requirements is avoidance of areas where substantial amounts of herring are being taken.

Some of the information required to enforce these requirements can be obtained by observers aboard some foreign vessels. But the need for reports to continue research on patterns of herring concentration, and the fact thet observers are not present on the majority of foreign vessels conducting operations in the Bering Sea, make further measures necessary.

The Assistant Administrator has therefore determined that two additional requirements are needed to further these management and enforcement objectives, and to assure compliance with Judge von der Heydt's order.

The first requirement imposed by these amendments is that operators and foreign nations with vessels participating in the groundfish fishery include in the daily cumulative catch log, and weekly reports, amounts of herring taken, by species and fishing area (see § 611.9, Appendix II, Figure 2). This reporting requirement is essentially the same as had been previously imposed under § 611.9 when herring was still an "allocated species". Operators of foreign vessels are therefore familiar with both the form and content of these reports. The second requirement is that during the period from September 1 through April 30 (and in addition to the requirements of § 611.4), operators of foreign trawl vessels must notify the Coast Guard when entering and leaving the area specified in the amendment; and that the weekly reports of herring taken by foreign trawl vessels must include a seperate report, by ½° latitude x 1° longitude for the area indicated in these regulations. Although herring winter throughout the Bering Sea, and areas of heavy herring concentration vary from year to year, the area selected for these additional requirements is considered by NOAA most likely to contain smaller areas of high herring abundance. The purpose of the notification requirement is to enable NOAA to determine whether or not to place an authorized observer on a foreign vessel planning to fish in the area, and to inform the Coast Guard of vessel activity in an area which may contain substantial amounts of herring.

The purpose of the reporting requirement is to allow NOAA to monitor amounts of herring actually being taken, and to use this information along with any observer reports, to determine whether the requirements of 50 CFR 611.12 and 611.13 are being met. Although 1° x ½° weekly reports have not been required in the past, the basis of these reports is the daily cumulative catch log already required. Little additional effort should be needed to compile these reports.

NOAA believes that these reporting requirements are sufficient to meet enforcement and resource protection needs at this time. While different or additional requirements may be considered in the course of promulgation of new herring regulations in the near future, all available information indicates that the amount of herring now being caught or received by foreign vessels is minimal. The Assistant Administrator finds no basis for determining that any impact on the herring resource is likely given the level of fishing activity, and therefore concludes that any more comprehensive requirements should be the subject of full notice and comment rulemaking procedures.

Because NOAA considered Judge von der Heydt's order to require immediate remedial action, because timely

information is necessary for proper management of the fishery and because it is anticipated that operators of foreign vessels will have little difficulty complying with these requirements, the Assistant Administrator has determined that public comment on these regulations is impracticable and contrary to the public interest, and that good cause exists to waive a portion of the thirty-day delayed effectiveness provision of 5 U.S.C. 553. It is important that these regulations be in effect during March, since the herring begin moving inshore by the end of this month. Due to ice conditions and voluntary cooperation by operators of foreign vessels, NOAA believes that very few, if any, vessels will be immediately affected by notification and small area reporting requirements. NOAA has given personal notice of the new requirements to the authorized representative of each foreign nation participating in the groundfish fishery, and the 10-day delay in effectiveness required under 50 CFR 611.3(i)(1) will allow adequate preparation time for individual vessels. Many of the vessels participating in the foreign groundfish fishery are already maintaining cumulative logs and submitting reports on a voluntary basis, so little adjustment will be required.

The Assistant Administrator has determined that these regulations are not significant under Executive Order 12044, and do not require the preparation of an environmental assessment.

(16 U.S.C. 1801 *et seq.*)

Signed in Washington, D.C., this 5th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

A. 50 CFR 611.93(e) is amended by deleting the entire paragraph and substituting a new paragraph (e) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands Trawl, Longline, and Herring Gillnet Fishery.

* * * * *

(e) *Additional Reporting Requirements.*— (1) *Vessel Reporting.* During the period from September 1 through April 30, and for the purposes of the requirements of 50 CFR 611.4 only, the area bounded by the following coordinates is a "fishing area" (in addition to the fishing areas described in § 611.9, Appendix II, Figure 2) for all foreign trawl vessels fishing for groundfish under this section 611.93:

58° N. lat., 175° W. long.;
58° N. lat., 172° W. long.;
59°30' N. lat., 172° W. long.;
59°30' N. lat., 175° W. long.

(2) *Reports and Recordkeeping.*—(i) In addition to the requirements of 50 CFR 611.9, the operator of each foreign fishing vessel, and each nation whose vessels fish under this § 611.93 shall also comply with all the requirements of section 611.9 for the prohibited species herring (code 209), even though discarded, by weight of herring to the nearest 1/10 (tenth) of a metric ton.

(ii) (A) During the period September 1 through April 30, and in addition to the requirements of § 611.9, each foreign nation shall submit, through the designated representative, a weekly report stating any catch of herring by trawl vessels in the area described in paragraph (e)(1) of this section.

(B) The weekly report shall contain the following information:

(*1*) Name of vessel;

(*2*) Permit number;

(*3*) Effort in hours trawled, by each weekly reporting period, by vessel, by ½° (latitude) x 1° (longitude) of area fished;

(*4*) Catch of herring (code 209) to the nearest 1/10 (one-tenth) of a metric ton, by vessel, by each weekly reporting period, by ½° (latitude) x 1° (longtitude) of area fished.

(C) The weekly report shall be received from the designated representative by the Director, Alaska Region (National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99801, Telex No. 009945-377), at the times specified in § 611.9, Appendix IV D, and in the format specified by the Director, Alaska Region.

(3) *Annual Report.* Each nation whose vessels fish for groundfish in the management area shall report by May 30 of the following year, annual catch and effort statistics as follows:

(i) Effort in hours trawled, number of longline units (300 fathoms of longline or groundline per unit) and number of hooks per unit, number of pots, duration of soaking time for longlines and pots, and number of days fished, by vessel class, by gear type, by month, by ½° (latitude) x 1° (longitude) fishing area; and

(ii) Catch in metric tons, by vessel class, by gear type, by month, by ½° (latitude) x 1° (longitude) fishing area, by the following species categories: yellowfin sole; rock sole; flathead sole; arrowtooth flounder; greenland turbot; other flounders; Pacific Ocean perch; Pacific cod, sablefish (blackcod); walleye (Alaska) pollock; Atka mackerel; squid; "other rockfish"; any other species taken in excess of 1,000 metric tons; and "other species."

Appendix II [Amended]

B. 50 CFR 611.9, Appendix II, Figure 2 is amended by adding the following footnote 1:

[1] For the purposes of § 611.4 only, and for the period September 1 through April 30, the term "fishing area" shall, for all foreign trawl vessels subject to the requirements of § 611.93, also mean the area described in § 611.93(e)(1).

[FR Doc. 80-7808 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register,
Vol. 45, No. 50
Wednesday, March 12, 1980

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

Domestic Licensing of Special Nuclear Material; General License Requirements for Any Person Who Possesses Irradiated Special Nuclear Material (SNM) In-Transit

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The NRC is considering amending its regulations to issue a general license to any person who possesses irradiated reactor fuel in-transit. Under the general license, a person who possesses irradiated reactor fuel in-transit would be subject to certain requirements in §§ 73.37 and 73.71 of 10 CFR Part 73. This action would provide a level of direct control and direct inspection authority over irradiated reactor fuel shipments comparable to that now provided over formula quantities of strategic special nuclear material (SSNM) in-transit.

DATES: Comments must be received on or before May 12, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Willard B. Brown, Acting Chief, Safeguards Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-5907.

SUPPLEMENTARY INFORMATION: On May 8, 1979, effective amendments to 10 CFR Part 70 were published, 44 FR 26850, that removed the licensing exemption and granted a general license applying to carriers and other persons who have actual or constructive possession (constructive possession is a form of legal possession of material in a shipment that does not require actual physical custody; it may be evidenced through control over the shipment or by other means) of formula quantities of SSNM for the purpose of transport or storage incident to transport. This provided the NRC with a legal basis (in the absence of a specific license or other formal means) for inspecting shipments of formula quantities of SSNM in-transit. Prior to issuance of the effective amendments, inspections were submitted to on a voluntary basis on the part of the carriers.

On June 15, 1979, effective amendments to 10 CFR Part 73 (§ 73.37) were published (44 FR 34466) that prescribed requirements for the physical protection of irradiated reactor fuel in transit. In their present form, because of the exemption of 10 CFR 70.12, these regulations do not subject to direct regulation carriers and other persons who possess (actually or constructively) irradiated reactor fuel for the purpose of transport or storage incident to transport. This creates the same situation of the shipment of irradiated fuel as existed for the shipment of strategic special nuclear material prior to the removal of the licensing exemption for carriers of that material (44 FR 26850). That is, the NRC has no legal basis for inspecting the irradiated reactor fuel shipments in-transit to verify compliance with Section 73.37. In order to provide a level of control over irradiated fuel shipments comparable to that provided over formula quantities of SSNM in-transit, the Commission is considering amending its regulations to grant a general license to any person who possesses (actually or constructively) irradiated reactor fuel during transport. The general license would pertain only to the carriage or storage in-transit of irradiated fuel subject to 10 CFR 73.37.

Appropriate paragraphs of § 70.20a are being revised to issue a general license to any person who possesses (actually or constructively) irradiated reactor fuel in-transit. The scope of the general license granted under the proposed amendment would be limited to possession only and would be effective during the course of a shipment. The amendment would not affect the exemption for carriers and other persons under § 70.12 who transport other forms of special nuclear material subject to NRC regulations. Also, the amendment would not apply to transient shipments, that is, shipments that originate in a foreign country with destinations in a foreign country. The proposed amendment would codify practices and procedures presently submitted to on a voluntary basis by most carriers and other persons. The proposed amendment would not require the filing of applications with the Commission or the issuing of licenses to particular persons by the Commission.

The promulgation of the amendment would not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51, that neither an environmental impact statement nor environmental impact appraisal to support a negative declaration for the proposed amendment to 10 CFR Part 70 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70 is contemplated.

PART 70—SPECIAL NUCLEAR MATERIAL

1. Section 70.12 of 10 CFR Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to the storage in-transit or transport of material by persons covered by the general license issued under § 70.20a of this chapter.

2. Section 70.20a(a) and (c) are revised to read as follows:

§ 70.20a General license to possess special nuclear material for transport.

(a) A general license is hereby issued to any person to possess formula quantities of strategic special nuclear material of the types and quantities subject to the requirements of §§ 73.20, 73.25, and 73.26, and 73.70(g) of Part 73 of this chapter and irradiated reactor fuel containing material of the types and quantities subject to the requirements of § 73.37 of Part 73 of this chapter, in the regular course of carriage for another or

storage incident thereto. The general license is subject to the applicable provisions of §§70.32(a) and (b), 70.42, 70.52, 70.55, 70.61, 70.62 and 70.71.

* * * * *

(c) Notwithstanding any other provision of this chapter, the duties of a general licensee under this section while in possession of formula quantities of strategic special nuclear material or irradiated reactor fuel in the regular course of carriage for another or storage incident thereto shall be limited to providing for the physical protection of such material against theft or sabotage. Unless otherwise provided by this section, a general licensee under this section is not subject to the requirements of Part 19, 20, 70, and 73.

* * * * *

§70.20a [Amended]

3. A new §70.20a(e) is added to read as follows:

* * * * *

(e) Any person who possesses irradiated reactor fuel under this general license shall:

(1) Assure that the transportation is in accordance with the applicable physical protection requirements of §73.37 of Part 73 of this chapter; and

(2) Comply with the reporting requirements of §73.71 of Part 73 of this chapter.

(Secs. 53, 161b, 161i, 161o, Pub. L. 83-703, 68 Stat. 930, 948, 949, 950 as amended (42 U.S.C. 2073, 2201)).

Dated at Washington, D.C., this 6th day of March 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-7627 Filed 3-11-80; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Part 73

Physical Protection of Plants and Materials; Access Controls to Nuclear Powerplant Vital Areas

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is considering amendments to its regulations to define more clearly the cirteria for personnel access controls for nuclear powerplant vital areas. The controls would be, for the most part, procedural in scope and would require that (1) access authorization to a vital area be correlated to the need to have access to that area during a particular time period, (2) individuals granted access to particular types of vital areas will be issued a serially numbered badge that displays a visible code indicating the level of access granted corresponding to the associated types of vital areas designated in the security plan, and (3) licensee procedures and/or equipment be used to assure that only the authorized individual can gain unescorted entry to a vital area on his/her authorization.

DATES: Comments must be received on or before May 12, 1980.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: T. S. Michaels, Safeguards Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, DC 20555, 301-443-5903.

SUPPPLEMENTARY INFORMATION: The requirements for access controls at vital areas of nuclear powerplants are in §73.55(d)(7) of 10 CFR Part 73. Supplementary guidance in this area has been developed and made available to licensees. This includes Acceptance Criterion 5.B of the Security Plan Evaluation Report (SPER) Workbook, Office of Nuclear Reactor Regulation (NRR) Review Guideline #21, and NRR Review Guideline #23. Also, NRR, in meetings with licensees in March 1977, to explain §73.55 and provide information on what an acceptable security plan should contain, explained that positive control of access to a vital area consisted of two elements: first, in order to be authorized access to a particular vital area, the person requesting entry must have had the necessary background screening and have an established need to perform job-related functions in the area, and second, that there be a need to enter the vital area to perform a specific function at a specific time.

In the past, the determination of which individuals have had access to various vital areas has been left up to the licensee to implement within the context of the regulation and guidelines mentioned previously. Recent surveys of operating nuclear power reactors have revealed that some licensees have broadly interpreted these guidelines and have used lax criteria for authorizing individuals unescorted access to all vital areas. That is, access lists to particular vital areas have included anyone who might need unescorted access to that area regardless of the frequency or duration of the need. This was not the intent of the regulations or guidelines.

In order to define more clearly the criteria for vital area access controls and to put them into the codified regulations it is proposed to revise §73.55(d)(7) and other applicable sections along the following general guidelines: (1) Access to a vital area will be correlated to the need to have access to that area, and also will be limited to the particular time period that access is needed. (2) Individuals granted access to particular types of vital areas will be issued a serially numbered badge that displays a visible code indicating the level of access granted corresponding to the associated types of vital areas designated in the security plan. (3) Licensee procedures and/or equipment will be made available to assure that only the authorized individual can gain unescorted entry to a vital area on his/her key, key card, or other entry mechanism.

The amendments being proposed are essentially those that the Commission intended licensees to implement through present regulations and existing guidance. The present regulations, however, are not sufficiently specific as to their intent. The proposed regulation would provide the needed degree of specificity.

The criteria being proposed are essentially those contained in a Nuclear Regulatory Commission Inspection and Enforcement Bulletin, IE Bulletin No. 79-16, "Vital Area Access Control" issued July 26, 1979. One criterion in IE Bulletin No. 79-16 not included in the proposed amendments is that having to do with trustworthiness of employees, i.e., a screening program meeting American National Standards Institute (ANSI) Standard, ANSI 18.17, Industrial Security for Nuclear Powerplants. This criterion is not included in the proposed amendments because the Commission has under consideration, in another rulemaking proceeding, both a proposed material access authorization rule and alternative programs for establishing trustworthiness of employees at nuclear powerplants.

10 CFR 73.55(g) is also being amended to include access control equipment and all other security-related devices or equipment under the testing and maintenance requirement.

It is expected that the changes resulting from the amendments would be largely procedural, which the licensee can implement without a major modification of the security or

contingency plan. However, plans would need some revising to include the new requirements. These revisions would be handled as changes that "do not decrease the safeguards effectiveness of the plan" and, in accordance with 10 CFR 50.54(p) must be submitted to the NRC within 2 months after the revisions are made.

The amendments, if approved, would become effective 75 days after publication in the Federal Register.

The promulgation of the amendment would not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 73 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. Section 73.55(d)(7) and (g) of 10 CFR Part 73 is amended to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

* * * * *

(d) * * *

(7) The licensee shall positively control all points of personnel and vehicle access into vital areas. Access to vital areas shall be limited to individuals with access authorization and with a need to enter the vital area based upon assigned duties requiring the performance of tasks in the vital area. Unoccupied vital areas shall be locked and protected by an active intrusion alarm system. The access authorization system shall incorporate the following procedures:

(i) Access lists shall be established and approved for each vital area by the onsite individual responsible for security (or equivalent) or his designated representative. Approved access areas and the duration of access shall be commensurate with the tasks to be performed. To remove the names of individuals who no longer have a need for access, access lists shall be reviewed, updated and reapproved at the end of each access duration period not to exceed 31 days.

(ii) Each individual granted access to vital areas shall be issued a serially numbered badge that displays a visible code which indicates the level of access granted corresponding to the associated types of vital areas designated in the security plan.

(iii) Emergency access lists shall be established and approved for each vital area by the onsite individual responsible for security (or equivalent) or his designated representative. Access controls and written procedures to cope with emergency conditions shall be established.

(iv) Licensee procedures and/or equipment shall be established to assure that only the authorized individual can gain unescorted entry to a vital area on his/her key, key card, or other entry mechanism.

* * * * *

(g) *Testing and maintenance.* Each licensee shall test and maintain intrusion alarms, emergency alarms, access control equipment, communications equipment, physical barriers, and all other security-related devices or equipment utilized pursuant to this section, as follows:

* * * * *

(Sections 161i, 161o, Pub. L. 83-703, 68 Stat. 949, 950, as amended, Pub. L. 85-507, 72 Stat. 327, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2101); Sec. 201, Pub. L. 93-438, 88 Stat. 1242-1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 3rd day of March 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-7342 Filed 3-11-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 477

[CAS-RM-79-507]

Standby Federal Emergency Energy Conservation Plan; Additional Public Hearing

AGENCY: Department of Energy.

ACTION: Notice of Additional Public Hearing.

SUMMARY: On February 7, 1980, the Department of Energy (DOE) issued an interim final rulemaking and a notice of proposed rulemaking and set public hearings to receive comments on its proposed Standby Federal Emergency Energy Conservation Plan (45 FR 8462, February 7, 1980). Public hearings were then scheduled for Atlanta, GA; New York, NY; Chicago, IL; Dallas, TX; San Francisco, CA; and Washington, D.C.

The purpose of this notice is to schedule an additional public hearing on the proposed Standby Federal Emergency Energy Conservation Plan in Kansas City, Missouri. The plan contains six (6) measures published as an interim final rule and three (3) measures as proposed rules. The government is desirous of public comment on all the measures, as any may be selected or imposed by a governor or the President in the event of a real or imminent energy supply shortage. They are: (1) Public information measure, (2) minimum automobile fuel purchase measure, (3) odd-even motor fuel purchase measure, (4) employer based commuter travel measure, (5) speed limit measure, (6) compressed work week measure, (7) mandatory building temperature restriction, (8) vehicle use sticker measure, and (9) recreational watercraft measure.

DATES: Additional Hearing: March 26, 1980, beginning at 9:30 a.m., and continuing on March 27, 1980 if necessary. Requests to speak must be received by DOE by 4:30 p.m. on March 25, 1980.

ADDRESS: Hearing location: Municipal Auditorium, 13th and Wyandotte, Kansas City, Missouri.

Requests to speak and questions regarding the conduct of the hearing should be addressed to: Department of Energy, Region VII, Attn: Suzanne Matthews or Maureen Carr, 324 E. 11th Street, Kansas City, Missouri, 64106, telephone (816) 374-2941 (Ms. Mathews) and (816) 374-5533 (Ms. Carr).

FOR FURTHER INFORMATION CONTACT:

Henry G. Bartholomew or W. Lorn Harvey, Office of Emergency Programs, Conservation and Solar Energy, Department of Energy, 1000 Independence Avenue, SW., Room GE-004A, Washington, D.C. 20585, telephone (202) 252-4966;

Lewis W. Shollenberger, Jr., or Christopher T. Smith, Office of General Counsel, Department of Energy, Mail Stop, 2221C, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, telephone (202) 376-4730 (Mr. Shollenberger) and (202) 376-4723 (Mr. Smith);

Emergency Conservation Hotline Service, (800) 424-9122 from the Continental U.S.; (800) 424-9088, from Alaska and Hawaii, Puerto Rico, and the Virgin Islands; 252-4950 from metropolitan Washington, D.C.

The procedures for submitting comments and requests to speak at the hearing and for conducting the hearing remain the same as originally published

in paragraph VIII of the preamble to the interim final rulemaking and the notice of proposed rulemaking (45 FR 8462).

Issued in Washington, D.C., March 7, 1980.

T. E. Stelson,

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80-7665 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Loan Interest Rate Amendments

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule is being issued in anticipation of Congressional action to allow Federal credit unions to increase their maximum loan interest rate above the present 12% per year statutory ceiling. Proposed legislation now being considered in Congress would require that the National Credit Union Administration establish certain procedures to be followed by Federal credit unions that wish to increase their loan rates. The Administration believes it is necessary to propose those procedures at this time, in order to allow a meaningful comment period and at the same time provide for those Federal credit unions that must increase their rates as soon as possible upon enactment of any legislative relief. In the event that Congress either does not provide the anticipated relief, or enacts legislation significantly different from that which is presently being considered, this proposal will be withdrawn or modified as appropriate.

DATE: Submit comments on or before March 31, 1980.

ADDRESS: Comments should be forwarded to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G St., NW, Washington, DC, 20456.

FOR FURTHER INFORMATION CONTACT: James L. Skiles, Deputy General Counsel, or Robert M. Fenner, Assistant General Counsel, at the above address. Telephone: (202)357-1030.

SUPPLEMENTARY INFORMATION:

Background

Federal credit unions are presently subject to a statutory loan interest rate ceiling of "1 per centum per month [12% per year] on the unpaid balance inclusive of all service charges." (12 U.S.C. 1757(5)(A)(vi)). The National Credit Union Administration believes this maximum loan interest rate is too restrictive for some Federal credit unions in the present economic environment. Perhaps the most harmful effect of this interest ceiling is to render it impossible for many Federal credit unions to earn sufficient income to pay a fair rate of return to their member shareholders (savers). This fact has caused significant share outflows in some cases. Also, the rates that many Federal credit unions must pay in order to attract or retain shares and share certificates preclude the making of loans at or below 12%. These problems are aggravated by inflationary increases in operating expenses.

Proposed legislation has been introduced in Congress (H.R. 6601) that would provide Federal credit unions with a method of obtaining relief from this situation. The proposed legislation provides that the board of directors of a Federal credit union may, in accordance with regulations promulgated by the National Credit Union Administration Board, elect to increase the loan rate "to a maximum of 15 per cent per year inclusive of all finance charges." (The proposed legislation would also allow the National Credit Union Administration Board, after consultation with Congress and other Federal agencies, to permit FCU loan rates above 15% for a period not to exceed 18 months. That aspect of the proposed legislation is not addressed in this proposal.) Statements entered in the Congressional Record upon introduction of H.R. 6601 (See, Cong. Rec., February 25, 1980, p. H 1248) indicate that the required national Credit Union Administration regulations should embody the following concepts: (1) A required two-thirds vote of the individual Federal credit union's board of directors in favor of rate relief; (2) National Credit Union Administration approval of the rate increase; (3) A timely advance notice to the Federal credit union's members setting forth the reasons for the rate increase; and (4) A presentation at the next annual meeting of the Federal credit union as to the reasons for the rate increase.

Because of the urgency with which some Federal credit unions face a need for interest rate relief, the Administration believes it is appropriate to propose regulations at this time. By issuing the proposal now, the Administration is providing a meaningful comment period and at the same time will be prepared to have final rules in place concurrent with the effective date of any Congressional enactment. Of course, if Congress either does not enact legislation, or enacts legislation significantly different from that under consideration, the Administration will withdraw or amend this proposal as necessary.

The Administration will not object if Federal credit unions wish to initiate the procedures of this proposed regulation during the comment period and thus be prepared to immediately use a higher rate ceiling assuming enactment of legislation and promulgation of final regulations. Federal credit unions that follow this course should explain, in the notice provided to their members concerning the increased rate ceiling, that the increase is contingent upon Congressional action and promulgation of final Agency rules, and that the increase will not take effect until the later of either (i) 30 days (or such longer period as established by the Federal credit union) or (ii) the date on which both legislation and final rules are in effect.

A Federal credit union that intends to increase the rate of interest on any existing accounts should, in addition to meeting the procedures of these proposed rules, very carefully consider whether there are any other legal requirements or impediments. The Federal credit union should first determine whether, and under what conditions, it has the contractual right to raise that rate above that which was the maximum legally permissible at the time the account was established. Such action should be taken, if at all, only with respect to line-of-credit or other open end loan accounts, and it may be appropriate to give the borrower the option of discontinuing the account and paying off any existing balance at the lower rate. The Federal credit union should also ensure that it meets all other legal requirements, such as the notice requirement of § 226.7(f) of Regulation Z (12 CFR 226.7(f)).

Revised Computation of Rate of Interest

As previously indicated, Section 107(5)(A)(vi) of the Federal Credit Union Act established the present interest ceiling of 12% per year "inclusive of all service charges." If the proposed legislation described above is enacted, the words "service charges" in section 107(5)(A)(vi) will be replaced with the words "finance charges." This change would relieve the present necessity for Federal credit unions to make two separate rate computations on certain loans, one computation to determine the Truth in Lending "annual percentage rate" and one to determine the "rate of interest" within the meaning of the Federal Credit Union Act. Separate

computations are presently necessary on all loans involving charges that are excluded, on the one hand, from the APR computation because of statutory and regulatory exceptions (see, e.g., 12 CFR 226.4(e) concerning excludable charges on real estate loans), but that are not excluded from the Federal Credit Union Act "rate of interest" computation because of the lack of a similar exception in the Federal Credit Union Act. If the proposed change is enacted, the determination of which charges are included in the computation of the rate of interest would mirror the Truth in Lending definition of finance charges wherever feasible, and a single computation would serve to determine both the annual percentage rate and the rate of interest.

Federal credit unions should be cautioned, however, that on those loans involving front-end charges (such as points and various fees on mortgage loans), an early pay-off by the borrower may require an adjustment by the Federal credit union to assure that the effective rate of interest on the prepaid loan does not exceed the ceiling in effect on that loan. This is especially important in light of Section 107(5)(A)(vii) of the Federal Credit Union Act (12 U.S.C. 1757(5)(A)(vii)), which provides for forfeiture of interest by any Federal credit union that knowingly receives a rate of interest in excess of that permitted by the Act.

To accommodate the proposed change from "service charges" to "finance charges", the Administration has proposed in this document to repeal those provisions of its existing regulations concerning the meaning of the term "service charges." Also, a reference in the existing regulations to the one per cent per month interest limit would be revised to reflect the change in the statute. The Administration will not propose any regulation of the revised statutory language unless that becomes necessary at a later date. Again, this aspect of the proposal will be withdrawn or revised as necessary if Congress does not enact legislation substantially similar to that which is now under consideration.

Explanation of proposed rule.

Seven items of proposed amendment to the Administration's rules are set forth below. The first two relate to the proposed statutory substitution of the term "finance charges" for the term "service charges." These amendments would repeal the following sections of the present rules on mortgage lending that define the term "service charges" or address its effect on the interest rate computation: 12 CFR 701.21-6(a)(14), 701.21-6(c)(4) and 701.21-6(c)(5). (As a result, § 701.21-6(b)(6) would be redesignated as § 701.21-6(b)(4).) Sections 701.21-6(c)(4) and (5), in addition to containing provisions related to service charges, contain other provisions that reiterate requirements of the Federal Credit Union Act, e.g., that a borrower may repay his or her loan at any time without penalty, and that an adjustment must be made in the event of early payment if necessary to assure that the true rate of interest does not exceed the applicable ceiling. A repeal of these provisions does not, of course, affect the underlying statutory requirements, which will continue to be enforced by the Administration. Rather, it is simply felt that the regulatory provisions are duplicative and their repeal will do no harm inasmuch as they reflect commonly understood statutory requirements.

The remaining proposed amendments concern exceeding the 12% ceiling. A new paragraph (c) would be added to § 701.21-1 (12 CFR 701.21-1), the Administration's rule on Lending Policies, setting out the procedures for exceeding the 12% ceiling. Included are provisions for (1) a ⅔ vote of the Federal credit union's board of directors, (2) 30 days advance notice to the Federal credit union's membership, (3) approval by the National Credit Union Administration (by negative notice, wherein approval is considered granted unless the Administration indicates otherwise within 10 days) and (4) a presentation, at the Federal credit union's next annual meeting, of the reasons for the rate increase. As cited above, these proposed procedures reflect the Congressional intent that was expressed at the time of introduction of H.R. 6601.

As a result of the addition of a new § 701.21-1(c), existing §§ 701.21-1(c)-(e) would be redesignated as §§ 701.21-1(d)-(f), respectively, and the reference in redesignated § 701.21-1(f) to "paragraph (d)" would be revised to reference redesignated "paragraph (e)".

Also, existing § 701.21-1(b) would be amended. This Section presently requires that the Board of Directors of each Federal credit union establish written lending policies that include at least (1) secured and unsecured loan limits, and (2) a statement of the classifications pursuant to which interest rates on loans may vary as prescribed in § 701.21-1(c). In the proposal, the reference to "Section 701.21-1(c)" is amended to reference the redesignated "Section 701.21-1(d)", and a third minimum requirement of the board of directors' loan policies is established: A statement of the Federal credit unions' maximum loan interest rate as established in accordance with the Federal Credit Union Act and these rules.

Finally, § 701.21-3(b)(3) would be amended. This Section now requires that line of credit agreements provide for "interest at a rate or rates not exceeding 1 per centum per month * * *." The Section would be amended to require that line of credit agreements specify a rate or rates of interest that have been established as permitted by the Federal Credit Union Act and these rules.

Executive Order 12044

The requirements of the National Credit Union Administration's Final Report Implementing Executive Order 12044 have not been followed in connection with this proposal. Such action would be unnecessary and is contrary to the public interest in view of the urgency with which some Federal credit unions are in need of relief from the 12% interest ceiling. The individual responsible for this decision is J. Leonard Skiles, Deputy General Counsel.

Comment period

Comments will be received until at least March 31, 1980. It is requested that comments be submitted by that time because Congressional action may be taken in late March, 1980, and the Administration believes it is necessary to be prepared to issue a final rule at that time or as soon thereafter as possible. If it becomes appropriate to extend the comment period, notice will be given at the earliest possible date.

Accordingly, it is proposed that 12 CFR 701.21 be amended as set forth below.

Rosemary Brady

Secretary National Credit Union Administration Board.

March 6, 1980.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

Accordingly, it is hereby proposed that:

§ 701.21-6 [Amended]

1. 12 CFR 701.21-6(a)(14), 701.21-6(c)(4) and 701.21-6(c)(5) be repealed;

2. 12 CFR 701.21-6(c)(6) be redesignated as 12 CFR 701.21-6(c)(4);

§ 701.21-1 [Amended]

3. 12 CFR 701.21-1(c), 701.21-(1)(d) and 701.21-1(e) be redesignated as 12 CFR 701.21-1(d), 701.21-1(e) and 701.21-1(f), respectively;

4. The words "paragraph (d)" in redesignated § 701.21-1(f) be revised to read "paragraph (e)";

5. Section 701.21-1 would be amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 701.21-1 Lending policies: Loans and lines of credit to members.

* * * * *

(b) Within the limits of the Act and this Part, the board of directors of a Federal credit union shall establish written lending policies which shall include, at least, (1) the Federal credit union's maximum loan interest rate in accordance with (c) of this section, (2) the Federal credit union's secured loan limit and unsecured loan limit, and (3) the classifications established under (d) of this section, and the rate of interest applying to each classification.

(c)(1) Except as provided in paragraph (c)(2) of this section, the rate of interest charged on Federal credit union loans (including lines of credit) to members shall not exceed 12% per year inclusive of all finance charges.

(2) The board of directors of a Federal credit union may exceed the 12% per year rate on loans to members, to a maximum of 15% per year inclusive of all finance charges, if the following procedures are met:

(i) The exceeding of the 12% per year rate shall be approved, by resolution at a meeting of the board of directors, by at least ⅔ of the entire board of directors;

(ii) Subsequent to board of directors approval, the board of directors shall provide notice to the credit union's members, not less than 30 days prior to the effective date of exceeding the 12% per year rate, which notice shall include

(A) A statement that the board of directors has voted to exceed the 12% per year rate,

(B) The number of directors voting in favor of, and the number voting against, exceeding the 12% per year rate,

(C) The amount of the new maximum loan interest rate,

(D) The reasons for exceeding the 12% per year rate,

(E) The effective date of exceeding the 12% per year rate, and

(F) Such other information as the board of directors deems appropriate;

(iii) The notice required by paragraph (c)(2)(ii) of this section shall be accomplished by

(A) Posting a conspicuous written notice in the main office and all branch offices of the Federal credit union if the board of directors is satisfied that such action is reasonably assured of providing actual notice to a majority of the Federal credit union's members, or

(B) Providing actual notice, by mail or otherwise, to all members receiving the credit union's most recent statement of account;

(iv) Not less than 10 days before the effective date of exceeding the 12% per year rate, the board of directors shall request the Administration's approval of this increase by providing the appropriate Regional Office, in writing, with the following

(A) A copy of the board of director's resolution and vote to exceed the 12% per year rate,

(B) A statement of the effective date of exceeding the 12% per year rate,

(C) A certification that notice has been provided to the credit union membership as required by these procedures, and

(D) A certification that an agenda item has been or will be set for the credit union's next annual meeting, to present the credit union's members with the reasons for exceeding the 12% per year rate; and

(v) Following the above procedures shall constitute grounds for approval by the Administration of the board of directors' decision to exceed the 12% per year rate, and such approval shall be considered granted as of the scheduled effective date of the increase unless the Federal credit union is otherwise advised by the Administration;

(vi) At the credit union's next annual meeting after the effective date of the exceeding of the 12% per year rate, the board of directors shall schedule as an agenda item and present to the credit union's members an explanation of the reasons for this increase.

* * * * *

6. Section 701.21-3(b)(3) would be revised to read as follows:

§ 701.21-3 Lines of credit to members.

* * * * *

(b) * * *

(3) Interest at a specified rate or rates than have been established in accordance with § 701.21-1(c) of this Part.

* * * * *

[FR Doc. 80-7580 Filed 3-11-80; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9105]

Ford Motor Co.; Consent Agreement With Analysis To Aid Public Comment

Corrections

In FR Doc. 80-6159 appearing on page 13115 in the issue for Thursday, February 28, 1980, make the following changes:

(1) On page 13118, third column, insert the following paragraph after the four lines at the top:

"To get copies of these Technical Service Bulletins and explanations for your vehicle or the vehicle of interest to you:"

(2) On page 13120, second column, twelfth line from the top, "withi" should read "within"; and in the eighteenth line from the top "respondend" should read "respondent".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6194; 34-16627; 35-21466; 39-557; IC-11068; IA-714; FI-60]

Requests for Confidential Treatment of Records Obtained by the Commission

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: The Commission is inviting additional written comments and extending the period for submission of comments concerning a proposed procedural rule relating to requests that records provided to or obtained by the Commission be treated in confidence.

DATE: Comments should be received by April 4, 1980.

ADDRESS: All communications concerning this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Such communications should refer to File No. 4-229, and will be available for public inspection at the Commission's Public reference Room, 1100 L Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Harlan W. Penn, Office of the General Counsel, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. (202) 272-2454.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission published for comment a proposed rule relating to requests for confidential treatment of records by the Commission in Release Nos. 33-6172, 34-16458, 35-21363, 39-548, IC-11003, IA-711, FI-59

(December 28, 1979) (45 FR 1627). To date some comments have been received but additional comments are invited because of the importance of the rule and the Supreme Court's actions on March 3, 1980 deciding *Forsham* v. *Harris, Secretary of Health, Education, and Welfare,* No. 78-1118, and *Kissinger* v. *Reporters Committee for Freedom of the Press,* No. 78-1088. For detailed information and the text of the proposed rule, the reader is referred to 45 FR 1627.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 5, 1980.

[FR Doc. 80-7655 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 240

[Release No. 34-16628; File No. S7-823]

Notice Obligations of Self-Regulatory Organizations With Respect to Final Disciplinary Actions, Denials, Bars, or Limitations Respecting Membership, Association, Participation or Access to Services, and Summary Suspensions

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rule-making.

SUMMARY: The Commission is proposing an amendment to Rule 19d-1 (17 CFR 240.19d-1) under the Securities Exchange Act of 1934 ("Act") to exempt from the rule's reporting requirements notices of uncontested summary disciplinary sanctions (including summary fines not exceeding $500) imposed by a national securities exchange for violations of its regulations governing personal floor decorum. In light of their limited utility, the Commission believes that exempting them from the reporting requirements of the rule would remove an unnecessary regulatory burden on both the exchanges and the Commission staff.

DATES: Comments should be submitted on or before April 18, 1980.

ADDRESSES: Persons wishing to submit written views should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-823 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Angela Desmond, Esq., Division of Market Regulation, Securities and Exchange Commission, Room 359, 500 North Capitol Street, Washington, D.C. 20549, (202) 272-2396.

SUPPLEMENTARY INFORMATION: Rule 19d-1 (17 CFR 240.19d-1) prescribes the content of notices by self regulatory organizations of final disciplinary actions, denials, bars or limitations respecting membership, association, participation or access to services, and summary suspensions. The rule was adopted in July 1977, pursuant to Section 19(d)(1) of the Securities Exchange Act ("Act")[1] which requires that self-regulatory organizations promptly report any of the above-noted actions to the Commission (or appropriate regulatory agency) in such form as the Commission (or appropriate regulatory agency) prescribes by rule.[2] Notices filed with the Commission pursuant to Section 19(d)(1) of the Act are subject to review by the Commission on its own motion or upon application by any aggrieved person under Section 19(d)(2) of the Act.[3]

Subsection (c) of Rule 19d-1, which the Commission is proposing to amend, requires any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes "any final disciplinary action"[4] with respect to file promptly a notice thereof with the Commission.[5]

In adopting the rule, the Commission identified three objectives it hoped to achieve.[6] The first was to obtain from the self-regulatory organizations report of disciplinary sanctions, denials of membership and similar actions, as required by the Act.[7] The second objective was to satisfy the requirement of Section 19(d)(1) that such actions be promptly reported to the Commission pursuant to Commission rule. The third objective was to ensure that such reports and notices supply sufficient information regarding the background, factual basis, and issues involved to enable the Commission to determine whether the case should be called up for review on the Commission's own motion, and to ascertain generally whether the self-regulatory organization is adequately carrying out its responsibilities under the Act. The Commission expressly considered self-regulatory organization comments that reporting minor disciplinary sanctions would be of limited value for purposes of Commission review or oversight, would not serve any significant regulatory purpose, and would entail excessive costs to the self-regulatory organizations in light of the *de minimis* nature of the violations and sanctions. The Commission rejected these arguments on the grounds that the Act

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[1] Section 19(d) was enacted as part of the Securities Acts Amendments of 1975, Pub. L. 94-29 (June 4, 1975).

[2] 19(d)(1) of the Act, 15 U.S.C. 78s(d)(1) provides:

If any self-regulatory organization imposes any final disciplinary sanction on any member thereof or participant therein, denies membership or participation to any applicant, or prohibits or limits any person in respect to access to services offered by such organization or member thereof or if any self-regulatory organization (other than a registered clearing agency) imposes any final disciplinary sanction on any person associated with a member, or bars any person from becoming associated with a member, the self-regulatory organization shall promptly file notice thereof with the appropriate regulatory agency for the self-regulatory organization and (if other than the appropriate regulatory agency for the self-regulatory organization) the appropriate regulatory agency for such member, participant, applicant, or other person. The notice shall be in such form and contain such information as the appropriate regulatory agency for the self-regulatory organization, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this title.

[3] Section 19(d)(2) of the Act, 15 U.S.C. 78s(d)(2), provides:

Any action with respect to which a self-regulatory organization is required by paragraph (1) of this subsection to file notice shall be subject to review by the appropriate regulatory agency for such member, participant, applicant, or other person, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after the date such notice was filed with such appropriate regulatory agency and received by such aggrieved person, or within such longer period as such appropriate regulatory agency may determine. Application to such appropriate regulatory agency for review, or the institution of review by such appropriate regulatory agency on its own motion, shall not operate as a stay of such action unless such appropriate regulatory agency otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). Each appropriate regulatory agency shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

[4] For the purposes of Rule 19d-1(c) a "final disciplinary action" means: the imposition of any final disciplinary sanction pursuant to Section 6(b)(6), 15A(b)(7), or 17A(b)(3)(G) of the Act or other action of a self-regulatory organization which, after notice and opportunity for hearing, results in any final disposition of charges of:

(1) one or more violations of—

(i) the rules of such organizations;

(ii) the provisions of the Act or rules thereunder; or

(iii) in the case of a municipal securities broker or dealer, the rules of the Municipal Securities Rulemaking Board;

(2) acts or practices constituting a statutory disqualification of a type defined in subparagraph (D) or (E) (except prior convictions) of Section 3(a)(39) of the Act; or

(3) in the case of a proceeding by a national securities exchange or registered securities association based on Section 6(c)(3)(A)(ii), 6(c)(3)(E)(ii), 15A(g)(3)(A)(ii), or 15A(g)(3)(B)(ii) of the Act, acts or practices inconsistent with just and equitable principles of trade.

[5] Rule 19d-1(c). Subsection (d) of Rule 19d-1 prescribes the content of notices of final disciplinary actions.

[6] Securities Exchange Act Release No. 13726 (July 8, 1977), 42 FR 36412 (July 14, 1977) at 1110 ("Release No. 13726").

[7] *See* Sections 6(c), (d) 15A(g), (h), and 17A(b)(4), (5) of the Act 25 U.S.C. 78f(c), (d), 78o3(g), (h); and 78q-1(b)(4)(5).

required self-regulatory organizations to give the Commission notice of all disciplinary sanctions and that the Commission needed certain minimum information regarding each matter covered by Rule 19d-1 in order to be informed of the matter and to take appropriate action on its own motion or take other remedial action in the exercise of its general oversight responsibilities. [8]

In March 1979, the American Stock Exchange ("Amex") petitioned the Commission to amend Rule 19d-1(c) to exempt from the reporting requirements notices of sanctions imposed for violations of regulations of national securities exchanges regarding trading floor decorum. [9] The grounds of the Amex petition are that infractions of these rules are "purely administrative" and the requirement that they be reported to the Commission "may impose unnecessary burdens, yet fail to yield any appreciable regulatory benefits." [10] The Amex also urges that Congress did not comtemplate the reporting of these minor violations in adopting Section 19(d)(1). In support of its position the Amex suggests that Congress was concerned with providing regulatory checks over the exercise of "govermental-type powers" of self-regulatory organizations, whereas the imposition of minor sanctions for decorum rules violations is not unique to a self-regulatory organization or government agency but is a general characteristic of private-sector institutions.

The Commission believes that, while its prior construction of Section 19(d)(1) is not inconsistent with the legislative history of the Act, the legislative history of Section 19(d)(1) does not require such a broad construction. Moreover, in the two and one-half years the rule has been in effect, reports of summary uncontested sanctions, including fines not exceeding $500, for violations of trading floor decorum regulations have been of little, if any, value in discharging the Commission's oversight responsibilities over the exchanges. In light of their limited utility, the Commission believes that exempting them from the reporting requirements of the rule would remove an unnecessary regulatory burden on both the exchanges and the Commission staff.

The Commission, of course, reviews all rules, including those regarding trading floor decorum, at the time they are adopted by an exchange to determine whether they are consistent with the purposes of the Act. [11] Moreover, the Commission notes that exchanges are still required by Commission Rule 17a-1(a) (17 CFR 240.17a-1(a)) to keep a record of all disciplinary sanctions including those involving floor decorum.

The Commission believes it is appropriate to continue to require exchanges to file notices of (1) any contested summary decorum sanctions, and (2) decorum sanctions that are imposed at or as a result of a hearing. Reporting under these circumstances is consistent witha the purposes of Section 19(d) and will provide the Commission with information necessary to perform its oversight of the fairness of exchange enforcement and disciplinary activities. The Commission stresses that the proposed exemption to the reporting requirements of Rule 19d-1(c) applies solely to uncontested summary decorum violations and would not be available for disciplinary sanctions involving recordkeeping, the handling of orders, the execution of any securities transaction, or any other matter directly related to trading on a national securities exchange. Finally, the proposed exemption would not affect the requirement of subsection (i) of the rule that summary suspensions of membership or summary limitations of access to services, for whatever reason, be reported to the Commission within 24 hours of the effectiveness of those sanctions. 17 CFR 240.19d-1(i).

In light of the foregoing, the Commission is proposing an amendment to Rule 19d-1(c) to provide that uncontested summary sanctions for violations of exchange rules governing decorum on a trading floor will not be considered "final" under the rule if the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies with the exchange with respect to the matter. [12]

Accordingly, the Commission proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by revising paragraph (c) of § 240.19d-1 as follows: [13]

§ 240.19d-1 Notices by self-regulatory organizations of final disciplinary actions, denials, bars, or limitations respecting membership, association, participation, or access to services, and summary suspensions.

* * * * *

(c) Any self-regulatory organization for which the Commission is the appropriate regulatory agency that takes any final disciplinary action with respect to any person shall promptly file a notice thereof with the Commission in accordance with paragraph (d) of this section. For the purposes of this rule, a "final disciplinary action" shall mean the imposition of any final disciplinary sanction pursuant to Section 6(b)(6), 15A(b)(7), or 17A(b)(3)(G) of the Act or other action of a self-regulatory organization which, after notice and opportunity for hearing, results in any final disposition of charges of:

(1) One or more violations of—

(i) The rules of such organization;

(ii) The provisions of the Act or rules thereunder; or

(iii) In the case of a municipal securities broker or dealer, the rules of the Municipal Securities Rulemaking Board;

(2) Acts or practices constituting a statutory disqualification of a type defined in subparagraph (D) or (E) (except prior convictions) of Section 3(a)(39) of the Act; or

(3) In the case of a proceeding by a national securities exchange or registered securities association based on Section 6(c)(3)(A)(ii), 6(c)(3)(B)(ii), 15A(g)(3)(A)(ii), or 15A(g)(3)(B)(ii) of the Act, acts or practices inconsistent with just and equitable principles of trade.

Provided, however, That in the case of a disciplinary action in which a national securities exchange summarily imposes a fine not exceeding $500 or suspends floor privileges of a clerical employee for not more than five days for violation of any of its regulations concerning personal decorum on a trading floor, the disposition shall not be considered "final" for purposes of this paragraph if the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies at the exchange with respect to the matter. Provided further, That this exemption from the notice requirement of this paragraph shall not be available where a decorum sanction is imposed

[8] *Id.* at 1112. With respect to notices of final disciplinary actions taken for minor rule infractions, subsection (d) of the rule provides that notices need not include more detail than appropriate and thus affords self-regulatory organizations considerable latitude for keeping reporting burdens to be minimum. *Id.*

[9] These regulations generally set standards of appropriate dress and regulate such conduct of members while on the trading floor as running, eating, drinking and using abusive language.

[10] Amex petition at pp. 2, 1.

[11] Section 19(b) of the Act, 15 U.S.C. 78s(b).

[12] The proposed exemption is similar to an exemption in subsections (e) and (g) of Rule 19d-1 relating to notices or limitations of membership or access to services for non-disciplinary reasons. 17 CFR 240.19d-1(e), (g).

[13] In the text of the amended rule italics indicate new matter.

at, or results from, a hearing on the matter.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

March 5, 1980.

[FR Doc. 80-7691 Filed 3-11-80; 8:45 am]

BILLING CODE 6010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3 and 284

[Docket No. GP80-76]

Supply of Natural Gas and Fuel Oil Displacement Opportunities; Informal Conference

March 5, 1980.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Informal Conference.

SUMMARY: Chairman Charles B. Curtis will convene an informal conference on April 2, 1980, to discuss natural gas supply and demand and the outlook for the availability and price of natural gas over the next several years. The conference will also address the near and medium-term trends in the availability and price of alternative fuels such as fuel oil and propane. The Commission desires a general inquiry into these issues before it must take action on the so-called fuel oil displacement program under FERC Order No. 30 (Docket No. RM79-34 issued on May 17, 1979 [1]), which will expire on June 1, 1980, unless extended by the Commission.

Also, the Commission has a number of other needs for this information arising out of the Natural Gas Policy Act of 1978, which requires that the availability and cost of alternative fuels be considered in designing rules that may significantly affect natural gas users. Examples of these requirements are found at Sections 401 (relating to curtailment priority for agricultural users) and 206 (relating to exemptions from incremental pricing for agricultural users) of the Natural Gas Policy Act of 1978.

DATE: Conference to be held on April 2, 1980.

ADDRESS: The Conference will be held in Hearing Room A of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Robert C. Platt, Office of the General General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8454

Walter W. Schroeder, Executive Assistant to the Chairman, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8335

Chairman Charles B. Curtis will convene an informal conference on April 2, 1980, to discuss natural gas supply and demand and the outlook for the availability and price of natural gas over the next several years. The conference will also address the near and medium-term trends in the availability and price of alternative fuels such as fuel oil and propane.

The Chairman, on behalf of the Commission, seeks to obtain assessments of the impact of the Natural Gas Policy Act of 1978 (NGPA) on supply, demand and price, and the likely conditions in the various energy markets in which natural gas competes with other fuels. The Commission desires a general inquiry into these issues before it must take action on the so-called fuel oil displacement program under FERC Order No. 30 (18 CFR Parts 3 and 284) (Docket No. RM79-34 issued on May 17, 1979), which will expire on June 1, 1980, unless extended by the Commission.

Also, the Commission has a number of other needs for this information arising out of the NGPA, which requires that the availability and cost of alternative fuels be considered in designing rules that may significantly affect natural gas users. Examples of these requirements are found at Sections 401 (relating to curtailment priority for agricultural users) and 206 (relating to exemptions from incremental pricing for agricultural users) of the NGPA.

Background

Order No. 30 authorizes interstate pipelines to transport natural gas purchased by end-users capable of using increased gas supplies to offset, or displace, fuel oil requirements. Under the Order No. 30 program, users may pruchase natural gas from producers, intrastate pipelines, interstate pipelines, or local distribution companies. Different procedures and filing requirements are associated with these different sources of gas under the program.

The Order No. 30 Program sought to assist in alleviating a perceived "serious and immediate fuel oil supply situation" associated with the shortfall in Iranian production during the first months of 1979. A shortage of middle distillate fuel oil (which includes home heating oil and diesel fuel) was seen as potentially having a significant adverse impact on residential, commercial and small industrial fuel oil users. The Commission expressed the view that under these circumstances it has a "responsibility to afford these users, who would be considered 'high priority' if served by natural gas, relief within our discretion so long as this relief does not come at the expense of other high priority users."

At the same time that Order No. 30 established a director sale program, it reiterated the Commission's general and continuing preference for pipeline purchases of natural gas for system supply. System supply gas is subject to the purchasing pipeline's curtailment plan, whereas direct sale gas is not owned by the transporting pipeline, and is therefore not subject to curtailment. One reason why the Commission was reluctant to have Order No. 30 last for more than one year is that any serious gas supply shortage might result in curtailment of some natural gas users that are not able to burn fuel oil as an alternative, while at the same time users with back-up fuel oil capability are receiving direct sales of natural gas. The Commission, for this and other reasons, decided to review the status of relevant energy markets in 1980 before considering whether to continue the Order No. 30 program. The issue turns in large measure on the present and anticipated condition of U.S. natural gas markets.

Assessment of Current Market Conditions

In order to provide the Commission with an opportunity to investigate and discuss the emerging trends in natural gas supply and demand, the Conference on April 2 will provide a forum for experts in various aspects of the natural gas or petroleum industries to appear informally to share their research and perceptions. The Commission would apppreciate those seeking to make presentations to the Commission to address any or all of the following questions:

I. Natural Gas

A. Supply

1. What is the present state of drilling equipment supply and activity?
2. What is the relative drilling activity under the various categories of gas as defined by the NGPA?
   a. Development vs. exploration?
   b. Conventional vs. high-cost gas?
   c. Traditional vs. Frontier drilling regions?
3. How has the NGPA affected the relative market shares of intrastate versus interstate pipelines?
4. What is the current and future status of the so-called intrastate gas "bubble" that was reported to exist in 1979?

[1] Published May 25, 1979, 44 FR 30323.

5. What are current and projected volumes of gas being sold or assigned pursuant to NGPA Sections 311 and 312?

6. What are current and projected volumes of gas being sold under the 60-day emergency sales program?

7. What is the outlook for supplemental supplies of imported gas, LNG, and SNG?

B. Demand

1. Who has been getting gas under the NGPA and under Order No. 30 that would not have otherwise gotten it? (*i.e.*, is there a movement of surplus intrastate gas to identifiable categories of interstate customers?)

2. What fuels are being displaced as a consequence?

3. What increases in high priority gas demand have been attributable to:

a. Residential and commercial load growth?

b. NGPA Section 401 (relating to elevated priority status for agricultural users)?

4. What is the demand for direct sale gas from the Commission's other programs under Order Nos. 533/2?

5. To what extent are some industrial or electric utility customers willing to pay relatively higher prices for additional direct sale gas while other similar customers are receiving system supply gas at considerably lower prices?

6. Should the Commission consider limiting the source of natural gas for direct sale programs to deregulated "high cost" categories, such as gas from below 15,000 feet?

II. *Alternative Fuels*

A. Supply

1. What are current and anticipated levels of domestic crude oil production?

2. What is the outlook for availability and price of imported crude and products?

3. What are the emerging trends, if any, in the quality of imported and domestic crude oil? What implications does this have for the ability of domestic refiners to meet demand for high quality (and low sulphur) fuel oil?

4. How does the supply of low quality residual fuel oil interact at the refinery level with production of lighter and higher quality products? Must residual fuel oil stocks rise in direct proportion to crude oil throughput, or can residual fuel oil be further refined into those other products?

5. What is the outlook for supplies and prices of No. 2 fuel oil?

6. What is the outlook for supplies and prices of propane?

B. Demand

1. What is the outlook for demand for fuel oil, both No. 2 distillate and No. 6 residual?

With respect to all these questions, the Commission will be interested in both the near term (through 1981) and the mid term of 1985 to 1990 or 1995.

The Commission has already asked the Gas Research Institute to attend and to discuss its research efforts and findings as part of the Conference on April 2. But the Commission also invites any person who believes he or she could make a useful contribution to an assessment of natural gas supply and demand patterns. Those seeking to make a presentation to the Commission are requested to provide a brief summary of the issues they plan to address. This will help in ordering presentations and in assuring that all issues of interest to the Commission are given attention.

Procedures

The Conference will be informal. A roundtable or panel format will be used. Any member of the public is welcome to attend and observe. Similarly, anyone wishing to present data or views to the Commission relating to the questions under consideration is invited to do so. If possible, the Commission would appreciate receiving ten copies of any materials relating to presentations by the close of business Monday, March 31. This material should reference Docket No. GP80-76, and should be delivered to the Secretary of the Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The Conference will be held in Hearing Room A of the Federal Energy Regulatory Commission. The amount of time allowed for individual presentations may have to be limited, depending primarily upon the number of persons wishing to participate. A transcript of the Conference will be made and will be available to the public through the Commission's Office of Congressional and Public Affairs, Division of Public Information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7380 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 53

[LR-289-76]

Reductions in Value for Blockage or Similar Factors

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the use of blockage or similar factors in determining the value of private foundations' noncharitable assets consisting of listed securities for purposes of determining the amount foundations must distribute annually for charitable purposes. Changes to the applicable tax law were made by the Tax Reform Act of 1976 (the Act).

The regulations would provide foundation managers with the guidance needed to comply with that Act and would affect all private foundations that hold listed securities for which reductions in value due to blockage or related factors are appropriate.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 12, 1980. The amendments are proposed to be effective for taxable years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-289-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David E. Dickinson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3218) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) under section 4942 (e) (2) (B) of the Internal Revenue Code of 1954 (the Code). That section was added to the Code by section 1303 (a) of the Act (90 Stat. 1715). These regulations, if adopted, are to be issued under the authority contained in section 7805 of the Code.

Old Law

Under section 4942 (e) (2) as it existed prior to the Act and § 53.4942 (a)-2 (c) (4) (i) (*b*) of the regulations, estate tax valuation methods were to be used to value noncharitable assets of private foundations consisting of listed securities.

New Law

Section 4942 (e) (2) (B) established certain new, more explicit rules for valuing a private foundation's noncharitable assets consisting of listed securities. In determining the value of such securities for minimum charitable expenditures purposes, their fair market value (determined without regard to any reduction in value) is not to be reduced unless, and only to the extent that, a private foundation establishes that as a result of a certain factor or combination of factors enumerated in the statutory provision, the securities could not be liquidated within a reasonable period of time except at a price less than such fair market value. Any reduction in value is

to be made only for one or more of these reasons and must not in the aggregate exceed 10 percent of the fair market value of the securities.

Proposed Regulations

These proposed amendments to the regulations explain that the new law applies only to assets that are securities listed in § 53.4942 (a)-2 (c) (4) (i) (*a*) (generally, securities for which quotations are readily available, referred to in this preamble as "listed securities"). § 53.4942 (a)-2 (c) (4) (i) (*c*).

They give as an example of a "forced or distressed sale" under section 4942 (e) (2) (B) (iii) of the Code the situation where securities cannot be sold on the open market without first being registered under the Securities Act of 1933. § 53.4942 (a)-2 (c) (4) (i) (*c*) (*3*).

They point out that the price of securities comprising a controlling interest in a going business may result in a value higher than the quoted price. § 53.4942 (a)-2 (c) (4) (i) (*c*).

They point out that if a foundation owns unlised securities of a corporation (issuer) that owns assets comprising listed securities, those underlying unlisted securities are to be valued using market quotations or in accordance with the new rules, if applicable. This rule is consistent with the decision in *Richardson v. Commissioner*, 151 F.2d 102 (2d Cir. 1945). Where substantially all of the corporation's assets are listed securities, the valuation of these listed securities is to be monthly. § 53.4942 (a)-2 (c) (4) (iv) (*a*), new third and fourth sentences.

Finally, they revoke the obsolete version of section 4942 from the CFR and set forth the effective date of the new and old rules. § 53.4942(a)-2 (c)(4)(i)(*b*), new last two sentences.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the Federal Register.

Drafting Information

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

Proposed Amendments to the Regulations

Accordingly, 26 CFR Part 53 is amended as follows:

PART 53—FOUNDATIONS AND SIMILAR EXCISE TAXES

§ 53.4942 [Revoked]

Paragraph 1. Section 53.4942 is revoked.

Par. 2. Two sentences are added to the end of § 53.4942(a)-2(c)(4)(i)(*b*) to read as follows:

§ 53.4942(a)-2 Computation of undistributed income.

* * * * *

(c) *Minimum investment return.* * * *

(4) Valuation of assets—(i) *Certain securities.* * * *

(*b*) * * * This paragraph (c)(4)(i)(*b*) applies only for taxable years beginning before January 1, 1976. See section 4942(e)(2)(B) and paragraph (c)(4)(i)(*c*) of this section for special valuation rules that apply for subsequent taxable years.

* * * * *

Par. 3. Sections 53.4942(a)-2(c)(4)(i)(*c*) and 53.4942(a)-2(c)(4)(i)(*d*) are redesignated as §§ 53.4942 (a)-2(c)(4)(i)(*d*) and 53.4942(a)-2(c)(4)(i)(*e*), respectively, and a new § 53.4942(a)-2(c)(4)(i)(*c*) is added to read as follows:

§ 53.4942(a)-2 Computation of undistributed income.

* * * * *

(c) *Minimum investment return.* * * *

(4) *Valuation of assets*—(i) *Certain securities.* * * *

(*c*) For purposes of this subdivision (i) and with respect to taxable years beginning after December 31, 1975, if the private foundation can show that the value of securities determined on the basis of market quotations as provided by subdivision (i)(*a*) does not reflect the fair market value thereof because—

(*1*) The securities constitute a block of securities so large in relation to the volume of actual sales on the existing market that it could not be liquidated in a reasonable time without depressing the market,

(*2*) The securities are securities in a closely held corporation and sales are few or of a sporadic nature, and, or

(*3*) The sale of the securities would result in a forced or distress sale because the securities could not be offered to the public for sale without first being registered under the Securities Act of 1933 or because of other factors,

then the price at which the securities could be sold as such outside the usual market, as through an underwriter, may be a more accurate indication of value than market quotations. On the other hand, if the securities to be valued represent a controlling interest, either actual or effective, in a going business, the price at which other lots change hands may have little relation to the true value of the securities. No decrease in the fair market value of any given class of securities determined on the basis of market quotations as provided by subdivision (i)(*a*) shall be allowed except as authorized by this subdivision, and no such decrease shall in the aggregate exceed 10 percent of the fair market value of such class of securities so determined on the basis of market quotations and without regard to this subdivision.

* * * * *

Par. 4. Two sentences are inserted between the second and third sentences of § 53.4942(a)-2(c)(4)(iv)(*a*), as follows:

§ 53.4942(a)-2 Computation of undistributed income.

* * * * *

(c) *Minimum investment return.* * * *

(4) *Valuation of assets*— * * *

(iv) *Other assets.* * * *

(*a*) * * * To the extent that the assets of an issuer of unlisted securities consist of listed securities, however, such assets shall be valued on the basis of market quotations or in accordance with section 4942(e)(2)(B), if applicable. Thus, for example, if a private foundation owns unlisted stock in a holding company which in turn holds a portfolio of securities of issues which are listed on the New York Stock Exchange, in determining the fair market value of the unlisted holding company stock, the underlying portfolio securities are to be valued by reference to their market quotations unless a decrease in such value is authorized in accordance with section 4942(e)(2)(B).

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-7628 Filed 3-7-80; 3:41 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Chapter VII

Receipt of Permanent Program Submission From the State of Alabama

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

ACTION: Notice of intent: Receipt of program submission from the State of Alabama.

SUMMARY: On March 3, 1980, the State of Alabama submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 ("SMCRA"). OSM is seeking public comments on the completeness of the State program.

DATES: A public review meeting to discuss completeness of the submission will be held on April 14, 1980, from 7:30 p.m. to 10:00 p.m. or until all discussion has been completed. Written comments must be received on or before April 14, 1980.

ADDRESSES: The public review meeting will be held at the Holiday Inn, 1400 78 By-Pass, Jasper, Alabama. Copies of the full text of the proposed Alabama program are available for review during regular business hours at the following locations:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street SW., Suite 500, Knoxville, Tennessee.

Alabama Surface Mining Reclamation Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, Alabama.

Alabama Surface Mining Reclamation Commission, 100 Third Street, Fort Payne, Alabama.

Written comments should be sent to: Mr. David C. Short, Regional Director, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, TN 37902.

The administrative record will be available for public review at the OSM Region II Office above, and at the Alabama Surface Mining Reclamation Commission, Central Bank Building, 2nd Floor, 811 Second Avenue, Jasper, Alabama, on Monday through Friday, 8:00 a.m.–4:00 p.m., excluding holdiays.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional Director, Office of Surface Mining, 530 Gay Street SW., Suite 500, Knoxville, TN 37902, telephone: (615) 637–8060.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the State of Alabama. The purpose of this submission is to demonstrate both the State's intent and its capability to assume responsibility for administering and enforcing the provisions of SMCRA and OSM's permanent regulatory program (30 CFR Chapter 7), as published in the Federal Register on March 13, 1979 (44 FR 15311–15463).

This notice describes the nature of Alabama's proposed program and sets forth information concerning public participation in the Regional Director's determination of whether or not the submission is complete. The public participation requirements for the consideration of a permanent State program are found in 30 CFR 732.11 and 732.12 (44 FR 15236–15327). Additional information may be found under corresponding sections of the preamble to OSM's permanent program regulations (44 FR 14959–15960).

The receipt of the Alabama submission is the first step in a process which will result in the establishment of a comprehensive program for the regulation of surface coal mining and reclamation operations and coal exploration in Alabama.

By submitting a proposed program, Alabama has indicated that it wishes to be primarily responsible for this permanent program. If the submission, as hereafter modified, is approved by the Secretary of the Interior, the State of Alabama will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in Alabama. If the Program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of those activities.

Before OSM and the Secretary formally begin consideration of the substance of the program, the Regional Director must determine that the submission is complete. If the Regional Director determines the submission to be complete, consideration of the adequacy of the program will begin, and the public will be informed of the decision and granted the opportunity to submit comments on the adequacy of the submission. If the submission is determined to be incomplete, the State will be given the opportunity to submit additional material. If the State fails to provide the missing elements, or the submission is otherwise determined to be inadequate, the program will be initially disapproved. After initial disapproval, the State may revise the program. If the resubmitted program is also found to be incomplete after opportunity for supplementing it has passed or is otherwise deficient, the State program will be given a final disapproval, and a Federal program will be implemented.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979 the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court order change in the required submission deadline the Office announced an amendment to Section 731.12 of the final regulations in the October 22, 1979 Federal Register (44 FR 60969). The amended regulation revises the original schedule by making §§732.11, 732.12 and 732.13 inapplicable for post August 3, 1979 submissions. In lieu of this schedule, § 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following time-table sets forth the general schedule for review of the Alabama proposed State regulatory program:

A public review meeting will be held on April 14, 1980, as established in the above DATE section of this notice;

The Regional Director will publish notice of his completeness determination approximately 20 days after completion of the review meeting;

A final date for the submission of program changes by the State will be established approximately 45 days after announcement of the completeness determination;

A public hearing will be held approximately 35 days after the deadline for the submission of program changes;

A final date for the submission of public comments will be established approximately 5 days after the public hearing is completed;

The initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by David C. Short, Regional Director Director, OSM, Regional II. To assist in obtaining information on the completeness of the Alabama submission, the Regional Director is requesting written comments from the public and will hold a public review meeting on the issue of completeness.

The public review meeting on completeness will be conducted by the Regional Director and will be informal.

This will provide members of the public, State and OSM opportunity to openly exchange thought concerning program completeness outside the more rigid structure of formal public hearing proceedings. Specific format procedures will be at the discretion of the Regional Director.

Written comments may supplement or be submitted in lieu of oral presentation at the public review meeting. All written comments must be mailed or handcarried to the Regional Director's Office above or submitted as exhibits to the proceeding. The comment period will close at the conclusion of the public review meeting on April 14, 1980. Comments received after that time will not be considered in the Regional Director's completeness determination. Representatives of the Regional Director's Office will be available to meet between March 12, 1980, and April 11, 1980, at the request of members of the public to receive their advice and recommendations concerning the completeness of the proposed program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Jim Culpepper, State Program Specialist, telephone (615) 637-8060, at the Regional Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding holidays at the Regional Director's Office.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Alabama Program. Under Section 702(d) of SMCRA (30 U.S.C. 1292(d), approval of State programs does not constitute a major action within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

The following constitutes a summary of the contents of the Alabama submission:

The proposed Alabama Environmental Services Act of 1980, will designate the Department of Environmental Services to implement and enforce that Act in accordance with the Surface Mining and Reclamation Act of 1977. (Pub. L. 95-87).

Contents of the State Program Submission include:

Chapter I Existing State Law and Regulations
Chapter II Proposed Legislation
Chapter III Proposed Regulations
Chapter IV Other State Laws and Regulations Directly Affecting Coal Exploration and Surface Coal Mining and Reclamation Operations
Chapter V Section by Section Comparison of State Regulations to Federal Regulations
Chapter VI Other Program Submission Content Requirements
A. Proposed Legal Document Designating a State Agency as Regulatory Authority
B. Existing and Proposed Organization Structure
C. Supporting Agreements Between Agencies
D. Narrative Descriptions of Proposed Systems
1. Permitting
2. Assessing Fees for Permit Applications
3. Performance Bonds and Liability
4. Inspecting and Monitoring Coal Exploration
5. Enforcing the Administrative, Civil, and Criminal Sanctions
6. Administering and Enforcing the Permanent Program Performance Standards
7. Assessing and Collecting Civil Penalties
8. Issuing Public Notices and Conducting Public Hearings
9. Coordination and Consultation with Local State and Federal Agencies
10. Designating Lands Unsuitable for Surface Mining Operations
11. Prohibiting Conflict of Interests
12. Training, Examining, and Certifying Blasters
13. Public Participation
14. Administrative and Judicial Review
15. Small Operator Assistance Program
E. Statistical Information, Red: Coal Exploration and Surface Coal Mining and Reclamation Operations
F. Summary Table of Existing and Proposed Staff
G. Adequacy of Proposed Staff
H. Projected Use of Professional and Technical Personnel Available From Other Agencies
I. Actual Capital and Operating Budget
J. Description of Existing and Proposed Physical Resources
Attachment.—Regulations, Policies, and Procedures in Alabama Water Improvement Commission.

Dated: March 5, 1980.

David C. Short,

Regional Director.

[FR Doc. 80-7643 Filed 3-11-80; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Chapter VII

Receipt of Permanent Program Submission from the State of Kentucky

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

ACTION: Notice of intent: Receipt of program submission from the State of Kentucky.

SUMMARY: On February 29, 1980, the State of Kentucky submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 ("SMCRA"). OSM is seeking public comments on the completeness of the State program.

DATES: Public review meetings to discuss completeness of the submission will be held on April 16 and 17, 1980 from 7:30 p.m. to 10:00 p.m. or until all discussion has been completed. Written comments must be received on or before April 17, 1980.

ADDRESSES: The public review meetings will be held at the Ramada Inn, Ramada Drive, Madisonville, Kentucky on April 16, 1980, and at the Holiday Inn, South Mayo Trail, Pikeville, Kentucky on April 17, 1980. Copies of the full text of the proposed Kentucky program are available for review during regular business hours at the following locations:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee.
Bureau of Surface Mining, Reclamation and Enforcement, Capital Plaza Tower, 6th Floor, Frankfort, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, Old TB Facility, Laffoon Street, Madisonville, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, 1632 East Cumberland Avenue, Middlesboro, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, 213 Lovern Street, Hazard, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, 431 South Lake Drive, Prestonsburg, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, 165 South Mayo Trail, Pikeville, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, Reclamation Building, (Near Intersection of East 80, Daniel Boone Parkway and Hwy. 25), London, Kentucky.
Bureau of Surface Mining, Reclamation and Enforcement, 620 West Main Street, Grayson, Kentucky.

Written comments should be sent to: Mr. David C. Short, Regional Director, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, TN 37902.

The administrative record will be available for public review at the OSM Region II Office above, and at the Bureau of Surface Mining, Reclamation and Enforcement, Capital Plaza Towers, 6th Floor, Frankfort, Kentucky on Monday through Friday, 8:00 a.m.-4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Assistant Regional Director, Office of Surface Mining, 530 Gay Street, SW., Suite 500, Knoxville, TN 37902, Telephone: (615) 637-8060.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed permanent regulatory program

from the State of Kentucky. The purpose of this submission is to demonstrate both the State's intent and its capability to assume responsibility for administering and enforcing the provisions of SMCRA and OSM's permanent regulatory program (30 CFR Chapter 7), as published in the Federal Register on March 13, 1979, (44 FR 15311–15463).

This notice describes the nature of Kentucky's proposed program and sets forth information concerning public participation in the Regional Director's determination of whether or not the submission is complete. The public participation requirements for the consideration of a permanent State program are found in 30 CFR 732.11 and 732.12 (44 FR 15236–15327). Additional information may be found under corresponding sections of the preamble to OSM's permanent program regulations (44 FR 14959–15960).

The receipt of the Kentucky submission is the first step in a process which will result in the establishment of a comprehensive program for the regulation of surface coal mining and reclamation operations and coal exploration in Kentucky.

By submitting a proposed program, Kentucky has indicated that it wishes to be primarily responsible for this permanent program. If the submission, as hereafter modified, is approved by the Secretary of the Interior, the State of Kentucky will have primary jurisdiction for the regulation of coal mining and reclamation and coal exploration on non-Federal lands in Kentucky. If the Program is disapproved, a Federal program will be implemented and OSM will have primary jurisdiction for the regulation of those activities.

Before OSM and the Secretary formally begin consideration of the substance of the program, the Regional Director must determine that the submission is complete. If the Regional Director determines the submission to be complete, consideration of the adequacy of the program will begin, and the public will be informed of the decision and granted the opportunity to submit comments on the adequacy of the submission. If the submission is determined to be incomplete, the State will be given the opportunity to submit additional material. If the State fails to provide the missing elements, or the submission is otherwise determined to be inadequate, the program will be initially disapproved. After initial disapproval, the State may revise the program. If the resubmitted program is also found to be incomplete after opportunity for supplementing it has passed or is otherwise deficient, the State program will be given a final disapproval, and a Federal program will be implemented.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979 the U.S. District Court for the District of Columbia, in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980. As a result of this court ordered change in the required submission deadline the Office announced an amendment to Section 731.12 of the final regulations in the October 22, 1979 Federal Register (44 FR 60969). The amended regulation revises the original schedule by making §§ 732.11, 732.12 and 732.13 inapplicable for post August 3, 1979 submissions. In lieu of this schedule, § 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following time-table sets forth the general schedule for review of the Kentucky proposed State regulatory program:

—A public review meeting will be held on April 16 and 17, 1980, as established in the above DATE section of this notice;

—The Regional Director will publish notice of his completeness determination approximately 20 days after completion of the review meeting;

—A final date for the submission of program changes by the State will be established approximately 45 days after announcement of the completeness determination;

—A public hearing will be held approximately 35 days after the deadline for the submission of program changes;

—A final date for the submission of public comments will be established approximately 5 days after the public hearing is completed;

—The initial decision of the Secretary will be announced approximately 40 days after the public hearing, approximately 180 days from the original date of the State submission.

At this time, OSM is primarily concerned with whether the proposed program constitutes a complete submission. The decision on completeness will be made by David C. Short, Regional Director, OSM, Region II. To assist in obtaining information on the completeness of the Kentucky submission, the Regional Director is requesting written comments from the public and will hold public review meetings on the issue of completeness.

The public review meetings on completeness will be conducted by the Regional Director and will be informal. This will provide members of the public, State and OSM opportunity to openly exchange thought concerning program completeness outside the more rigid structure of formal public hearing proceedings. Specific format procedures will be at the discretion of the Regional Director.

Written comments may supplement or be submitted in lieu of oral presentation at the public review meeting. All written comments must be mailed or handcarried to the Regional Director's Office above or submitted as exhibits to the proceeding. The comment period will close at the conclusion of the public review meetings on April 17, 1980. Comments received after that time will not be considered in the Regional Director's completeness determination. Representatives of the Regional Director's Office will be available to meet between March 12, 1980, and April 11, 1980, at the request of members of the public to receive their advice and recommendations concerning the completeness of the proposed program.

Persons wishing to meet with representatives of the Regional Director's Office during this time period may place such request with Bob Harrison, Program Specialist, Telephone (615) 637–8060 at the Regional Director's Office above.

Meetings may be scheduled between 9 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding holidays at the Regional Director's Office.

No Environmental Impact Statement is being prepared in connection with the process leading to the approval or disapproval of the proposed Kentucky Program. Under section 702(d) of SMCRA (30 U.S.C. 1292(d)), approval of State programs does not constitute a major action within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

The following constitutes a summary of the contents of the Kentucky submission:

The Kentucky Department for National Resources and Environmental Protection has been authorized by Kentucky Statute KRS 350.465 to implement and enforce the Kentucky permanent program and related laws and regulations in accordance with the Surface Mining and Reclamation Act of 1977 (Pub. L. 95–87). The Department for Natural Resources and Environmental Protection has proposed State

regulations to carry out the State mandate.

Contents of the State Program Submission include:

Federal reference number	Description	Page
	Executive summary	iii
731.14(a)	State Laws and Regulations	1.0
731.14(b)	Other State Laws and Regulations.	2.0
731.14(c)	Legal Opinion on Authority to Regulate.	3.0
731.14(d)	Designation of an Agency as Regulatory Authority.	4.0
731.14(e)	Description of Regulatory Authority.	5.0
731.14(f)	Memorandums of Agreement	6.0
731.14(g)	Proposed Systems	7.0
731.14(g):		
(1)	Permit Process	7.1.0
(2)	Fees for Permits	7.2.0
(3)	Bonding System	7.3.0
(4)	Inspection Process	7.4.0
(5)	Enforcement of Civil and Criminal Penalties.	7.5.0
(6)	Enforcement of Performance Standards.	7.6.0
(7)	Assessing and Collecting Civil Penalties.	7.7.0
(8)	Issuing Public Notices	7.8.0
(9)	Coordination of Permit Issuance.	7.9.0
(10)	Consulting with Other State and Federal Agencies.	7.10.0
(11)	Lands Unsuitable for Mining Program.	7.11.0
(12)	Monitoring Conflict of Interest	7.12.0
(13)	Training and Certification of Blasters.	7.13.0
(14)	Public Participation	7.14.0
(15)	Administrative and Judicial Review.	7.15.0
(16)	Small Operator's Assistance Program.	7.16.0
731.14(h):	Statistical Information	8.0
(1)	Annual Coal Production	8.1.0
(2)	Number of Mines	8.2.0
(3)	Acreage	8.3.0
(4)	Geographic Distribution of Mining.	8.4.0
(5)	Annual Number of Permit Applications.	8.5.0
(6)	Frequency of Inspections	8.6.0
(7)	Status of Current Permits	8.7.0
(8)	Coal Production Projections	8.8.0
731.14(i)	Existing and Proposed Staffing.	9.0
731.14(j)	Adequacy of Staffing	10.0
731.14(k)	Other Agency Personnel	11.0
731.14(l)	Proposed Budget	12.0
731.14(m)	Physical Resources	13.0
731.14(n)	Special Performance Standards (Not Applicable).	14.0
731.14(o)	Other Programs Administered by the Regulatory Authority.	15.0

Appendix A—Kentucky's Proposed Regulations.

Appendix B—Other State Laws and Regulations.

Dated: March 5, 1980.

David C. Short,

Regional Director.

[FR Doc. 80-7644 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[FRL 1431-3]

Guidelines Establishing Test Procedures for the Analysis of Pollutants; Availability of Support Documents and Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of supporting documents and data and the extension of the comment period on the proposed regulation.

SUMMARY: On December 3, 1979, EPA proposed "Guidelines Establishing Test Procedures for the Analysis of Pollutants," under section 304(h) of the Clean Water Act, 44 FR 69464–69575. Subsequently, the Agency extended the comment period until 30 days from the date of publication of a Notice of Availability of the documents and available data cited in support of the proposed regulation (45 FR 6958, January 31, 1980). The supporting documents and data, itemized in Appendix A to this Notice, are now available for public inspection. In consideration of the amount of data which is being made available, the EPA is now granting a 45-day extension.

DATES: Comments must be received on or before April 28, 1980.

ADDRESSES: Send comments to Dr. Robert B. Medz, Monitoring Technology Division, Office of Research and Development, Environmental Protection Agency, (RD-680), 401 M Street, S.W., Washington, D.C. 20460.

The supporting documents and data are available for public inspection and copying at the locations listed in Appendix B to this notice.

FOR FURTHER INFORMATION CONTACT: Dr. Robert B. Medz, Quality Assurance and Monitoring Systems Division, Office of Research and Development, Environmental Protection Agency (RD-680), 401 M Street, S.W., Washington, D.C. 20460 or call (202) 426-4728.

SUPPLEMENTARY INFORMATION:

On December 3, 1979, EPA published in the Federal Register proposed amendments to 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants," under section 304(h) of the Clean Water Act (See 44 FR 69464–69575). The deadline for public comment on the proposed regulation was set for February 1, 1980.

In response to that proposal, commentators identified in Appendix C to this Notice have requested that EPA extend the comment period. The requests were based upon the general unavailability for public review of documents, reports, and data which were cited in support of the proposed regulation. Several commentators noted that several EPA studies designed to support the regulation were still in progress and suggested that the comment period be extended and promulgation of the final regulation be delayed until after completion and availability of all ongoing and planned studies.

In consideration of these requests, on January 31, 1980 EPA extended the comment period until 30 days from the publication in the Federal Register of a "Notice of Availability of Supporting Documents" (45 FR 6958). These documents, itemized in Appendix A to this Notice, are now available for public inspection and copying at the locations listed in Appendix B to this Notice. In consideration of the amount of data which is being made available, the comment period on the December 3, 1979 proposal is now being extended for 45 days and will expire on April 28, 1980.

In taking this action, EPA has determined it cannot delay the final regulation until completion and availability of the results of all ongoing and planned studies which are being conducted by the Agency in further support of the proposed regulation. Among other purposes, section 304(h) requires the guidelines for test procedures for the analysis of pollutants to be used in applications for the National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Act. The expiration of many permits and the impending deadlines for renewal applications, in accordance with EPA's proposed new application requirements (44 FR 34346), prohibit delay of final rulemaking until after compilation of all ongoing and planned supporting studies.

The EPA believes that the documents and data made available today support the amendments to 40 CFR Part 136 proposed on December 3, 1979. The Agency recognizes, however, that the proposed analytical methods include some state-of-the-art techniques which have not been as widely used as the "consensus methods" promulgated in 1973 and 1976. Therefore, EPA is conducting, and planning to conduct, studies which are much more extensive than its studies of the existing section 304(h) methods.

The Agency's decision to conduct these extensive studies should not serve as an excuse to delay promulgation of

methods supported by currently available data. Rather, the results of ongoing and planned studies, which will be made available upon their completion, will provide a basis for continual re-evaluation of section 304(h) methods. The EPA will amend 40 CFR Part 136 if the results of studies so require.

The EPA Information Regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying any of the documents or data made available for public inspection.

Dated: March 5, 1980.

Stephen J. Gage,

Assistant Administrator for Research and Development.

Appendix A—Itemized List of Support Documents

Item No.

1 Development and Application of Test Procedures for Specific Organic Toxic Substances in Wastewaters, Category 1: Phthalate Esters, Contract Number 68-03-2606; Southwest Research Institute, San Antonio, Texas 78229; January 1980. (Method 606)

2 Determination of Haloethers in Industrial and Municipal Wastewaters, Category 2: Haloethers, Contract Number 68-03-2633; Monsanto Research Corporation, Dayton, Ohio 45407; not dated. (Method 611)

3a Development and Application of Test Procedures for Specific Organic Substances in Wastewaters, Category 3: Chlorinated Hydrocarbons; and Category 8: Phenols, Contract Number 68-03-2625; Hydroscience, Inc., Knoxville, Tennessee 37919; March 26, 1979. (Methods 604 and 612)

3b Category 3 (Chlorinated Hydrocarbons); Category 8 (Phenols) Supplemental Report; Seven-day preservation study; Contract Number 68-03-2625, Hydroscience, Inc., Knoxville, Tennessee 37919; October 15, 1979. (Methods 604 and 612)

4 Determination of Nitroaromatic Compounds and Isophorone in Aqueous Effluents; Category 4: Battelle Columbus Laboratories, Columbus, Ohio 43201, Contract Number 68-03-2624; not dated. (Method 609)

5 Development and Application of Test Procedures for Specific Organic Toxic Substances in Wastewaters, Category 5: Nitrosoamines, Contract Number 68-03-2606; Southwest Research Institute, San Antonio, Texas 78229; October 1979. (Method 607)

6 Development and Application of Test Procedures for Specific Organic Toxic Substances in Wastewaters, Category 6: Tetrachloro-dibenzo-dioxin, Contract Number 68-03-2635; The Carborundum Company, Sacramento, California 95823; July 1979. (Method 613)

7 Determination of Benzidines in Aqueous Effluents, Category 7; Contract Number 68-03-2624; Battelle Columbus Laboratories, Columbus, Ohio 43201; not dated. (Method 605)

8 Determination of Polynuclear Aromatic Hydrocarbons in Industrial and Municipal Wastewaters, Category 9: Battelle Columbus Laboratories, Columbus, Ohio 43201; not dated. (Method 610)

9 Determination of Pesticides and PCB's in Industrial and Municipal Wastewaters, Category 10: Contract Number 68-03-2606; Southwest Research Institute, San Antonio, Texas 78229; November 1979. (Method 608)

10 Final Letter Report, Evaluation of the Test for Acrolein and Acrylonitrile; Midwest Research Institute; June 27, 1979. (Method 603) This report was used to develop Method 603 instead of "Development and Application of Test Procedures for Specific Organic Toxic Substances in Wastewaters—Category 11, Puregables; and Category 12, Acrolein, Acrylonitrile and Dichlorodifluoromethane," EPA Contract Number 68-03-2635, which was cited in the Federal Register. This latter report is no longer applicable to Methods 601, 602, or 603.

11 Proceedings: Seminar on Analytical Methods for Priority Pollutants, Denver, Colorado, November 9-10, 1977; Office of Water Programs, United States Environmental Protection Agency, Washington, D.C. 20460. (Methods 624 and 625)

12 Proceedings: Seminar on Analytical Methods for Priority Pollutants, Savannah, Georgia, May 23-24, 1978; Office of Water Programs, United States Environmental Protection Agency, Washington, D.C. 20460. (Methods 624 and 625)

13 Proceedings: Seminar for Analytical Methods for Priority Pollutants, Norfolk, Virginia, March 8-9, 1979; Office of Water Programs, United States Environmental Protection Agency, Washington, D.C. 20460. (Methods 624 and 625)

14 Progress Report #1A: Coal Mining Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; November 5, 1979. (Methods 624 and 625)

15 Progress Report #2A: Leather Tanning Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; November 2, 1979. (Methods 624 and 625)

16 Progress Report #3A: Pesticide Manufacturing Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; October 22, 1979. (Methods 624 and 625)

17 Progress Report #4A: Timber Products Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; October 19, 1979. (Methods 624 and 625)

18 Progress Report #5A: Inorganic Chemical Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

19 Progress Report #6A: Organic Chemical Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

20 Progress Report #7A: Iron and Steel Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

21 Progress Report #8A: Petroleum Refining Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

22 Progress Report #9A: Steam Electric Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

23 Progress Report #TX-10: Nonferrous Metals Industry, Precision anmd Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacramento, California 95823; September 24, 1979. (Methods 624 and 625)

24 Progress Report #TX-11: Inorganic Chemical Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacremento, California 95823; September 24, 1979. (Methods 624 and 625)

25 Progress Report #TX-12: Publicly Owned Treatment Works, Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacremento, California 95823; November 5, 1979. (Methods 624 and 625)

26 Progress Report #TX-13: Textile Industry, Precision and Accuracy Study of "Sampling and Analysis Procedures

for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-01-4689; The Carborundum Company, Sacremento, California 95823; November 16, 1979. (Methods 624 and 625)

27 Nonferrous Metals: Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-02-2689; TRW; October 1, 1979. (Methods 624 and 625)

28 Inorganic Chemicals: Precision and Accuracy Study of "Sampling and Analysis Procedures for the Screening of Industrial Effluents for Priority Pollutants," Contract Number 68-02-2689; TRW; October 26, 1979. (Methods 624 and 625)

29 Analysis of Organic Priority Pollutants in Wastewaters from the Irving Tanning Co., Hartland, Maine—An Analytical Precision and Accuracy Study, Special Report No. 1, Contract Number 68-01-3861; Midwest Research Institute; September 19, 1979. (Methods 624 and 625)

30 Priority Pollutant Methodology, Quality Assurance Review; Robert D. Kleopfer, Jerry R. Dias, and Billy J. Fairless, United States Environmental Protection Agency, Region VII Laboratory, Kansas City, Kansas 66115; January 1980. (Methods 624 and 625)

31 Environmental Monitoring Near Industrial Sites, Acrylonitrile, Contract Number 68-01-4115; Midwest Research Institute, Kansas City, Missouri 64110; EPA-560/6-79-003; February 1979. (Method 603)

32 Bellar, T. A., and J. J. Lichtenberg, "Semiautomated Headspace Analysis of Drinking Waters and Industrial Waters for Purgeable Volatile Organic Compounds," Proceedings of the ASTM Symposium on Measurements of Organic Pollutants in Water and Wastewater; June 1978. (Methods 601, 602, and 603)

33 The Analysis of Aromatic Chemical Indicators of Industrial Contamination in Water by the Purge and Trap Method; United States Environmental Protection Agency, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268; December 1979 (Draft only). (Method 602) Referenced in proposed 40 CFR 136 as: Bellar, T. A. and J. J. Lichtenberg, "The Determination of Purgeable Aromatic Compounds in Drinking Waters and Industrial Wastes."

34 Simultaneous Multielement Analysis of Liquid Samples by Inductively Coupled Argon Plasma Atomic-Emission Spetroscopy; United States Environmental Protection Agency, Region V Central Regional Laboratory, Chicago, Illinois 60609. (ICP method)

35 Application for ICP Approval; EPA Region VII Central Regional Laboratory, Kansas City, Kansas 66115; September 24, 1979. (ICP method)

36 Winge, R. K., V. J. Peterson, and V. A. Fassel, "Inductively Coupled Plasma—Optical Emission Spectroscopy: Prominent Lines;" EPA-600/4-79-017, March 1979.

37 Summary of data upon which the proposed sample preservation and holding times are based; Marc Carter, National Enforcement Investigations Center, Denver, Colorado, USEPA. (Table II)

38 Screening and Verification Program for Priority Pollutant Analysis, Draft, Final. Report, Contract Number 68-01-4624; Gulf-South Research Institute, New Orleans, Louisiana 70186; July 10, 1979. (Methods 624 and 625)

Appendix B—Location of Support Documents

EPA Headquarters

Mrs. Lillian Hibbs, Public Information Reference Unit, Room M2404 (EPA Library-Rear), TM-213, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Phone: (202) 755-2808; Office Hours: 8:00 a.m.-4:30 p.m.

Region I

Mrs. Ruth Seidman, Librarian, Region I Library, Environmental Protection Agency, 21st Floor, J. F. Kennedy Federal Building, Boston, Massachusetts 02203, Phone: (617) 223-5791; Office Hours: 8:30 a.m.-5:00 p.m.

Region II

Gerald F. McKenna, Quality Assurance Coordinator (Water) Surveillance and Analysis Division, Region II, Environmental Protection Agency, Raritan Depot, Bldg. 10, Woodbridge Avenue, Edison, New Jersey 08817, Phone: (201) 321-6645; Office Hours: 7:30 a.m.-5:00 p.m.

Region III

Stanley Laskowski, Chief, Permits Enforcement Branch, Region III, Environmental Protection Agency, Curtis Bldg.—6th and Walnut Streets, Philadelphia, Pennsylvania 19106 (3-EN-20), Phone: (215) 597-9078; Office Hours: 8:00 a.m.-4:30 p.m.

Region IV

Carolyn Mitchell, Librarian, Region IV, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Phone: (404) 881-4216; Office Hours: 7:30 a.m.-4:30 p.m.

Region V

Ms. Lou Tilley, Librarian, Ms. April Katsuva, Assistant Librarian, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, Phone: (312) 353-2022; Office Hours: 8:15 a.m.-4:45 p.m.

Region VI

Fred B. Woods, Chief, Administrative Branch Enforcement Division, Region VI, Environmental Protection Agency, First International Bldg., 1201 Elm Street, Dallas, Texas 75270, Phone: (214) 767-2765; Office Hours: 8:00 a.m.-4:30 p.m.

Region VII

Ms. Connie McKenzie, Librarian, Office of External Affairs, Region VII, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, Phone: (816) 374-5858; Office Hours: 7:15 a.m.-4:30 p.m.

Region VIII

Dr. Juanita J. Hillman, Quality Control Coordinator, Surveillance and Analysis Division, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, Phone: (303) 837-4261; Office Hours: 8:00 a.m.-4:30 p.m.

Region IX

Dr. Ho Young, Quality Assurance Coordinator, Surveillance and Analysis Division, Region IX, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Phone: (415) 556-2647; Office Hours: 8:00 a.m.-4:30 p.m.

Region X

Dr. Harold Geren, Chief, Permits Branch, Enforcement Division, Region X, Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101, Phone: (206) 442-1296; Office Hours: 8:00 a.m.-4:30 p.m.

Appendix C—Requests for Extension of Comment Period

1. American Cyanimid Company, Wayne, New Jersey 07470.
2. American Iron and Steel Institute, Washington, D.C. 20036.
3. American Petroleum Institute, Washington, D.C. 20037.
4. Chemical Manufacturers Association, Washington, D.C. 20009.
5. Dow Chemical Company, Midland, Michigan 48640.
6. Eli Lilly and Company, Indianapolis, Indiana 46206.
7. Gardinier Inc., Tampa, Florida 33601.
8. Hunton and Williams for Utility Water Act Group (UWAG), Washington, D.C. 20036.
9. Illinois Environmental Protection Agency, Springfield, Illinois 62706.
10. National Coal Association, Washington, D.C. 20036.
11. North Dakota State Department of Health, Bismarck, North Dakota 58505.
12. South Carolina Department of Health and Environmental Control, Columbia, South Carolina 29201.
13. Spectrametrics Inc., Andover, Massachusetts 01810.
14. Texas Utilities Services Inc., Dallas, Texas 75201.

[FR Doc. 80-7597 Filed 3-11-80; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 430

[FRL 1425-4]

Pulp, Paper and Paperboard Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency (EPA).
ACTION: Proposed regulations.

SUMMARY: EPA is proposing effluent limitations guidelines on the discharge of BOD5 from actetate grade disolving sulfite pulp mills in the pulp, paper and paperboard industry. When final, these limitations will replace those portions of

the effluent limitations guidelines promulgated in January 1977 which were remanded to the Agency by court order.

DATE: Send comments on rule before May 12, 1980, to the person listed directly below.

ADDRESS: Send comments to Robert W. Dellinger, WH-552, Effluent Guidelines Division, Office of Water and Waste Management, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; documents relating to this rulemaking are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213. 40 CFR Part 2 provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of technical documents may be obtained from Mr. Robert W. Dellinger, (202) 426-2554, at the address listed above.

SUPPLEMENTARY INFORMATION:

A. Background and Methodology

In September 1978, the U.S. Court of Appeals for the District of Columbia remanded the effluent limitations guidelines on the discharge of BOD5 for mills in the acetate grade segment of the dissolving sulfite pulp subcategory of the Pulp, Paper, and Paperboard Point Source Category. *Weyerhaeuser Company et al. v. Costle*, 590 F.2d 1011 (D.C. Cir. 1978). The Court found that EPA had not adequately explained in the record its computation of the secondary waste load (SWL) of typical acetate grade dissolving sulfite mills. Sometimes imprecisely referred to as the raw waste load, the SWL is the influent to secondary (biological) treatment. It may or may not previously have received primary treatment. The SWL is used in calculating the cost of BOD removal and also in computing the effluent limitations representing the best practicable control technology currently available (BPT).

For its proposal today, EPA re-calcualted the SWL of the mills in question using the technical information relied on in the remanded regulation as well as new data subsequently received from the companies. EPA then applied the methodology used for determining effluent limitations for all sulfite pulping subcategories, which was approved by the Court, to calculate revised BPT effluent limitations for acetate grade dissolving sulfite mills. 40 CFR 430.112(g). The proposed limit of 30.4 lbs BOD5 per ton of production as an annual average is slightly higher than the previous limit of 29.7 lbs. BOD5 because of a slight increase in the secondary waste load. All calculations appear in the supplementary development document ("Supplementary Development Document for Effluent Limitations Guidelines (BPCTCA) for the Acetate Grade Segment of the Dissolving Sulfite Pulp Subcategory of the Pulp, Paper, and Paperboard Point Source Category", USEPA, July 1979) made available with this proposal.

This supplementary development document uses data and methodologies set forth in two documents published in support of the original regulations: a technical report entitled "Development Document for Effluent Limitations Guidelines (BPCTCA) for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink and Non-Integrated Paper Mills Segment of the Pulp, Paper and Paperboard Point Source Category (December 1976)" and a companion economic impact report entitled "Economic Analysis of Proposed and Interim Final Effluent Guidelines for the Bleached Kraft, Groundwood, Sulfite, Soda, Deinked and Non-Integrated Paper Sectors of the Pulp and Paper Industry (January 1976)." These reports, which summarize and explain the technical and economic information and conclusions underlying the regulations, are incorporated here as part of the basis for this proposal.

B. Findings

In its original calculation of the SWL associated with the production of acetate grade dissolving sulfite pulp, the Agency utilized data from two of the three mills producing predominantly acetate grade pulps. The SWL from the first mill (403) was adjusted downward to account for less than adequate spent sulfite liquor (SSL) recovery as defined by BPT. The SWL from the second mill (402) was utilized without adjustment. The petitioners argued that, since mill 402 employed liquor neutralization prior to evaporation, the SWL (previously referred to as RWL) should be raised as this in-plant control was not considered a part of BPT. The Agency had estimated that this adjustment upward was cancelled out by a second adjustment downward to account for the less than adequate SSL recovery as defined by BPT at this mill.

Because these calculations were not clear in the record, EPA has recalculated the SWL for acetate grade dissolving sulfite pulp mills. In this recalculation the Agency has made the adjustment downward for SSL recovery for both mills as well as the adjustment upward for mill 402 which practices SSL neutralization. The SWL for mill 403 is slightly higher than was originally calculated because new information enable the Agency to identify SWL figures for acetate grade production alone. The Agency also acquired new data for a third mill (401) which produces acetate grades. The SWL for this mill was adjusted upward as this mill, like mill 402, employs neutralization of SSL prior to evaporation.

A comparison of the resultant SWLs for the three mills revealed that the values for two mills were extremely close while the SWL for the third mill (402) was considerably less. The Agency believes that this lower SWL for mill 402 may result from the inclusion of SWL data from the production of non-acetate grades of pulp. Pending the acquisition of data to substantiate the SWL for mill 402, the Agency has used the SWL from only mills 401 and 403 in establishing the SWL for the acetate grade segment.

The Agency invites comment and is requesting data on this matter. In fact, prior to proposal of this regulation, the Agency received an unsolicited submittal from one of the affected producers of acetate grade dissolving pulp. Included in their comments were economic data and information on the secondary waste load associated with the production of acetate grade dissolving pulp. The Agency is currently reviewing and will address all aspects of this and other submittals prior to promulgation of this proposed rule.

Economic Impact Analysis

Executive Order 12044 requires EPA and other agencies to perform Regulatory Analyses of certain regulations. 43 FR 12661 (March 23, 1978). EPA's proposed regulations for implementing Executive Order 12044 require a Regulatory Analysis for major significant regulations involving annualized compliance costs of $100 million or meeting other specified criteria. 43 FR 29891 (July 11, 1978). Where these criteria are met, the proposed regulations require EPA to prepare a formal Regulatory Analysis, including an economic impact analysis and an evaluation of regulatory alternatives. The proposed BPT limitations for the dissolving sulfite (acetate grade) subcategory do not meet the proposed criteria for a formal regulatory analysis.

EPA estimates that the incremental costs of these proposed rules will be approximately $2.2 million per year. This is the projected operation and maintenance expense at one mill. Although the equipment for pollution control has been installed at that mill, it is not yet operational. Pollution control equipment has been installed and is being operated in fulfillment of permitting requirements at the

remaining five mills in the subcategory. These permits contain limitations at least as stringent as the proposed effluent limitations. While EPA expects that the cost of the proposed rules will reduce profitability, the rules are not expected to cause any price effects, closures, job losses, community effects or balance of trade effects.

The proposed BPT limitations are currently being met at five of the six affected plants. The remaining facility, in complying with the proposed limitations, will remove an additional 95 million pounds of BOD5 per year. EPA believes that these effluent reduction benefits outweigh the increased costs.

A copy of the report used in developing the proposed regulation ("Supplementary Development Document for Effluent Limitations Guidelines (BPCTCA) for the Acetate Grade Segment of the Dissolving Sulfite Pulp Subcategory of the Pulp, Paper, and Paperboard Point Source Category", USEPA, July 1979) is available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213, Waterside Mall, 401 M St., S.W., Washington, D.C. 40 CFR Part 2 provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is proposed to amend 40 CFR Part 430 as follows:

Dated: March 3, 1980.

Douglas M. Costle,

Administrator.

Subpart K—Dissolving Sulfite Pulp Subcategory

By revising § 430.112(g) to read as follows:

§ 430.112 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

* * * * *

(g) The following limitations establish the quantity or quality of pollutants or pollutant parameters, controlled by this section, resulting from the production of acetate grade dissolving sulfite pulp, which may be discharged by a point source subject to the provisions of this subpart. These limitations are in addition to the limitations set forth in paragraph (a) of this section and shall be calculated using the proportions of the mill's total production which includes this grade.

Effluent Limitations

Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed	Annual average of daily values for 1 yr shall not exceed
Metric Units (kilograms per 1,000 kg of product)			
BOD5	10.6	5.5	3.1
pH	Within the range 5.0 to 9.0.		
English Units (pounds per ton of product)			
BOD5	21.2	11.0	6.2
pH	Within the range 5.0 to 9.0.		

[FR Doc. 80-7603 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 8, 15 and 42

Leasing of Motor Vehicles, Make or Buy Programs, and Novation and Change of Name Agreements

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and request for comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment, a segment of the draft Federal Acquisition Regulation regarding leasing of motor vehicles, make or buy programs, and novation and change of name agreements. Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before May 16, 1980.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William J. Maraist, Deputy Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: William Maraist (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following subparts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

Part 8—Required Sources of Supplies and Services

Subpart 8.11 Leasing of Motor Vehicles.

This subpart provides presolicitation requirements, schedule requirements, and solicitation provisions and contract clauses regarding the leasing of motor vehicles. Also, the subpart title was changed to reflect current commercial practice, where "rental" means short term periods of use and "leasing" means longer term more formal agreements.

Part 15—Contracting by Negotiation

Subpart 15.7 Make-or-Buy Programs.

This subpart generally follows the coverage currently in DAR and FPR. It prescribes policies and procedures for obtaining and evaluating contractors' proposed make-or-buy programs and for incorporating the negotiated programs into contracts. In order to help reduce paperwork, this FAR subpart more actively discourages the submission of make-or-buy programs in acquisitions under one million dollars.

Part 42—Contract Administration

Subpart 42.12 Novation and Change-of-Name Agreements.

This subpart prescribes policies regarding responsibility for executing and processing novation and change-of-name agreements. It also provides formats to be used as a guide in preparing novation and change-of-name agreements.

Dated: March 7, 1980.

LeRoy J. Haugh,

Associate Administrator for Regulations and Procedures.

[FR Doc. 80-7673 Filed 3-11-80; 8:45 am]

BILLING CODE 3110-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Taking of Marine Mammals Incidental to Commercial Fishing Operations

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

ACTION: Notice of availability of funds for public participation.

SUMMARY: On February 15, 1980, NOAA published a Notice of Proposed Rulemaking regarding the taking of marine mammals incidental to commerical fishing operations (44 FR 10552). That notice announced the appointment of an Administrative Law Judge to hold a formal hearing to review the information upon which the proposed rulemaking is based. NOAA is making $10,000 available to compensate persons eligible under the criteria set forth in the NOAA regulations on Financial Compensation of Participants in Administrative Proceedings (15 CFR Part 904) for their participation in this proceeding in order to promote a full and fair determination of the issues involved.

DATE: Closing date for receipt of applications for compensation is March 21, 1980.

ADDRESS: Applications must be filed with Joan L. MacKenzie, Office of General Counsel/NOAA, Room 5814, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Joan L. MacKenzie, Office of General Counsel/NOAA, Room 5814, Department of Commerce, 14th and Constitution Avenues, N.W., Washington, D.C. 20230, Telephone: (202) 377-4080.

SUPPLEMENTARY INFORMATION:

Background: A general permit and regulations governing the taking of marine mammals incidental to commercial fishing operations are required by the Marine Mammal and Protection Act of 1972 (MMPA). On December 27, 1977, NMFS issued a general permit to the American Tunaboat Association. This general permit is subject to regulations promulgated on December 23, 1977 (42 FR 64548), codified at 50 CFR 216.24. The existing permit regulations expire at 2400 hours, December 31, 1980, unless amended.

On August 27-31, 1979, the National Marine Fisheries Service (NMFS) convened a workshop to consider the population status of porpoise stocks affected by these regulations. The workshop report contained important new information, some of which suggested that the northern offshore spotted porpoise stock may now be depleted. Because of its obligation to review new information periodically and to modify existing regulations as necessary to carry out the purposes of the MMPA, the Agency published an advance notice of proposed rulemaking on November 23, 1979 (44 FR 67194). In the advance notice, the Agency noted that the existing regulations contemplate mid-course adjustments to the existing regime as a result of this new information and that the Agency may request a hearing to consider the new information. The Agency announced that a formal hearing before an administrative law judge was the best means of reviewing the report and other relevant information and affording full due process rights of all interested parties. This hearing is scheduled to commence March 31, 1980 in San Diego, California.

The issues that will be addressed at the hearing concern designation of the stock of northern offshore spotted dolphin as depleted, quotas for individual porpoise stocks for the U.S. tuna fleet for 1981, the accidental take policy, gear and procedural regulations, and the submission of information required for authorization of importation of tuna.

A detailed discussion of these issues and the proposed rules are contained in 45 FR 10552 (February 15, 1980).

Available Fund: A total fund of $10,000 is available to compensate eligible applicants. This fund may be distributed among one or more applicants, or at the discretion of the Administrator, not distributed at all.

Eligible Persons: In accordance with the criteria of 15 CFR 904.3, persons who represent an interest, the representation of which can reasonably be expected to contribute substantially to a fair determination of the issues described above, may be eligible for compensation from these funds. In determining eligibility and the amount of compensation, the Administrator may take into account:

(a) Whether the interest will be adequately represented otherwise;

(b) The need to encourage participation by segments of the public who may have little economic incentive to participate;

(c) The importance of the representation to a fair balance of interests;

(d) The number and complexity of the issues presented;

(e) The importance of public participation;

(f) The applicant's resources available for participation.

Eligible Costs: The Administrator may compensate eligible persons for some or all of the reasonable costs incurred in participating including:

(1) Salaries for participants or employees of participants;

(2) Fees for consultants, experts, contractual services, and attorneys;

(3) Travel and travel related costs such as lodging, meals, tipping, telephone calls, etc; and

(4) Document reproduction, postage, etc.

Procedures for Applying: Applications must be filed with Joan L. Mackenzie, Office of General Counsel/NOAA, Room 5814, Department of Commerce, 14th and Constitution Avenues, N.W., Washington, D.C. 20230, no later than March 21, 1980, and shall contain the information required by and be filed in accordance with NOAA's financial participation regulations, 43 FR 17806 (April 26, 1978).

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 80-7835 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-12-M

50 CFR Part 653

Atlantic Herring; Approval of Amendment to the Fishery Management Plan, Proposed Regulations, and Request for Comments

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Approval of amendment to the fishery management plan for Atlantic herring, proposed regulations, and request for comments.

SUMMARY: The Assistant Administrator for Fisheries has approved an amendment to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP), which was prepared by the New England Fishery Management Council. Regulations implementing the amendments are proposed. Comments on these regulations are invited.

The amendment changes several provisions of the FMP: (1) The management unit is redefined to include adult herring caught in Maine territorial

waters; (2) The optimum yields and area/season allocations are revised; and (3) The Gulf of Maine is divided into two subareas. The amendment, when implemented by final regulations, will remain in effect until the FMP is amended further.

DATE: Comments on the regulations may be filed until May 12, 1980.

ADDRESSES: Send comments to Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Mark "Herring Comments" on the outside of the envelope. Copies of the draft regulatory analysis (RA) are available from the Regional Director at the above address. Comments on the draft RA should be sent to the Assistant Administrator for Fisheries, NOAA, Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Allen E. Peterson, Jr., same address as above. Telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: The Assistant Administrator approved an amendment to the FMP, as recommended by the New England Fishery Management Council (Council), on February 13, 1980. A description of the major provisions of the amendment follows:

(1) *The fishery management unit.* The fishery management unit as defined in the original FMP included the stocks of herring three years and older which spawn in and are generally restricted to the waters off New England and the Mid-Atlantic out to the limit of the U.S. fishery conservation zone (FCZ), with the exception of Maine territorial waters. The Maine territorial waters were excluded because of the State's regulation of the juvenile herring (sardine) fishery there. Now the FMP has been amended so that herring three years of age and older taken in the territorial waters of Maine will be counted against the appropriate area/period quotas.

(2) *Establishment of new optimum yields.* Objectives of the FMP for Atlantic herring include restoring herring spawning stocks to levels which will have the potential to produce relatively stable recruitment of young fish to the fishery. The recommended minimum stock sizes are 60,000 metric tons (mt) for the Gulf of Maine and 225,000 mt for Georges Bank and South. The optimum yields (OY's) for the 1978-1979 fishing year were established to maintain the Gulf of Maine spawning stock at an estimated 67,600 mt and to begin rebuilding the Georges Bank stock from an estimated level of 199,000 mt. Evidence indicates that, since it first appeared in the sardine fishery at age 1 the 1976 year-class of herring in the Gulf of Maine has been exceptional. It is now contributing to the adult herring fishery, and appears to be the strongest year-class in the recorded history of the Gulf of Maine fishery. In addition, the 1977 year-class shows substantial strength as 2-year-old fish in the sardine fishery.

On the basis of the latest scientific evidence, the Council concluded that a harvest of 30,000 mt of adult herring in the Gulf of Maine could be taken and still provide for significant stock rebuilding. This stock rebuilding would serve as a buffer in the case of future year-class failures.

The 1976 year-class does not appear to be as strong for the Georges Bank stock. The Council concluded that the OY in this area should remain at the 10,000 mt to 15,000 mt level until there is some evidence of improvement in the depleted spawning stock. Therefore, the Council set the OY for Georges Bank and South at 15,000 mt, which includes 2,000 mt for Canadian fishermen.

(3) *Allocation of the Gulf of Maine OY.* The addition of Maine territorial waters to the management unit required the implementation of an allocation system within the Gulf of Maine to insure historical access to the juvenile fishery in the northern area.

The approved allocations of herring age three and older are as follows:

	Metric tons
Gulf of Maine North of 43°34' N. (Cape Elizabeth)	10,470
Gulf of Maine South of 43°34' N.	19,530

(4) *Establishment of new area/period harvest allocations.* Alternatives for area/period harvest schemes were available for public comment. The views of the two principal user groups, purse seiners and pair trawlers, were considered in establishing the following area/period harvest allocations:

Period	Catch allocation (metric tons)
Gulf of Maine North (North of 43°34' N.)	
July 1 to Nov. 30	8,850
Dec. 1 to June 30	1,620
Gulf of Maine South (South of 43°34' N.)	
July 1 to Nov. 30	9,000
Apr. 1 to June 30	1,530

Georges Bank and South

July 1—November 30 (all areas), December 1—March 31 (west of 71°50' W.), April 1—June 30 (all areas); 10,000 mt U.S., 2,000 mt Canadian.

Pooled Georges Bank and South (east of 71°50' W.) and Gulf of Maine South December 1—March 31, 12,000 mt.*

Unused allocations may not be transferred between North and South areas of the Gulf of Maine. Unused Gulf of Maine North allocations from the summer/fall period could be transferred to the winter/spring period in the same area. Unused portions of the pooled allocation could be transferred to the Gulf of Maine South area for the April-June period. Unharvested herring from the summer/fall Gulf of Maine South allocation could be transferred to the winter pooled allocation or the Gulf of Maine South spring fishery.

The subpart A regulations are similar to those in the final regulations published on March 21, 1979 (44 FR 17186). To make them consistent with recent regulations governing other Atlantic fisheries (squid, mackerel, butterfish), some minor revisions have been made. One is the addition of a requirement for negative reporting (i.e., that no regulated species were taken during the reporting period). Without such a provision, it is impossible to determine whether all permitted vessels are complying with the recordkeeping requirements. Exemptions to negative reporting may be granted for periods of two to ten months for vessels permitted under this Part which are not catching herring during that time. This exemption is intended to accommodate those vessels catching herring on a seasonal basis only, or vessels under repair.

Environmental Impact

Development and implementation of the amendment to the herring FMP have been deemed a major Federal action significantly affecting the quality of the human environment. A supplement to the final environmental impact statement has been prepared and a notice of availability was published October 5, 1979 (44 FR 51484).

Executive Order 12044

The Assistant Administrator has made an initial determination that the proposed regulations are significant under the provisions of NOAA Directive 21-24, which implements Executive Order 12044. A draft regulatory analysis (RA) has been prepared and may be obtained from the Regional Director at the above address. Comments from the general public and from Federal agencies are solicited on this draft analysis. A final RA will be prepared

*Gulf of Maine South receives 2,000 mt and Georges Bank and South receives 1,000 mt as baseline allocations. The remaining 9,000 mt is available anywhere in the two combined areas to provide maximum flexibility.

and made available to the public upon issuance of the final regulations.

Signed in Washington, D.C. this 6th day of March, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Authority: 16 U.S.C. 1801 *et seq.*

The Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic is Amended as follows (Amendment No. 3):

Amendment No. 3 to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic

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1. Introduction

1.1. Atlantic Herring FMP: Overview. The Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic, prepared by the New England Regional Fishery Management Council, was implemented through emergency regulations published on December 28, 1978, and through final regulations published on March 21, 1979 (See Appendix 3). The plan established management measures for the adult herring fisheries* in the Gulf of Maine and Georges Bank/Southern New England regions. The objectives adopted by the council for management include considerations for restoring the indigenous Gulf of Maine and Georges Bank spawning stocks, seeking to achieve continued and relatively stable annual recruitment. Consistent with these objectives the plan established total allowable levels of catch for the 1978/79 fishing year on a geographical area/seasonal period basis which were intended to maintain the abundance of the indigenous Gulf of Maine spawning stock over the fishing year, with a view toward subsequent stock rebuilding. Allowable levels of catch were additionally established for the Georges Bank/Southern New England area on a seasonal basis. Recognizing that annual migratory behavior of herring results in fish from the Gulf of Maine spawning stock being subject to harvest in the traditional winter fishery south of Cape Cod, the quota for that area/period was made sensitive to the expected impact on the Gulf of Maine stock. Catch limitations for fishing year 1978/79 in all areas reflected the condition of the spawning stocks as assessed by the National Marine Fisheries Service prior to the fishing year, and were sensitive to recruitment prospects in that year.

As a result of the reassessment of the regional herring stocks in January, 1979, several actions have been recommended to amend the FMP. These actions are responsive to two principal factors of the assessment: 1) A general improvement in the status of the stocks as a consequence of the strength of the recruiting 1976 year class, and 2) a strengthening of the assessment framework to include fishing activity in Maine territorial waters (in addition to the waters of neighboring states) and Canada. These factors, detailed in MMFS/NEFC Laboratory Reference 79-12 (Appendix 6) and summarized below, have influenced action on increasing the Gulf of Maine, OY, extending the management unit, and modifying the area/period allocation system.

1.2. Assessment of Herring Stocks. A revised analytical framework for assessing the status of the Gulf of Maine and Georges Bank herring stocks was adopted in January, 1979 by an ad hoc regional herring assessment working group. This group, composed of State, Federal, and council staff fishery scientists, responded to the need to address the entire herring resource which supports the various "adult" herring fisheries in the Gulf of Maine and Georges Bank/Southern New England regions by endorsing a pooled approach to the assessment. This pooled approach permits the simultaneous evaluation of the Gulf of Maine, Georges Bank, and Southwest Nova Scota herring stocks, and in so doing eliminates the concern for any bias which might be introduced into independent, individual herring stock assessments as a consequence of seasonal, geographical migratory behavior.

The resultant assessment conducted by the National Marine Fisheries Service (Woods Hole Laboratory Reference 79-12) estimates 1) the combined magnitude of the three herring stocks which contribute to all fisheries within the region and 2) the relative strengths of recent year classes entering the fishery. The assessment permits an evaluation of the probability that the strength of recent year classes may have been overestimated. This approach is prudent considering the generally depleted condition of the herring spawning stocks and the desire not to jeopardize the opportunity for stock recovery/maintenance.

According to the most conservative analysis reported in the assessment document, the combined spawning (age 4 and older) stocks of Southwestern Nova Scotia, the Gulf of Maine, and Georges Bank may be at or near their lowest recorded level. This condition is primarily the result of the 1970 year class being no longer available to the fishery, having been fished intensively, with succeeding year classes being below average. As noted in the assessment, surplus production [1] in 1979 is heavily dependent upon the strength of the 1976 year class. In 1977, 696 million fish from the 1976 herring year class (age 1) were caught in all regional herring fisheries. This level compares with catch at age 1 from the 1966 and 1969 year classes and exceeds by over 100% catch at age 1 from all other year classes for which data are available. Even the most conservative analysis presented in the assessment indicates that the 1976 year class is large in size at age 3 (calendar year 1979). Allowing only a 10-20% chance that fishing mortality was higher than expected in 1977 on the 1976 year class, the latter approaches the size of the 1970 year class at age 3 (the largest for which data are available), and will provide greatly increased surplus production in 1979 compared with recent years.

Depending upon the degree of risk associated with overestimating the strength of the 1976 year class, estimates of production in excess of that required to maintain spawning stocks in all areas between 1979 and 1980 range from nearly 500,000 to 3.5 million metric tons. The council has chosen to limit the risk of overestimating the critically important 1976 year class to the 10-20% level. At this relatively low level of risk, removal of about 300,000 metric tons is conservatively expected to result in nearly a doubling of the overall spawning stock in 1980. Allowable domestic harvest is constrained by the expected surplus production and the need for stock restoration. Total removals of herring age 3 and older from the Gulf of Maine (ICNAF 5Y) have, over the past decade, averaged about 30,000 metric tons. Moreover, on an hitoric basis (1972-1976), Gulf of Maine landings of age 3 and older (3+) herring have reflected about 10% of total regional 3+ landings. Maintaining Gulf of Maine 3+ herring landings at the 30,000 metric ton level would be expected to correspond to a 300,000 metric ton removal from the entire resource, assuming proportional removal from other resource components. With expected 1979/1980 removals from the Georges Bank stock well below historic levels, total removals will be less than 300,000 metric tons and total spawning stock increase may be greater than expected. The increased spawning stock is expected to enhance the probability of future good year classes as well as provide a buffer to permit continued levels of harvest in spite of occasional poor year classes.

Recent history has shown that year classes in general have not recruited to the Georges Bank stock with the strength anticipated from their performance elsewhere. Since there is little evidence to date that the 1976 year class will successfully recruit to the Georges Bank stock, and in light of the stock's overall

*The fisheries which predominantly focus on mature (adult) herring typically 4 years of age and older, but which also harvest significant numbers of immature (juvenile) herring age 3. These fisheries are equivalently referred to as the age 3 and older (3+) fisheries.

[1] Surplus production is the amount of biomass that may be removed from the stock in a year while maintaining the stock at a constant level of abundance. Removing less than surplus production will result in increased stock abundance.

depleted condition, the council has decided to restrict harvest from the Georges Bank resource to a low level pending evidence of substantial rebuilding. This action is believed particularly prudent since the Georges Bank spawning stock, which has suffered from relatively poor, recent recruitment, apparently remains near the previously estimated 200,000–300,000 metric ton level, and the 1976 year class will not recruit to the spawning stock until 1980. During the winter months (December–March) in Southern New England waters (ICNAF 5Z and SA6) a herring fishery may be found operating out of Point Judith. Due to the apparent seasonal migratory behavior of herring, this fishery is believed to impact most directly upon the Gulf of Maine stock. A specific allowable harvest for this fishery is viewed by the council as not being linked to an allowable harvest from the Georges Bank stock, although both harvests would be covered by the same *area* (Georges Bank and South, ICNAF 5Z/SA6) optimum yield.

Consistent with the previous assessment framework, MSY for the Gulf of Maine stock was discussed in the FMP with reference only to the adult fishery. In that discussion MSY was conservatively estimated at 16,000 metric tons. Because the current assessment additionally includes the coastal Maine fishery, MSY must be appropriately increased. Using the "pooled" approach to assessing the herring stocks, estimation of MSY for an individual component of the resource is difficult. However, the MSY range of 20,000–40,000 metric tons stated in NMFS, Woods Hole Laboratory Reference Document 76–05 for the Gulf of Maine stock (ICNAF 5Y) is accepted.

In light of the condition of all regional herring stocks as evaluated in the current assessment, with particular regard for the achievement of the objectives of stock restoration, the council establishes optimum yields for the various age 3 plus herring fishery components as follows: for the Gulf of Maine (ICNAF 5Y), optimum yield is established at 30,000 metric tons of herring age 3 and older; for Georges Bank/Southern New England, optimum yield is established at 15,000 metric tons of herring age 3 and older. The latter OY includes 3,000 metric tons for the winter months south of Cape Cod and 12,000 metric tons from other seasonal fisheries in the Georges Bank area. Given the probable strength of the 1976 year class recruiting to all resource components, these levels of optimum yield may result in more rapid rebuilding of the Georges Bank stock than the Gulf of Maine stock since for the Georges bank stock allowable removals remain limited.

1.3. Modifications to Existing Management Analysis. The existing Atlantic Herring FMP makes explicit use of a mathematical model for generating feasible levels of allowable catch (TACs) on a geographical area and seasonal period basis. The model makes use of information on stock abundance as assessed independently in all resource areas, as well as available data on the seasonal migratory behavior of the various herring stocks, the latter being not well understood and under study by the council. The model was designed to enable the domestic adult herring (3+) fisheries to maximize their harvest without jeopardizing stock rebuilding goals. The model generates "optimal" harvest strategies given assumptions regarding the seasonal mix of stocks available to the various geographical fisheries and the participation of various user groups.

The use of this model for generating catch allocations on an area/period basis is no longer required for two reasons: 1) the expanded assessment framework evaluates all regional herring stocks simultaneously and in so doing includes the effect of seasonal stock overlap resulting from migratory behavior. Optimum yields are established for broad resource areas based upon the level of historic catch from each area relative to historic catch from the entire resource complex and 2) with the probable strength of the 1976 herring year class, it is no longer necessary to extract the maximum harvest from a resource area by seeking to capitalize on the assumed seasonal availability of non-indigenous herring in that area. The model remains a conceptually correct basis for allocating harvests on an area/period basis. However, the data requirements of the model are great, and in the present resource context use of the model is not necessary. The council reserves the option to use the model should the resource significantly decline and when additional data on the seasonal migratory patterns of herring become available.

Consistent with the use of the model in the exiting FMP, various distributions of seasonal harvest were considered. These distributions related directly to the seasonal migratory behavior of the regional herring stocks and impacted directly upon the level of allowable harvest from the Gulf of Maine area. Because migratory behavior is not explicitly considered in the present analysis, discussion in the FMP relating to the advisability of various seasonal harvest distributions is no longer relevant. Various seasonal distributions of catch discussed in this document are relevant only in the context of user group participation.

2. Description of Proposed Action Amending the Atlantic Herring FMP

The New England Council, responding to an improved scientific basis for evaluating regional herring stocks as well as specific biological information resulting from the assessment of those stocks (See Appendix 2), proposed various actions to amend the Atlantic Herring FMP. These proposals were reviewed by the public and modifications were made in response to comments received (See Appendix 1). As a result, the council prepared the following amendments for approval and implementation by the Assistant Administrator for Fisheries, NOAA.

2.1 The Management Unit of the Atlantic Herring FMP shall be redefined to include all herring fisheries from the shoreline of all states out to the seaward limit of the U.S. FCZ with no exception. The management unit as defined in the existing FMP includes the herring stocks which spawn in and are generally restricted to the waters off New England and the Mid-Atlantic out to the limit of the U.S. Fishery conservation zone. (FCZ) In order to meet the need for coordinated management of the regional herring resources, while at the same time recognizing the management authority of the states, the management provisions of the existing FMP were intended to apply, through appropriate institutional arrangements, to all herring fisheries from the shoreline out to the limit of the U.S. FCZ, with the exception of the juvenile fishery** in the territorial waters of the State of Maine.

With a broadening of the analytical framework for assessing the status of the regional herring stocks, historical catches of herring from Maine territorial waters are presently considered in developing recommended levels of optimum yield for the Gulf of Maine. Moreover, the provisions of the existing FMP establishing catch allocations for 3+ herring are intended to include catches from the territorial waters of all coastal states within the management unit. Thus, the FMP as amended would eliminate the exception for catches in Maine territorial waters not counting against the Gulf of Maine's seasonal catch allocations

2.2. All herring age 3 and older [1] taken from the territorial waters of all states are to be deducted from the appropriate area/period allocations. This amendment is consistent with the broadened assessment framework and the redefined management unit.

2.3. Sub-allocations of the overall Gulf of Maine OY will be made for two subareas: a) North of Cape Elizabeth (43°34'), and b) South of Cape Elizabeth (43°34'), according to historical fishing activity. With the inclusion of the assessment of data on the harvest of herring from the territorial waters of Maine, the area/period distribution of catch allocations must be re-evaluated. Data from 1973–1977 (See Appendix 2) indicate that 5.4% of all Gulf of Maine herring catches, age 3 and older, between December and June, have been from the coastal Maine fishery. Moreover, 29.5% of all Gulf of Maine herring age 3 and older have been taken in the July-November period from coastal Maine waters. The remainder of the Gulf of Maine landings in both seasons have been principally from Cape Cod Bay to Cape Elizabeth. To insure historical access of user groups, a geographical breakdown of the Gulf of Maine has been recommended for the purpose of establishing seasonal allocations according to the above seasonal activity (See Figure 1). This breakdown is believed to reflect the historical fishing areas of the "juvenile" (north of Cape Elizabeth) and "adult" (South of Cape Elizabeth) fisheries

2.4. The OY for herring age 3 and older [1] taken from the Gulf of Maine (5Y) is established at 30,000 MT and the OY for herring age 3 and older taken from Georges

**The juvenile fishery historically focused on immature (juvenile) herring aged 1–3, although significant numbers of mature (adult) fish are harvested annually. This fishery is equivalently referred to as the "coastal Maine fishery" in subsequent sections of this document.

[1] Herring in their 3rd calendar year following that in which they were spawned (i.e., spawned in Fall '76, become 3 years of age on January 1, 1979)

Bank and South (5Z/SA6) is established at 15,000 MT. The recommended level of OY from the Gulf of Maine reflects the expanded management unit. As such, the effective increase for the traditional "adult" component (5Y South), which is explicitly addressed n the existing FMP, relative to the 78/79 fishing year, is from 8,000 MT to 19,530 MT. The balance of 10,470 MT is the allocation to the coastal Maine fishery (5Y North). This level of total age 3 and older catch from the Gulf of Maine stock is consistent with the maximum long-term average yield (MSY, see Section 1.2.). It is expected that, given prospects for future average recruitment, allowable catch from this stock can be maintained at or near the recommended level without jeopardizing stock rebuilding/optimum range maintenance goals.[2]

[2] It is possible that given the apparent random nature of productivity, a reduced allowable catch may become necessary in the future.

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Figure 1.

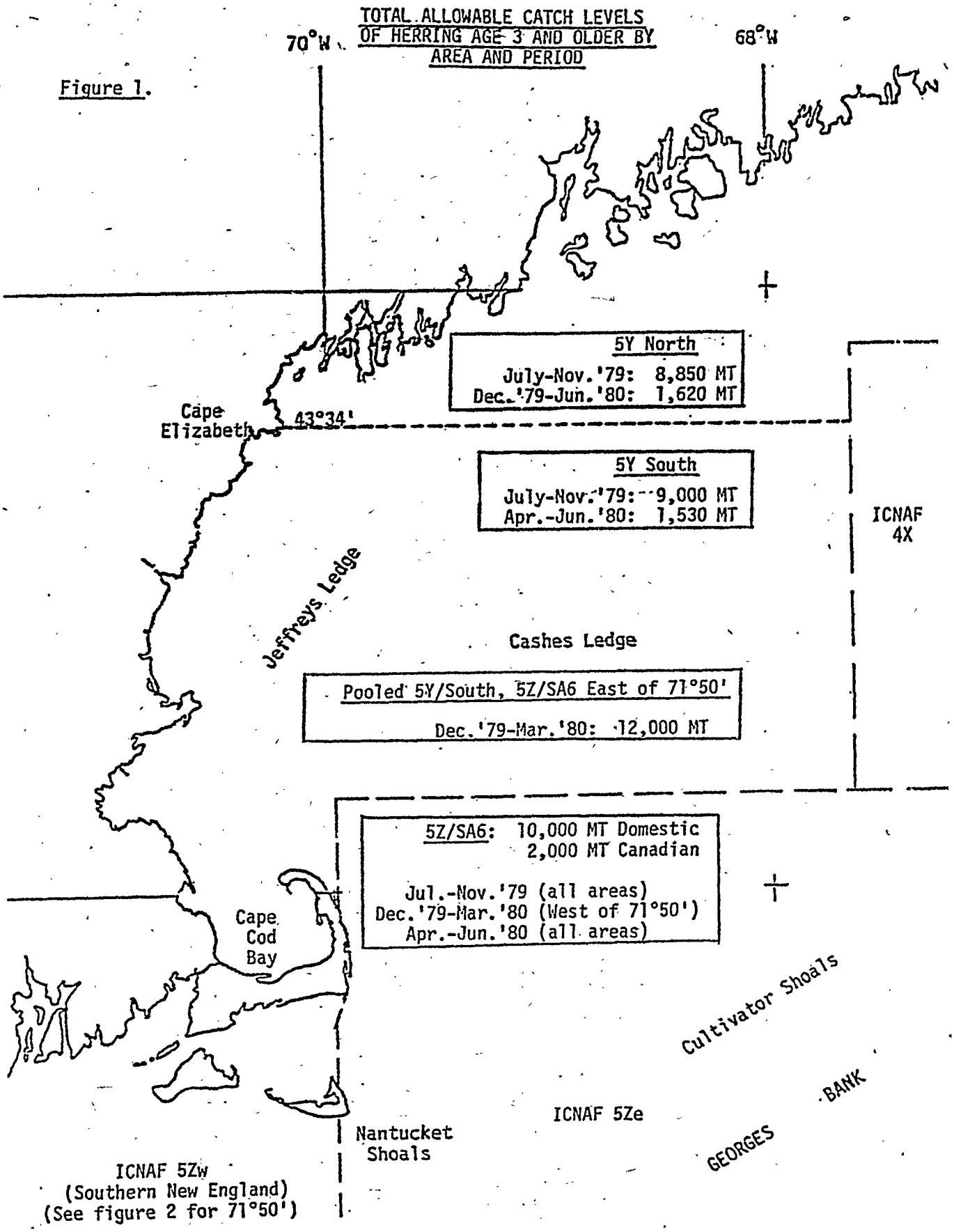
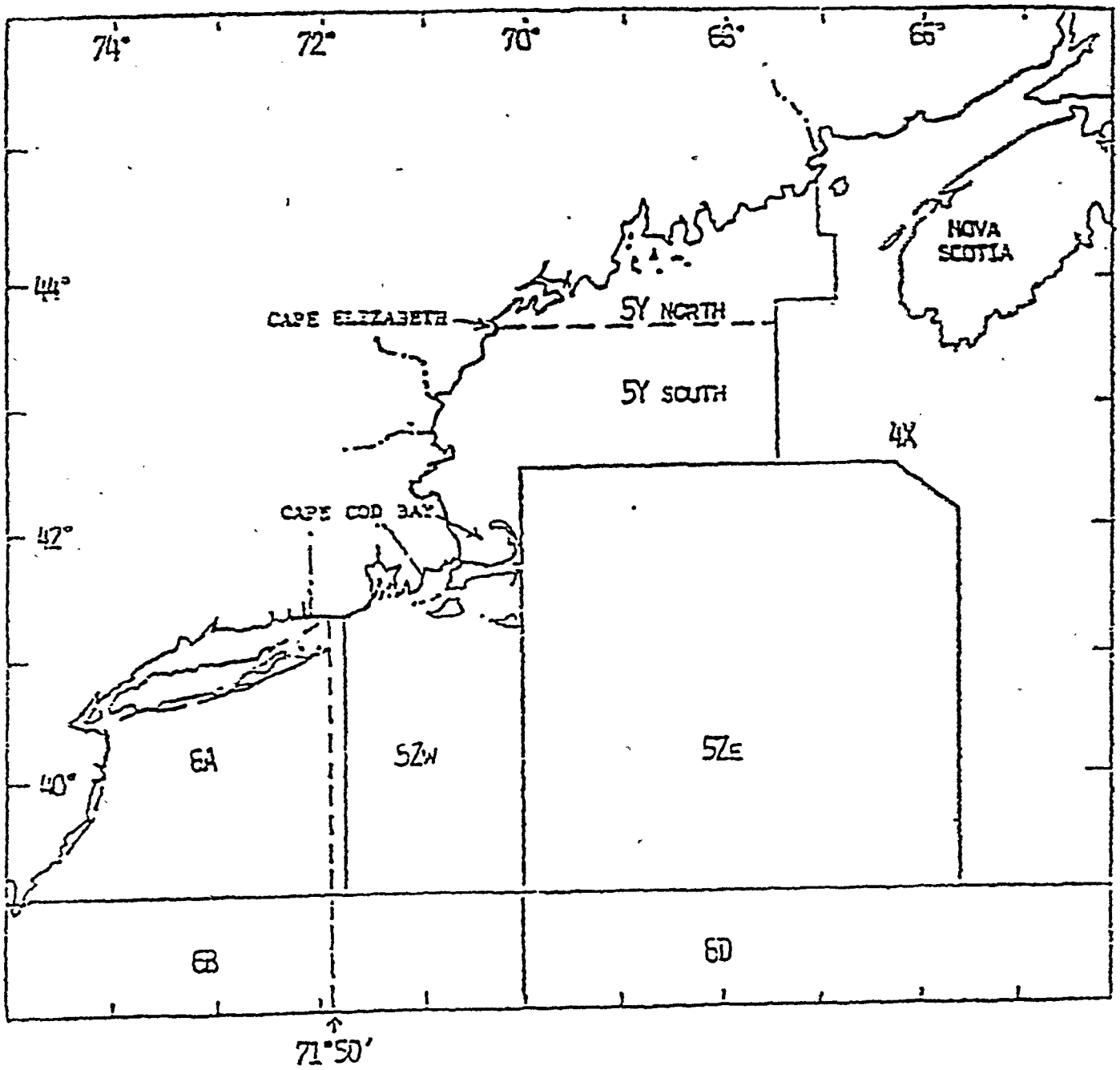

TOTAL ALLOWABLE CATCH LEVELS
OF HERRING AGE 3 AND OLDER BY
AREA AND PERIOD
70°W
68°W
5Y North
July-Nov.'79: 8,850 MT
Dec.'79-Jun.'80: 1,620 MT
Cape Elizabeth
43°34'
5Y South
July-Nov.'79: 9,000 MT
Apr.-Jun.'80: 1,530 MT
ICNAF 4X
Jeffreys Ledge
Cashes Ledge
Pooled 5Y/South, 5Z/SA6 East of 71°50'
Dec.'79-Mar.'80: 12,000 MT
5Z/SA6: 10,000 MT Domestic
2,000 MT Canadian
Jul.-Nov.'79 (all areas)
Dec.'79-Mar.'80 (West of 71°50')
Apr.-Jun.'80 (all areas)
Cape Cod Bay
Cultivator Shoals
BANK
GEORGES
ICNAF 5Ze
Nantucket Shoals
ICNAF 5Zw
(Southern New England)
(See figure 2 for 71°50')

Figure 2

OVERVIEW OF MANAGEMENT AREAS SHOWING THE GULF OF MAINE (5Y), GEORGES BANK AND SOUTH (5Z AND 5A6), AND THE LOCATION OF 71°50' NORTH LATITUDE REFERENCE LINE (SEE TEXT).



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Provision is made for reducing or increasing the Gulf of Maine OY, corresponding to an equivalent change in the Georges Bank and South OY, consistent with the "pooled" December-March catch allocation for both areas detailed in item 2.6 below.

The recommended level of OY in the Georges Bank and South area (ICNAF 5Z/SA6) reflects three conponents: 1) an allowable catch of 3,000 metric tons for the Southern New England winter fishery, 2) a Canadian allocation of 2,000 metric tons from the Georges Bank area as specified in the U.S./Canadian Fisheries Agreement, subject to ratification by the U.S. Senate, and 3) an allowable catch of 10,000 metric tons by domestic vessels operating in the Georges Bank and South area during specific seasonal periods. The recommended level of catch from the Georges Bank stock may be significantly increased in future years given evidence of successful recruitment. Provision is made for reducing or increasing the Georges Bank and South optimum yield, corresponding to an equivalent change in the Gulf of Maine OY consistent with the "pooled" December-March catch allocation for both areas detailed in item 2.6. below

2.5. Herring age three and older are defined for industry guidance purposes as being 9 inches or greater total natural length. This amendment serves to assist the industry in identifying herring which may be counted against a catch allocation. Specifically, the amendment makes explicit the *standard* (natural length) by which a herring will be measured for regulatory purposes. Herring age 3 average 9 inches total natural length over the calendar year. Therefore, on the average, herring greater than or equal to 9 inches *total natural length* will be counted for catch allocation purposes. Although, during the Winter and Spring periods, 3 year old herring under 9 inches may be counted for quota purposes

This amendment is further qualified as follows: *Nothing in this Atlantic Herring FMP should be interpreted to prohibit or discourage the canning of sexually immature herring as "sardines"*

2.6. The following area/period catch allocations for herring age 3 and older are adopted for fishing year July 1, 1979 through June 30, 1980, and in the same manner for subsequent fishing years until otherwise amended:

Area	Period	Catch allocation (metric tons)
5Y North (above 43°34').	July 1979–Nov. 1979.	8,850.
	Dec. 1979–Jun. 1980.	1,620.
5Y South (below 43°34').	Jul. 1979–Nov. 1979..	9,000.
	Apr. 1980–Jun. 1980.	1,530.
5Z/SA6	Jul. 1979–Nov. 1979 (all areas).	10,000 Domestic.
	Dec. 1979–Mar. 1980 west of 71°50'.	2,000 Canadian.
	Apr. 1980–Jun. 1980 (all areas).	
Pooled 5Y South, 5Z/SA6 east of 71°50' (See Figure 2 for 71°50').	Dec. '71–Mar. 1980	12,000.

NOTE.—Each area would receive a baseline allocation of 2,000 and 1,000 MT respectively with 9,000 MT additionally available in the combined area to provide maximum flexibility.

Under this option, unused 5Y North allocations could be transferred from the July-November period to the December-June period only. Any unharvested portions of the pooled 5Y South/5Z–SA6 Dec.-Mar. TAC could be advanced to the April-June period in 5Y South only. Otherwise in 5Y South, any unharvested July-November TAC could be advanced to the December-March pool or to the April-June period in that area.

Criteria for closure would be actual or predicted harvestig of the TAC in any area/period, except in the 5Y South/5Z–SA6 December-March period where the criteria for closures would be as follows:

Area to be closed	Criteria
5Y South/5Z–SA6 E 71°50'	12,000 MT combined harvest.
or	
5Y South only	Combined less than 12,000 MT and 5Y South harvest equal to 11,000 MT.
or	
5Z–SA6 E 71°50' only	Combined less than 12,000 MT and 5Z–SA6 E 71°50' harvest equal to 10,000 MT.

The projection of fishery closure dates is the mechanism by which the National Marine Fisheries Service will be expected to keep harvest levels consistent with the area/period allocations discussed above. Harvests in excess of the area/period allocations will not be deducted from the area allocation in the next period, or further deducted from area/period allocations for the following fishing year. Rather, any overages will be evaluated by the Council in periodic reassessments of the regional herring stocks, and will be considered in future decisions to amend the FMP.

3. Biological and Economic Impact Analysis

3.1. Biological Impacts of Proposed Action Amending the Atlantic Herring FMP. With an expanded assessment framework which incorporates catch at age data from all regional herring fisheries, it is possible to establish biologicaly meaningful management measures for the "adult" (3+) herring fisheries. These measures are not dependent for their effectiveness upon an assumed catch level in one, independently addressed component of the fishery, as was the case in the existing FMP. Previously, the coastal Maine 3+ fishery was excluded from the management unit and not incorporated into the assessment. Now, with the expanded assessment framework, management measures to achieve various biological objectives become increasingly efficient, due to implicit and explicit regulatory control over the spectrum of adult fisheries in the management unit. Amendments 2.1. and 2.2. make the FMP responsive to the improved analytical basis for evaluating the current status of the herring fishery resource.

In determining the recommended OY levels (amendment 2.4.) for the Gulf of Maine (5Y) and Georges Bank and South (5Z/SA6), the objective of spawning stock rebuilding was a primary consideration. In previous estimates of the limitations to catch over time which were required to achieve spawning stock recovery, the exceptional strength of the 1976 year class could not be predicted. In the present assessment the 1976 year class has been conservatively estimated at nearly the strength of the 1970 year class (the largest for which data are available). As such, the objective calling for rebuilding of the Gulf of Maine spawning stock does not require continued, highly restrictive catch limitations. Rather, rebuilding of the regional herring spawning stocks by a factor of 2 over the present level may be achieved with total removals compatible with the recommended OYs. In the absence of a significant fishery in the Georges Bank/Southern New England area, rebuilding of the Georges Bank stock may be even greater. However, as evidenced by research vessel surveys, the recent history of unanticipated poor recruitment to the Georges Bank stock argues for maintaining restrictive levels of allowable harvest for the near future.

Amendments 2.3. and 2.6. are generaly designed to address issues of allocation. These amendments are not considered to have demonstrable biological impacts. Although some seasonal fishing activity may coincide with periods when stocks are relatively more biologicaly sensitive (i.e., during spawning or when small fish are more vulnerable), it is not possible to quantitatively evaluate adverse impacts on the stock or tradeoffs between various seasonal fisheries. Because fishing for herring is most efficient during periods when the herring are congregating (i.e., pre-spawning concentrations), action to protect the stock(s) during sensitive periods (i.e., closures) can be expected to limit the ability to catch fish. Such action to restrict fishing activity must be consistent with established levels of allowable catch and the desire to promote efficiency. The Hearing Oversight Committee of NEFMC is reviewing various approaches to protecting spawning fish while minimizing the impact on the adult herring fishery (See Section 3.2.6.2.).

3.2. Description of Alternative Actions and Discussion of Management Implications. Alternative actions available to the Council include: a) not increasing OY or otherwise modifying the management provisions of the existing FMP; b) not redefining the management unit, (c) in response to a redefined management unit, not geographically suballocating the Gulf of Maine OY, (d) specifying alternative OYs, and e) selecting an alternate area/period allowable catch option. These alternatives are discussed below.

3.2.1. No Action to Increase Optimum Yield or Otherwise Modify the Management Provisions of the Existing FMP. Specific aspects of this option relating to the definition of the management unit, geographical suballocation of the Gulf of Maine OY, specification of optimum yield, and area/period allowable catch levels are discussed in Sections 3.2.2., 3.2.3., 3.2.4., and 3.2.5. respectively.

3.2.2. No Action to Redefine the Management Unit. As discussed in Sections

1.2 and 2.1., action redefining the management unit to include all herring fisheries from the shoreline to the outer limit of the FCZ, is justified by a broadened analytical framework for assessing regional herring stocks as well as the need for a comprehensive approach to managing the herring resource. As a consequence of not redefining the management unit, the fishery for herring age 3 and older in Maine territorial waters would continue to be managed in isolation from the other 3+ herring fisheries presently within the management unit. As such, the effectiveness of Council adopted measures designed to achieve various management objectives could be compromised by inconsistent or incompatible action taken under other management regimes. Clearly, this alternative is not in the interest of responsible management under the FCMA.

3.2.3. No Action or Other Action to Geographically Suballocate the Gulf of Maine OY. Assuming action to extend the management unit, Council action to geographically suballocate the Gulf of Maine OY is consistent with the expanded resource base included in the Gulf of Maine OY and the desire to assure the historical access of traditional "adult" and "juvenile" fishery user groups in accordance with Section 301(a)(4) of the FCMA. Alternative action to not establish a geographical suballocation could make the OY vulnerable to being taken in an area or seasonal period which, because of the seasonal/geographical availability of the resource, would benefit one user group to the detriment of another. Similarly, establishing an alternative suballocation scheme would not be as effective in recognizing the geographical distribution of the traditional "juvenile" and "adult" fisheries.

3.2.4. Alternative Levels of Optimum Yield. The OY proposed for the Gulf of Maine, as discussed in Section 2.4., is at a level consistent with the maximum long-term average harvest (MSY) which can likely be supported by the resource. This level of OY, reflecting the strength of the 1976 year class, is not expected to jeopardize the Council's stock rebuilding goals. Moreover, it is expected that the Gulf of Maine OY can be maintained at or near the 30,000 MT level in future years given prospects for average recruitment. Alternative action to establish the Gulf of Maine OY higher than 30,000 MT may impact negatively upon immediate stock rebuilding goals as well as lead to consequent reductions in OY in the near future. Action to establish the OY at a level lower than 30,000 MT may be expected to enhance the overall rate of stock rebuilding. However, given the favorable prospects for maintaining the OY at the 30,000 metric ton level beyond 1979/80, there appears to be little justification for penalizing the industry through a reduced OY in the interest of more rapid stock rebuilding.

The 15,000 MT OY proposed for Georges Bank and South reflects considerations for the level of expected domestic catch from that area as well as concern for the condition of the resource. Pending evidence of substantial rebuilding, OY should be restricted to the relatively low expected domestic catch level, a level consistent with stock rebuilding even under conditions of poor recruitment. Because the level of removals proposed will have minimal impact on the Georges Bank stock, no appreciable benefit to the stock would result from an alternatively lower OY.

3.2.5. Alternative Area/Period Total Allowable Catch Options. Various alternative schemes for establishing total allowable catch levels on an area/period basis in 5Y South were submitted for public comment. The options reflected various ways of sharing the "adult" fishery resource between two principal user-groups, the purse seiners and the pair trawlers, which generally operate during distinct seasonal periods. Several optional schemes dividing the 5Y South suballocation are presented in NEFMC Res. Doc. 79 HE 4.1 (Appendix 2). As a result of public comment, the option given in Section 2.6. was proposed (See Appendix 1). The option (4) includes a flexible quota arrangement for herring age 3 and older taken during the period December–March, principally by vessels n the pair trawl user group. The options considered for seasonal catch allocations in *5Y south* are listed below. For all options except option (0), *5Y north* catch allocations are held constant at July 1979–November 1979, 8,650 MT; December 1979–June 1980, 1,620 MT (See Appendix 2). Under Option (0) at catch allocation for 5Y north is not appropriate.

Option	Period	Catch allocation (metric tons)
1	July 1979–November 1979	9,750
	December 1979–June 1980	9,750
2	July 1979–November 1979	6,000
	December 1979–June 1980	13,530
3	July 1979–November 1979	8,000
	December 1979–March 1980	8,000
	April 1980–June 1980	3,530
4 (established in this amendment).	July 1979–November 1979	9,000
	April 1980–June 1980	1,530
	December 1979–March 1980 pooled with 5Z/SA6 East of 71°50'.	12,000
0 (as in existing FMP).	July 1979–November 1979	4,000
	December 1979–June 1980	4,000

For *5Y South* options 1–3, *5Z/SA6* catch allocations are: July 1979–November 1979 (all areas), 10,000 metric tons domestic; and December 1979–June 1980 (West of 71°51'), 2,000 metric tons Canadian; December 1979–June 1980 (East of 71°51'), 3,000 metric tons domestic.

For *5Y South* option 4, *5Z/SA6* catch allocations are: July 1979–November 1979 (all areas), December 1979–March 1980 (West of 71°50'), April 1980–June 1980 (All areas), 10,000 metric tons domestic, 2,000 metric tons Canadian. The remaining 3,000 metric tons is pooled as noted above.

For 5Y option 0, as specified in the existing FMP, the *5Z/SA6* catch allocations are: July 1979–November 1979, 7,500 metric tons domestic; December 1979–June 1980, 2,500 metric tons domestic.

The economic implications of the above catch allocation options are presented in Section 3.3.

3.2.6. Additional Action Considered by the Council.

3.2.6.1. Establish Recommended Levels of Allowable Catch from the "Juvenile" Fishery. Although data on the catch of age 1 and age 2 herring are considered in the assessment, no attempt is made to establish recommended levels of harvest for these age groups. The reasons are two-fold. First, because the gear used to harvest this age group is largely passive (fixed), the overall catch tends to reflect the abundance of fish available. So long as the number of operating units (and their efficiency) stays constant, the effective effort may be assumed constant, despite large variations in annual catch. As such, the effectiveness of quotas established for herring age 3 and older, is not negatively impacted by variable harvests of herring age 1 and 2 caught in fixed gear. Second, because the coastal juvenile stocks in all areas appear to support several discrete spawning stocks, it is not possible to establish a direct correspondence between any set of juvenile and adult fishery components. Moreover, in the absence of a pre-recruit index of abundance for the juvenile fishery, it is difficult to evaluate total juvenile/adult fishery tradeoffs since the first indication of year-class strength is typically performance in the juvenile fishery.

Clearly, effective management of the regional herring resource would benefit from an understanding of the biological and economic relationships among the various juvenile and adult fishery components. However, in the absence of a better understanding of the biology of herring from a life history perspective, as well as a means for predicting year-class strength before entry into the juvenile fishery, a recommended quota for the catch of age 1 and 2 herring from one component (U.S.) of the juvenile fishery is somewhat arbitrary. It seems more reasonable from a management perspective to examine carefully the assumption of constant effective effort on age 1 and 2 herring, and to view with caution any increase in the number of fixed gear units or the development of a directed mobile gear fishery for herring of this age group. The Herring Oversight Committee of the New England Council has declared its intention to examine in depth the status of the juvenile fishery with a view toward improving the effectiveness of the Council's management efforts for herring.

3.2.6.2. Establish a Herring Spawning Closure Program. Given its goal of rebuilding herring spawning stocks, the New England Council considered spawning closures as a management measure in the FMP (See FMP Section 3.3.1.). While a spawning closure program was endorsed in principle, the Council opted not to implement such a measure in 1978/79 for two reasons: (1) a program of spawning closures was expected to be implemented by the State of Maine for its coastal waters, and (2) the restrictive summer/fall period TAC in 5Y tended to minimize the impact of herring fishing on spawning fish and closures would additionally limit the ability to fish efficiently. Additionally, the uncertainty associated with spawning behavior required further investigation before a meaningful spawning closure program could be devised.

With evidence of stock rebuilding and consequent higher levels of allowable catch,

the Council has renewed its interest in spawning closures. The increased potential for fall fishing activity to impact negatively on spawning populations, has prompted the Council to solicit public comment on the nature and desirability of a spawning closure program. Relevant comment is summarized in Appendix 1.

Recognizing that any program of spawning closures requires detailed biological information, as well as economic data relating to potential impacts on all fishing activity, the Council's Herring Oversight Committee has initiated action to develop a comprehensive spawning closure program for implementation in 1980/81. As a result, the Council is not proposing a specific spawning closure program as part of the current action amending the Atlantic Herring FMP.

3.3. Economic Analyses. The economic analysis of this amendment includes three components: (1) a comparison of economic impacts for five catch allocation options [1] considered by the Council, (2) an indepth presentation of the economic impacts of the proposed option, and (3) an assessment of capacity and specification of TALFF.

3.3.1. Comparison of Economic Impacts. In consideration of stock biology and the comments obtained from public hearings, the Council has undertaken an economic impact analysis for the five catch allocation options presented in Sections 3.2.5. and denoted as options 0, 1, 2, 3, and 4.

Nine economic variables are used (See Table 1) to compare the economic impacts of different options, and the changes in these variables from fishing years 1978/79 to 1979/80 are chosen as the criteria for comparison. The summary of economic impacts of these five options is presented in Table 1.[2] It is apparent from Table 1 that option 0 (corresponding to allowable catch under the existing plan) is inferior to any other option (i.e. options 1, 2, 3, and 4) in the sense that increases in each of the economic variables, either in absolute or in percentage terms, are consistently less under option 0 than under any other option for the period concerned. For example, the increase in revenues to vessels (i.e. variable 3) under option 0 is merely 354 thousands dollars as compared to 2276, 2327, 2301, and 2287 thousand dollars, under options 1, 2, 3, and 4 respectively.

Furthermore, options 1, 2, 3, and 4 are comparable, based on changes in all economic variables, except the variables for changes in gross stock of major user groups (i.e. variables 8 and 9). In other words, no conclusion can be drawn to argue for the best options among option 1, 2, 3, and 4, unless a comparison is made on the basis of economic variables (8) and (9) in Table 1. For example, fillet processing value (variable 5) in 1979/80 relative to 1978/79 is expected to increase by 139%, 143%, 141%, and 140% for option 1, 2, 3, and 4, respectively. The differences in percent change among these options is too subtle to allow for a conclusion. Therefore, the best option must be produced from a comparison of variables (8) and (9), namely, changes in gross stock of major user groups from 5Y and from the overall domestic adult herring fishery.

With regard to percent changes in the gross stock of major user groups in 5Y and in the overall adult herring fishery, option 4 is the best option. First, option 4 is a better option in comparison with options 1 and 3, because it will being a higher increase in gross stock to both purse seiners and pair trawlers.

Option 4 will increase 5Y gross stock by 61% and 59% to purse seiners and pair trawlers respectively, which are higher than comparable increases under options 1 and 3. Secondly, option 4 is superior to option 2 in terms of equality in the distribution of the increased gross stock between major user groups.

Overall, option 0 is the least desirable option for its smallest increase in every economic variable. Option 4 is the best option for its high increases in most economic variables and for its more even distribution of the increased gross stock between the two major user groups.

3.3.2. Economic Impacts of the Proposed Option. The projected economic impacts of the proposed action amending the Atlantic Herring FMP are evaluated for the fishing year July 1, 1979 through June 30, 1980 with respect to vessel income, value of processing, employment, and regional income. These impacts are evaluated with reference to the previous fishing year July 1979–June 1980, and are summarized in Tables 2, 3, and 4.

The overall domestic catch for the period July 1979–June 1980 is projected to be 43,000 MT (i.e. quota) and is 28% higher than the overall catch for the period July 1978–June 1979 (i.e. 33,700).[3] [4] The gross revenue to vessels is predicted to increase by 46% from 1978/79. Value of fillet processing, employment in fillet sectors, and regional impact on income from fishing sectors are projected to increase by 140%, 28%, and 46% respectively from the corresponding levels in 1978/79. Given the proposed area and seasonal allocations for 1979/80, and the historical pattern (1978) of relative harvest shares of purse seiners and pair trawlers, it is predicted that gross income to pair trawlers as a group will increase relatively more than that of purse seiners participating in the 5Y fisheries, as well as in the overall adult herring fishery.

3.3.3. An Assessment of Capacity. The assessment methods of capacity in this analysis are elaborated and estimates are presented in Appendix 5. A model of processing capacity is proposed as a domestic supply model of herring fillets for export to West Germany, while a model of harvesting capacity is proposed as a production function of adult herring fleets. The estimate from each model is summarized in Appendix 5, and the conclusion of the capacity assessment for each sector is made in the following sections.

3.3.3.1. Harvesting Capacity. It is noted at the outset that within the proposed quota of 43,000 MT, 10,470 MT is specifically allocated as catch within the juvenile herring fishery in coastal Maine waters (5Y North), and shall not be counted against the harvesting capacity of adult herring fleets. Therefore, the amount of 32,530 MT (43,000—10,470) is the relevant quota with which U.S. harvesting capacity can be compared.

It is estimated that during the 1979/1980 fishing year, the U.S. Atlantic adult herring fleet (following its historical fishing performance in waters primarily within 5Y/5Zw) will harvest adult herring at the most likely level of 26,200 MT with a high probability range (i.e. 95% confidence interval) between 16,800 and 41,200 MT. The reader is reminded that the estimated capacity is for the 5Y/5Zw area alone and does not include the excess capacity in other areas such as 5Ze and SA6 where the expansion in capacity is foreseen.

The possible expansion is predicted in light of continued market expansion in West German frozen herring fillets and the general condition in U.S. fisheries. The dramatic increase in demand for U.S. herring fillets in the West German Market has driven up the U.S. production of herring fillets and will stimulate U.S. herring fishing in 5Ze and SA6 areas. For instance, the U.S. production of herring fillets in response to sharp increases in the demand in West German markets for U.S. herring products has jumped to 9,147 MT in 1978 from 1,896 MT in 1973; a 382% jump in 5 years. In response to expansion of this market demand, it is our opinion that the U.S. fishing fleet, with excess capacity in groundfish fisheries, will be capable of harvesting adult herring in 5Z and SA6, since the U.S. Atlantic fishing fleet currently fishing for regulated groundfish species in these same areas (5Ze/SA6) can easily shift target species to adult herring with minor gear conversion (i.e. otter trawl to pair trawl). Also, new capacity in the form of offshore purse seiners (specifically for herring) remains a possibility. Therefore, it is the Council's judgment that the U.S. Atlantic fleet has the capacity to harvest the proposed quota of the adult herring resource. See Appendix 5 for a description of the harvesting capacity model.

3.3.3.2. Processing Capacity. According to our estimation, the U.S. processing sector under the proposed quota will process 14,459 MT of herring fillets with a high probability (95% CI) range from 11,132 to 17,786 MT. *The processing capacity in raw fish equivalent is 36,147 MT* with a possible range between 27,830 MT and 44,465 MT. It is noted that this processing capacity is the capacity in the fillet processing sector alone, and other processing sectors such as the steak canning sector have not been included. Therefore, it is the Council's judgment that the U.S. herring processing sector will have the capacity needed to process the proposed quota in this amendment. See Appendix 5 for a description of the processing capacity model.

3.4 Total Allowable Level of Foreign Fishing (TALFF). With reference to the discussion of U.S. harvesting and processing capacity for herring caught subject to the quotas established by this amendment (See Section 3.3.), it is the Council's determination that no allocation to foreign fishing (TALFF=zero) shall be made in fishing year 1979/1980, with the exception of a Canadian allocation from the Georges Bank and South

[1] The detail of these options is presented in Section 3.2.5.

[2] The details of these analyses are presented in Appendix 4, Tables A4-1 through Tables A4-15.

[3] The 1978/79 quota is assumed to be taken by the end of 1978/79 fishing year.

[4] The methodology for this analysis remains the same as that used in the original plan prepared in August, 1978, except that the original price equations (i.e. equations 1 and 2) have been re-estimated with additional observations. Furthermore, two new equations are incorporated into the price model. The specification and estimation of this set of equations is reported in NEFMC research document *#79 HE 4.3.*

resource as noted in Section 2.6. This determination is to remain in effect for fishing years subsequent to 1979/1980 until otherwise modified by formal amendment.

Table 1.—*Summary of Economic Impacts: Recorded and Projected for July 1979–June 1980 Fishing Year Relative to July 1978–June 1979 Fishing Year*

Economic variables: Changes in 1979–80 relative to 1978–79	Options				
	0	1	2	3	4
(1) Changes in catches (metric tons)	−2,230	+9,300	+9,300	+9,300	−9,300
(2) Percent changes in catches (percent)	−7	+28	+28	+28	+28
(3) Changes in revenue to vessels ($1,000)	+354	+2,276	+2,327	+2,301	+2,287
(4) Percent changes in revenue to vessels (percent)	+7	+46	+47	+47	+46
(5) Percent changes in values of fillet processing (percent)	+76	+139	+143	+141	+140
(6) Percent changes in employment (percent)	−7	+28	+28	+28	+28
(7) Percent changes in regional income (percent)	+7	+46	+47	+47	+46
(8) Percent changes in gross stock for major user groups in 5Y:					
(a) Purse seiners	[3]−39	+37	+9	+59	+61
(b) Pair trawlers	+183	+581	+779	+567	+597
(9) Percent changes in gross stock to major user groups in the Atlantic herring fisheries (5Y, 5Z, SA6):					
(a) Purse seiners	−39	+37	+9	+59	+61
(b) Pair trawlers	+131	+228	+276	+225	+232

Table 2.—*Catch, Exvessel Price, and Total Revenues: Recorded and Projected: July–June*

	Management Area		
	5Y	5Z/SA6	All areas
Recorded for July 1978–June 1979:[1]			
(i) Catch (metric tons)	[2]23,700	10,000	33,700
—Catch from adult herring fisheries	(8,000)	(10,000)	(18,000)
—Adult herring caught in Maine juvenile fisheries	(15,000)	.....	(15,000)
(j) Exvessel price (dollars per metric tons)	147.0	146.0	147.0
(k) Revenue to vessels ($1,000)	3,480	1,460	4,940
Projected for July 1979–June 1980:			
(l) Catch (metric tons)	[3]30,000	13,000	43,000
(m) Exvessel price (dollars per metric ton)	165.5	174.0	168.1
(n) Revenue to vessel ($1,000)	4,965	2,262	7,227
Changes in 1979–80 relative to 1978–79 per year:			
(o) Catch (metric tons) = [l−i]	+6,300	+3,000	+9,300
(Percent) = $\left[\frac{l-i}{i} \times 100\right]$	+27	+30	+28
(p) Revenue ($1,000) = [n−k]	+1,485	+802	+2,287
(Percent) = $\left[\frac{n-k}{k} \times 100\right]$	+43	+55	+46

[1] The actual catch July–December 1978 is evaluated with the market price and the remaining catch during January–June 1979 is valued with 1979 projected price adjusted for seasonality. The entire quota is assumed to be taken by the end of 1978/1979 fishing season.

[2] The adult herring caught in Maine juvenile fisheries which is preliminary estimated at 15,700 MT, is added to 5Y adult quota (i.e. 8,000 MT) in 1978/1979, and is valued at the projected price in 1978/1979. This brings total 5Y catch up to 23,700 MT to be comparable with the proposed quota in 1979/1980 on the same basis.

[3] Includes the allowance for incidental catches from State of Maine territorial waters (i.e. 10,470 MT).

Table 3.—*Summary of Projected Economic Impacts*

	Recorded/estimated for July 1978–June 1978	Projected for July 1979–June 1980	Percent change
	C	D	$\left[\frac{D-C}{C} \times 100\right]$
(a) Gross revenues to vessels ($1,000)	4,940	7,227	+46
(b) Value of processing fillet sector[1]	8,711	20,866	+140
(c) Employment, fillet sector[1]	2,493	3,182	+28
(d) Regional income impact from (a) ($1,000)	14,622	21,392	+46

[1] See Appendix 4 FMP and herring research document #79 *HE 4.3* for definitions and derivation of measures.

Table 4.—*Gross Revenues From Herring Fishery to Major User-Groups; Estimated and Projected; July–June*[1]

User group/area	July 1978–June 1979 ($1,000)	July 1979–June 1980 ($1,000)	Percent change
	(C)	(D)	$\left[\frac{D-C}{C} \times 100\right]$
Purse seiners:			
5Y[2]	994	1,596	+61
5Zw			
Total	994	1,596	+61
Pair trawlers:			
5Y[2]	248	1,728	+597
5Zw	769	1,648	+114
Total	1,017	3,376	+232

[1] It is assumed that the sharing of catches by area/season between gear groups follows 1978 patterns.

[2] Territorial water of Maine is excluded.

Table 5.—*Summary of OYS, Expected Domestic Annual Harvests, TALFFS, and Expected Domestic Annual Processing Capacity for Herring Age 3 and Older*

	Gulf of Maine ICNAF 5Y (metric tons)	Georges Bank and South ICNAF 5Z/SA6 (metric tons)	Total (metric tons)
Optimum yield	30,000	15,000	45,000
Canadian allocation	0	2,000	2,000
Expected domestic harvest	[1]30,000	[2]13,000	[3]43,000
TALFF[4]	0	0	0
Expected domestic processing capacity			[5]46,617

[1] 10,470 MT for the juvenile herring fishery and 19,530 MT for the adult herring fishery (see sections 2.4. and 3.3.3.1.).

[2] 3,000 MT for the Southern New England winter fishery and 10,000 MT for other adult fisheries in Georges Bank & South (see section 2.4. and 3.3.3.1.).

[3] 10,740 MT for the juvenile herring fishery and 32,530 MT for the adult herring fishery in the Gulf of Maine and Georges Bank and South (see section 3.3.3.1.).

[4] Foreign fishing other than Canadian.

[5] 10,470 MT from the juvenile herring fishery and 36,147 MT from the adult herring fishery (see section 3.3.3.2.).

4. Relationship of Proposed Action to Other Laws, Policies, and Management Program

4.1. Relationship to the FCMA and Fishery Management Plans.

4.1.1. 1978–79 Provisions of the Atlantic Herring Plan. The Atlantic Herring FMP was amended by action of the Council to extend the plan into the July 1979-June 1980 fishing year, thereby establishing seasonal allocation for the period of July 1, 1979 through November 30, 1979. The extension is intended to provide continuity in management of the herring fishery while the comprehensive amendments proposed in this document can be considered and approved by the Assistant Administrator for Fisheries. However, the 1978–1979 July—November seasonal allocation of 4,000 metric tons for the Gulf of Maine adult herring fishery was established consistent with the depleted status of the indigenous spawning stock and the unfavorable prospects for future recruitment. In light of the present assessment (see section 1.2.), the 4,000 MT level of allowable removals is unnecessarily restrictive. Moreover, in view of the Council's determination that the allowable catch in the Gulf of Maine for July—November 1979 period be establihsed at 9,000 MT, a 4,000 MT allocation could be expected to be consumed by the fishery early in the period, resulting in a possible fishery closure. Clearly, such a closure under the present circumstances could not be justified on biological grounds, and could result in a substantial economic loss (see section 3.3.). Therefore, the amendments proposed in this document should be implemented as soon as possible under the emergency authority provided by section 305(e) of the FCMA to avoid the unnecessary and biologically unjustifiable restriction of the summer-fall herring fishery in the Gulf of Maine.

4.1.2. Atlantic Groundfish Fishery Management Plan. In addition to the general consideration described in section 3.4.1. of the existing Herring FMP, management under

the Herring FMP is potentially affected by management actions under the Groundfish FMP since groundfish trawling in particular seasons and areas may disturb herring spawning or egg deposits. The Herring Oversight Committee, with the assistance of the Groundfish Oversight Committee, will be considering this interaction and appropriate regulations in its development of a recommended program of area/period spawning closures (See section 3.2.6.2.).

4.1.3. National Standards of the FCMA. The proposed action recommends amendments to the Herring FMP which will ensure consistency of the herring management program with the seven national standards for fishery conservation and management established by section 301 of the FCMA. Specifically, the January 1979 assessment of regional herring stocks represents the best scientific information which is presently available as required by Standard Two. The proposed optimum yields are based upon this information. The redefined management unit (to include all territorial waters) and the suballocations within the Gulf of Maine are consistent with the need to manage the stocks throughout their range and to provide equitable allocations of the resource among fisheries as required by Standards Three and Four.

4.2. Relationship to State Management Authority.

4.2.1. State Action Respecting 1978–79 Provisions of the Herring FMP. The Council recognized the importance of cooperative efforts by the states in management of the regional herring resources in the FMP. The Council anticipated that appropriate management regulations consistent with the FMP would be implemented in each state. Since approval and implementation of the FMP in 1978, the following state actions have been taken in response to it.

4.2.1.1. Maine's 1979 Herring Plan. In June 1979, Maine's Commissioner of Marine Resources submitted for public review a Draft Herring Management Plan for 1979. Various aspects of this plan are briefly summarized below. The plan establishes a catch quota of *10,470 MT of herring age 3 and older* from the territorial waters of Maine. Of the overall quota 8,000 metric tons is allocated to mobile gear and 2,470 metric tons is allocated to fixed gear (weirs and stop seines). The mobile gear quota is further allocated to directed (7,650 metric tons) and non-directed (350 metric tons) fisheries according to historical performance. Two closed periods to protect spawning herring are also established, (1) from August 26 to October 6 in state waters generally east of Schoodic Point, and (2) from September 2 to October 13 in state waters generally west of Schoodic Point. The quotas stated in the Maine draft herring management plan are consistent with those established in this amendment. Moreover the Maine plan is consistent with appropriate state management measures described in Section 4.2.2. below.

4.2.1.2. Rhode Island. The R.I. Marine Fisheries Council adopted a herring plan for the 1978–79 fishing year in January of 1979. The R.I. plan is intended to be reviewed on an annual basis for appropriate modifications. The R.I. plan defines the management unit as the area in ICNAF subarea 5Z lying both inshore and seaward of the R.I. territorial baseline. Deliberate discarding of herring is prohibited within R.I. territorial waters and herring caught may be used only for human consumption. The plan also established area/period quotas for catches of adult herring (defined as four years and older, ten inches or greater) for 1978–79 as follows:

Dec. 1978–June 1979.....2,500 MT
July 1979–Nov. 1979.....7,500 MT

Herring caught in subarea 5Z of ten inches or longer in length are deducted from these quotas. Upon closure of that portion of subarea 5Z within the FCZ the R.I. Marine Fisheries Council is to conduct an emergency meeting to determine the course of action for the fishery within the state's waters. Alternative actions are (1) keep the state waters open; (2) end the directed fishery in the state waters and limit herring incidental catches to 4,000 lbs. of ten inch or longer herring or 30% by weight of the total fish on board; or (3) establish catch limitations for the directed fishery at a minimum level of 4,000 lb. per vessel.

4.2.1.3. Massachusetts. Massachusetts is in the process of implementing herring management regulations. In April, 1979, the Marine Fisheries Advisory Commission voted to approve the authority of the Director of the Division of Marine Fisheries to close the state waters to herring fishing when seasonal allocations established by the New England Council for the Gulf of Maine are reached and notification of closure is received from the Assistant Administrator for Fisheries. Regulations will allow a 5% incidental catch for herring fishing vessels and 20% for mackerel fishing vessels.

4.2.2. Appropriate State Management Measures Under the Amended FMP. The management provisions of the FMP as amended by the proposed action are intended to apply to all herring fisheries where herring age three and older are harvested from the shoreline out to the limit of the FCZ.

To ensure the effectiveness of the management measures established by the FMP, all states are relied upon to enforce the area/period seasonal allocations by closing directed herring fisheries in their territorial waters when the seasonal catch allocations have been taken. The State of Maine may, at its option, provide information on expected harvests of herring age 3 and older in the fixed gear fishery which may then be deducted from the available catch allocations. Maine is also expected to comply with a determination that the suballocation for 5Y North has been taken by closing state waters to the mobile gear harvest of herring age three and older. The fixed gear fishery for juveniles may be allowed to continue to harvest 3+ herring if expected harvests from this fishery have been previously deducted from the 5Y North sub-allocation.

The States of Maine, Massachusetts, and Rhode Island are expected to implement management plans for the sea herring fisheries within their territorial seas which are both timely and complementary with the Atlantic Herring FMP as amended herein.

4.3. Relationship to U.S.-Canadian Fisheries Agreement. The U.S. and Canada recently concluded two treaties, one providing for binding third-party dispute settlement for the maritime boundary in the Gulf of Maine-Georges Bank area and the other assigning management responsibilities, national shares, and transboundary fishing access for certain fish stocks of the Northwest Atlantic. The treaties have been sent up the U.S. Senate for ratification. Annex B of the Fisheries Agreement established an entitlement of 2,000 MT for Canadian vessels from the 5Z/SA6 stock of herring for the first three fishing years following entry into force of the Agreement. The proposed amendment establishes a Canadian commercial allocation of 2,000 MT from the 5Z/SA6 optimum yield, consistent with the language of the Agreement.

4.4. Other Special Management Programs.

4.4.1. Costal Zone Management, OCS Leasing, and Marine Sanctuaries. It is possible that herring management measures required under the FMP could be adversely affected by OCS oil and gas exploration activities on Georges Bank. Oil and other toxic discharges from drilling rigs on the Bank could in certain seasons cause significant mortality of herring larvae from the Georges Bank spawning stock further reducing already low recruitment. This in turn would reduce the rate of rebuilding of the Georges Bank spawning stock.

The Department of Interior has tentatively scheduled a sale of leases for oil and gas exploration of Georges Bank in October, 1979. The Bank, however, has been formally norminated for designation as a marine sanctuary with the purpose of establishing the priority of fisheries protection and food production. Interactions between management of the herring fishery and oil and gas exploration will be further explored in the designation process.

The proposed amendments will be submitted to the coastal zone management agencies of Mass., R.I., and Maine for comment. The FMP was deemed as consistent with these approved programs in 1978.

4.4.2. Marine Mammals and Endangered Species. The Council has found no evidence to suggest that the levels of commercial harvest of herring proposed by these amendments will adversely affect either directly or indirectly marine mammal populations in the Gulf of Maine or Georges Bank area.

Incidental mortality of marine mammals such as harbor seals and harbor porpoises is known to occur in all coastal Maine fixed gear fisheries. Some humpback whales, which are endangered species, may be negatively impacted by these fixed gear. Mortality of seals and porpoises is estimated at about 100 animals per year, there are no data available on gear induce humpback whale mortalities. NOAA and the Council recognize that this problem exists and are presently exploring alternatives to reduce such incidents. The extent to which this mortality is attributable to the herring fixed gear fishery per se is unknown. There is no evidence that Atlantic Ridley sea turtles and shortnose sturgeons, also on the endangered

species list, have been negatively impacted by herring fishery gear.

Notice to Reader. The appendices referred to in this document are not published herein but may be obtained by contacting the New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960; telephone (617) 535-5450. The appendices are listed below:

Appendix 1—NEFMC Res. Doc. 79 HE 4.2 Summarizing Action Resulting From Public Comment.
Appendix 2—NEFMC Res. Doc. 79 HE 4.1 Public Hearing Summary of Recommended Action Amending the Atlantic Herring FMP.
Appendix 3—Regulatory History.
Appendix 4—Analysis Tables in Support of Section 3.3.
Appendix 5—Model for Capacity.
Appendix 6—NMFS/NEFC Laboratory Reference No. 79-12.

It is proposed to amend Part 653 of 50 CFR by striking the entire part and substituting the following:

PART 653—ADULT ATLANTIC HERRING FISHERY

Subpart A—General Provisions

Sec.
653.1 Purpose and scope.
653.2 Definitions.
653.3 Relation to other laws.
653.4 Vessel permits and fees.
653.5 Recordkeeping and reporting requirements.
653.6 Vessel identification.
653.7 Prohibitions.
653.8 Enforcement.
653.9 Penalties.

Subpart B—Management Measures

653.20 Fishing year.
653.21 Seasonal catch quotas.
653.22 Closures.
653.23 Adjustments to seasonal quotas.
653.24 Notice requirements.
653.25 Discard prohibitions.
653.26 Spawning closures [Reserved].
653.27 Size restrictions [Reserved].

Subpart A—General Provisions

§ 653.1 Purpose and scope.

(a) The regulations in this part implement the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic, which was prepared and adopted by the New England Fishery Management Council and approved by the Assistant Administrator. They govern fishing for adult Atlantic herring by fishing vessels of the United States within that portion of the Atlantic Ocean over which the United States exercises exclusive fishery management authority.

(b) These regulations do not limit harvests of Atlantic herring in the territorial waters of any State. Harvests from state waters, however, are deducted from the seasonal catch quotas provided for in these regulations.

§ 653.2 Definitions.

In addition to the definitions in the Act, the terms used in this part shall have the following meanings:

Act means the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.*

Assistant Administrator means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, Department of Commerce, or an individual to whom appropriate authority has been delegated.

Atlantic herring or *herring* means *Clupea harengus harengus*, three years of age and older.

Authorized Officer means:

(1) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;

(2) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (1) of this definition.

Catch, take, or *harvest* includes, but is not limited to, any activity which results in mortality to any herring or in bringing any herring on board a vessel.

Discard means to throw away, cast back, or return to the sea any fish that has been caught. The removal and release of a live fish before that fish is brought on board a vessel is not a discard. Failure to retain any live fish once it is on board a vessel, or failure to retain any dead fish, is a discard.

Fishery Conservation Zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing includes any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(1) The catching, taking, or harvesting of herring;

(2) The attempted catching, taking, or harvesting of herring;

(3) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of herring; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraphs (1), (2), or (3) of this definition.

Fishing trip means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel returns to port.

Fishing vessel means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for: (1) fishing, or (2) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing.

Fishing week means the weekly period running from 0001 hours Sunday through 2400 hours Saturday.

Georges Bank and South means that management area consisting of the Northwest Atlantic Ocean excluding the Gulf of Maine.

Gulf of Maine means that management area consisting of a portion of the Northwest Atlantic Ocean north of 42°20′ N. latitude, plus that area south of 42°20′ N. latitude which is west of 70°00′ W. longitude and which is bounded on the south by the northern shore of Cape Cod, including the waters of Cape Cod Bay.

Operator, with respect to any fishing vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any fishing vessel, means:

(1) Any person who owns that vessel in whole or in part;

(2) Any charterer of the vessel, whether bareboat, time, or voyage;

(3) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, functions, or operation of the vessel; or

(4) Any agent designated as such by a person described in paragraphs (1), (2), or (3) of this definition.

Person means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Person who receives Atlantic herring for commercial purpose means any person (excluding governments and governmental entities) engaged in

commerce who is the first purchaser of herring. The term includes, but is not limited to, dealers, brokers, processors, cooperatives, or fish exchanges. It does not include a person who only transports herring between a fishing vessel and a first purchaser.

Regional Director, means the Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, or a designee.

Regulated species means any species for which fishing by a vessel of the United States is regulated pursuant to the Act.

United States harvested herring means herring caught, taken, or harvested by vessels of the United States under this part, whether or not such herring are landed in the United States.

Vessel fishing for mackerel means any fishing vessel whose catch on board at any time is 75 percent mackerel (*Scomber scombrus*) by weight.

Vessel of the United States means:

(a) Any vessel documented or numbered by the United States Coast Guard under United States law; or

(b) Any vessel, under five net tons, which is registered under the laws of any State.

§ 653.3 Relation to other laws.

Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

§ 653.4 Vessel permits and fees.

(a) *General.* Every vessel fishing for Atlantic herring under this part must have a permit issued under this section. Vessels are exempt from this requirement if they catch no more than 100 pounds of herring per trip.

(b) *Eligibility.* [Reserved]

(c) *Application.* (1) An application for a permit under this part must be submitted and signed by the owner or operator of the vessel on an appropriate form obtained from the Regional Director. The application must be submitted to the Regional Director at least 30 days prior to the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all of the following information:

(i) The name, mailing address including zip code, and telephone number of the owner of the vessel;

(ii) The name of the vessel;

(iii) The vessel's United States Coast Guard documentation number, or the vessel's State registration number for vessels not required to be documented under the provisions of 46 U.S.C.;

(iv) The home port, gross tonnage, radio call sign, and length of the vessel;

(v) The engine horsepower of the vessel;

(vi) The approximate fish hold capacity of the vessel;

(vii) The type and quantity of fishing gear used by the vessel;

(viii) The average size of the crew, which may be stated in terms of a normal range; and

(ix) Any other information concerning vessel characteristics requested by the Regional Director.

(3) Any change in the information specified in paragraph (c)(2) of this section shall be submitted by the applicant in writing to the Regional Director within 15 days of any such change.

(d) *Fees.* No fee shall be required for any permit issued under this Part.

(e) *Issuance.* The Regional Director shall issue a permit to the applicant no later than 30 days from the receipt of a completed application.

(f) *Expiration.* A permit shall expire upon any change in vessel ownership, registration, name, length, gross tonnage, fish hold capacity, home port, or the regulated fisheries in which the vessel is engaged.

(g) *Duration.* A permit shall continue in full force and effect until it expires or is revoked, suspended, or modified pursuant to 50 CFR Part 621.

(h) *Alteration.* No person shall alter, erase, or mutilate any permit. Any permit which has been intentionally altered, erased, or mutilated is invalid.

(i) *Replacement.* Replacement permits may be issued by the Regional Director. An application for a replacement permit shall not be considered a new application.

(j) *Transfer.* Permits issued under this part are not transferable or assignable. A permit shall be valid only for the fishing vessel for which it is isssued.

(k) *Display.* A permit issued under this part must be carried on board the fishing vessel at all times. The operator of a fishing vessel shall present the permit for inspection upon the request of an Authorized Officer.

(l) *Revocation.* Subpart D of 50 CFR Part 621 (Civil Procedures) governs the imposition of sanctions against a permit issued under this part. As specified in that Subpart D, a permit may be revoked, modified, or suspended if the permitted fishing vessel is used in the commission of an offense prohibited by the Act or these regulations, or if a civil penalty or criminal fine imposed under the Act is not paid.

§ 653.5 Recordkeeping and reporting requirements.

(a) *Fishing Vessel Records.* (1) The operator of any fishing vessel issued a permit to fish for herring subject to this part shall:

(i) Maintain an accurate and complete fishing vessel record on forms supplied by the Regional Director, according to the requirements of § 653.5(a)(2);

(ii) Keep each fishing vessel record for one year after the date of the last entry in the record; and

(iii) Submit fishing vessel records, as specified in § 653.5(a)(2).

(2) The owner or operator of any fishing vessel conducting any fishing operation subject to this part shall:

(i) Submit a complete fishing vessel record to a location designated by the Regional Director within 48 hours after the end of any fishing week or fishing trip, whichever is the longer time period; or

(ii) Submit a statement to a location designated by the Regional Director within 48 hours after the end of any fishing week within which no fishing for any regulated species occurred.

(3) Fishing vessel records shall contain information on a daily basis for the entirety of any trip during which herring or any other regulated species are caught, and shall contain information for all fish which are caught.

(4) A request for exemption from the provisions of paragraph (a)(2)(ii) of this section shall be submitted in writing to the Regional Director. Such request shall state the reason for the request and the period of time for which the exemption is to apply. The Regional Director may issue an exemption for a period of time greater than two months and less than ten months. If an exemption is issued, the Regional Director must be notified in writing of the operator's intent to resume fishing before fishing may be resumed.

(5) The Assistant Administrator may revoke, modify, or suspend the permit of a fishing vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 CFR Part 621.

(b) *Fish Dealer or Processor Reports.* Any person who receives Atlantic herring for a commercial purpose from a fishing vessel subject to this part shall:

(1) File a weekly report (Sunday through Saturday) at a location designated by the Regional Director on forms supplied by the Regional Director within 48 hours of the end of any week in which herring is received. This report shall include information on all first transfers, purchases, or receipts of all

adult herring and other fish made during that week; and

(2) Permit an Authorized Officer, or an employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, to inspect or reproduce any records or books relating to any first transfers, purchases, or receipts of herring. These inspections may take place at the principal place of business or at the location where these required records regularly are kept.

§ 653.6 Vessel identification.

(a) *Official Number.* Each fishing vessel subject to this part and over 25 feet in length shall display its Official Number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The Official Number is the documentation number issued by the Coast Guard for documented vessels or the registration number issued by a State or the Coast Guard for undocumented vessels.

(b) *Numerals.* (1) The Official Number shall be at least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels over 25 feet in length.

(2) The Official Number must be in block Arabic numerals in contrasting color to the background.

(c) *Vessel Length.* The length of a vessel, for purposes of this section, is the length set forth in Coast Guard or State records.

(d) *Duties of Operator.* The operator of each fishing vessel shall:

(1) Keep the Official Number clearly legible and in good repair; and

(2) Ensure that no part of the fishing vessel, its rigging, or its fishing gear obstructs the view of the Official Number from any enforcement vessel or aircraft.

§ 653.7 Prohibitions.

It is unlawful for any person to:

(a) Use any vessel for the taking, catching, harvesting, or landing of any Atlantic herring (except as provided for in § 653.4(a)), unless the vessel has a valid permit issued pursuant to this part on board the vessel;

(b) Fail to report to the Regional Director within 15 days any change in the information contained in the permit application for a vessel;

(c) Falsify or fail to make, keep, maintain, or submit any fishing vessel record or fish dealer/processor report, or other record or report required by this part;

(d) Make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, landing, purchase, sale, or transfer of any herring;

(e) Fail to affix and maintain markings as required by § 653.6;

(f) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, export, or land any Atlantic herring taken in violation of the Act, this Part, or any regulation promulgated under the Act;

(g) Fish for, take, catch, or harvest any Atlantic herring from the FCZ after the fishery has been closed pursuant to § 653.22;

(h) Discard Atlantic herring at sea;

(i) Transfer directly or indirectly, or attempt to so transfer, any United States harvested herring to any foreign fishing vessel, while such vessel is within the FCZ, unless the foreign fishing vessel has been issued a permit, under section 204 of the Act, which authorizes the receipt by such vessel of United States harvested herring;

(j) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Act, this part, or any other regulation promulgated under the Act;

(k) Fail to comply immediately with enforcement and boarding procedures specified in § 653.8;

(l) Forcibly assault, resist, oppose, impede, intimidate, threaten, or interfere with any Authorized Officer in the conduct of any search or inspection under the Act;

(m) Resist a lawful arrest for any act prohibited by this part;

(n) Interfere with, obstruct, delay, or prevent by any means the apprehension or arrest of another person knowing that such other person has committed any act prohibited by this part;

(o) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part;

(p) Violate any other provision of this part, the Act, or any regulation promulgated pursuant thereto.

§ 653.8 Enforcement.

(a) *General.* The operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for purposes of enforcing the Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce provisions of the Act, the operator of the fishing vessel shall be alert for communications conveying enforcement instructions. VHF-FM radiotelephone is the normal method of communicating between vessels. Should radiotelephone communication fail, however, other methods of communication, including visual signals, may be employed. The following signals extracted from the International Code of Signals are among those which may be used and are included here for the safety and information of fishing vessel operators:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" means "You should stop or heave to; I am going to board you"; and

(3) "AA AA AA" etc., which is the call to an unknown station, to which the signaled vessel shall respond by illuminating the vessel's identification required by § 653.6.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way so as to permit the Authorized Officer and his/her party to come aboard;

(2) Provide a ladder for the Authorized Officer and his/her party;

(3) When necessary to facilitate the boarding and/or when requested by an Authorized Officer, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as are necessary to ensure the safety of the Authorized Officer and his/her party to facilitate the boarding.

§ 653.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, and to 50 CFR Part 620 (Citations) and Part 621 (Civil Procedures) of this chapter.

Subpart B—Management Measures

§ 653.20 Fishing year.

The fishing year for Atlantic herring is the 12-month period beginning on July 1 and ending on June 30 of the following year.

§ 653.21 Seasonal catch quotas.

(a) *Gulf of Maine.* The annual quota of herring is 30,000 mt. It is divided by area and by periods of the year as follows:

(1) For the period July 1 through November 30, 17,850 mt, divided by area as follows:

(i) North of 43°34' N. latitude (Cape Elizabeth, Maine), 8,850 mt,

(ii) South of 43°34' latitude (Cape Elizabeth, Maine), 9,000 mt.

(2) For the period December 1 to June 30, for the area north of 43°34′ N. latitude, 1,620 mt.

(3) For the period April 1 to June 30, for the area south of 43°34′ N. latitude, 1,530 mt.

(4) For the period December 1 to March 31, a pooled quota for the areas of the Gulf of Maine south of 43°34′ N. latitude and Georges Bank and South, east of 71°50′ W. longitude, 12,000 mt.

(b) *Georges Bank and South.* The annual domestic quota for herring is 13,000 mt. It is divided by area and periods of the year as follows:

(1) For the period July 1 to November 30 and April 1 to June 30, in all areas, and for the period December 1 to March 31, west of 71°50′ W. longitude, 10,000 mt.

(2) For the period December 1 to March 31, a pooled quota for the areas of Georges Bank and South east of 71°50′ W. longitude and the Gulf of Maine south of 43°34′ N. latitude, 12,000 mt.

§ 653.22 Closures.

(a) *Closures.* (1) The Assistant Administrator shall project, at least once a month, a date when the quota of herring for each management area, less an anticipated amount to be taken incidentally pursuant to paragraph (b) of this section, will be caught. Except as provided in paragraph (2), if the projected date is earlier than the end of the period, the Assistant Administrator shall be notice prohibit fishing for herring in the applicable management area after the projected date.

(2) During the period December 1 through March 31, the Assistant Administrator shall be notice prohibit fishing for herring:

(i) In the Gulf of Maine south of 43°34′ N. latitude, and in Georges Bank and South east of 71°50′ W. longitude, after the projected date that the combined catch from these areas will be 12,000 metric tons; or

(ii) In the Gulf of Maine south of 43°34′ N. latitude, after the projected date that the catch from this area will be 11,000 metric tons; or

(iii) In Georges Bank and South east of 71°50′ W. latitude, after the projected date that the catch from this area will be 10,000 metric tons.

(b) *Incidental catch.* (1) Fishing vessels may fish in an area closed pursuant to this section for fish other than herring and be allowed an incidental catch of herring of not more than 5 percent of the total catch on board. It shall be a rebuttable presumption that all herring found on board a vessel fishing in a closed area were taken in the closed area.

(2) Vessels fishing for mackerel in an area closed pursuant to this section shall be allowed an incidental catch of herring of not more than 20 percent of the total catch on board.

§ 653.23 Adjustments to seasonal quotas.

(a) Adjustments. Quotas shall be adjusted by the Regional Director only in the following manner:

(1) Unharvested portions of the July 1–November 30 quota for the Gulf of Maine north of 43°34′ N. latitude shall be added to the December 1–June 30 quota for this area;

(2) Unharvested portions of the December 1–March 31 quota for the Gulf of Maine south of 43°34′ and Georges Bank east of 71°50′ W. latitude shall be added to the April 1–June 30 quota for the Gulf of Maine south of 43°34′ N. latitude;

(3) Unharvested portions of the July 1–November 30 quota for the Gulf of Maine south of 43°34′ shall be added to the December 1–March 31 quota for the Gulf of Maine south of 43°34′ N. latitude and Georges Bank and Southeast of 71°50′ W. latitude.

(b) Notice. The Regional Director shall publish a notice of adjustment in the Federal Register.

§ 653.24 Notice requirements.

(a) *Contents.* Any notice issued by the Assistant Administrator under this Part shall include the following information:

(1) A description of the management area which is the subject of the closure;

(2) The effective date and any termination date of the closure;

(3) The reason for the closure.

(b) *Consultation.* Prior to publication of any notice, the Regional Director shall notify the Executive Directors of the New England and Mid-Atlantic Fishery Management Councils.

(c) *Effective date.* No notice issued under this section shall be effective until it is filed for publication with the Federal Register and has been mailed to all persons holding permits issued under § 653.4 at least 48 hours prior to its effective date.

(d) *Termination.* Notices published pursuant to this section shall remain in effect until the earlier of the following dates:

(1) Any expiration date stated in the notice; or

(2) The effective date of any notice which modifies, rescinds, or supercedes the initial notice.

§ 653.25 Discard prohibitions.

There shall be no discarding of herring at sea by fishing vessels.

§ 653.26 Spawning closures. [Reserved]

§ 653.27 Size restrictions. [Reserved]

[FR Doc. 80-7471 Filed 3-11-80; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 45, No. 50
Wednesday, March 12, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Ratemaking and Economic Regulation; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Ratemaking and Economic Regulation of the Administrative Conference of the United States, to be held at 1:30 p.m., Monday, March 31, 1980 in the Library of the Conference, 2120 L Street, NW., Suite 500, Washington, D.C.

The Committee will meet to discuss tentative recommendations on remedial order procedures at the Department of Energy.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact William C. Bush at the Office of the Chairman of the Administrative Conference, 2120 L Street, NW., Suite 500, Washington, D.C. 20037 (202-254-7020). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.

[FR Doc. 80-7667 Filed 3-11-80; 8:45 am]
BILLING CODE 6110-01-M

CIVIL AERONAUTICS BOARD

[Docket No. 20244]

Aloha Airlines, Inc., Subsidy Mail Rates; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge William A. Pope, II. Future communication should be addressed to Judge Pope.

Dated at Washington, D.C., March 6, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-7623 Filed 3-11-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 37811; Order 80-3-20]

Baltimore/Washington, D.C. Subpart Q Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-3-20, Baltimore/Washington, D.C. Subpart Q Proceeding, Docket 37811.

SUMMARY: The Bureau of Domestic Aviation is issuing Order 80-3-20 under delegated authority to show cause why it should not make final its tentative findings with respect to the applications of USAir, Ozark, Republic and Piedmont for various route authority filed under our expedited procedures (Subpart Q). Specifically, the Bureau tentatively finds that it is consistent with the public convenience and necessity to award these four carriers the authority they seek. Furthermore, the tentative findings and conclusions will become final if no objections are filed. The complete text of this order is available as noted below.

DATES FOR OBJECTIONS: All interested persons having objections to the Bureau issuing the proposed authority shall file and serve upon all persons listed below, no later than April 10, 1980, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESSES: Objections should be filed in Docket 37811, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Objections should be served upon all persons listed in the service list of Docket 37811.

FOR FURTHER INFORMATION CONTACT: Peter Bloch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5340.

SUPPLEMENTARY INFORMATION: USAir's Subpart Q application requests the following authority: Baltimore, Md./Washington, D.C. (National)/Washington, D.C. (Dulles)-Chicago, Ill. (O'Hare)/Chicago, Ill. (Midway)/Dallas/Ft. Worth, Tex./Kansas City, Mo./Milwaukee, Wis./Nashville, Tenn., and Washington, D.C. (National)/ Washington, D.C. (Dulles)-Indianapolis, Ind. The other three carriers ask for the same authority with the following exceptions: Ozark also requests Baltimore-Indianapolis authority; Republic requested no Indianapolis authority; and Piedmont requests neither Indianapolis nor Milwaukee authority.

The complete text of this order may be obtained by Post Card request from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Bureau of Domestic Aviation: March 4, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-7634 Filed 3-11-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 37174; Order 80-2-109]

Braniff Airways, Inc.; Amendment of Certificate

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 80-2-109.

SUMMARY: The Board proposes to approve the following application:

Applicant: Braniff Airways, Inc.

Docket: 37174.

Application Date: November 29, 1979.

Authority Sought: Amendment of certificate for Route 177 to permit Dallas/Ft. Worth-London-Belgium/The Netherlands/Luxembourg single-plane service.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than March 31, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, all other certificated carriers and the Departments of State and Transportation. A statement of objections must cite the docket number

and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 32707, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Thomas J. McGrew, Lawrence E. Wzorek, Arnold & Porter, 1229-19th Street, NW., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION, contact Glenn Datnoff, Legal Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5035.

By the Civil Aeronautics Board: February 21, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-7625 Filed 3-11-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 5:00 p.m., on April 10-11, 1980, at the Peter J. Roding Building, 970 Broad Street, Newark, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is a factfinding meeting on affirmative action.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-7592 Filed 3-11-80; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee (SAC) of the Commission will convene at 6:00 p.m. and will end at 8:30 p.m., on April 3, 1980, at the Ramada Inn, Schoolhouse Lane, New Brunswick, New Jersey.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Eastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 6, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-7594 Filed 3-11-80; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Oklahoma Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 6:00 p.m., on March 27-28, 1980, at the Seguoyah Underground Auditorium, State Capitol, 2401 Lincoln, Oklahoma City, Oklahoma 73105.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is the Oklahoma Affirmative Action Hearing.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 6, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-7593 Filed 3-11-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Worldwide Information Trade Systems; Meeting

On March 21, 1980, the U.S. Department of Commerce, International Trade Administration, Office of Deputy Assistant Secretary for Export Development will hold a day-long open forum to discuss public dissemination of information to be included in the new Worldwide Information and Trade System (WITS). This forum will be held in Room 3817 at the main Commerce building at 14th and Constitution Avenue, N.W., Washington, D.C. The morning session will run from 9:30 to noon and will discuss the Department's intention to provide on-line access to WITS data through commercial intermediaries, including on-line data base retrieval services. The afternoon session will be held from 2:00 to 4:30 and will cover the role and participation of information brokers, retailers and search services in the distribution of WITS data. Anyone interested in attending should please contact Don Huber, Room 7709C, Department of Commerce, Washington, D.C., phone: (202) 377-5291.

Dated: March 6, 1980.

Peter Gould,

Deputy Assistant Secretary for Export Development.

[FR Doc. 80-7591 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-25-M

Manual Typewriters From the German Democratic Republic; Dismissal of Antidumping Petition

AGENCY: U.S. Department of Commerce.

ACTION: Dismissal of petition.

SUMMARY: This notice is to advise the public that a petition has been received requesting that an antidumping duty be imposed with respect to the importation of non-portable, manual typewriters from the German Democratic Republic. As the petition does not properly allege the basis upon which antidumping duties may be imposed, the petition is being dismissed and the proceeding terminated.

EFFECTIVE DATE: March 12, 1980.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Import Administration Specialist, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230, (202-566-5492).

SUPPLEMENTARY INFORMATION: On February 12, 1980, a petition was received pursuant to section 732 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673a) (the Act) from Morse Typewriter Co. Inc., Long Island City, N.Y., alleging that non-portable, manual typewriters from the German Democratic Republic are being, or likely to be, sold in the United States at less

than fair value. According to section 732, the petition must be filed on behalf of an industry, defined in section 71 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 importer and wholesaler of typewriters made in Brazil. The petition itself states that there is no U.S. production of the typewriters in question.

In as much as the petition is filed on behalf of the sales and service sector rather than the domestic producers of manual typewriters, 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)).

March 3, 1980.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-7606 Filed 3-11-80; 8:35 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit To Take Marine Mammals

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:
a. Name: John M. Reinke (P240).
b. Address 4461 Woodlawn Park Avenue, North, Seattle, Washington 98103.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals: Humpback whales (*Megaptera novaeangliae*); 200.
4. Type of Take: Humpback whales may be inadvertently harassed as a result of being approached in order to photograph, sound record and video tape record.
5. Location of Activity: Catham Strait, Summer Strait and Frederick Sound, Gulf of Alaska.
6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors. Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Adminstrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connetion with the above application are available for review in the following offices:

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

Reginal Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 96812.

Dated: March 6, 1980.

William Aron,

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

[FR Doc. 80-7659 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit To Take Marine Mammals

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Mystic Marinelife Aquarium (P13L).
b. Address: Mystic, Connecticut 06355.
2. Type of Permit: Scientific Research and Public Display.
3. Name and Number of Animals: Harbor porpoise (*Phocoena phocoena*); 50.
4. Type of Take: Thirty-eight (38) of the harbor porpoise will be captured, specimen materials taken, tagged and released. Twelve (12) will be captured, specimen materials taken and held up to 7 days in temporary pools; six (6) of these will be tagged and released and the other six (6) will be transported to Mystic for permanent maintenance.
5. Location of Activity: Gulf of Maine.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administratior for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 4, 1980.

William Aron,

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

[FR Doc. 80-7660 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit

On January 18, 1980, Notice was published in the Federal Register (45 FR 3629), that an application had been filed with the National Marine Fisheries Service by Riverbanks Zoological Park, Columbia, South Carolina 29210, to import three (3) South American sea

lions (*Otaria flavescens*) for public display.

Notice is hereby given that on February 29, 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 Public Display Permit for the above importation to Riverbanks Zoological Park, 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, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: February 29, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-7661 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam Advisory Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Surf Clam Advisory Subpanel (AP) which will meet to discuss the Surf Clam/Ocean Quahog Fishery Management Plan (FMP) and area closure and reopenings.

DATES: The meetings will convene at 10 a.m. and will adjourn at approximately 4 p.m. on the following dates: March 28, May 23, June 27, and July 25, 1980. The meetings are open to the public.

ADDRESS: The meetings will take place at the Sheraton Inn, Route 13, Dover, Delaware 19901 Phone: (302) 678–8500.

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: March 7, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-7662 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Meeting Cancellation

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of cancellation of the following Committee meeting as published Federal Register issue February 19, 1980, 45 FR 10839.

Name of the committee: Army Science Board.
Dates of meeting: March 25 and 26, 1980.
Place: The Pentagon, Washington, D.C.
Time: 0830 to 1630 hours, March 25 and 26, 1980 (Open).

Helen Pipon,

Staff Assistant.

[FR Doc. 80-7604 Filed 3-11-80; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Boston Gas Co.'s Application for Assignment of Propane for Use as Synthetic Natural Gas Feedstock

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application and request for comments.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that on February 14, 1980, Boston Gas Company (Boston Gas), in accordance with the provisions of 10 CFR Section 211.29 and Part 205 filed an application for assignment of propoane for use as synthetic natural gas (SNG) feedstock. The application seeks to extend indefinitely the existing assignment of propone for use as synthetic natural gas feedstock granted to Boston Gas by the Decision and Order of the Federal Energy Administration dated April 26, 1977, and which expires June 30, 1980. As an alternative to an indefinite extension, the application seeks to extend the assignment for five years, until June 30, 1985.

A copy of the Boston Gas application which contains no proprietary information may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Department of Energy, Freedom of Information Office, Room GA–152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C.

DATE: Interested persons may submit comments on the Boston Gas application until close of business April 15, 1980.

ADDRESS: Send comments to: Economic Regulatory Administration, Office of Petroleum Operations, Room 6222, 2000 M Street, N.W., Washington, D.C. 20461, Attn.: Richard A. Johnson.

FOR FURTHER INFORMATION CONTACT:

Richard A. Johnson, Economic Regulatory Administration, Office of Petroleum Operations, Room 6318–F, 2000 M Street, N.W., Washington, D.C. 20461, Telephone: (202) 254–9730.

Joel M. Yudson, Office of General Counsel, Room 6A–127, 1000 Independence Avenue, S.W., Washington, D.C. 20461, Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 5th day of March 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-7561 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Petroleum Operations Policy Guidance for Application of the Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Issuance of Policy Guidance to Regional Offices.

SUMMARY: On February 15, 1980, the Office of Petroleum Operations (OPO) of the Economic Regulatory Administration of the Department of Energy issued a memorandum to OPO Regional Offices providing policy guidance for the evaluation of applications for assignment of supplier and base period use to new gasoline retail sales outlets. A copy of the text of the memorandum is included as an appendix.

FOR FURTHER INFORMATION CONTACT:

Alan T. Lockard, Chief, General Fuels Branch, Office of Petroleum Operations, Room 6222, 2000 M Street N.W., Washington, D.C. 20461, Telephone: (202) 254–7422.

Joel M. Yudson, Office of the General Counsel, 1000 Independence Avenue S.W., Washington, D.C. 20585, Telephone: (202) 252–6744.

Issued in Washington, D.C., on the 6th day of March 1980.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administrator.

Appendix

February 15, 1980.

Office of Petroleum Operations Policy Guidance for Application of the Guidelines for Evaluation of Applications for Assignment of Supplier and Base Period Use to New Gasoline Retail Sales Outlets

The present supply situation and suppliers' allocation fractions for motor gasoline make it essential that all Regional Offices give a closer scrutiny to applications for new service stations.

Section 4(b) of the Guildelines points out that there are several criteria that must be taken into account in determining whether to grant an application. It goes on to say that those criteria can be read as suggesting that "even within the context of the regulatory program, free market forces should be allowed to function *to the extent possible.*" The Guidelines conclude from this that a strong but rebuttable presumption in favor of an assignment exists "in the absence of other countervailing considerations."

The Guidelines, written in a time of relative sufficiency of gasoline, specified only one possible countervailing consideration—the preservation of a competitively viable independent sector of the industry. It is clear both from the Guidelines as well as the regulations which they amplify that there are other possible countervailing considerations that would negate the presumption in favor of assignments.

One of these is explicit in the regulations. Section 211.12 (e)(4) provides that "[b]ase period volumes will not be assigned on any basis which gives a wholesale purchaser which is a new purchaser an unfair advantage over wholesale purchasers which have base-period suppliers or new suppliers as provided in § 211.10(e)." In periods of substantially reduced supply, new assignments can easily create an unfair advantage because applications are made on the basis of volumes necessary to assure the profitability of new outlets even if the assigned suppliers have sharply reduced allocation fractions. Already existing stations, however, generally cannot receive adjustments to their base period volumes whether or not they can continue to operate profitably when their suppliers maintain low allocation fractions. Moreover, in a period of substantially reduced supply, any new assignments must further diminish the volumes received by other wholesale purchasers from the same supplier.

Another possible countervailing consideration not enumerated in the Guidelines is the competing need for the potentially assignable volumes of gasoline. That is, in a shortage situation, assignment of gasoline from a supplier to a purchaser normally means that the volumes will be taken from others who may need that supply more greatly. These volumes may be diverted from areas or firms that have a greater need for the volumes than the applicant. Consequently, where the supplier's allocation fraction is less than 1.0, consideration should be given to the relative need of the applicant or the area for the product in determining whether the presumption in favor of assignment applies.

While the countervailing considerations in the Guidelines should not be viewed as exhaustive, because they focused on considerations that were pre-eminent at the time, neither should they be ignored now. For example, Section 4(b)(i) provides:

(i) *Effect on Supplier's Other Purchasers.* Attention should be paid to the effect of any assignment upon the supplier's other customers, particularly the supplier's branded and nonbranded independent purchasers. If the assignment will significantly lower the supplier's allocation fraction below one (1.0) then the assignment should be questioned. In general, if the assignment can be expected to reduce the supplier's most recently reported allocation fraction by more than one percentage point (0.010), the reduction may be significant and would warrant especially careful assessment of the supplier's future supply position.

This language indicates that if an assignment results in a fraction significantly lower than 1.0, then the asignment should be questioned. Written in a time of substantial surplus, *see* section 4(b)(iv), this language indicated that when a supplier's fraction is substantially below 1.0 then the presumption in favor of assignment is probably overcome. The same conclusion applies in a time of shortage. That is, it is not necessary for the assignment to lower the fraction significantly if the fraction is already significantly below 1.0, because any reduction will result in such a low fraction.

Moreover, Section 4(b)(i) indicates that an assignment that reduces a supplier's allocation fraction by more than one percent may be significant. Reductions in allocation fractions of less than one percent, however, may also be significant when a supplier's allocation fraction is already less than 1.0. Moreover, the *cumulative* effect on a supplier's allocation fraction of all pending related assignment applications may be considered, as should the effect of recent supply obligations imposed upon the same supplier. This is important because of the large volume of applications pending in the Regional Offices for new service stations, many of which pertain to the same supplier.

Regional Procedures For Handling Applications

Several steps should be taken to assist the Regional Office in the evaluation of new service station applications.

The applicant should be required to submit a map on which must be specified: (a) the site of the new retail outlet; (b) the location of all retail sales outlets of all types in the area; and (c) an identification of all retail outlets which are cited as comparable facilities. Names and addresses of all stations shown on the map must also be submitted. This information should also be contained in the notices sent to aggrieved parties.

To ascertain the impact of an assignment on existing retail outlets in the potentially affected marketing area, the Regional Office should attempt to obtain from all retail outlets in the affected area the names of their suppliers and their monthly and aggregate annual base-period volumes.

[FR Doc. 80-7560 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

[OFC Case No. 63002-9102-01-12; 63002-9102-02-12; Docket No. ERA-FC-80-009]

Hooker Chemical & Plastics Corp.; Acceptance of Petition for Exemption From Interim Rules Implementing Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition for exemption pursuant to the interim rules implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 8, 1980, Hooker Chemicals & Plastics Corporation (Hooker) filed a petition with the Economic Regulatory Administration (ERAA) of the Department of Energy (DOE) for an order exempting two major fuel burning installations (MFBI's) from the prohibitions of the Powerplant and

Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibits the use of petroleum and natural gas as a primary energy source in new MFBI's. Criteria for petitioning for exemptions from the prohibitions of FUA are published at 44 FR 28530 (May 15, 1979) and at 44 FR 28950 (May 17, 1979) (Interim Rules).

The MFBI's for which the petition is filed are two field-erected boilers (identified as Boilers number 1 and 2), to be installed at the Niagara Energy-From-Waste Plant in Niagara Falls, New York. Each boiler has a design heat input rate of more than 300 million BTU's per hour with a steam generating capacity of 300,000 pounds per hour and are designed to burn a Refuse Derived Fuel (RDF) and coal with less than 25% petroleum in a fuels mixture. Under section 505.28 of the Interim Rules, Hooker has requested a permanent exemption for use of this fuels mixture in each of Boilers Number 1 and 2.

FUA imposes statutory prohibitions against the use of natural gas and petroleum as a primary energy source by new MFBI's which consist of a boiler. ERA's decision in this matter will determine whether each of the boilers will be granted a permanent exemption to use a fuel mixture of RDF, coal, and petroleum.

ERA has determined that the petition for a permanent fuels mixture exemption is complete in accordance with § 501.3(c) of the Interim Rules. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION,** section below.

As provided for in sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the Interim Rules, interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing.

DATES: Written comments are due on or before April 28, 1980. A request for public hearing must also be made within this same 45 day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Economic Regulatory Administration, Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA-FC-80-009, should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone: (202) 634-2170.

Constance L. Buckley, Chief, New MFBI Branch, Office of fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone: (202) 254-7814.

Douglas F. Mitchell, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6G-087, Washington, D.C. 20585, Phone: (202) 252-2967.

Terri L. Hamrick, Case Manager, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone: (202) 254-3262.

SUPPLEMENTARY INFORMATION: ERA published in the Federal Register on May 15 and 17, 1979, its Interim Rules implementing the provisions of Title II of FUA. The Act prohibits the use of natural gas and petroleum as a primary energy source in certain new MFBI's unless an exemption to do so has been granted by ERA.

The MFBI's for which the permanent fuels mixture exemption is requested are field-erected boilers each having a design heat input rate of more than 300 million Btu's per hour, a steam generating capacity of 360,000 pounds per hour, and are designed to burn a mixture of RDF and coal with less the 25 percent petroleum. These boilers will supply the entire steam and a portion of the electrical requirements of the Niagara Plant.

Section 505.28 of the Interim Rules provides for a permanent exemption from the prohibitions of FUA for certain fuel mixtures containing natural gas or petroleum. To qualify, a petitioner must demonstrate to the satisfaction of ERA that:

(1) He proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum or natural gas proposed for use in the mixture will not exceed the minimum percentage of the total annual Btu heat input needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If the exemption is granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the installation.

In addressing the eligibility and evidentiary requirements in §§ 505.28(a)(1) and (c)(4), Hooker states that it will be using an RDF/coal/petroleum mixture as a primary energy source. The company further certifies that the total amount of petroleum proposed to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the boiler.

In accordance with Part 502 of the Interim Rules, and in support of its petition, Hooker addressed the remaining Fuels Decision Report (FDR) requirements by including design specifications for the unit for which this exemption is requested, an engineering assessment of the proportions of petroleum needed to maintain operational reliability and a reasonable level of fuel efficiency, and an environmental impact analysis.

ERA hereby accepts the filing of the petition for a fuels mixture exemption as adequate for filing. ERA retains the right to request additional information from Hooker at any time during the pendency of these proceedings where circumstances or procedural requirements may so require. As set forth in § 501.3(g) of the Interim Rules, the acceptance of the petition by ERA does not constitute a determination that Hooker is entitled to the exemption requested.

The public file, containing documents on these proceedings and supporting materials, is available for inspection upon request at: ERA, Room B-110, 2000 M Street NW., Washington, D.C. Monday-Friday, 8:00 am-4:30 pm.

Issued in Washington, D.C., on March 7, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-7666 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co. Through Its Subsidiary Anadarko Production Co.; Final Action on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of final action taken.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action to accept a Consent Order after consideration of comments received from the public.

DATES: Effective Date: February 25, 1980.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On January 10, 1980, the Office of Enforcement of the ERA published Notice of a Consent Order which had been executed between Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company and DOE. With that Notice, and in accordance with 10 CFR 205.199J(c), the Office of Enforcement invited interested persons to comment on the Consent Order. A press release was issued simultaneoulsy, in conformity with 10 CFR 205.199J(c). Under the terms of 10 CFR 205.199J(c), no Consent Order involving sums in excess of $500,000 shall become effective until the DOE publishes Notice of its execution and solicits and considers public comments with respect to its terms. Pursuant to 10 CFR 205.199J, the Office of Enforcement of the ERA hereby gives Notice of final action taken on the Consent Order.

I. Comments Received

No comments were received with respect to the terms of the Consent Order.

II. Determination

The Office of Enforcement of the ERA has determined that the refund procedures as provided in the Consent Order are appropriate under the circumstances of this case.

The Office of Enforcement has concluded that the Consent Order as executed between DOE and Panhandle Eastern Pipe Line Company through its subsidiary Anadarko Production Company is an appropriate resolution of the compliance proceedings described in the Notice published on January 10, 1980, and hereby gives Notice that the Consent Order is made effective by written notice to Anadarko Production Company on this date.

Issued in Kansas City, Missouri on this 25th day of February 1980.

William D. Miller,

Central Enforcement District.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 80-7559 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP80-72]

Algonquin Gas Transmission Co.; Order Accepting for Filing and Suspending Proposed Rate Increase, Subject to Conditions, Granting Interventions and Establishing Procedures

Issued February 27, 1980.

On January 28, 1980, Algonquin Gas Transmission Company (Algonquin) filed a general rate increase, under Section 4(e) of the Natural Gas Act, designed to increase annual jurisdictional revenues above its presently effective base tariff rates by $17,137, 138. This represents an increase in total costs of approximately 3.75%, or 27.3% of the total costs excluding purchased gas costs and feed stock costs. The increased rates are based on actual costs for the twelve months ended September 30, 1979, as adjusted for known changes in costs which are expected to be incurred by the end of the test period, June 30, 1980. The proposed effective date is March 1, 1980.

The principal reasons cited by Algonquin for the increased rates include increased costs related to labor, supplies, and naphtha, as well as increased capital costs and taxes. Algonquin seeks an overall rate of return of 12.41%. This overall rate of return yields a return of 15% on the equity portion, which is 49.43% of the total capitalization.

In addition to the increase in its rates, Algonquin proposes tariff provisions which will: (i) change the method of determining total heating value from a saturated basis to a dry basis to correspond with a similar change in the FERC Gas Tariff of Algonquin's pipeline supplier, Texas Eastern Transmission Corporation (Tetco), and (ii) modify the deferred account provision of the Purchased Gas Cost Adjustment Clause (PGAC) to provide that miscellaneous transportation revenues will be flowed through to Algonquin's gas customers through the Unrecovered Purchased Gas Cost Account. The precise changes in the PGAC provisions appear on Tariff Sheet No. 129 and constitute an addition to the General Terms and Conditions, Section 17.5.

The cost of service underlying the rates filed herein includes costs associated with uncertificated facilities. We shall grant waiver of § 154.63(e)(2)(ii) of the Commission's regulations to permit the inclusion of these costs subject to the condition that Algonquin file revised tariff sheets eliminating all costs associated with facilities not in service on or before June 30, 1980.

Tetco, the sole pipeline supplier of Algonquin, has proposed to change its standard unit of measurement from the saturated basis to a dry basis of measurement and has proposed changes in the General Terms and Conditions of its tariff to reflect such changes in Docket No. RP78-87. A proposed settlement agreement in Docket No. RP78-87 is currently before the Commission for its approval.

Public notice of the instant filing was issued on January 31, 1980, providing for protests and petitions to intervene to be filed on or before February 19, 1980. Petitions to intervene were filed by The Algonquin Customer Group [1] and Consolidated Edison Company of New York, Inc. All petitioners have demonstrated an interest in this proceeding which warrants their participation, and their intervention shall be granted.

Based upon a review of Algonquin's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or overwise unlawful. The portion of the filing which reflects the change in the method of determining total heating value of gas delivered from a saturated basis to a dry basis will be accepted for filing and suspended for one day until March 2, 1980, when it shall become effective subject to refund and subject to the outcome of the similar proposal to change from a saturated to dry basis in Tetco's rate proceeding in Docket No. RP79-87. The remainder of the filing shall be accepted for filing and suspended until August 1, 1980, subject to refund and the conditions set forth herein, and set the matter for hearing. The acceptance of these tariff sheets shall be conditioned upon Algonquin's filing revised tariff sheets to reflect: (i) the elimination of those costs associated with facilities not in service on or before June 30, 1980, (ii) the current cost of purchased gas reflected in Algonquin's most recent PGA filing prior to the effective date of the proposed rates, and (iii) the effective GRI Funding Unit on the effective date of the increased rates.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rate increases proposed by Algonquin.

[1] Appendix A contains a listing of all petitions comprising The Algonquin Customer Group.

(B) The portion of the filing dealing with the change in method of determining total heating value of gas delivered from a saturated basis to a dry basis shall be accepted for filing and suspended for one day until March 2, 1980, when it shall become effective subject to refund and subject to the outcome of the similar proposal in Tetco's rate proceeding in Docket No. RP78-87.

(C) The portion of the filing not discussed in Ordering Paragraph (B) above is accepted for filing, and suspended for five months until August 1, 1980, when it shall be permitted to become effective in the manner prescribed by the Natural Gas Act and the Commission's regulations, subject to refund and subject to the following conditions:

Algonquin shall file revised tariff sheets to:

(1) reflect the elimination of those costs associated with facilities not in service on or before June 30, 1980;

(2) reflect the current cost of purchased gas reflected in Algonquin's most recent PGA filing prior to the effective date of the proposed rates; and

(3) reflect the effective GRI Funding Unit on the effective date of the increased rates.

(D) The Commission Staff shall prepare and serve top sheets on all parties on or before May 30, 1980.

(E) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)), shall convene a settlement conference in this processing to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(F) The Algonquin Customer Group and Consolidated Edison Company of New York, Inc., are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that their participation shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and, *Provided, further,* that their admission shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

The Algonquin Customer Group includes:

Bay State Gas Company
Boston Gas Company
Bristol and Warren Gas Company
Cape Cod Gas Company
Commonwealth Gas Company
The Connecticut Gas Company
Connecticut Natural Gas Corporation
Fall River Gas Company
Town of Middleborough, Municipal Gas and Electric Department
New Bedford Gas and Edison Light Company
New Jersey Natural Gas Company
City of Norwich, Department of Public Utilities
Orange and Rockland Utilities, Inc.
Pequot Gas Company
The Providence Gas Company
South County Gas Company
The Southern Connecticut Gas Company
Tiverton Gas Company

[FR Doc. 80-7529 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Dockets Nos. RP80-43 and TA80-1-43, et al.]

Cities Service Gas Co.; Proposed Changes in FERC Gas Tariff

March 5, 1980

Take notice that Cities Service Gas Company (Cities Service) on February 28, 1980, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following:

Second Substitute Second Revised Sheet No. 60

This tariff sheet was filed after meetings with the Commission Staff and a review of Order No. 49-A to clarify and supplement the incremental pricing provisions in Cities Service's FERC Gas Tariff.

The proposed effective date of this tariff sheet is December 1, 1979, the date originally established by Order No. 49.

Copies of this filing were served upon the Company's jurisdictional customers, interested state commissions and other affected customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7530 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-239]

Cities Service Gas Co.; Application

February 27, 1980.

Take notice that on February 14, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-239 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to render transportation services for other interstate pipeline companies for terms of up to two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas from other interstate pipeline companies for periods of up to two years. It states that it would comply with § 284.221(d) of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the

matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7531 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP72-142, et al.]

Cities Service Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 27, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before March 13, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date and company	Docket No.	Type filing
2/21/80 Cities Service Gas Co.	RP72-142	Plan.
2/21/80 Southern Natural Gas Co.	RP80-75	Plan.

[FR Doc. 80-7532 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-32]

Colorado Interstate Gas Co.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

March 5, 1980.

Take notice that Colorado Interstate Gas Company, on February 28, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 17.43 cents per MCF and decrease the demand rate by 4.00 cents per Mcf. Alternate sheets were filed to track alternate sheets filed by Northwest Pipeline Corporation.

The filing was made to enable CIG to reflect in its rates, pursuant to Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1, net increased purchased gas costs it will experience as of April 1, 1980, as the result of rate filings made by certain of its pipeline suppliers.

CIG requests that the instant filing be made effective on April 1, 1980.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7533 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-243]

Columbia Gas Transmission Corp.; Application

March 6, 1980.

Take notice that on February 15, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-143 an application pursuant to Section 7(c) of the Natural Gas Act for a Certificate of public convenience and necessity authorizing additional points of delivery to existing wholesale gas customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct 135 interconnecting tap facilities to provide the following additional points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 3 taps for residential service; Estimated annual usage of 450 Mcf.

(2) Columbia Gas of Ohio, Inc., 90 taps for residential service, 8 taps for commercial service; 5 taps for industrial service; Estimated annual usage of 145,645 Mcf.

(3) Columbia Gas of Pennsylvania, Inc., 11 taps for residential service, 1 tap for commercial service; Estimated annual usage of 1,860 Mcf.

(4) Columbia Gas of Virginia, Inc., 1 tap for residential service; Estimated annual usage of 150 Mcf.

(5) Columbia Gas of West Virgina, Inc., 14 taps for residential service, 1 tap for commercial service; Estimated annual usage of 4,340 Mcf.

(6) West Ohio Gas Company, 1 tap for residential service; Estimated annual usage of 150 Mcf.

Applicant states further that it does not propose to increase its currently authorized level of sales.

It is stated that the total cost of the proposed interconnections is estimated to be $40,629, which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7534 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-4880, et al.]

Diamond Shamrock Corp. et al.; Renotice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

March 6, 1980.

Take notice that each of the Applicants listed herein has filed an application of petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 14, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4880, C, Feb. 19, 1980	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Phillips Petroleum Co., wells in Moore, Hutchinson, Roberts, Sherman and Hansford Counties, Tex.	(2)	14.65
CI78-109, E, Jan. 16, 1980	Texoma Production Co. (formerly Narmco, Inc. (Del.)), P.O. Box 283, Houston, Tex. 77001.	Kansas-Nebraska Natural Gas Co., Inc., Sec. 16-T34N-R87W. Natrona County, Wyo.	(2)	15.025
CI78-1173, D, Feb. 14, 1980	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Montana-Dakota Utilities Co., Little Knife field, Dunn and Billings Counties, N. Dak.	Low gas production	
CI80-115, E, Dec. 13, 1979	Mobil-GC Corp. (successor to General Crude Oil Co.), Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Trunkline Gas Co., Nona Mills field, Hardin County, Tex.	(2)	14.73
CI80-116, E, Dec. 13, 1979	do	West Lake Natural Gasoline Co., Nena Lucia field, Nolan County, Tex.	(2)	14.73
CI80-117, E, Dec. 13, 1979	do	Michigan Wisconsin Pipe Line Co., West Cameron block 171 field, Federal offshore Louisiana.	(2)	14.73
CI80-118, E, Dec. 13, 1979	do	United Gas Pipe Line Co., Bayou St. Vincent Field, Assumption Parish, La.	(2)	14.73
CI80-119, E, Dec. 13, 1979	do	Northern Natural Gas Co., East Spearman field, Hansford County, Tex.	(2)	14.73
CI80-120, E, Dec. 13, 1979	do	Colorado Interstate Gas Co., Keyes field, Cimarron County, Tex.	(2)	14.73
CI80-121, E, Dec. 13, 1979	do	Texas Eastern Transmission Corp., Silsbee field, Hardin County, Tex.	(2)	14.73
CI80-122, E, Dec. 13, 1979	do	Northern Natural Gas Co., Monument field, Lea County, N. Mex.	(2)	14.73
CI80-123, E, Dec. 13, 1979	do	Michigan Wisconsin Pipe Line Co., West Cameron block 171 field, Federal offshore Louisiana.	(2)	14.73
CI80-124, E, Dec. 13, 1979	do	Trunkline Gas Co., South Timbalier blocks 179 and 187 field, Federal offshore Louisiana.	(2)	14.73
CI80-125, E, Dec. 13, 1979	do	Transcontinental Gas Pipe Line Corp., Brazos block A-1 field, offshore Texas.	(2)	14.73
CI80-126, E, Dec. 13, 1979	Mobil-GC Corp. (successor to General Crude Oil Co., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Co., N. Hokit and N. Puckett field, Pecos County, Tex.	(2)	14.73
CI80-127, E, Dec. 13, 1979	do	Michigan Wisconsin Pipe Line Co., Ship Shoal blocks 204, 205, 207 and 216, Federal offshore Louisiana.	(2)	14.73
CI80-128, E, Dec. 13, 1979	do	J. M. Huber Corp., West Panhandle field, Hutchison County, Tex.	(2)	14.73
CI80-129, E, Dec. 13, 1979	do	Arkansas Louisiana Gas Co., Erick field, Beckham County, Okla.	(2)	14.73
CI80-131, E, Dec. 13, 1979	do	Michigan Wisconsin Pipe Line Co., Eugene Island block 296 field, Federal offshore Louisiana.	(2)	14.73
CI80-130, E, Dec. 13, 1979	do	Tennessee Gas Pipeline Co., Bell City field, Calcasieu et al., Parishes, La.	(2)	14.73
CI80-132, E, Dec. 13, 1979	do	Northern Natural Gas Co., Langlie-Mattix field, Lea County, N. Mex.	(2)	14.73
CI80-133, E, Dec. 13, 1979	do	Michigan Wisconsin Pipe Line Co., Eugene Island block 306 field, Federal offshore Louisiana.	(2)	14.73
CI80-174, A, Jan. 21, 1980	General American Oil Co., of Texas, Meadows Bldg., Dallas, Tex. 75206.	Sea Robin Pipeline Co., block 38, east Cameron area, offshore Louisiana.	(2)	15.025
CI80-175, A, Jan. 18, 1980	Pennzoil Producing Co., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., High Island block 273, east addition, south extension, offshore Texas.	(2)	14.65
CI80-177, A, Jan. 23, 1980	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Transwestern Pipeline Co., Wolf Creek field, Lipscomb County, Tex.	(2)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI80-178, A, Jan. 24, 1980	Mobil Oil Exploration and Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Sea Robin Pipeline Co., Eugene Island block 354 field, Federal offshore Louisiana.	(7)	15.025
CI80-179, A, Jan. 29, 1980	CNG Producing Co., Suite 1600, 1010 Common St., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, blocks 537, 551 and 552, west Cameron area, offshore Louisiana.	(7)	14.73
CI80-180, A, Jan. 29, 1980	McCulloch Oil and Gas Corp., 10880 Wilshire Blvd., Suite 1600, Los Angeles, Calif. 90024.	El Paso Natural Gas Co., Spradlin No. 1 well, Washita County, Okla.	(7)	14.65
CI80-181, A, Jan. 31, 1980	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Natural Gas Pipeline Co. of America, south Marsh Island block 265, offshore Louisiana.	(7)	15.025
CI80-183, A, Jan. 31, 1980	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., certain acreage in the Willow Springs field, Gregg County, Tex.	(10)	14.65
CI80-185, A, Feb. 5, 1980	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Mississippi River Transmission Corp., Waskom field, Harrison County, Tex.	(12)	14.73
CI80-195, A, Feb. 11, 1980	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., west Reydon field, Roger Mills County, Okla.	(12)	14.65
CI80-196, A, Feb. 8, 1980	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Arkansas-Louisiana Gas Co., Greenwood-Waskom field, Caddo Parish, La.	(12)	15.025
CI80-197, A, Feb. 13, 1980	Northwestern Mutual Life Insurance Co., 720 East Wisconsin Ave., Milwaukee, Wis. 53202.	Michigan Wisconsin Pipe Line Co., block 260, south Marsh Island area, offshore Louisiana.	(13)	14.73
CI80-199, F, Feb. 15, 1980	ARCO Oil & Gas Co., Division of Atlantic Richfield Co. (partial successor to Dallas McCasland).	El Paso Natural Gas Co., certain acreage located in Lea County, N. Mex.	(12)	14.65
CI80-198, F, Feb. 15, 1980	ARCO Oil & Gas Co., Division of Atlantic Richfield Co. (partial successor to Mary Blanche Todd).	El Paso Natural Gas Co., certain acreage located in Lea County, N. Mex.	(14)	14.65
CI80-200, F, Feb. 14, 1980	ARCO Oil & Gas Co., Division of Atlantic Richfield Co. (partial successor to Supron Energy Corp.).	Southern Union Gathering Co., certain acreage located in San Juan County, N. Mex.	(17)	15.025
CI80-201 A, Feb. 20, 1980	Case-Pomeroy Oil Corp., P.O. Box 1511, Midland, Tex. 79702.	Columbia Gas Transmission Corp., block 265, south Marsh Island area, offshore Louisiana.	(18)	15.025

[1] Applicant is filing under Letter Agreement dated 3-9-79, adding certain wells to the Natural Gas Exchange Agreement dated 8-28-51, and the exchange of gas proposed herein will not be accomplished by means of any pipeline.

[2] On 8-14-79, the Board of Directors of Narmco authorized an amendment to the Articles of Incorporation wherein the corporate name was changed from Narmco, Inc. (Del.) to Texoma Production Company. This action was approved on 8-15-79, the Natural Gas Pipeline Company of America, the sole stockholder of Narmco. The amendment was filed with the Secretary of the State of Delaware on 8-20-79.

[3] Applicant requests authorization, effective 7-6-79 as successor by merger to General Curde Oil Company, a certificate of public convenience and necessity to continue the sale of gas to purchaser from said acreage. This sale of gas has heretofore been made by General Crude Oil Company under their Small Producer Certificate in Docket No. CS72-544.

[4] Applicant is filing under Gas Purchase Contract dated 10-10-79.

[5] Applicant is willing to accept a certificate of public convenience and necessity conditioned in price to the applicable ceiling rates as established by the Natural Gas Policy Act of 1978.

[6] Applicant is filing under a Contract dated 1-10-80.

[7] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d).

[8] Applicant is willing to accept a certificate conditioned to the applicable national rate as determined by the Natural Gas Policy Act of 1978, (assumes initial deliveries occur in First Quarter of 1980 plus the adjusted and escalations provided for in 18 CFR 2.56a and in the Natural Gas Policy Act of 1979.

[9] Applicant is filing under Contract dated 1-1-80.

[10] Applicant is filing under Gas Purchase Contract dated 12-27-79.

[11] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart C, Section 103.

[12] Applicant is filing under Gas Sales Contract dated 11-8-78.

[13] Applicant is filing under Gas Purchase Contract dated 1-25-80, which is a "rollover" contract as defined by the Natural Gas Policy Act of 1978.

[14] Applicant is willing to accept certification conditioned to an initial rate equal to the applicabe maximum lawful price prescribed in the NGPA and the Commission's regulations implementing the NGPA, including any increases in such prices, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act and the NGPA.

[15] By Assignment effective as of 5-28-78, Dallas McCasland conveyed to Applicant a 1.08164% unit participating interest in the Langley Deep Unit. Such interest is subject to the Dry Gas Purchase Contact dated 2-27-50, as amended, between El Paso, as Buyer, and Shell Oil Company (predecessor in interest to Dallas McCasland) and Warren Petroleum Corporation, as Seller. Applicant's newly acquired 1.08164% interest has been covered previously before the Commission under Dallas McCasland's Small Producer Certificate issued in Docket No. CS73-0471 and Applicant respectfully requests that it be issued a Certificate of Public Convenience and Necessity authorizing the continuance of the sale of natural gas to El Paso and that the Blanket Certificate of Public Convenience and Necessity in Docket No. CS73-0471 be terminated insofar as it relates to Applicant's interest acquired from Dallas McCasland.

[16] By Assignment effective as of 5-28-78, Mary Blanche Todd conveyed to Applicant a .09577% unit participating interest in Langley Deep Unit. Such interest is subject to the Gas Purchase Agreement dated 1-30-53, as amended between El Paso, as Buyer, and Delport Oil Corporation and Skelly Oil Company, as Seller. Applicant's newly acquired .09577% interest has been covered previously before the Commission under Delport Oil Corporation's Small Producer Certificate issued in Docket No. CS66-0015. Applicant respectfully requests that it be issued a Certificate of Public Convenience and Necessity authorizing the continuance of the sale of natural gas to El Paso and that the Blanket Certificate of Public Convenience and Necessity in Docket No. CS-66-0015 be terminated insofar as it related to Applicant's interest acquired from Mary Blanche Todd.

[17] By Farmout Agreement dated 9-3-52, Applicant, successor to Western Natural Gas Company, farmed out certain interest in various leases located in San Juan County, New Mexico, to Southern Union Gas Company, predecessor of Supron Energy Corporation. Southern Union Production Company, successor to Southern Union Gas Company, was issued a Certificate of Public Convenience and Necessity in Docket No. CI61-1265 authorizing sale to Southern Union Gathering Company pursuant to Natural Gas Purchase Contract dated 9-27-54, as amended and supplemented. Pursuant to the terms of said Farmout Agreement, Applicant elected to convert its overriding royalty interest in certain acreage covered by three separate documents entitled "Assignment of Operating Rights", all dated 6-15-79, one document dated 5-15-79, and two documents dated 11-27-79, Supron Energy Corporation conveyed to Applicant an undivided twenty-five percent (25%) working interest in such acreage, as more fully set out in the Assignments of 6-15-79, 5-15-79 and 11-27-79. The assigned acreage is subject to the Natural Gas Purchase Contract of 9-27-54, as amended and supplemented. Applicant respectfully requests that it be issued a Certificate of Public Convenience and Necessity and that the Certificate of Public Convenience and Necessity in Docket No. CI61-1265 be terminated insofar as it relates to Applicant's interest in the acreage acquired from Supron Energy Corporation.

[18] Applicant is willing to accept the Certificate being applied for herein if such Certificate authorizes rate prescribed by the Commission at the time of initial deliveries thereunder; provided however, Applicant reserves the right to reject such Certificate if it contains other conditions that are unacceptable, in Applicant's judgement.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-7535 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-33 (PGA80-2, IPR80-2, AP80-1, TT80-1 and LFUT80-1)]

El Paso Natural Gas Co.; Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

March 5, 1980.

Take notice that on February 29, 1980, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of change in rates for jurisdictional gas service rendered to customers served by its interstate gas transmission system. Such service is rendered under rate schedules affected by and subject to (i) Article 19, Purchased Gas Cost Adjustment Provision ("PGAC") and Article 22, Louisiana First-Use Tax Tracking Provision ("LFUT"), each contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1, and (ii) the PGAC—Clean High Pressure Gas Provision ("PGAC-CHPG") contained in El Paso's FERC Gas Tariff, Original Volume No. 2A.

El Paso states that the instant notice of change in rate occasioned by the

PGAC and PGAC–CHPG provisions will compensate El Paso for its estimated purchased gas cost to be incurred during the period April 1, 1980, through September 30, 1980, including certain gas produced by El Paso which is priced for rate purposes on an area rate basis, as reduced by those estimated gas purchase costs determined herein to be subject to incremental pricing which El Paso expects to recover by means of incremental pricing surcharges and for changes in the PGAC surcharge adjustment representing the actual balance in El Paso's Account 191, Unrecovered Purchased Gas Cost, as of December 31, 1979, including the applicable carrying charges. El Paso further states that the instant notice of change in rates includes adjustments in El Paso's rates attributable to (i) advance payments, (ii) transportation costs and (iii) gas well royalty and production tax costs, pursuant to the adjustment mechanisms designed to track such costs provided for in El Paso's Stipulation and Agreement dated May 31, 1979, at Docket No. RP79–12.[1]

El Paso states that the current net PGAC adjustments, exclusive of the LFUT adjustment, proposed herein for El Paso's east-of-California ("EOC") customers and California customers are 24.77¢ per Mcf and 23.32¢ per Mcf, respectively. Such net PGAC adjustments are comprised of (i) a purchased gas annualized cost adjustment reduced as described below,[2] (ii) a surcharge adjustment attributable to the unrecovered purchased gas cost balance in Account 191, as of December 31, 1979, and (iii) elimination of the PGAC surcharge adjustment included in El Paso's currently effective rates. El Paso further states that included in the determination of the net PGAC adjustment is the reduction of 0.84¢ per Mcf resulting from the application of the Maximum Surcharge Absorption Capability ("MSAC") applicable to the "non-exempt" direct sale customers served by El Paso's interstate pipeline system. Additionally, the adjustment mechanisms designed to track variations in El Paso's costs attributable to advance payments, transportation costs and gas well royalty and production tax costs, as approved at Docket No. RP79–12, result in the further net rate per Mcf adjustments summarized below:

Adjustment	EOC and California rates
Advance Payment	(0.05¢)
Transportation:	
Annualized	1.45¢
Surcharge	.08¢
Gas Well Royalty and Production Tax	2.99¢

The above current net adjustments proposed herein reflect the elimination of the appropriate surcharges related to said adjustment mechanisms reflected in El Paso's PGAC filing effective October 1, 1979, and now included in El Paso's currently effective rates.

El Paso states that the current net PGAC–CHPG adjustment aggregates an increase of 13.6849¢ per Mcf. Such current net adjustment is comprised of (i) an increase in the weighted average purchased cost of clean, high-pressure gas, (ii) a surcharge adjustment representing the unrecovered purchased gas cost balance in Account 191 as of December 31, 1979, and (iii) elimination of the PGAC–CHPG surcharge adjustment presently included in El Paso's currently effective rates. El Paso further states that, at this time, there are no MSAC's applicable to El Paso's PGAC–CHPG service, and therefore no reduction in the purchased gas costs is appropriate.

El Paso states that the proposed LFUT adjustment is comprised of (i) a LFUT Adjustment of 0.01¢ per Mcf to recover annualized increases in LFUT costs and (ii) a LFUT Surcharge Adjustment of 0.03¢ per Mcf based upon the unrecovered balance in the LFUT Deferred Cost Account, as of December 31, 1979. El Paso further states that, after elimination of the LFUT surcharge adjustment included in El Paso's currently effective rates, the net increase in rate attributable to the LFUT is 0.03¢ per Mcf, which will be applied as an adjustment to the jurisdictional rates applicable to said LFUT tracking provision. In conformity with its selection of the corporate undertaking procedure pursuant to the Commission's Order No. 10–B, and in compliance with Section 154.38(h)(5)(i) of the Commission's Regulations promulgated therein, El Paso will collect the increase in LFUT, subject to refund.

El Paso states that the total net change in its currently effective rates attributable to the PGAC, LFUT and Docket No. RP79–12 tracking mechanism adjustments for El Paso's EOC and California customers is 29.27¢ per Mcf and 27.82¢ per Mcf, respectively. The total not change in El Paso's currently effective rates subject to the PGAC-CHPG providion is a net increase of 8.2342¢.

El Paso has requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary, to permit the effectiveness on April 1, 1980, of the tariff sheets tendered as a part of the instant notice of change in rates.[3]

El Paso states that copies of the filing and attachments have been served upon all parties of record in Docket Nos. RP72–155, *et al.*, and upon all interstate pipeline system customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before March 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–7538 Filed 3–11–80; 8:45 am]

BILLING CODE 6450–85–M

[1] Said Stipulation and Agreement provides for the settlement of all issues in the general rate increase proceeding at Docket No. RP79–12 with the exception of certain issues involving tax normalization reserved for hearing. Such Stipulation and Agreement was accepted and approved by the Commission's letter order dated July 20, 1979.

[2] Such purchased gas cost adjustment is attributable primarily to certain contractual rate escalations permitted in supplier agreements, supplier and area rate production price increases attributable to the Natural Gas Policy Act of 1978 ("NGPA"), certain purchases from intrastate pipelines under Sections 311(b) and 312 of the NGPA which are used in El Paso's interstate system operations, purchases of deregulated high cost natural gas, purchases from Border Gas, Inc. attributable to volumes of natural gas imported from Mexico, costs associated with an increase in the State of New Mexico severance tax and the net of exchange transactions.

[3] The tariff sheets tendered by El Paso in order to implement the subject notice of rate change are Substitute Twenty-seventh Revised Sheet No. 3–B and First Revised Sheet No. 159 to its Original Volume No. 1 Tariff, Substitute Eighteenth Revised Sheet No. 1–D to its Third Revised Volume No. 2 Tariff and Substitute Nineteenth Revised Sheet No. 1–C and Substitute Fourteenth Revised Sheet No. 1–D to its Original Volume No. 2A Tariff.

[Docket No. TA80-2-34 (PGA80-2, IPR80-2 & LFUT80-1)]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions and the Louisiana First Use Tax Provision

March 5, 1980.

Take notice that on February 29, 1980, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its FERC Gas Tariff:

Original Volume No. 1

24th Revised Sheet No. 3-A
First Revised Sheet No. 3-B

Original Volume No. 3

14th Revised Sheet No. 128

The aforementioned tariff sheets contain changes in its resale rates in Rate Schedules G and I and in Rate Schedule T-3 resulting from adjustment provisions in the Company's tariff for (i) cost of purchased gas, (ii) Incremental Pricing Provision, and (iii) Louisiana First Use Tax. FGT proposes to make the rate changes effective April 1, 1980.

According to FGT, the changes contained on 24th Revised Sheet No. 3-A and 14th Revised Sheet No. 128 are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (Section 15, General Terms and Conditions) and adjust the currently effective rates for Rate Schedules G and I to reduce the Louisiana First Use Tax provision in accordance with Section 20 of the General Terms and Conditions of FGT's FERC Gas Tariff, Original Volume No. 1. FGT also states that First Revised Sheet No. 3-B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

The net effect of the above-mentioned adjustments for Rate Schedules G and I is to increase the currently effective rate by 2.048¢/Therm. Based on estimated G and I sales for the next 12 months this results in an annual revenue increase of approximately $17,702,000. Below is a table comparing the G and I rates before and after the April 1, 1980 change.

	Effective prior to Apr. 1, 1980[1]	To be effective Apr. 1, 1980
Rate Schedule G	22.184¢	24.232¢
Rate Schedule I	21.384¢	23.423¢

[1] Reflecting the reduced rates required pursuant to the Stipulation and Agreement in Docket No. RP79-16.

The net effect of the above-mentioned adjustments for Rate Schedule T-3 is an increase of 3.40¢/Mcf. The rate for Rate Schedule T-3 in effect immediately prior to April 1, 1980 is 35.52¢/Mcf.[1] The rate to be effective on April 1, 1980 is 38.92¢. The annual effect on revenues from the Rate Schedule T-3 is an increase of $2,482,000.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 3 and the Florida Public Service Commission and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-7537 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[1] Reflecting the reduced rates required pursuant to the Stipulation and Agreement in Docket No. RP79-16.

[Docket No. ER80-244]

Florida Power & Light Co.; Filing

February 27, 1980.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL), on February 21, 1980, tendered for filing a contract between Florida Power & Light Company and Jacksonville Electric Authority for Transmission of Power & Energy in the implementation of The Power Sale Agreement between Jacksonville Electric Authority and Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc.

FPL states that under the Contract, it will transmit an initial contracted demand of 50 MW to Jacksonville Electric Authority in the implementation of its Power Sale Agreement with Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc.

FPL requests that the 60 day filing requirement be waived and that the Contract become effective February 22, 1980, to coincide with the date service is scheduled to commence under the Jacksonville-Southern Companies Power Sale Agreement. According to FPL, copies of the filing were served on the Managing Director of the Jacksonville Electric Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rule of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-7538 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP78-391, et al.]

Great Plains Gasification Associates, et al.; Scheduling Conferences

Issued March 5, 1980.

Notice is hereby given that further working level conferences will be held in this proceeding on Tuesday, March 11, 1980, commencing at 10:00 a.m. and at 9:00 a.m. on Tuesday, March 18, 1980. The matters to be considered will include, *inter alia*, the credit agreement, funding and gas purchase agreements, pipeline tracking provisions, and the project monitoring system.

The conferences will be held at the Commission's Offices, Washington, D.C. and are open to the public.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-7539 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket Nos. G-7153, et al.]

Gulf Oil Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

March 5, 1980.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more full described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 13, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearings.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft [3]	Pressure base
G-7153, D, Feb. 22, 1980	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	El Paso Natural Gas Co., Sweetie Peck field, Midland County, Tex.	Lease has expired	
G-8733, Feb. 25,[1] 1980	ARCO Oil & Gas Co., division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Eumont, Tubb, and Blinebry fields, Lea County, N. Mex.	([2])	14.65
G-17617, C, Jan. 2, 1980	Gulf Oil Corp	El Paso Natural Gas Co., south Andrews field, Andrews County, Tex.	([2])	14.65
G-19528, D, Feb. 29, 1980	Cabot Corp., 1 Houston Center, Suite 1000, Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Laverne field, Harper County, Okla.	([4])	
CI60-466, D, Jan. 11, 1980	Cabot Corp	Northern Natural Gas Co., Laverne and Mocane fields, Beaver County, Okla.	([5])	
CI60-466, D, Feb. 29, 1980	Cabot Corp	Northern Natural Gas Co., township 3 north, range 28 ECM E/2, NE/4, of sec. 7 Otto No. 1 gas unit, Laverne area, Beaver County, Okla.	([6])	
CI69-445, D, Feb. 22, 1980	Gulf Oil Corp	Transwestern Pipeline Co., Rock Tank Morrow field, Eddy County, N. Mex.	Lease expired	
CI70-605, C, Feb. 28, 1980	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Tennessee Gas Pipeline Co., south Timbalier block 23(S/2) of the Bay Marchand block 2 field, offshore Louisiana.	([7])	15.025
CI75-612, C, Feb. 25, 1980	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Mountain Fuel Supply Co., Spearhead ranch field, Wyoming.	([8])	15.025
CI80-207, F, Feb. 22, 1980	Cities Service Co. (Successor to Mobil Oil Corp.), P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., N/2 NW/4 of sec. 31-5N-13 ECM, Texas County, Okla.	([9])	14.65
CI80-208 (CI69-979), B, Feb. 22, 1980.	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.	Tennessee Gas Pipeline Co., block 174 (block 180 field), west Cameron area, offshore Louisiana.	([10])	
CI80-209, A, Feb. 25, 1980	Chevron U.S.A. Inc	Columbia Gas Transmission Corp., east Cameron block 23, offshore Louisiana.	([11])	15.025
CI80-210, A, Feb. 25, 1980	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Vermilion area, block 310 field, offshore Gulf of Mexico.	([11])	15.025
CI80-211, B, Feb. 25, 1980	Tom Brown, Inc., P.O. Box 5706, Midland, Tex. 79701.	Northern Natural Gas Co., Wildcat, sec. 24-T21N-R20W, Woodward County, Okla.	Formation depleted. This well has had no production since December 1978.	
CI80-212, A, Feb. 26, 1980	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	Transcontinental Gas Pipe Line Corp., Vermilion area, block 310, offshore Louisiana, Gulf of Mexico.	([12])	15.025
CI80-213, A, Feb. 28, 1980	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, block 139, High Island area, offshore Tex.	([11])	14.65
CI80-215, F, Feb. 29, 1980	Southwest Gas Storage Co., a partnership successor in interest to A. L. Abercrombie, *et al*), P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., Borchers north field, Meade County, Kans.	([12])	14.65
CI80-216 (CI72-547), B, Feb. 29, 1980.	Cabot Corp., 1 Houston Center, Suite 1000, Houston, Tex. 77002.	Michigan Wisconsin Pipeline Co., township 3 north, range 28 ECM E/2, NE/4 of sec. 7 Otto No. 1 gas unit, Laverne area, Beaver County, Okla.	([6])	
CI80-217 (CI72-548), B, Feb. 29, 1980.	Cabot Corp	El Paso Natural Gas Co., township 3 north, range 28 ECM E/2, NE/4 of sec. 7 Otto No. 1 gas unit, Laverne area, Beaver County, Okla.	([6])	
CI80-218 (CI72-549), B, Feb. 29, 1980.	Cabot Corp	Michigan Wisconsin Pipeline Co., township 3 north, range 28 ECM E/2, NE/4 of sec. 7 otto No. 1 gas unit, Laverne area, beaver County, Okla.	([6])	

[1] Applicant is requesting to delete the 6.25% interest from the J. R. Cone "A" and J. R. Cone "B" Leases no longer held by Applicant or committed to its October 6, 1975 contract with Northern.

[2] Applicant is filing under a Letter Agreement dated 9-25-79, amendatory to the Gas Purchase Contract dated 10-6-75.

[3] Adds acreage succeeded from Kewanee Oil Company. Formerly covered by Kewanee's small producer certificate in Docket No. CS66-12. Effective 7-1-78, Date of Transfer of Property.

[4] The Tonkawa Formation is not economically producable in the described lease and the lessor has demanded a release of Applicant's lease inasmuch as it covers the Tonkawa Formation in the Dunaway No. 1 Well.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base

[5] Depletion of production to such extent, that continuance of service is unwarranted and because the present and future public convenience and necessity permit such abandonment inasmuch as the Lessor in said lease has demanded a release of all nonproducing formations under the properties described in this application.

[6] Depleted to the extent that the continuance of gas service is unwarranted. The only well on the lease was plugged and abandoned on 1-10-80.

[7] Applicant is filing under Gas Purchase and Sales Agreement dated 12-19-69, amended by amendment dated 11-15-79.

[8] Applicant is willing to accept the Natural Gas Policy Act of 1978 prescribed uniform base rates, subject to adjustments and escalations, for certain classifications of jurisdictional sales of natural gas.

[9] By Partial Assignment of Oil & Gas Lease dated 12-21-76, Cities Service Company succeeded to the interest of Mobil Oil Corporation in an eighty (80) acre parcel from which gas production is committed under the gas purchase contract dated 1-22-60.

[10] The production of gas reserves committed to Seller's subject rate schedule has depleted the available supply to the point that the continuance of service is unwarranted.

[11] Applicant is willing to accept a certificate at the rates prescribed by the NGPA.

[12] Applicant is filing under the Gas Purchase Agreement dated 12-3-79.

[13] By "Assignment of Oil and Gas Leases", A. L. Abercrombie, *et al*, assigned to Southwest all of its right, title and interest in and to certain oil and gas leases covering lands situated in Meade County, Kansas effective 9-1-79. Applicant seeks authority, as successor in interest, to render service previously rendered under a small producer certificate issued to A. L. Abercrombie, *et al*, in Docket No. CS71-71. Applicant also requests the Commission to issue a Certificate of Public Convenience and Necessity authorizing sale of natural gas as herein proposed to be effective 9-1-79, the effective date of the "Assignment of Oil and Gas Leases".

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 80-7540 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[No. 156]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

February 27, 1980.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-15007/ERC-384
2. 16-195-00837—EF00
3. 108 000 000
4. Cities Service Co
5. Phillips C-1
6. Canada 50
7. Pike Ky
8. 10.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15008/ERC-384
2. 16-195-03598-E000
3. 108 000 000
4. Cities Service Co
5. Ratcliff A-1
6. Canada 50
7. Pike Ky
8. 7.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15009/ERC-384
2. 16-195-03831-E000
3. 108 000 000
4. Cities Service Co
5. Ratcliff A-4
6. Canada 50
7. Pike Ky
8. 7.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15010/ERC-384
2. 16-195-01080-E000
3. 108 000 000
4. Cities Service Co
5. Smith H-6
6. Canada 50
7. Pike Ky
8. 3.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15011/ERC-384
2. 16-195-00831-E000
3. 108 000 000
4. Cities Service Co
5. Smith H-4
6. Canada 50
7. Pike Ky
8. 3.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15012/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Smith H-2
6. Canada 50
7. Pike Ky
8. 17.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15013/ERC-384
2. 16-195-00757-EF00
3. 108 000 000
4. Cities Service Co
5. Smith F-1
6. Canada 50
7. Pike Ky
8. 5.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15014/ERC-384
2. 16-195-01008-E000
3. 108 000 000
4. Cities Service Co
5. Semet Solvay Co A-5
6. Canada 50
7. Pike Ky
8. 11.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15015/ERC-384
2. 16-195-01065-E000
3. 108 000 000
4. Cities Service Co
5. Semet Solvay Co A-2
6. Canada 50
7. Pike Ky
8. 8.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15016/ERC-384
2. 16-195-00677-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-3
6. Canada 50
7. Pike Ky
8. 3.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15017/ERC-384
2. 16-195-01064-E000
3. 108 000 000
4. Cities Service Co
5. Semet Solvay Co A-1
6. Canada 50
7. Pike Ky
8. 5.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15018/ERC-384
2. 16-195-00888-EF00
3. 108 000 000
4. Cities Service Co
5. Russell A-1
6. Canada 50
7. Pike Ky
8. 13.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15019/ERC-384
2. 16-195-05518-0000
3. 108 000 000
4. Cities Service Co
5. Rowe D-1
6. Canada 50
7. Pike Ky
8. 11.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15020/ERC-384
2. 16-195-01794-E000
3. 108 000 000
4. Cities Service Co
5. Rowe B-1

6. Canada 50
7. Pike Ky
8. 3.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15021/ERC-384
2. 16-195-03044-E000
3. 108 000 000
4. Cities Service Co
5. Rogers Bros Coal Co A-8
6. Canada 50
7. Pike Ky
8. 5.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15022/ERC-384
2. 16-195-01757-E000
3. 108 000 000
4. Cities Service Co
5. Rogers A-5
6. Canada 50
7. Pike Ky
8. 2.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15023/ERC-384
2. 16-195-01766-E000
3. 108 000 000
4. Cities Service Co
5. Rogers A-4
6. Canada 50
7. Pike Ky
8. .0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15024/ERC-384
2. 16-195-00770-EF00
3. 108 000 000
4. Cities Service Co
5. Rogers A-1
6. Canada 50
7. Pike Ky
8. 12.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15025/ERC-384
2. 16-195-02021-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-5
6. Canada 50
7. Pike Ky
8. 2.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15026/ERC-384
2. 16-195-00063-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-7
6. Canada 50
7. Pike Ky
8. 7.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15027/ERC-384
2. 16-195-03052-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-9
6. Canada 50
7. Pike Ky
8. 5.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15028/ERC-384
2. 16-195-03079-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-10
6. Canada 50
7. Pike Ky
8. 3.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15029/ERC-384
2. 16-195-03087-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-11
6. Canada 50
7. Pike Ky
8. 13.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15030/ERC-384
2. 16-195-00006-EF00
3. 108 000 000
4. Cities Service Co.
5. Law Heirs A-39
6. Canada 50
7. Pike Ky
8. 1.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15031/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-21
6. Canada 50
7. Pike Ky
8. 1.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15032/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-5
6. Canada 50
7. Pike Ky
8. 3.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15033/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-4
6. Canada 50
7. Pike Ky
8. 10.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15034/ERC-384
2. 16-195-02469-0000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-13
6. Canada 50
7. Pike Ky
8. 4.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15035/ERC-384
2. 16-195-01699-W000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-36
6. Canada 50
7. Pike Ky
8. 4.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15036/ERC-384
2. 16-195-03128-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-14
6. Canada 50
7. Pike Ky
8. 13.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15037/ERC-384
2. 16-195-03129-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-15
6. Canada 50
7. Pike Ky
8. 12.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15038/ERC-384
2. 16-195-03095-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-27
6. Canada 50
7. Pike Ky
8. 5.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15039/ERC-384
2. 16-195-03624-E000
3. 108 000 000
4. Cities Service Co
5. Smith Heirs A-23
6. Canada 50
7. Pike Ky
8. 12.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15040/ERC-384
2. 16-195-03971-E000
3. 108 000 000
4. Cities Service Co
5. Smith J-3
6. Canada 50
7. Pike Ky
8. .0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15041/ERC-384
2. 16-195-00247-EF00
3. 108 000 000
4. Cities Service Co
5. Stratton A-1
6. Canada 50
7. Pike Ky
8. .5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15042/ERC-384
2. 16-195-02094-E000
3. 108 000 000
4. Cities Service Co
5. Smith M-3
6. Canada 50
7. Pike, Ky
8. 2.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15043/ERC-384
2. 16-195-00709-E000
3. 108 000 000
4. Cities Service Co
5. Smith L-3
6. Canada 50
7. Pike, Ky
8. 4.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15044/ERC-384
2. 16-195-00474-E000
3. 108 000 000
4. Cities Service Co
5. Smith L-2
6. Canada 50
7. Pike, Ky
8. 2.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15045/ERC-384
2. 16-195-08749-0000
3. 108 000 000
4. Cities Service Co
5. Thacker A-1
6. Canada 50
7. Pike, Ky
8. 12.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15046/ERC-384
2. 16-195-04244-0000
3. 108 000 000
4. Cities Service Co
5. Sword C-1
6. Canada 50
7. Pike, Ky
8. 14.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15047/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Tierney Land Co A-13
6. Canada 50
7. Pike, Ky
8. .3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15048/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Tierney Land Co A-15
6. Canada 50
7. Pike, Ky
8. 15.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15049/ERC-384
2. 16-195-03463-0000
3. 108 000 000
4. Cities Service Co
5. Tierney Land Co A-40
6. Canada 50
7. Pike, Ky
8. 15.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15050/ERC-384
2. 16-195-03267-E000
3. 108 000 000
4. Cities Service Co
5. West A-2
6. Canada 50
7. Pike, Ky
8. 8.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15051/ERC-384
2. 16-195-06733-0000
3. 108 000 000
4. Cities Service Co
5. Emperor Coal Co A-1
6. Peters 53
7. Pike, Ky
8. 5.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15052/ERC-384
2. 16-195-00428-E000
3. 108 000 000
4. Cities Service Co
5. Emperor Coal Co A-2
6. Peters 53
7. Pike, Ky
8. 5.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15053/ERC-384
2. 16-195-04093-0000
3. 108 000 000
4. Cities Service Co
5. Emperor Coal Co B-1
6. Peters 53
7. Pike, Ky
8. 8.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15054/ERC-384
2. 16-195-00061-E000
3. 108 000 000
4. Cities Service Co
5. Emperor Coal Co C-1
6. Peters 53
7. Pike, Ky
8. 14.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15055/ERC-384
2. 16-195-03658-E000
3. 108 000 000
4. Cities Service Co
5. Mayhorn A-1
6. Peters 53
7. Pike, Ky
8. 4.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15056/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-3
6. Canada 50
7. Pike, Ky
8. 5.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15057/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-11
6. Canada 50
7. Pike, Ky
8. 3.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15058/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-12
6. Canada 50
7. Pike, Ky
8. 9.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15059/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Law Heirs A-14
6. Canada 50
7. Pike, Ky
8. 7.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15060/ERC-384
2. 16-195-04976-0000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-50
6. Canada 50
7. Pike, Ky
8. 15.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15061/ERC-384
2. 16-195-04889-0000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-49
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15061/ERC-384
2. 16-195-04889-0000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-49
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15062/ERC-384
2. 16-195-03991-E000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-20
6. Canada 50
7. Pike, Ky
8. 2.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15063/ERC-384
2. 16-195-03879-E000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-18
6. Canada 50
7. Pike, Ky
8. .6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15064/ERC-384
2. 16-195-03790-E000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-16

6. Canada 50
7. Pike, Ky
8. 1.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15065/ERC-384
2. 16-195-03625-E000
3. 108 000 000
4. Cities Service Co
5. Ford Motor Co A-11
6. Canada 50
7. Pike, Ky
8. 1.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15066/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Co
5. Ford A-1
6. Canada 50
7. Pike, Ky
8. 3.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15067/ERC-384
2. 16-195-00015-0000
3. 108 000 000
4. Cities Service Co
5. Dotson A-5
6. Canada 50
7. Pike, Ky
8. 8.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15068/ERC-384
2. 16-195-01135-0000
3. 108 000 000
4. Cities Service Co
5. Chesapeake Mineral B-20
6. Canada 50
7. Pike, Ky
8. .5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15069/ERC-384
2. 16-195-05529-0000
3. 108 000 000
4. Cities Service Co
5. Chesapeake Mineral B-22
6. Canada 50
7. Pike, Ky
8. 8.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15070/ERC-384
2. 16-195-06449-0000
3. 108 000 000
4. Cities Service Co
5. Chesapeake Mineral B-24
6. Canada 50
7. Pike, Ky
8. 13.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15071/ERC-384
2. 16-195-04411-0000
3. 108 000 000
4. Cities Service Co
5. Chesapeake Mineral B-11
6. Canada 50
7. Pike, Ky
8. 3.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15072/ERC-384
2. 16-195-04155-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-9
6. Canada 50
7. Pike, Ky
8. .8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15073
2. 16-195-03993-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-8
6. Canada 50
7. Pike, Ky
8. 5.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15074/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Fairfax Coal Co. A-1
6. Canada 50
7. Pike, Ky
8. 11.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15075/ERC-384
2. 16-195-06369-0000
3. 108 000 000
4. Cities Service Company
5. Hatfield A-1
6. Canada 50
7. Pike, Ky
8. 11.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15076/ERC-384
2. 16-195-01769-W000
3. 108 000 000
4. Cities Service Company
5. Hatfield A-2
6. Canada 50
7. Pike, Ky
8. 5.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15077/ERC-384
2. 16-195-04416-0000
3. 108 000 000
4. Cities Service Company
5. Blackburn A-1
6. Canada 50
7. Pike, Ky
8. 10.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15078/ERC-384
2. 16-195-00609-0000
3. 108 000 000
4. Cities Service Company
5. Blackburn B-1
6. Canada 50
7. Pike, Ky
8. 9.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15079/ERC-384
2. 16-195-00442-0000
3. 108 000 000
4. Cities Service Company
5. Blackburn C-1
6. Canada 50
7. Pike, Ky
8. 7.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-150080/ERC-384
2. 16-195-03197-0000
3. 108 000 000
4. Cities Service Company
5. Bogar A-1
6. Canada 50
7. Pike, Ky
8. 2.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15081/ERC-384
2. 16-195-03132-0000
3. 108 000 000
4. Cities Service Company
5. Buskirk A-1
6. Canada 50
7. Pike, Ky
8. 1.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15082/ERC-384
2. 16-195-03586-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral A-1
6. Canada 50
7. Pike, Ky
8. 3.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15083/ERC-384
2. 16-195-02014-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-1
6. Canada 50
7. Pike, Ky
8. 4.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15084/ERC-384
2. 16-195-02013-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-2
6. Canada 50
7. Pike, Ky
8. 13.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15085/ERC-384
2. 16-195-03673-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-6
6. Canada 50
7. Pike, Ky
8. 13.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15086/ERC-384
2. 16-195-03808-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-7
6. Canada 50
7. Pike, Ky
8. .6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15087/ERC-384
2. 16-195-02284-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-18
6. Canada 50
7. Pike, Ky
8. 1.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15088/ERC-384
2. 16-195-00798-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-16
6. Canada 50
7. Pike, Ky
8. 6.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15089/ERC-384
2. 16-195-00012-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-13
6. Canada 50
7. Pike, Ky
8. 1.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15090/ERC-384
2. 16-195-00011-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-12
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15091/ERC-384
2. 16-195-06336-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-25
6. Canada 50
7. Pike, Ky
8. 11.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15092/ERC-384
2. 16-195-06595-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-26
6. Canada 50
7. Pike, Ky
8. 8.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15093/ERC-384
2. 16-195-10113-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-27
6. Canada 50
7. Pike, Ky
8. .7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15094/ERC-384
2. 16-195-25076-0000
3. 108 000 000
4. Cities Service Company
5. Chesapeake Mineral B-28
6. Canada 50
7. Pike, Ky
8. 9.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15095/ERC-384
2. 16-195-09559-0000
3. 108 000 000
4. Cities Service Company
5. Dotson A-3
6. Canada 50
7. Pike, Ky
8. 11.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15096/ERC-384
2. 16-195-02079-0000
3. 108 000 000
4. Cities Service Company
5. Farley B-1
6. Canada 50
7. Pike, Ky
8. 9.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15097/ERC-384
2. 16-195-04130-E00
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-22
6. Canada 50
7. Pike, Ky
8. .7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15098/ERC-384
2. 16-195-04249-E00
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-25
6. Canada 50
7. Pike, Ky
8. 1.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15099/ERC-384
2. 16-195-04250-E00
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-26
6. Canada 50
7. Pike, Ky
8. 3.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15100/ERC-384
2. 16-195-01309-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-31
6. Canada 50
7. Pike, Ky
8. 7.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15101/ERC-384
2. 16-195-01714-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-33
6. Canada 50
7. Pike, Ky
8. 6.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15102—ERC-384
2. 16-195-01722-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-35
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15103/ERC-384
2. 16-195-02190-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-37
6. Canada 50
7. Pike, Ky
8. 16.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15104/ERC-384
2. 16-195-02283-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-38
6. Canada 50
7. Pike, Ky
8. 1.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15105/ERC-384
2. 16-195-03258-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-42
6. Canada 50
7. Pike, Ky
8. 2.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15106/ERC-384
2. 16-195-05108-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-43
6. Canada 50
7. Pike, Ky
8. 3.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15107/ERC-384
2. 16-195-01130-E000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-47
6. Canada 50
7. Pike, Ky
8. 3.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15108/ERC-384
2. 16-195-03100-E000
3. 108 000 000
4. Cities Service Company
5. Justice C-2
6. Canada 50
7. Pike, Ky
8. 4.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15109/ERC-384
2. 16-195-03839-E000
3. 108 000 000
4. Cities Service Company
5. Johnson B-1

6. Canada 50
7. Pike, Ky
8. 9.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15110/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Hatcher B-7
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15111/ERC-384
2. 16-195-09646-0000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-51
6. Canada 50
7. Pike, Ky
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15112/ERC-384
2. 16-195-14093-0000
3. 108 000 000
4. Cities Service Company
5. Ford Motor Co A-52
6. Canada 50
7. Pike, Ky
8. 7.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15113/ERC-384
2. 16-195-00840-EF00
3. 108 000 000
4. Cities Service Company
5. Gannon A-1
6. Canada 50
7. Pike, Ky
8. 12.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15114
2. 16-195-01019-E000
3. 108 000 000
4. Cities Service Company
5. Gannon B-1
6. Canada 50
7. Pike, Ky
8. 5.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15115/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Hatcher B-5
6. Canada 50
7. Pike, Ky
8. 2.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15116/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Hatcher B-6
6. Canada 50
7. Pike, Ky
8. 9.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15117/ERC-384
2. 16-195-03985-E000
3. 108 000 000
4. Cities Service Company
5. Wallace A-2
6. Peters 53
7. Pike, Ky
8. 5.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15118/ERC-384
2. 16-195-05011-E000
3. 108 000 000
4. Cities Service Company
5. Mayhorn A-2
6. Peters 53
7. Pike, Ky
8. 4.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15119/ERC-384
2. 16-195-01932-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co A-35
6. Canada 50
7. Pike, Ky
8. 4.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15120/ERC-384
2. 16-195-04300-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co A-33
6. Canada 50
7. Pike, Ky
8. 6.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15121/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co A-32
6. Canada 50
7. Pike, Ky
8. 4.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15122/ERC-384
2. 16-195-03426-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-31
6. Canada 50
7. Pike, KY
8. 9.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15123/ERC-384
2. 16-195-03136-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-29
6. Canada 50
7. Pike, KY
8. 6.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15124/ERC-384
2. 16-195-03050-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-26
6. Canada 50
7. Pike, KY
8. 16.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15125/ERC-384
2. 16-195-02044-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-24
6. Canada 50
7. Pike, KY
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15126/ERC-384
2. 16-195-02033-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-22
6. Canada 50
7. Pike, KY
8. 2.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15127/ERC-384
2. 16-195-01062-E000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-21
6. Canada 50
7. Pike, KY
8. .8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15128/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-11
6. Canada 50
7. Pike, KY
8. 9.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15129/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-6
6. Canada 50
7. Pike, KY
8. 2.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15130/ERC-384
2. 16-195-00000-0000
3. 108 000 000
4. Cities Service Company
5. Tierney Land Co. A-3
6. Canada 50
7. Pike, KY
8. 2.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15131/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Allen A-1
6. Canada 50
7. Floyd, KY
8. 16.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15132/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Allen A-2
6. Canada 50
7. Floyd, KY
8. 8.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15133/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Allen A-3
6. Canada 50
7. Floyd, KY
8. 7.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15134/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Allen B-2
6. Canada 50
7. Floyd, KY
8. 7.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15135/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Bender A-1
6. Canada 50
7. Floyd, KY
8. 10.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15136/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Big Sandy A-7
6. Canada 50
7. Floyd, KY
8. 7.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15137/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Big Sandy A-8
6. Canada 50
7. Floyd, KY
8. 5.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15138/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Big Sandy A-9
6. Canada 50
7. Floyd, KY
8. 19.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15139/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Big Sandy A-14
6. Canada 50
7. Floyd, KY
8. 17.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15140/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Craft A-1
6. Canada 50
7. Floyd, KY
8. 8.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15141/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Davidson Big Sandy A-2
6. Canada 50
7. Floyd, KY
8. 5.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15142/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Davidson A-2
6. Canada 50
7. Floyd, KY
8. 16.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15143/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Fitzpatrick Heirs A-4
6. Canada 50
7. Floyd, KY
8. 3.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15144/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Fitzpartick Heirs A-7
6. Canada 50
7. Floyd, KY
8. 1.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15145/ERC-384
2. 16-071-00458-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-35
6. Canada 50
7. Floyd, KY
8. 7.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15146/ERC-384
2. 16-071-00458-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-34
6. Canada 50
7. Floyd, KY
8. 4.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15147/ERC-384
2. 16-071-00345-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-31
6. Canada 50
7. Floyd, KY
8. 9.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15148/ERC-384
2. 16-071-00306-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-30
6. Canada 50
7. Floyd, KY
8. 2.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15149/ERC-384
2. 16-071-00296-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-29
6. Canada 50
7. Floyd, KY
8. 6.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15150/ERC-384
2. 16-071-02421-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-28
6. Canada 50
7. Floyd, KY
8. 6.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15151/ERC-384
2. 16-071-00134-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-25
6. Canada 50
7. Floyd, KY
8. .9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15152/ERC-384
2. 16-071-00231-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-27
6. Canada 50
7. Floyd, KY
8. 10.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15153/ERC-384
2. 16-071-00110-E000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-24
6. Canada 50
7. Floyd, KY
8. .9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15154/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-22

6. Canada 50
7. Floyd, KY
8. 5.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15155/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-15
6. Canada 50
7. Floyd, KY
8. 2.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15156/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-16
6. Canada 50
7. Floyd, KY
8. 11.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15157/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-7
6. Canada 50
7. Floyd, KY
8. 1.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15158/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Law Heirs A-6
6. Canada 50
7. Floyd, KY
8. 3.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15159/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Keel A-4
6. Canada 50
7. Floyd, KY
8. 3.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15160/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Howard A-1
6. Canada 50
7. Floyd, KY
8. 5.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15161/ERC-384
2. 16-071-00266-E000
3. 108 000 000
4. Cities Service Company
5. Hopkins A-1
6. Canada 50
7. Floyd, KY
8. 3.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp.

1. 80-15162/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Hatcher A-2
6. Canada 50
7. Floyd KY
8. 8.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15163/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Hatcher A-6
6. Canada 50
7. Floyd KY
8. 1.8 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15164/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Wright A-2
6. Canada 50
7. Floyd KY
8. 4.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15165/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Webb B-1
6. Canada 50
7. Floyd KY
8. 8.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15166/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Webb A-1
6. Canada 50
7. Floyd KY
8. 11.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-151167/ERC-384
2. 16-607-10000-0000
3. 108 000 000
4. Cities Service Company
5. Rock Castle RR Co A-2
6. Canada 50
7. Floyd KY
8. 7.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15168/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Prater B-1
6. Canada 50
7. Floyd KY
8. 4.2 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15169/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Moore B-1
6. Canada 50
7. Floyd KY
8. 4.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15170/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Mayo A-1
6. Canada 50
7. Floyd KY
8. 4.4 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15171/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Layne Heirs A-1
6. Canada 50
7. Floyd KY
8. 17.7 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15172/ERC-384
2. 16-119-00000-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-3
6. Canada 50
7. Knott KY
8. 13.0 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15173/ERC-384
2. 16-119-02254-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-19
6. Canada 50
7. Knott KY
8. 3.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15174/ERC-384
2. 16-119-02197-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-18
6. Canada 50
7. Knott KY
8. 8.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15175/ERC-384
2. 16-119-00769-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-17
6. Canada 50
7. Knott KY
8. 8.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15176/ERC-384
2. 16-119-03990-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-8
6. Canada 50
7. Knott KY
8. 3.6 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15177/ERC-384
2. 16-119-04045-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork Corp A-12
6. Canada 50
7. Knott KY
8. 7.9 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15178/ERC-384
2. 16-119-04248-0000
3. 108 000 000
4. Cities Service Company
5. Madden A-1
6. Canada 50
7. Knott KY
8. 13.1 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15179/ERC-384
2. 16-071-00000-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork A-4
6. Canada 50
7. Knott KY
8. 18.5 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

1. 80-15180/ERC-384
2. 16-119-00441-0000
3. 108 000 000
4. Cities Service Company
5. Carrs Fork A-5
6. Canada 50
7. Knott KY
8. 9.3 million cubic feet
9. February 7, 1980
10. Columbia Gas Transmission Corp

Wyoming Oil and Gas Conservation Commission

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-14985/NG-1-80
2. 49-009-21582-0000
3. 102 000 000
4. Davis Oil Co
5. Blair #1
6. Mikes Draw
7. Converse, Wy
8. 42.0 million cubic feet
9. February 7, 1980
10. Phillips Petroleum Co

1. 80-14986/NG-2-80
2. 49-009-21535-0000
3. 102 000 000
4. Davis Oil Co
5. Eberspecher #1
6. Wildcat (Mikes Draw) Edin
7. Converse, Wy
8. 26.0 million cubic feet
9. February 7, 1980
10. Phillips Petroleum Co

1. 80-14987/NG-3-80
2. 49-009-21585-000
3. 102 000 000
4. Davis Oil Co
5. Eberspecher #2
6. Wildcat
7. Converse, Wy
8. 31.8 million cubic feet
9. February 7, 1980
10. Phillips Petroleum Co

1. 80-14988/NG-4-80
2. 49-041-20213-0000
3. 102 000 000
4. Champlin Petroleum Co
5. CPC UDC 1-27
6. Bruff Field
7. Uinta, Wy
8. 547.0 million cubic feet
9. February 7, 1980
10. Mountain Fuel Supply Co

1. 80-14989/NG-5-80
2. 49-037-21535-0000
3. 103 000 000
4. Champlin Petroleum Co
5. #13A Higgins
6. Higgins
7. Sweetwater, Wy
8. 396.0 million cubic feet
9. February 7, 1980
10. Colorado Interstate Gas Co

1. 80-14990/NG-6-80
2. 49-037-21256-0000
3. 102 000 000
4. Anadarko Production Co
5. Fireplace Rock Unit #1
6. Wildcat
7. Sweetwater, Wy
8. 473.0 million cubic feet
9. February 7, 1980
10. Panhandle Eastern Pipe Line Co

1. 80-14991/NG-7-80
2. 49—041-20141-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 149 Amoco B #1
6. Bruff
7. Uinta, Wy
8. 60.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14992/NG-10-80
2. 49-041-20146-0000
3. 103 000 000
4. Amoco Production Company
5. Champlin 357 Amoco B #1
6. Bruff
7. Uinta, Wy
8. 400.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14993/NG-11-80
2. 49-023-20292-0000
3. 103 000 000
4. Amoco Production Co
5. Champlin 149 Amoco C #1
6. Bruff
7. Lincoln, Wy
8. 800.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14994/NG-12-80
2. 49-023-20242-0000
3. 102 000 000
4. Amoco Production Co
5. Wiskey Buttes unit #9
6. Wiskey Buttes unit
7. Lincoln, Wy
8. 600.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14995/NG-13-80
2. 49-023-20288-0000
3. 102 000 000
4. Amoco Production Co
5. Wiskey Buttes unit #16
6. Whiskey Buttes unit
7. Lincoln, Wy
8. 300.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14996/NG-19-80
2. 49-007-20435-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 222 Amoco E #1
6. Echo Springs
7. Carbon, Wy
8. 84.2 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14997/NG-20-80
2. 49-007-20444-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 242 Amoco I #1
6. Echo Springs
7. Carbon, Wy
8. 40.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14998/NG-21-80
2. 49-047-20343-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 242 Amoco C #1
6. Echo Springs
7. Carbon, Wy
8. 56.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-14999/NG-22-80
2. 49-007-20422-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 278 Amoco D #1
6. Standard Draw
7. Carbon, Wy
8. 141.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-15000/NG-23-80
2. 49-07-20423-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 261 Amoco H #1
6. Standard Draw
7. Carbon, Wy
8. 141.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-15001/NG-24-80
2. 49-007-20415-0000
3. 102 000 000
4. Amoco Production Co
5. Champlin 261 Amoco G #1
6. Standard Draw
7. Carbon, Wy
8. 56.0 million cubic feet
9. February 7, 1980
10. Cities Service Gas Co

1. 80-15002/NG-25-80

2. 49-005-25318-0000
3. 103 000 000
4. Convest Energy Corp
5. Lowery No 1
6. Wildcat
7. Campbell County, Wy
8. .0 million cubic feet
9. February 7, 1980
10. CRA Inc

1. 80-15003/NG-249-79
2. 49-009-21462-0000
3. 103 000 000
4. Wexpro Co
5. Tunkinson 11-1
6. Powell Area
7. Converse, Wy
8. 182.0 million cubic feet
9. February 7, 1980
10. Mountain Fuel Supply Co

1. 80-15004/NG-256-79
2. 49-023-20262-0000
3. 102 000 000
4. Amoco Production Co
5. Whiskey Buttes unit #19
6. Whiskey Buttes
7. Lincoln, Wy
8. 700.0 million cubic feet
9. February 7, 1980
10. Mountain Fuel Supply Co Stauffer Chemical Co (NV).

1. 80-15005/NG-309-79
2. 49-037-21461-0000
3. 107 000 000
4. Texaco Inc
5. Table Rock, unit No 41
6. Table Rock
7. Sweetwater, Wy
8. 1500.0 million cubic feet
9. February 7, 1980
10. Colorado Interstate Gas Co

1. 80-15006/NG-336-79
2. 49-037-21394-0000
3. 107 000 000
4. Texaco Inc
5. Table Rock unit No 40
6. Table Rock
7. Sweetwater, Wy
8. 1500.0 million cubic feet
9. February 7, 1980
10. Colorado Interstate Gas Co

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 27, 1980.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-7541 Filed 3-11-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. GP80-5]

Natural Gas Pipeline Co. of America; Third-Party Protest [1]

Issued March 5, 1980.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B [2], and "Order on Rehearing of Order No. 23-B," [3] the staff of the Commission protested on November 5, 1979, November 30, 1979, December 21, 1979 and February 11, 1980, the assertion by the Natural Gas Pipeline Company of America (Natural) and certain producers that the contracts identified in its protest constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the contracts listed in Appendix A (protested on November 5, 1979), Appendix B (protested on November 30, 1979), Appendix C (protested on December 21, 1979) and Appendix D (protested on February 11, 1980) of this notice does not constitute authority for the producer to increase prices to the extent claimed by Natural in its evidentiary submission.

Take further notice that the Public Service Commission of the State of New York (NY) filed a third-party protest on December 18, 1979. NY protests that the contracts listed in Appendix E do not constitute contractual authority for the producer to increase prices to the applicable NGPA maximum lawful price. NY's position was adopted and incorporated in a protest filed by the Associated Gas Distributors on December 18, 1979.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before March 19, 1980, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR § 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,
Secretary.

[1] The term "third-party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

Appendix A

Seller	Contract date
Apache Corp.	2-20-69
Samson Resources Co.	2-20-69
David Fasken	11-21-75
Graham-Michaelis Corp.	3-21-76
R. Lacy, Inc.	5-1-75
Petroleum Co. of Texas	2-20-75
Read & Stevens Inc.	9-1-77
Shanandoah Oil Corp.	8-5-75
Taylor Operating Co.	6-1-77
Depso, Inc.	5-1-78
Flag-Redfern Oil Co.	2-1-78
Horizon Oil & Gas Co.	9-14-78
Tom Ingram	6-1-78
McCarrick, Gouger & Mitchell	9-1-60
D & C Gas Properties, Inc.	2-9-58
David Fasken	8-1-67
Southland Royalty Co.	7-15-71
J & J Gas Properties	5-15-59
Moore McCormack Oil & Gas Corp.	7-15-63
John T. Pickens	7-15-63
T. M. Quigley	7-15-63
Kennedy & Mitchell	1-1-67
John P. Castleman	5-27-75

Appendix B

Seller	Rate schedule No. or seller contract date
Amoco Production Co.	687
Perry R. Bass	28
Perry R. Bass	46
Chevron U.S.A. Inc.	152
Coquina Oil Corp.	4-5-75
Gulf Oil Corp.	46
Estate of H. L. Hunt	34
Kilroy Properties, Inc.	12-1-75
Mesa Petroleum Co.	77
Mesa Petroleum Co.	90
Mitchell Energy Corp.	51
Napeco Inc.	22
Sun Oil Co.	109
Irvin Wall	3-27-59
Amoco Production Co.	771
Tom L. Ingram	6-1-78
Mesa Petroleum Co.	94
Monsanto Co.	138
Napeco Inc.	39
Napeco Inc.	40
Michael S. Shearn & Sol West III	6-1-78
Sun Oil Co.	106
Continental Oil Co., Inc.	6
Diamond Shamrock Corp.	18
Getty Oil Co.	6
J & J Gas Properties	5-20-58
J & J Gas Properties	5-2-59
Kilroy Properties, Inc.	4-1-72
Marathon Oil Co.	13
McCarrick, Gouger & Mitchell	9-1-56
Mobil Oil Corp.	320
John P. Castleman	5-27-75
Getty Oil Co.	160
Getty Oil Co.	385
Phillips Petroleum Co.	475
Getty Oil Co.	384
Marathon Oil Co.	8-25-78
Mobil Oil Corp.	415
Texaco Inc.	133
Columbia Gas Development Corp.	6
CNG Producing Co.	9
Gulf Oil Corp.	268
J & J Gas Properties	5-15-59
M & M Minerals Corp.	10-15-63

Appendix C

Seller	Rate schedule No. or contract date
ENI Exploration Co.	2-20-69
Kilroy Properties	12-1-75
Depco Inc.	5-1-78
Bengal 72-B	5-25-73
Texas Gas Exploration	22
Peter Paul Petroleum Co.	4-1-72
Hughes Seewald	12-1-69

Appendix D

Seller	Rate schedule No.
Aminoil Development, Inc.	6

Appendix E

Name of seller	R.S. No. or contract date	Date of contract
Type A.—Pricing Clause		
Getty Oil Company	384	04/12/71
Texaco Inc	424	11/04/68
Getty Oil Company	385	09/01/67
Exxon Corporation	478	10/01/70
Exxon Corporation	467	05/15/69
Exxon Corporation	407	04/20/66
Exxon Corporation	424	07/10/75 (01/10/53)
Exxon Corporation	406	08/15/66
Exxon Corporation	380	05/20/65
Exxon Corporation	379	04/23/65
Exxon Corporation	371	11/01/64
Exxon Corporation	352	03/25/64
Exxon Corporation	377	05/15/65
Exxon Corporation	333	12/01/62
Exxon Corporation	342	10/01/63
Exxon Corporation	351	12/18/63
Exxon Corporation	350	07/15/63
Exxon Corporation	339	04/10/63
Exxon Corporation	326	06/01/62
Exxon Corporation	338	07/01/60
Exxon Corporation	321	05/01/62
Exxon Corporation	307	02/01/62
Exxon Corporation	232	09/24/59
Exxon Corporation	278	05/18/61
Type B.—Pricing Clause		
Getty Oil Company	22	01/23/50
Gulf Oil Corporation	501	06/11/65
Mitchell Energy Corporation	36	01/12/70
Phillips Petroleum Company	17	01/23/50
Getty Oil Company	168	10/03/68
A. G. Hill	7	09/01/67
A. G. Hill	11	03/01/69
Gulf Oil Corporation	241	10/20/61
Forest Oil Corporation	42	03/01/68
Marathon Oil Company	13	01/25/50
Marathon Oil Company	102	05/01/68
Cities Service Company	305	08/15/68
Cities Service Company	214	03/01/71
Monsanto Company	64	01/25/50
Monsanto Company	65	01/23/50
Monsanto Company	95	10/03/68
Continental Oil Company	6	01/25/50
Continental Oil Company	353	10/03/68
Russell Johnson	10/23/68	10/23/68
Type C.—Pricing Clause		
Aminoil Development, Inc	7	03/21/78
Aminoil Development, Inc	6	03/21/78
Aminoil Development, Inc	4	03/01/77
Mesa Petroleum Company	70	09/25/75
Enserch Exploration, Inc	127	10/01/77
Enserch Exploration, Inc	129	10/01/77
Type C.—Pricing Clause—Continued		
Texaco Inc	576	02/27/78
Texaco Inc	537	03/06/76
Kerr-McGee Corporation	132	07/03/75
Kerr-McGee Corporation	149	09/15/77
Kerr-McGee Corporation	150	09/20/77
Mitchell Energy Corporation	46	07/15/73
Aminoil Development, Inc	8	03/21/78
Texaco Inc	311	03/01/63
Shell Oil Company	396	08/01/73
Shell Oil Company	397	08/01/73
Shell Oil Company	401	01/01/73
Shell Oil Company	402	05/01/74
Shell Oil Company	404	07/01/74
Shell Oil Company	403	09/01/73
Shell Oil Company	407	08/01/75
Chevron U.S.A. Inc	94	03/18/76
Shell Oil Company	183	08/15/58
Chevron U.S.A. Inc	93	09/23/75
Getty Oil Company	377	12/24/70
Superior Oil Company	64	01/01/78
Chevron U.S.A. Inc	91	09/02/75
Chevron U.S.A. Inc	36	12/01/64
Type D.—Pricing Clause		
Harper Oil Company	40	05/18/77
Superior Oil Company	192	04/29/77
Sun Oil Company	468	01/25/68
Sun Oil Company	359	01/23/76
Sun Oil Company	108	03/20/59
Sun Oil Company	109	07/01/59
Sohio Petroleum Company	119	03/21/76
Sohio Petroleum Company	37	03/21/76
Sohio Petroleum Company	33	03/21/76
Sohio Petroleum Company	32	03/21/78
Sohio Petroleum Company	29	06/01/76
Placid Oil Company	23	05/15/59
Placid Oil Company	55	08/23/74
Pioneer Producing Company	12	06/15/61
Southland Royalty Company	77	11/07/75
Southland Royalty Company	90	05/01/78
Phillips Petroleum Company	583	01/23/76
Pennzoil Producing Company	250	10/21/61
Pennzoil Producing Company	46	01/15/78
Phillips Petroleum Company	573	09/06/78 (12/10/74)
Superior Oil Company	66	04/11/77
Tenneco Oil Company	300	07/16/74
Tenneco Oil Company	229	04/03/66
Tenneco Oil Company	102	01/01/77
Superior Oil Company	14	09/01/60
Texas Oil & Gas Corporation	98	06/15/62
Texas Oil & Gas Corporation	113	07/02/62
Union Oil Company of California	229	10/02/76
Union Oil Company of California	241	11/11/77
Union Oil Company of California	37	03/20/59
Union Oil Company of California	16	05/10/76
Union Oil Company of California	17	01/01/78
Amerada Hess Corporation	100	06/15/62
Texaco Inc	222	07/01/60
Texaco Inc	282	07/01/60
Texaco Inc	222	07/01/60
American Petrofina Company of Texas	115	03/03/78
Enserch Exploration, Inc	105	01/15/73
CRA International	9	11/01/78
Coastal States Gas Producing Co	5	10/24/77
Coastal States Gas Producing Co	7	07/01/78
Coastal States Gas Producing Co	23	04/20/76
Enserch Exploration, Inc	1322	01/22/79
Harper Oil Company	39	06/15/77
Harper Oil Company	37	06/14/76
Getty Oil Company	403	05/28/75
Getty Oil Company	275	12/28/77
Getty Oil Company	406	02/01/78
A. G. Hill	9	04/04/77
Gulf Oil Corporation	43	01/03/56
Gulf Oil Corporation	46	05/07/76
Gulf Oil Corporation	66	05/07/76
Gulf Oil Corporation	71	05/07/76
Gulf Oil Corporation	262	05/07/76
Gulf Oil Corporation	265	05/07/76
Gulf Oil Corporation	474	05/15/77
Gulf Oil Corporation	476	01/30/76
Gulf Oil Corporation	499	03/01/76
Gulf Oil Corporation	554	09/15/77
Hunt Oil Company	55	05/15/59
Wm. Herbert Hunt Trust	11	05/15/59
Hassie Hunt Exploratin Co	26	05/15/59
Type D.—Pricing Clause—Continued		
General Electric Company	1	11/15/76
J. M. Huber Corporation	99	06/23/76
HNG Oil Company	43	02/01/78
HNG Oil company	40	09/07/76
HNG Oil Company	46	06/01/78
Kerr-McGee Corporation	46	07/06/76
Kerr-McGee Corporation	53	07/06/76
Marathon Oil Company	131	03/01/75
Mitchell Energy Corporation	52	10/19/76
Kerr-McGee Corporation	86	09/10/64
Mesa Petroleum Company	77	06/16/76
Mesa Petroleum Company	80	01/05/77
Mesa Petroleum Company	81	01/01/77
Mesa Petroleum Company	86	09/30/77
Mesa Petroleum Company	90	09/01/77
Mesa Petroleum Company	94	01/01/78
Mesa Petroleum Company	98	07/06/78
Ladd Petroleum Corporation	87	05/25/78
Murphy Oil Corporation	27	08/15/75
Enserch Exploration, Inc	118	01/01/75
Enserch Exploration, Inc	130	12/01/77
Enserch Exploration, Inc	133	09/15/78
Diamond Shamrock Corporation	21	05/10/76
Diamond Shamrock Corporation	40	05/10/76
Cities Service Company	445	09/10/64
Cities Service Company	441	08/01/76
Cities Service Company	152	03/21/76
Monsanto Company	138	03/01/78
Monsanto Company	81	10/26/64
Estate of H. L. Hunt	34	12/15/60
Cabot Corporation	73	09/13/78
Getty Oil Company	324	12/01/78
Gulf Oil Corporation	46	01/23/76
Napeco Inc	40	09/15/78
Napeco Inc	39	09/14/78
Chevron U.S.A. Inc	138	01/25/68
Dorchester Exploration, Inc	6	05/05/75
Cabot Corporation	80	03/27/59
Edwin L. Cox	13	01/23/76
Cotton Petroleum Corporation	17	01/01/78
CRA International	7	06/16/75
Moore McCormack Oil & Gas Corp	07/15/63	07/15/63
T. M. Quigley	07/15/63	07/15/63
Napeco Inc	31	03/24/77
John T. Pickens	07/15/63	07/15/63
Chevron U.S.A. Inc	96	06/10/76
Getty Oil Company	70	11/01/78
Type E.—Pricing Clause		
Enserch Exploration, Inc	114	07/15/74
Getty Oil Company	18	02/01/74
Getty Oil Company	234	02/01/74
Getty Oil Company	160	10/10/67
Getty Oil Company	5	02/01/74
Nelson Bunker Hunt	8	02/01/74
Murphy Oil Corporation	10	04/01/72
Diamond Shamrock Corporation	34	10/03/61
Chevron U.S.A. Inc	81	10/16/73
Enserch Exploration, Inc	96	08/19/65
J & J Gas Properties	05/15/59	05/15/59
Sun Oil Company	8	01/25/50
Pioneer Producing Company	1	06/15/66
Superior Oil Company	194	03/15/77
Warren Petroleum Company	58	10/14/70
Warren Petroleum Company	57	01/01/69
Union Oil Company of California	223	07/06/76
Texaco Inc	93	01/25/50
Texaco Inc	1	09/01/73
Texaco Inc	471	04/30/71
Getty Oil Company	6	01/25/50
Getty Oil Company	371	04/01/69
Exxon Corporation	349	07/15/63
Mitchell Energy Corporation	51	10/22/75
Mitchell Energy Corporation	49	05/05/75
Enserch Exploration, Inc	109	09/10/74
Enserch Exploration, Inc	110	09/10/74
Enserch Exploration, Inc	111	09/10/74
Enserch Exploration, Inc	112	09/10/74
Enserch Exploration, Inc	113	09/10/74
Enserch Exploration, Inc	116	07/15/74
Enserch Exploration, Inc	131	12/01/77
Enserch Exploration, Inc	120	09/10/74
Enserch Exploration, Inc	122	08/01/75
Enserch Exploration, Inc	125	12/01/75
Enserch Exploration, Inc	124	08/01/75
Enserch Exploration, Inc	126	05/01/76
Diamond Shamrock Corporation	73	01/31/75
Diamond Shamrock Corporation	12	07/01/47

Appendix E—Continued

Name of seller	R.S. No. or contract date	Date of contract
Type E.—Pricing Clause—Continued.		
Diamond Shamrock Corporation	20	07/16/76
Diamond Shamrock Corporation	18	02/09/56
Diamond Shamrock Corporation	70	03/06/74
Chevron U.S.A. Inc	79	06/04/73
HNG Oil Company	26	10/21/67
A. G. Hill	10	10/21/67
Type F.—Pricing Clause		
Gulf Oil Corporation	341	02/03/59
Gulf Oil Corporation	117	01/29/59
Texaco Inc	249	08/30/61
Type G.—Pricing Clause		
J. M. Huber Corporation	34	06/23/76
Cities Service Company	129	03/21/76
Texaco Inc	216	08/27/76
Marathon Oil Company	159	08/25/78
Marathon Oil Company	159	08/25/78
Texaco Inc	133	01/23/76
Texaco Inc	483	02/29/72
Texaco Inc	133	01/23/76
Marathon Oil Company	151	01/24/78
Type H.—Pricing Clause		
Exxon Corporation	200	08/18/76
Exxon Corporation	220	10/01/58
Exxon Corporation	227	10/01/58
Exxon Corporation	191	08/18/76
Exxon Corporation	137	01/01/58
Northern Natural Gas Production Co	34	07/15/66
Pennzoil Company	18	08/21/67
Exxon Corporation	565	05/01/75
Type I.—Pricing Clause		
Gulf Oil Corporation	268	10/15/63
Maguire Oil Company	10/15/63	10/15/63
Terra Resources	21	03/15/63
Mitchell Energy Corporation	46	07/15/73
Diamond Shamrock Corporation	13	12/02/46
HNG Oil Company	1326	04/01/79
HNG Fossil Fuels Company	1318	07/14/78
Aminoil Development, Inc	9	05/01/77
Type J.—Pricing Clause		
Forest Oil Corporation	45	04/03/68
CNG Producing Company	9	04/03/68
Columbia Gas Development Corp	6	04/03/68
Tenneco West	2	04/03/68
Texas Gas Exploration Corp	22	04/03/68
Gulf Oil Corporation	148	08/12/58
Type K.—Pricing Clause		
Gulf Oil Corporation	395	08/21/67
Westland Oil Company	5	12/15/71
Sun Oil Company	248	03/27/69
Sun Oil Company	241	06/01/68
Shell Oil Company	2	02/19/75
Phillips Petroleum Company	529	06/07/73
Phillips Petroleum Company	475	02/20/69
Phillips Petroleum Company	452	07/01/68
Superior Oil Company	150	05/07/71
Superior Oil Company	135	03/01/68
Texaco Inc	91	01/23/50
Union Oil Company of California	189	04/02/68
Caroline Hunt Sands	14	09/01/67
Caroline Hunt Trust	5	09/01/67
HNG Oil Company	33	09/01/67
American Petrofina, Inc	105	02/09/76
Kerr-McGee Corporation	113	12/21/70
Murphy Oil Corporation	22	03/27/69
Mitchell Energy Corporation	45	11/05/73
Mitchell Energy Offshore Corp	2	03/01/74
Mitchell Energy Offshore Corp	4	01/31/75
ENI Exploration Company	02/20/69	02/20/69
Chevron U.S.A. Inc	78	06/04/73
Chevron U.S.A. Inc	80	07/02/73
Chevron U.S.A. Inc	84	03/25/74
Chevron U.S.A. Inc	88	01/14/75
Type K.—Pricing Clause—Continued		
Chevron U.S.A. Inc	92	09/03/75
Chevron U.S.A. Inc	149	03/15/77
Chevron U.S.A. Inc	150	02/16/77
Chevron U.S.A. Inc	152	05/31/77
Chevron U.S.A. Inc	154	05/31/77
Enserch Exploration, Inc	88	03/27/69
Enserch Exploration, Inc	92	07/01/70
Enserch Exploration, Inc	91	07/01/70

[FR Doc. 80-7542 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-66 and ER80-67]

New England Power Co.; Proposed Changes in Rates and Charges

March 5, 1980.

The filing Company submits the following:

Take notice that on February 20, 1980 New England Power Company ("NEP") filed revised tariff sheets constituting an interin supplemental Rate W-2(C) for its Primary Service for Resale and its Contract Demand ["CD"] Service. Pursuant to 18 C.F.R. §§35.11 and 35.17, NEP requests that Rate W-2(C) be accepted for filing effective as of January 1, 1980. NEP states that this filing complies with the Commission's Order issued February 13, 1980 in Docket Nos. ER80-66 and ER80-67, denying NEP's application for rehearing without prejudice to NEP's filing a supplement to its rate filing in the above-entitled dockets for the recovery of coal conversion costs., The revised tariff sheets would be in effect on an interim basis from January 2, 1980 through May 30, 1980. Rate W-2[C] is designed to provide increased revenues based solely on NEP's increased costs of service related to coal conversions, and would result in an increase in jurisdictional revenues on the basis of a 1980 test year of approximately $16,295,000.

Copies of the filing were served upon all affected customers, regulatory commissions and all parties on the service list in these proceedings.

Any person desiring to be heard to to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections Procedure (18 C.F.R. 1.8 and 1.10). All such protests should be filed on or before March 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc 80-7543 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. ER80-66 and ER80-67]

New England Power Co.; Interim Supplement Rate Filing and Request for Waiver

February 27, 1980.

The filing company submits the following:

Take notice that on February 20, 1980, New England Power Company (NEP) filed FERC Electric Tariff, Original Volume Number 1 which constitutes an interim supplement to NEP's rate filings in the above-styled proceedings.

NEP requests a waiver of the Commission's notice requirements under 18 C.F.R. § 35.11 so that the filed rate may be effective as of January 1, 1980.

Copies of this filing have been mailed to all affected customers and regulatory commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 18, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7545 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-244]

Northern Natural Gas Co.; Application

March 6, 1980.

Take notice that on February 15, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-244 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 64 small volume sales

measuring stations, and the sale and delivery of additional volumes of natural gas in the States of Minnesota, South Dakota, Montana, Iowa, Nebraska, Kansas and Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to provide service to right-of-way grantors whose easements provide for the contractual right to gas service as a partial consideration for the easement to construct and operate pipeline facilities across their property. It is stated that such service would be made to small volume[1] industrial, commercial and residential customers.

Applicant proposes to install and operate 56 delivery stations in Minnesota, South Dakota, Iowa, Nebraska, Kansas and Texas for which resale would be made by Applicant's Peoples Natural Gas Division (Peoples) from peoples' presently authorized contract demand.

Applicant proposes to install and operate 8 delivery stations and make direct sale and delivery of natural gas to these 8 right-of-way grantors located in Hill and Blaine Counties, Montana, pursuant to terms of farm tap service contracts between Applicant and the new customers.

Applicant more fully describes the 64 proposed small volume sales measuring stations as follows:

[1] As defined in Northern's Gas Tariff, customers with maximum day gas requirements under 200 Mcf are considered small volume customers.

Right-of-way grantor	Location of facilities, legal description, section, township, range, county, and State	Estimated sales—1,000 ft³		Primary end use	Cost of facilities	
		Peak day	Annual		Type meter	Estimated cost(s)
Northern Natural Gas (direct):						
Bar ZT Ranch	10—29—18—Blaine—MT	20.0	2,950	Irrigation	R/W 1600	$1,310
Beck, John W	5—32—15—Hill—MT	13.0	1,200	Irrigation	R/W 1600	1,310
Boyce, Stephen C	27—30—15—Hill—MT	3.2	295	Res. Heat	Am. 250	1,120
Christopherson, L. P	3—32—14—Hill—MT	3.2	295	Res. Heat	Am. 250	1,120
Graham, Charles A	6—32—15—Hill—MT	3.2	295	Res. Heat	Am. 250	1,120
Smith, Glenn, E	31—32—16—Hill—MT	3.2	295	Res. Heat	Am. 250	1,120
Thorstad Ranch	35—29—19—Blaine—MT	3.2	295	Res. Heat	Am. 250	1,120
U.S. Bureau of Reclamation	29—33—14—Hill—MT	3.2	295	Res. Heat	Am. 250	1,120
Totals, northern (direct)		52.2	5,920			9,340
Peoples Natural Gas Division:						
Allen, John F	31—16—10—Douglas—NE	165.0	14,000	Crop Dryer	RC 7M125	2,840
Bandel, Chadwick D	30—105—12—Olmsted—MN	1.0	153	Res. Heat	Am. 250	950
Bar-O-Bar Ranch (No. 1)	15—25—31—Finney—KS	36.0	5,400	Irrigation	RC 3M125	1,160
Bar-O-Bar Ranch (No. 2)	15—25—31—Finney—KS	36.0	5,400	Irrigation	RC 3M125	1,160
Bar-O-Bar Ranch (No. 3)	22—25—31—Finney—KS	120.0	18,000	Irrigation	RC 3M125	1,160
Bar-O-Bar Ranch (No. 4)	35—25—31—Finney—KS	120.0	18,000	Irrigation	RC 3M125	1,160
Bar-O-Bar Ranch (No. 5)	35—25—31—Finney—KS	36.0	5,400	Irrigation	RC 3M125	1,160
Benton Conservation Board	12—85—11—Benton—IA	2.0	140	Res. Heat	R/W 415	950
Bishop, Herb	11—53—18—St. Louis—MN	2.0	200	Res. Heat	Am. 5B	1,260
Bunda, Wesley A	29—92—33—Pocahontas—IA	36.0	2,122	Crop Dryer	R/W 3000	1,790
Collard, George C	91—4T—T&NO—Hansford—TX	1.2	158	Res. Heat	Am. 5B	1,680
Cone, Merrill	31—91—37—Buena Vista—IA	25.0	1,132	Crop Dryer	R/W 1600	1,580
Craig, Eugene D	30—96—20—Cerro Gordo—IA	2.0	177	Res. Heat	Am. 5B	1,050
Cudd, Kenneth L	Sub. 9—Hdrl. Sur.—Ochlt.—TX	31.2	3,158	Irrigation	R/W 1600	1,230
Delzer, Donald P	25—107—17—Dodge—MN	2.0	205	Res. Heat	Am. 250	950
Deters, Lloyd	9—101—7—Houston—MN	24.0	1,425	Crop Dryer	R/W 1600	1,100
De Vries, Lester	30—79—20—Jasper—IA	24.0	260	Crop Dryer	R/W 3000	1,880
Distribution Construction	9—115—22—Scott—MN	4.0	304	Com. Heat	Am. 5B	990
Dougherty, Thomas A	4—50—15—St. Louis—MN	2.0	200	Res. Heat	Am. 5B	1,190
Fitzsimmons, Raymond	17—80—25—Polk—IA	1.7	165	Res. Heat	Am. 250	1,320
Folkerts, Glenn	36—19—17—Rush—KS	1.5	230	Res. Heat	R/W 415	790
Folsland, Kermit	18—109—54—Kingsbury—SD	2.0	190	Res. Heat	Am. 5B	1,500
Foster, Gramer	15—114—22—Scott—MN	2.0	240	Res. Heat	Am. 5B	990
Griebel, Richard L	7—88—2—Dubuque—IA	1.9	134	Res. Heat	R/W 415	950
Harris, Glen R	252—2—GH&H—Hansford—TX	31.2	3,000	Irrigation	R/W 1600	1,900
Hegland, James T	8—119—43—LacQuiParle—MN	24.0	722	Crop Dryer	R/W 1600	1,130
Henderson, George H	64—41—H&TC—Hemphill—TX	1.2	158	Res. Heat	Am. 5B	1,680
Henderson, Virgil H	65—41—H&TC—Hemphill—TX	1.2	158	Res. Heat	Am. 5B	1,680
Hogge, Dale	19—81—30—Guthrie—IA	1.7	165	Res. Heat	Am. 5B	1,320
Hohn, Roland W	26—103—59—Hanson—SD	2.0	190	Res. Heat	Am. 5B	1,560
Jelen, Alphonse	12—113—24—Scott—MN	2.0	236	Res. Heat	Am. 5B	990
Jilovec, Keith D	29—83—3—Jones—IA	162.0	6,900	Crop Dryer	R/W 5000	2,090
Kays, James F	14—37—23—Isanti—MN	1.6	200	Res. Heat	Am. 5B	1,000
Killebrew, Flavis C	208—42—H&TC—Roberts—TX	1.2	158	Res. Heat	Am. 5B	1,680
Klassen, Theodore W	12—106—11—Olmsted—MN	60.0	3,821	Crop Dryer	R/W 1600	1,100
Lachmiller, Robert	11—122—40—Swift—MN	2.0	157	Res. Heat	Am. 5B	990
Logsdon, Bill	25—P—H&GN—Hansford—TX	31.2	3,000	Irrigation	R/W 1600	1,720
Ludwig, Norman	30—86—12—Benton—IA	10.0	533	Crop Dryer	R/W 1600	1,270
Madison, Edward H	2—106—53—Lake—SD	2.0	190	Res. Heat	Am. 5B	1,580
Marcutt, Alfred	31—36—21—Chisago—MN	2.0	200	Res. Heat	Am. 5B	1,000
Naas, David	24—27—24—Dakota—MN	2.0	225	Res. Heat	Am. 5B	990
Peterson, Lynden	27—104—6—Houston—MN	7.0	1,530	Barn Heat	Am. 425	920
Priefert, Don	9—34—33—Seward—KS	1.5	180	Res. Heat	R/W 415	950
Quello, James	12—119—33—Kandiyohi—MN	36.0	1,950	Crop Dryer	R/W 1600	1,160
Robinson, William	22—91—40—Cherokee—IA	2.0	190	Res. Heat	Am. 5B	1,350
Ruvelson, James J	5—29—20—Washington—MN	1.6	200	Res. Heat	Am. 5B	1,000
Sanders, Leonard C	74—41—H&TC—Hamphill—TX	1.2	158	Res. Heat	Am. 5B	1,680
Schmidt, Carroll	1—12—12—Cass—NE	1.5	131	Res. Heat	Am. 5B	1,500
Skinner Farms	43—4T—T&NO—Hansford—TX	31.2	3,000	Irrigation	R/W 1600	1,720
Steen, H. Emmert	2—78—37—Shelby—IA	1.7	330	Res. Heat	Am. 5B	1,390
Thomas, A. Asher	15—99—35—Dickinson—IA	24.0	740	Crop Dryer	R/W 1600	1,290
Turrittin, Muriel	35—110—26—Le Sueur—MN	2.0	240	Res. Heat	Am. 5B	1,220
Vogel, Harvey	19—104—51—Minnehaha—SD	2.0	190	Res. Heat	Am. 5B	1,420
Wenthold, James	29—96—8—Winneshiek—IA	2.0	180	Res. Heat	R/W 415	960
Wilson, A. J	27—20—12—Barton—KS	1.5	191	Res. Heat	R/W 415	1,200
Lex, Charles	31—87—28—Webster—IA	15.0	390	Crop Dryer	R/W 1600	1,850
Total Peoples Division		1,146.0	106,428			74,080
Totals, all projects		1,198.2	112,348			83,420

Applicant proposes to finance the estimated cost of facilities from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7546 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-2-39 (PGA80-2 & IPR80-2)]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant To Purchased Gas Cost Adjustment Provision and Incremental Pricing Provision

March 5, 1980.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on February 29, 1980 tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Fifteenth Revised Sheet No. 4
Original Sheet No. 4-A.
Twelfth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to the Purchased Gas Cost Adjustment (PGCA) Provision and Incremental Pricing Provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2.

Pacific Interstate further states that the tendered tariff sheets reflect a proposed S-G-1 commodity rate of 219.74¢ per decatherm, a decrease of 0.94¢ from the 220.68¢ per decatherm rate effective January 1, 1980, the date of the last S-G-1 commodity rate change and that such decrease reflects a Current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $44,929 and that the Surcharge Adjustment is designed to amortize, over a six-month period beginning April 1, 1980, an amount of $122,396, which is the amount in Pacific Interstate's Unrecovered Purchased Gas Cost account at December 31, 1979. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since their only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7547 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-76]

Panhandle Eastern Pipe Line Co.; Proposed Changes

March 5, 1980.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on February 29, 1980, tendered for filing proposed changes in the revised tariff sheets as listed on the attached Appendix A.

These revised tariff sheets implement a general rate increase to Panhandle's jurisdictional sales of $62.7 million annually based on a test year ending October 31, 1979, adjusted for charges known and measurable to July 31, 1980.

Panhandle states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, a 12.63% rate of return, and increased costs associated with gas supply facilities. The proposed effective date of the tendered sheets is April 1, 1980.

Copies of this filing were served on Panhandle's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 3/19/80. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7548 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-254]

South Georgia Natural Gas Co.; Application

March 5, 1980.

Take notice that on February 25, 1980, South Georgia Natural Gas Company (Applicant), P.O. Box 1279, Thomasville,

Ga. 31792, filed in Docket No. CP80-254 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a temporary storage service for one of its customers and a related temporary transportation service for that customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on June 25, 1979, it filed in Docket No. CP79-382 for authorization to provide a permanent storage and related transportation service for certain of its customers. This service was offered to Applicant by Southern Natural Gas Company (Southern), Applicant's sole supplier, it is asserted.

Applicant states further that Southern has now filed in Docket No. CP80-241 an application to render a temporary storage and transportation service pending permanent authorization. Accordingly, Applicant to asserts it offers to make available to its customers which have accepted permanent storage service the temporary service offered by Southern. One customer, the City of Albany, Ga, accepted that service, it is stated.

Applicant propose to provide to the City of Albany a temporary storage and transportation service pursuant to an agreement dated November 9, 1979. Such agreement, it is stated, is a cost-of-service tariff which would flow through to that customer its *pro rata* share of the charges and fuel gas which Southern is authorized to charge its customers which charges are flowed through from ARN Storage Company and Michigan Wisconsin Pipe Line Company.

Applicant states that the service is proposed to be rendered on an interruptible basis and the temporary storage service agreement would expire on March 31, 1981.

Applicant states that it would not be required to construct any additional facilities to carry out the services proposed, nor would it assess any additional charges or costs to its customers other than those charged to it by Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7549 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-39]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 27, 1980.

Take notice that on February 19, 1980, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Original Sheet Nos. 2063 through 2066 constituting Rate Schedule X-213, a transportation agreement dated August 28, 1978, among Transco, Carolina Pipeline Company, Inc. (Carolina) and Southern Natural Gas Company (Southern).

Transco states that the subject transportation arrangement was authorized by the Commission in Transco Docket No. CP79-39 by certificate issued April 4, 1979, and that a copy of the instant filing has been served upon Carolina and Southern.

The Tariff sheets are proposed to become effective October 5, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *March 13, 1980.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7550 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-84-M

[Docket No. CP79-24]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 27, 1980.

Take notice that on *February 19, 1980,* Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Original Sheet Nos. 2046 through 2062 constituting Rate Schedule X-212, a transportation agreement dated September 7, 1978, between Transco and Amoco Production Company (Amoco).

Transco states that the subject transportation arrangement was authorized by the Commission in Transco Docket No. CP79-24 by certificate issued May 2, 1979, and that a copy of the instant filing has been served upon Amoco.

The tariff sheets are proposed to become effective November 20, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules

of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *March 13, 1980*. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7551 Filed 3-11-80, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-199]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 27, 1980.

Take notice that on February 19, 1980, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Original Sheet Nos. 2067 through 2080 constituting Rate Schedule X-214, an exchange agreement dated January 23, 1979, between Transco and Columbia Gas Transmission Corporation (Columbia).

Transco states that the subject exchange arrangement was authorized by the Commission in Transco Docket No. CP79-199 by certificate issued August 27, 1979, and that a copy of the instant filing has been served upon Columbia.

The tariff sheets are proposed to become effective September 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 13, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7552 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-229]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 27, 1980.

Take notice that on February 19, 1980, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Original Sheet Nos. 2081 through 2085 constituting Rate Schedule X-215, a transportation agreement dated February 9, 1979, between Transco and Florida Gas Transmission Company (Florida).

Transco states that the subject transportation arrangement was authorized by the Commission in Transco Docket No. CP79-229 by certificate issued June 5, 1979, and that a copy of the instant filing has been served upon Florida.

The tariff sheets are proposed to become effective November 29, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 13, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7553 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-242]

United Gas Pipe Line Co.; Petition for Declaratory Order

March 6, 1980.

Take notice that on February 13, 1980, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP 80-242 a petition pursuant to Section 16 of the Natural Gas Act and Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order to remove uncertainties with respect to deliveries by Florida Gas Transmission Company (Florida Gas) of gas delivered by Petitioner to Florida Gas, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states it delivers gas to Florida Gas at an interconnecting point near Arnaudville, St. Landry Parish, Louisiana. It is stated that in May 1979, Petitioner delivered to Florida Gas approximately 1,015,990 Mcf of gas in excess of the volumes received by Petitioner at various points of receipt along its system for redelivery to Florida Gas at the Arnaudville station.

Petitioner contends that its and Florida Gas' representatives have met on several occasions to negotiate a redelivery of the excess gas. It is stated that the parties agree as to the amount of the over-deliveries; however, they are not in agreement as to the return of said gas. It is stated that Florida Gas' position is that, in May 1979, it would have purchased an equivalent volume of gas from Southern Natural Gas Company (Southern) at a total purchase price of $1,773,084.41 under Southern's authorized overrun rate schedule but for the delivery by Petitioner. Thus, Florida Gas proposes to redeliver only that quantity of gas the total purchase price of which equals $1,773,084.41, it is stated, thereby resulting in redelivery of a substantially lesser volume of gas than was delivered to Florida Gas (approximately 767,569 Mcf).

Petitioner asserts that Florida Gas' proposal is not consistent with accounting and operating procedures used by the pipelines for deliveries at the Arnaudville station. It is also stated that Florida Gas' proposal does not comport with the terms of agreements on which authorization for the transportation and exchange arrangements at the Arnaudville station were based. Petitioner contends that these underlying agreements recognize that exchange imbalances would occur at times and require the parties to correct such imbalances. The obligation to correct imbalances is not conditioned upon the gas costs of either Petitioner or Florida Gas, it is stated.

Petitioner believes its position is the only satisfactory solution which is consistent with historical accounting and operating procedures, underlying agreements relating to certificates of public convenience and necessity, and the intent of the parties at the time such agreements were executed. Petitioner, therefore, requests a declaratory order to the effect that it is entitled to redelivery from Florida Gas, on a volume-for-volume basis, of 1,015,990 Mcf of natural gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 27, 1980, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7554 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-256]

United Gas Pipe Line Co.; Application

March 6, 1980.

Take notice that on February 26, 1980, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-256 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during a 12-month period commencing with the date of this order, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7555 Filed 3-11-80; 8:45 am]

BILLING CODE 650-85-M

[Docket Nos. ER80-160, ER80-65 and ER80-58]

Southern Co., Services, Inc.; Order Accepting Proposed Rates for Filing, Granting Waiver of Notice Requirements, Consolidating Proceedings and Establishing Procedures

Issued February 29, 1980.

On January 2, 1980, Southern Company Services, Inc. (SCSI) submitted on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company (operating companies) a new service schedule (Schedule E)[1] to their interchange contract, providing for the sale of 200 Mw of long-term power and energy to Florida Power Corporation (Florida Power).[2] The operating companies and SCSI are subsidiaries of the Southern Company and are all parties to the interchange contract. SCSI estimates that sale of energy under Schedule E will result in $38,705,138 of additional revenues to the operating companies during calendar year 1980. SCSI requests waiver of the Commission's notice requirements to allow Schedule E to become effective as of January 1, 1980.

Notice of this filing has been issued on January 8, 1980, with comments, protests, petitions to intervene due on or before January 29, 1980. No responses were filed.

Schedule E provides for the long-term sale of 200 Mw of power and energy to Florida Power from January 1, 1980, through March 31, 1983, unless Florida Power exercises its option to extend the sale agreement through December 31, 1986. Prior to 12:00 noon of each day, the operating companies will provide Florida Power with an estimate of energy prices which Florida Power can use in scheduling capacity usuage for the following day. An estimated schedule of capacity usage will then be supplied to the operating companies by Florida Power prior to 3:00 p.m. of the day prior to when capacity will be required. In addition, Schedule E provides for credits to Florida Power if the operating companies are unable to supply capacity because they lack generating and transmission capability or Florida Power elects not to take delivery of energy.[3] SCSI states that the long-term power sale will permit Florida Power to (1) achieve a more efficient utilization of its generating and transmission facilities, and (2) and become less dependent upon higher cost oil-fired generation.

Schedule E contains a formulary rate allowing for a periodic calculation of capacity charges. This rate includes a 15% rate of return on common equity. A manual has been filed as a supplement to Schedule E which includes a description of the methodology and procedures to be used to calculate the capacity charges assessed by the operating companies. The monthly

[1] *See* Appendix A for rate schedule designations.

[2] The interchange contract, dated December 15, 1968, provides for the coordination and exchange of services such as emergency assistance, short-term power, energy interchange, and seasonal capacity. The interchange contract does not provide for long-term power sales between the parties.

[3] Schedule E contemplates that energy supplied by the operating companies will be from fossil steam generation. However, at times when energy is supplied from sources whose costs are in excess of fossil steam generating costs, Florida Power may refuse to accept delivery of any such energy. In that event, Florida Power will receive capacity credit (equal to 1/24th of the daily capacity credit) for each hour that deliveries are refused.

capacity charges for the first year will be $3.885819/Kw (January–May 1980) and $3.973085/Kw (June–December 1980).

The energy charge under Schedule E will be the incremental cost to the operating companies after their system requirements and other firm commitments have been satisfied. The incremental cost includes costs for fuel, fuel handling, maintenance and supplies, and the change in system transmission losses attributable to each transaction.

SCSI expects that the capacity charges will be revised each year in accordance with the procedures contained in Schedule E. However, according to SCSI, the revision will only involve an update of the cost components in the formulary rate.

Consequently, SCSI contends that a periodic calculation of the charges for the long-term capacity rate is not a "change in" rates requiring a filing and suspension under Section 205 of the Federal Power Act.

Finally, SCSI states that the parties consider the instant filing to be an "initial rate schedule" (as opposed to a "supplemental rate schedule") filing since there are no contractual arrangements for long-term power sales similar to that provided for in Schedule E.

Discussion

The current interchange contract between the parties does not provide for long-term power sale. The parties, therefore, believe the instant filing to be an initial filing. Although we need not reach this question since we find the rates calculated under the formula for the first year to be cost-justified and do not, therefore, suspend them, we view the proposed long-term sale between the parties as an "additional rate * * * or service * * * for a particular customer" within the purview of Section 35.1(c) of the Regulations, and, therefore, as a change in rates subject to suspension under Section 205 of the Federal Power Act.[4]

We shall grant waiver of the Commission's notice requirements to allow service under Schedule E to begin as of January 1, 1980. The proposed rates for 1980, calculated under the formula, shall be accepted for filing and permitted to go into effect as of January 1, 1980. We shall set the proposed rate formula for hearing. Any subsequent revision to the capacity charges in accordance with the formula in Schedule E shall be treated as a change in rates. We shall require SCSI to file the rate as changed pursuant to the formula 60 days before its proposed effective date. However, we shall waive the full filing requirements of Section 35.13 of the regulations on condition that such revisions shall be collected subject to refund pending the outcome of the hearing ordered below.

We believe a hearing concerning, the justness and reasonableness of the formulary method for determining rate levels in the future is appropriate. We note that similar formulary rates have been recently set for investigation and hearing.[5] In light of that fact, we shall consolidate the proceeding with SCSI rate proceedings in Docket Nos. ER80–65 and ER80–58.

The Commission orders: (A) We hereby grant waiver of the 120 day notice requirement set out in section 35.3a of the Commission's Regulations.

(B) The proposed Schedule E is accepted for filing, to become effective as of January 1, 1980. SCSI's rate formula is hereby set for investigation.

(C) This proceeding is hereby consolidated with Docket Nos. ER80–65 and ER80–58.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by subsection 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and Regulations under the Federal Power Act (18 CFR, Ch. 1), a public hearing shall be held concerning the proposed formulary method for determining rate levels in the future.

(E) A presiding administrative law judge to be designated by a Chief Administrative Law Judge for that purpose, shall convene a prehearing conference in this proceeding, to be held within 30 days of the issuance of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.[6]

(F) We hereby grant waiver of our § 35.13 filing requirements for future rate changes made in accordance with the formula filed herein on the condition that SCSI agree to collect any increases in the rate under the formula subject to refund pending the outcome of this proceeding. SCSI shall file these rate changes with the Commission 60 days before their proposed effective dates.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7556 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

[4] Such determinations are within the Commission's technical expertise. *See, Florida Power & Light Company* v. *F.E.R.C.* Nos. 78–2249 and 78–2302, —— F.2d ——, (D.C. Cir., January 24, 1980).

[5] *See, Southern Company Services, Inc.*, Docket No. ER80–58, Order issued February 12, 1980; *Southern Company Services, Inc.*, Docket No. ER80–65, Order issued ————.

[6] A prehearing conference has been scheduled for March 10, 1980, in Docket No. ER80–58, pursuant to Commission order in that docket. We would consider it appropriate for the presiding judge to reschedule that conference to a later date so that issues in the consolidated proceedings might be discussed as well.

[Docket Nos. CP62–288, CP65–270, and CP70–204]

Valero Transmission Co.; Notice of Petition To Amend

March 6, 1980.

Take notice that on February 7, 1980, Valero Transmission Company (formerly Texas Gas Utilities Division of Lo-Vaco Gathering Company (TGUD)), P.O. Box 1569, San Antonio, Texas 78296, (Petitioner) filed in Docket Nos. CP62–288, CP65–270, and CP70–204 a petition to amend the orders of May 3, 1966,[1] in Docket No. CP65–270 and of March 25, 1970, in Docket No. CP70–204 issued pursuant to Section 3 of the Natural Gas Act so as to authorize the continuation of its present natural gas exportation service as modified to substitute (Petitioner) as exporter and to reflect the discontinuance of certain sales, all as more fully set forth in the petition to which is on file with the Commission and open to public inspection.

It is stated that the petition to amend is filed herein so as to update the information contained in the October 29, 1975, petition of its predecessor, TGUD, indicating that the operations of TGUD are to be continued by Valero Transmission Company.

Petitioner states the sale and delivery of gas to American Smelting and Refining Company for use by its subsidiary Asarco Mexicana, S.A., which was authorized by order issued March 25, 1970, in Docket No. CP70–204 terminated on February 3, 1980.

Further, Petitioner asserts that the sale and delivery of gas to Atlas Hornos de Mexico, S.A., authorized in Docket No. CP65–270 by order issued May 3, 1966, was terminated on January 1, 1976.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

It is, therefore, asserted by Petitioner that the only sale presently being undertaken is being made to Compania Nacional de Gas, S.A., which sale was also authorized by order of May 3, 1966, in Docket No. CP65-270. Petitioner states this sale terminates on January 1, 1986.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 27, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-7557 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Asssistant Secretary for International Affairs

Proposed Subsequent Arrangement Between U.S.A. and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreement involves the approval of the following retransfer:

RTD/SW(EU)-105, transfer from West Germany to Sweden of 7.602 kilograms Uranium, containing 7.048 kilograms U-235 (92.712% U-235), to be used for fueling the R-2 research reactor, Studsvik, Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

Dated: March 7, 1980.

For the Department of Energy.

Fred F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7564 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between U.S.A. and European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfer: RTD/EU (SW)-48, retransfer from Sweden to West Germany of 9 irradiated fuel rods containing 1,584 grams uranium, containing 13 grams U-235 and 14 grams of produced plutonium, for disposal in West Germany following irradiation tests in Sweden.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

Dated: March 6, 1980.

For the Department of Energy.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7565 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements Between U.S.A. and European Atomic Energy Community

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" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

S-EU-634, United States to Belgium, five foils containing approximately 305 milligrams of uranim-238, greater than 99.99% purity, to be used as neutron dosimeters inside presurized water reactors to assess in-vessel steel embrittlement.

S-EU-636, United States to the Netherlands, a uranium isotope mixture containing 0.00045 grams of uranium, with 0.00014 grams each of the isotopes U-233 and U-235, to be used for calibration of equipment.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

Dated: March 6, 1980.

For the Department of Energy.

Fred F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7566 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between U.S.A. and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreement involves the approval of the following retransfers:

RTD/EU(SW)-45, retransfer from Sweden to Italy of 16 irradiated fuel rods, containing 58,690 grams Uranium, 628 grams of U-235, and 586 grams of Plutonium, for storage and disposal following irradiation tests in Sweden.

RTD/EU(SW)-46, retransfer from Sweden to Italy of 2 irradiated fuel test elements, containing 127.532 kilograms of uranium, 2.480 kilograms U-235, and 129 grams of

Plutonium, for storage and disposal following irradiation tests in Sweden.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of these retransfers will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

Dated: March 6, 1980.

For the Department of Energy.

Frederick F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7567 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between U.S.A. and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

S-JA-272, to the Seishin Trading Co., Ltd., 296.8 grams of normal uranium oxide, to be used for the calibration of equipment by the Sumitomo Metal Mining Co., Ltd., Tokyo, Japan.

In accordance with Seciton 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

Dated: March 6, 1980.

For the Department of Energy.

Fred F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7568 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between U.S.A. and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

S-EU-627, United States to West Germany, 5 milligrams of plutonium, enriched to approximately 87-88% in Pu-244, as oxide, to be used as spike material in routine safeguards analysis input at the WAK reprocessing plant at Karlsruhe.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than March 27, 1980.

For the Department of Energy.

Dated: March 6, 1980.

Fred F. McGoldrick,

Acting Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-7569 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objections to Proposed Remedial Orders; Week of February 11 through February 15, 1980

Notice is hereby given that during the week of February 11 through February 15, 1980, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before April 1, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before April 11, 1980, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals

March 6, 1980.

Proposed Decision and Order

A. J. Ataie, d.b.a. Moraga Union, Moraga, Calif., BRO-1089, Motor Gasoline

On February 12, 1980, A. J. Ataie, d.b.a. Moraga Union, 1135 Moraga Way, Moraga, CA 94556, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on January 25, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through October 25, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, Moraga Union's violations resulted in $794.29 of overcharges to its customers.

A. J. Ataie, d.b.a. Moraga Shell, Moraga, Calif., BRO-1088, Motor Gasoline

On February 12, 1980, A. J. Ataie, d.b.a. Moraga Union, 1405 Moraga Way, Moraga, CA 94556, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on January 25, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through October 31, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, Moraga Shell's violations resulted in $2,977.93 of overcharges to its customers.

Bell's Texaco, San Francisco, Calif., BRO-1087, Motor Gasoline

On February 12, 1980, Bell's Texaco Service Garage, 3435 Geary Blvd., San Francisco, CA 94118, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on January 25, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through October 31, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, the Bell's Texaco violations resulted in $2,654.00 of overcharges to its customers.

Ed's Exxon, Cotati, Calif., BRO-1029, Motor Gasoline

On February 12, 1980, Ed's Exxon, 8510 Gravenstein Highway, Cotati, CA 94928 filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on January 25, 1980. In the Proposed Remedial Order, the Western District found that during the period August 1, 1979 through October 31, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, the Ed's Exxon violations resulted in $3,577.00 of overcharges to its customers.

Metropolitan Dade County, Miami, Fla., BRO-1102, Motor Gasoline

On February 15, 1980, Metropolitan Dade County Department of Public Facilities, 234 W. Flagler St., Miami, Florida 33130, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District of the Economic Regulatory Administration issued to the firm on February 6, 1980. In the Proposed Remedial Order, the Southeast District found that during the period August 1, 1979 through October 2, 1979, the County committed violations in its sales of motor gasoline. According to the Proposed Remedial Order, the County's violations resulted in $3,313.67 of overcharges to its customers.

James Murphy, d.b.a. A's Auto Safety Service, 2400 San Francisco, Calif., BRO-1086, Motor Gasoline

On February 12, 1980, James Murphy, d.b.a. A's Auto Safety Service, San Bruno Avenue, San Francisco, CA 94134, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western Enforcement District of the Economic Regulatory Administration issued to the firm on January 25, 1980. In the Proposed Remedial Order, the Enforcement District found that during the period August 1, 1979 through October 31, 1979, the firm committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, A's Auto Safety Service's violations resulted in $1,972.54 of overcharges to its customers.

[FR Doc. 80-7562 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals Week of February 18 through February 22, 1980

Notice is hereby given that during the week of February 18 through February 22, 1980 the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before April 1, 1980, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Issued in Washington, D.C.

Dated: March 6, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Proposed Remedial Order

Norman Boutin, d/b/a Boutin Auto Sales, Lewiston, Maine, BRO-1136 motor gasoline.

On February 20, 1980, Norman Boutin d/b/a Boutin Auto Sales, 1360 Sabattus Street, Lewiston, Maine 04240, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast Enforcement District of the Economic Regulatory Administration issued to the firm on January 30, 1980. In the Proposed Remedial Order, the Northeast District found that during the period October 25, 1979 through November 15, 1979, Boutin Auto Sales committed pricing violations in its retail sales of motor gasoline. According to the Proposed Remedial Order, the firm's violations resulted in $947.00 of overcharges to its customers.

[FR Doc. 80-7563 Filed 3-11-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRC 1430-8]

Lowest Achievable Emission Rate (LAER); Guidance Document: Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability of LAER Guidance Document.

SUMMARY: This action announces the availability of a guidance document for the determination of the lowest achievable emission rate (LAER) for 18 source categories. Section 178 of the Clean Air Act requires the Administrator to issue LAER guidance for the purpose of assisting States in implementing plan requirements for nonattainment areas.

DATES: This document is available upon request, effective March 12, 1980.

ADDRESSES: A copy of the guidance document may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711 [specify "Guidance for Lowest Achievable Emission Rates from 18 Major Stationary Sources of Particulate, Nitrogen Oxides, Sulfur Dioxide, or Volatile Organic Compounds" (EPA-450/3-79-024)].

Comments on the guidance document should be addressed to David R. Patrick, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711.

Copies of the guidance document, reviewers' comment letters, and a summary of the comments received prior to publication of the document are available for inspection and copying during normal business hours at the Public Information Reference Unit (EPA Library), Room 2922, 401 M Street, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David R. Patrick, Emission Standards and Engineering Division (MD-13), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone (919) 541-5241.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 contained State Implementation Plan (SIP) requirements for nonattainment areas (Part D), including a provision that would allow permits to be issued by States for the construction and operation of new or modified major stationary sources in nonattainment areas after certain conditions are met. These permits must, among other things, ensure that the proposed source comply with LAER values determined for that source. The Administrator is to issue guidance to assist States in determining LAER and this notice announces the availability of such guidance for 18 source categories. Guides for other source categories are available through the LAER clearinghouse document described below in this notice.

The LAER Document

LAER is defined in the Clean Air Act for any source as that rate of emissions which reflects:

(A) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(B) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

This definition was used in the guidance document for determining LAER. The 18 source categories and pollutants addressed in the document are:

Source category:	Pollutants[1]
Stationary gas turbines	NO_x, SO_2
Kraft pulp mills:	
Lime kilns	PM
Wood-fired boilers	PM
Recovery furnace	SO_2
Foundries: Electric arc furnaces	PM
Petroleum refineries:	
Catalytic crackers	SO_2
Liquid fuel combustion	SO_2
Fabric coating	VOC
Industrial boilers	PM, SO_2, NO_x
Primary aluminum reduction	SO_2
Bulk gasoline terminals: Truck loading	VOC
Flatwood paneling	VOC
Petroleum liquids storage	VOC
Petroleum refineries:	
Miscellaneous sources	VOC
Fugitive emissions	VOC
Graphic arts printing	VOC
Auto and light truck coating	VOC
Metal furniture/large appliance coating	VOC
Can coating	VOC
Metal coil coating	VOC
Paper coating	VOC

[1] PM=particulate matter; NO_x=nitrogen oxides; SO_2=sulfur dioxide; VOC=volatile organic compounds.

For each source category, there is a brief process descriptions; a discussion of anticipated emissions, control techniques, and existing State and Federal emission limits; and a presumptive determination of LAER. Generally, LAER is a numerical emission limitation, although equipment design or maintenance and operation procedures must in some cases be prescribed to comply with the LAER requirement. In every instance the LAER guidance document is considered only a starting point; the need for an individual evaluation of each case is stressed throughout the document.

Publication of this guidance document was preceded by consultation with appropriate advisory committees, State and Federal agencies, and trade associations or companies representing each of the 18 source categories included in the document. The Administrator will welcome comments on the document and if appropriate, may take further action.

LAER Revisions and Additional LAER Values

The Clean Air Act Amendments of 1977 specified that the LAER guidance documents be revised at least every two years. In developing this document, the Administrator has determined that LAER values are changing at far too rapid a pace for documents such as this to remain current. Accordingly, a loose-leaf LAER clearinghouse document is being established to coordinate and update LAER determinations on a national basis, as required by the Act. Information contained in the clearinghouse document can be obtained from EPA Regional Offices and State air pollution control agencies. The clearinghouse document can be more easily updated and is being established in lieu of additional guidance documents or revisions of this document.

(This notice of availability of a LAER guidance document is issued under the authority of sections 108 and 178 of the Clean Air Act, as amended (42 U.S.C. 7408, 7478)

Dated: March 4, 1980.

David H. Hawkins,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-7479 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1433-6; 80T-9]

Polymer of: Epichlorohydrin-Bis A; Bisphenol A; N-Methyl Morpholine; and Acetic Acid; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the Federal Register within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance polymer of: Epichlorohydrin-Bis A; bisphenol A; *N*-methyl morpholine; and acetic acid and provides a summary of certain information provided in the PMN.

DATE: Written comments by April 4, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemcial substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commerical purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register of January 10, 1979 (44 FR 2242) on October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

Once received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substances, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is issued below.

PMN 80-23.

Close of Review Period. May 4, 1980.

Manufacturer's Identity. Grow Group Inc., 3155 W. Big Beaver Road, Troy, MI 48084.

Specific Chemical Identity. Polymer of: Epichlorohydrin-Bis A; bisphenol A; *N*-methyl morpholine; and acetic acid.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Use. Water reducible paint.

Physical/Chemical Properties

Weight/gal: 8.6/8.8.
Viscosity: 25-30 poise.
Amine value: 32-34.
pH: 7.5/8.5.
Solids: 29/31% (reduced in water and butyl cell).
Volatility: No appreciable volatility.

Production Estimates

[In kilograms]

Production year	Minimum	Maximum
1980	40,000	150,000
1981	150,000	450,000
1982	150,000	450,000

Exposure

Activity: Exposure routes	Maximum number persons exposed	Maximum duration	
		Hour/day	Day/hour
Manufacture: Inhalation	2	2	50
Processing:			
Inhalation	1	3	100
Dermal	1	3	100

Fumes will escape into the atmosphere during filling of drums with finished polymer. Potential skin contact to workers if not wearing gloves, as required, during paint processing equipment loading and filling of drums with finished product.

Discharge to land or water would be due to accidental spill.

Interested persons may, on or before April 4, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[80T-9]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: March 5, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-7599 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1433-5; OPTS-51025]

Polymer of Alkyl Amino Methacrylic Acid Ester, Alkyl Acrylate, Alkyl Methacrylate, and Styrene; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish in the Federal Register within 5 working days, after receipt, certain information about each PMN the Agency receives. This Notice announces receipt of a PMN on the chemical substance polymer of alkyl amino methacrylic acid ester, alkyl acrylate, alkyl methacrylate, and styrene and provides a summary of certain information provided in the PMN.

DATE: Written comments by March 27, 1980.

ADDRESS: Written comments to: Documents Control Officer (TS-793), Office of Pesticides and Toxic Substances, Enviornmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050

FOR FURTHER INFORMATION CONTACT: Ms. Ann Radosevich, Premanufacturing Review Division (TS-794), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Registers of January 10, 1979 (44 FR 2242) on October 11, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(b)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

Once, received, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is issued below.

PMN 80-20.

Close of Review Period. April 27, 1980.

Manufacturer's Identity. Celanese Plastics & Specialties Co., 26 Main St., Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential. Generic name: Polymer of alkyl amino methacrylic acid ester, alkyl acrylate, alkylmethacrylate, and styrene.

Use. Protective coating resin for industrial use. The submitter estimates that during the first three years of production, about 125,000 kilograms (kg) will be manufactured during the first year, 250,000 kg in the second year, and from 125,000–500,000 kg in the third year.

Data. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Test.

Non-volatile; 70
Viscosity-Gardner Holdt; Z_6–Z_7
Wt./Gal.; 8.9
% Nitrogen; 1.0
Molecular weight (Estimate); 8–10,000
Flash point; 103°F
Solubility (polymer):
Water; Insoluble
Dilute acids; Soluble
Ketones; Soluble
Glycol-ethers; Soluble
Alcohols; Slightly soluble
Toluene; Slightly soluble

Occupational Exposure

Activity	Exposure routes	Maximum number exposed	Maximum duration	
			Hours/day	Days/year
Manufacture.	Skin	40	16	120

Workers will be directly exposed to the new chemical substance occasionally during sampling, drum filling, and cleanup operations. Plant procedures require the use of impervious gloves to minimize skin contact.

Processing	Skin	30	8	150

Workers will be directly exposed to the new chemical substance in transfer operations into the system and in transfer of the products out of the system. Some contact during sampling operation is also possible. During normal operations the contact is only incidental or accidental. Skin contact is minimized by use of protective equipment (gloves) during this operation.

Physical states of the chemical substance to which workers may be exposed in the workplace: Solid, aerosol, or liquid.

Use	Skin	100	16	200

Workers are exposed to the finished coating containing the polymer during transfer and sampling operations. Exposure is accidental skin contact which is minimized by using protective equipment.

Physical states of the chemical substance to which workers may be exposed in the workplace: Aerosol or liquid.

Environmental Release and Disposal. The manufacturer estimates that 1,000–10,000 kg/yr of filter solids and solvent recovery bottoms will be disposed of by land during manufacture; 10–100 kg/yr to water, and 10–1,000 kg/yr of the new substance will be released by accidental spills during processing and 1,000–1,0000 kg/yr of dirty filter medium containing the PMN substance will be disposed of in a landfill during use.

Interested persons may, on or before March 27, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51025]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604)

Dated: March 5, 1980.

John P. DeKany

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80-7600 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1432-8]

Intent To Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a draft environmental impact statement (EIS).

PURPOSE: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, USEPA, Region 6, 1201 Elm Street, Dallas, Texas 75270. Telephone: (Commercial) 214-767-2716 (FTS) 729-2716.

SUMMARY:

1. *Description of Proposed Action.* The EPA action would be the approval of a facilities plan and the awarding of additional grant monies pursuant to Section 201 of the Clean Water Act for the detailed design and construction of wastewater treatment facilities for Jefferson Parish (West Bank), Louisiana.

2. *Public and Private Participation in the EIS Process.* Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. *Scoping.* The EPA, Region 6, will be holding a public meeting to identify significant environmental issues and determine the scope of the EIS at 7 p.m. on April 10, 1980 at the New Gretna Courthouse, Council Chambers-Second Floor, Derbigny and Second Street, Gretna, Louisiana. Additional public

meetings will be held at key points during the planning process.

4. *Timing.* EPA estimates the draft EIS will be available for public review and comment around July 1981.

5. *Requests for Copies of Draft EIS.* All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the distribution list for the draft EIS and related public notices.

Dated: March 6, 1980.

Thomas R. Sheckells,

Acting Director, Office of Environmental Review (A-104).

[FR Doc. 80-7601 Filed 3-11-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-615-DR]

California; Amendment To Notice of Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of a major disaster for the State of California (FEMA-615-DR), dated February 21, 1980, and related determinations.

DATED: February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7845.

NOTICE: The Notice of a major disaster for the State of California dated February 21, 1980, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 21, 1980.

The following County for Public Assistance in addition to Individual Assistance: Santa Barbara.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

William H. Wilcox,

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

[FR Doc. 80-7583 Filed 3-11-80; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Independent Bankshares, Inc.; Formation of Bank Holding Company

Independent Bankshares, Inc., Abilene, Texas, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of the First State Bank, Abilene, Texas. 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 Dallas. 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 no later than April 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 5, 1980.

William N. McDonough,

Assistant Secretary of the Board.

[FR Doc. 80-7605 Filed 3-11-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 29, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 31, 1980, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information maybe obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Federal Trade Commission

The FTC requests an extension-without-change clearance of Special Report Forms 1859 A&B, and Supplementary Form, on Acquisitions and Mergers by Food Distribution Companies. These forms will be sent to retail and wholesale food companies. The companies will not have to complete the forms unless they acquire a food retail or wholesale company within the meaning of the Commission's 1967 "Enforcement Policy with Respect to Mergers in the Food Distribution Industry." If such an acquisition occurs, the submission of the forms is mandatory. The completed forms will become a part of the Commission's confidential records. The purpose of the forms is to determine if anticompetitive mergers are occurring in the food distribution industries in possible violation of the laws enforced by the Commission. The FTC estimates that respondents will number approximately 75 Corporate Chains and 150 Food Distributors and that reporting burden will average 15 hours per response.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-7609 Filed 3-11-80; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2).

DATE: April 14, 1980; 7:00 p.m. to 10:00 p.m., Executive Committee Meeting: April 15–16, 1980, 9:00 a.m. to 5:00 p.m., Full Council Meeting.

ADDRESS: Breckenridge Inn, I–435 and Front Street, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public.

The proposed agenda includes: Committee Reports; Department of Education Overview; Adult Education Hearing—State and Local Representatives from Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

Records shall be kept of all Council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C., on March 3, 1980.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 80-7520 Filed 3-11-80; 8:45 am]

BILLING CODE 4110-02-M

Office of Human Development Services

[Program Announcement No. 13629-802]

Rehabilitation Long-Term Training; Availability of Fiscal Year 1980 Grant Funds for Training of Interpreters for Deaf Individuals

AGENCY: Office of Human Development Services, DHEW.

SUBJECT: Announcement of Availability of Fiscal Year 1980 Grant Funds for the Training of Interpreters for Deaf Individuals.

SUMMARY: The Rehabilitation Services Administration, Office of Human Development Services, announces that applications will be accepted from any public or private nonprofit agency or organization or post secondary institution, wishing to compete for grants for the training of interpreters for deaf individuals in Fiscal Year 1980, authorized by Section 304 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762). Proposed regulations governing this program were published in the Federal Register in Subpart A and Subpart H, Part 1362 of Chapter XIII of Title 45 of the *Code of Federal Regulations* in 45 CFR Part 1362 on November 29, 1979.

DATES: The closing date for receipt of applications is April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Director, Division of Manpower Development, Rehabilitation Services Administration, Room 3321, Mary E. Switzer Building, 330 C Street, SW., Washington, D.C. 20201 ((202) 245–0079) or TTY: ((202) 245–0591).

Scope of this Program Announcement

This Program Announcement identifies the general program objectives of the Training Program for Interpreters for Deaf Individuals for Fiscal Year 1980.

Program Purpose

Grants for the training of interpreters for deaf individuals are made for the support of projects designed for training skilled interpreters available for employment in public and private agencies involved in the provision of health, education, welfare, rehabilitation, employment and related services to deaf people.

Program Goals and Objectives

Grants are made to provide a comprehensive program of assistance to meet training needs of interpreters serving deaf individuals.

Grants are intended:

1. To increase the supply of skilled interpreters available for employment in public and private agencies and institutions involved in health, education, welfare, rehabilitation, employment and related services to deaf people; and

2. To ensure the maintenance of basic manual communication skills and knowledge of these skills by personnel engaged in programs serving deaf people and simultaneously, to provide opportunities for such service personnel to raise their level of competence and upgrade the quality of available interpreter services.

Eligible Applicants

Applications may be submitted by any public or private nonprofit agency or organization or post secondary institution.

Available Funds

An estimated $900,000 will be available for this program in Fiscal Year 1980. This is a new program and there are no continuation projects. The size of the individual grants is expected to be variable and might range from approximately $50,000 to approximately $100,000.

Grantee Share of the Project

It is expected that grantees will provide some of the total project costs. Grantee contributions must be project-related and allowable under the Department's applicable regulations in 45 CFR Part 74, Subparts G and Q. Institutions of higher learning and other nonprofit institutions may consider actual indirect costs in excess of the 8 percent limit allowed on training grants as part of the grantee contribution to the project. Insofar as possible, the applicant's share of teaching costs in multi-year applications for academic training projects is expected to increase progressively in each succeeding year so that the personnel costs are fully absorbed by the end of the approved project period.

The Application Process

Availability of Application Forms

Eligible applicants may request application materials from the Director, Division of Manpower Development, Rehabilitation Services Administration, Room 3321 Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

Application Submission

In order to be considered for a training grant, all applications must be submitted on standard forms provided for this purpose by the Commissioner, Rehabilitation Services Administration,

in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award.

One signed original and two copies of the grant application, including all attachments, are required.

Applications should be addressed to the Division of Grants and Contract Management, Office of Human Development Services, Room 1427 Mary E. Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

OMB Circular A-95 Notification Process

Applicants for training grants are not routinely required to notify the State and Areawide A-95 Clearinghouse of the intent to apply for Federal assistance. States are authorized to extend the project notification and review procedures of OMB Circular A-95 to include training grants. If the applicant's State has extended the coverage of OMB Circular A-95 to this program, the Clearinghouse procedures must be observed.

Application Consideration

The Commissioner, Rehabilitation Services Administration determines the final action to be taken with respect to each application, in consultation with the Office of Handicapped Individuals, the National Institute of Handicapped Research, and the Bureau of Education for the Handicapped.

All grant applications are subject to a competitive review and evaluation conducted by qualified consultants experienced in the use or training of interpreter personnel. The Commissioner takes into account the competitive review by the consultants as well as the comments of Department of Health, Education, and Welfare program office staff in reaching a decision on each competing application.

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified in writing of that decision. Projects of successful applicants will be monitored by Federal staff, including representatives from the Office of Handicapped Individuals, the National Institute of Handicapped Research, and the Bureau of Education for the Handicapped, in concert with the Rehabilitation Services Administration.

Grant Awards to Successful Applicants

The Commissioner makes grant awards consistent with the purposes of Section 304 of the Rehabilitation Act, the regulations, and this program announcement within the limits of Federal funds available. The official grant award document is the Notice of Financial Assistance Awarded which sets forth in writing the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the total grantee participation. The initial award also specifies the project period for which support is contemplated.

Special Consideration for Funding

In awarding grants, priority will be given to the support of applications from agencies or organizations which are currently operating effective training programs for interpreters for deaf individuals and which have the potential for training in a multi-State geographical area. Priority will also be given to training proposals submmitted by colleges and universities and other institutions which reach substantial numbers of handicapped students or students from minority groups.

Each application shall provide assurance that: (1) To the extent appropriate, the project will provide for the training or retraining (including short-term and in-service training) of teachers who are involved in providing instruction to deaf individuals, but who are not certified as teachers of deaf individuals, using funds available under the Education for All Handicapped Children Act (Pub. L. 94-142), and (2) that to the maximum extent possible qualified handicapped individuals will be employed in policy-making, administrative and instructional positions throughout the project.

Criteria for Review and Evaluation of Grant Applications

All applications received in response to this announcement will be reviewed by qualified experts utilizing a "Training Grant Application Review Rating Form". A copy of this rating form is included in each application kit.

Applications are evaluated against the following criteria:

A. *Need and Relevance.* 1. The extent to which the need for the project has been justified; and

2. The relevance of the project to the personnel needs of health, education and other agencies providing services to deaf individuals.

B. *Planning and Implementation Methodology.* 1. The extent to which the stated project objectives are measurable and achievable and are likely to be achieved during the period of time for which Federal support is requested.

2. The evidence of working relationships with service providing agencies and organizations.

3. The extent to which the training institution and field instructional settings are free from architectural, communication and other barriers to the training of handicapped students.

C. *Curriculum and Organization.* 1. The extent to which the scope and nature of the coursework reflect content that can be expected to enable the achievement of established project objectives and provide for a balance between theory and practice.

2. The extent to which the training project assures:

a. Multi-level interpreting exposure.

b. Specialized concentration options.

c. Graduates who can successfully meet, or exceed, an established level of competency designated by the applicant institution and approved by RSA, which must equal or exceed minimal certification standards governing members of the Registry of Interpreters for the Deaf.

3. Evidence of educationally focused practicum and other field experiences in settings which assure student exposure to the provision of services to deaf individuals.

D. *Project Staff.* 1. The qualifications of the project director and other project staff and the extent to which project staff holds, or is eligible for, the Sign Instructors Guidance Network Certification.

2. The extent to which handicapped individuals are employed in policymaking, administrative and instructional positions.

E. *Students.* 1. The appropriateness of the criteria and methodology to be used for the recruitment and selection of students to whom traineeships are to be awarded.

2. The adequacy of the project's concern for the employment outlook for graduates.

F. *Project Evaluation.* 1. The adequacy of the plan for the evaluation of overall project effectiveness.

2. The extent to which the evaluation plan includes systematic feedback from students, graduates, fieldwork supervisors, and employers.

G. *Financial and Other Resources of the Applicant.* 1. The extent to which the estimated cost to the government is reasonable and necessary.

2. The adequacy of the facilities and resources of the applicant organization.

Closing Date for Receipt of Applications

1. Applications will be accepted until April 30, 1980.

2. Applications will be judged on time if:

a. The application was sent by mail not later than the date specified above as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or

b. The application is hand delivered to the office designated to receive the application in the application instructions. Hand delivered applications will be accepted no later than close of business on the date specified above in any case.

Late Applications

Applications received after the closing date are not accepted and applicants are notified accordingly.

(29 U.S.C. 762)

(Catalog of Federal Domestic Assistance Number 13.629, Rehabilitation Training)

Dated: January 28, 1980.

Robert R. Humphreys,

Commissioner of Rehabilitation Services.

Approved: March 6, 1980.

Cesar A. Perales,

Assistant Secretary for Human Development Services.

[FR Doc. 80-7589 Filed 3-11-80; 8:45 am]

BILLING CODE 4110-92-M

Public Health Service

Health Resources Administration

National Health Service Corps Scholarship Program; "Designation of Health Professions, 1980-81 School Year"

Section 751 of the Public Health Service Act (42 CFR Part 62) directs the Secretary of Health, Education, and Welfare to establish the National Health Service Corps Scholarship Program to assure an adequate supply of trained physicians, dentists, nurses and other health-related professionals for the National Health Service Corps.

Notice is hereby given that for the school year 1980-81, in addition to students of medicine, osteopathy, and dentistry, scholarship support is available under the National Health Service Corps Scholarship Program to students enrolled in:

1. Baccalaureate degree programs in nursing;

2. Master's degree programs in public (community) health nursing, nurse practitioner education, nurse-midwifery, and public health nutrition.

3. Doctorate degree programs in podiatry.

FOR ADDITIONAL INFORMATION CONTACT: NHSC SCHOLARSHIP PROGRAM, Bureau of Health Manpower, Health Resources Administration, Center Building, Rm. G-15, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7626.

Dated: March 6, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 80-7590 Filed 3-11-80; 8:45 am]

BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Outer Continental Shelf; Intent To Prepare an Environmental Impact Statement for Proposed OCS Sale No. 57 in the Norton Basin Region

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management's Alaska Outer Continental Shelf Office intends to prepare an environmental impact statement (EIS) on the offshore oil and gas leasing proposal for the Norton Basin area, known as OCS Sale No. 57. This proposed sale is tentatively scheduled for September 1982. Four hundred and twenty-nine lease blocks (988,416 hectares; 2.4 million acres) have been selected for leasing consideration and further environmental study.

Alternatives to be considered in the environmental statement will include options to delay, modify, or withdraw the proposed lease offering.

A series of scoping meetings has been scheduled to promote public participation in defining the significant issues that relate to the proposed leasing action. These meetings will generally adhere to the following agenda:

1. Introduction—

Purpose of meeting.

Brief history of OCS oil and gas leasing and the EIS process. Information products the Alaska OCS Office makes available to the public to facilitate the leasing process.

Previously defined issues to be considered in the EIS.

2. Presentation of public comments and recommendations on other issues of major concern.

3. Alternatives to the sale, as presently considered in the EIS process.

In accordance with requests of Kawerak, Inc. (a native corporation), we have scheduled meetings on March 10, 11, 12 and 13, as follows:

March 10, 1980, 2:00 PM: King Island Eskimos, King Island Hall, Nome, Alaska.

March 10, 1980, 7:30 PM: Public Meeting at the Elementary School (Area 223, Middle Pod of the New Section), Nome, Alaska.

March 11, 1980, 2:00 PM: Kawerak, Inc., King Island Hall, Nome, Alaska.

March 12, 1980, 7:00 PM: Public Meeting at the Bia Multi Purpose Room, Unalakleet, Alaska.

March 13, 1980, 1:00 PM: Public Meeting at the Community Building, Golovin, Alaska.

Representatives of the Alaska OCS Office will be participating in scoping meetings in Alakanuk, Alaska, from March 25 through March 27. These meetings have been scheduled at the request of the Association of Village Council Presidents.

In addition to the foregoing, interested persons are encouraged to attend and present their views at a scoping meeting scheduled for April 16, 1980, 7:30 PM, at the Central Junior High School, 15th and C Streets, Anchorage, Alaska. Supplemental information or additional comments not presented at the meetings should be sent to the Alaska OCS Office no later than April 30, 1980.

A scoping meeting for affected Federal agencies will be held April 15, 1980, at 1:30 PM, at the Alaska OCS Office, Michael Building, 620 East Tenth Street, Anchorage, Alaska. A second scoping meeting for the State of Alaska agencies will be held on April 23, 1980, at 1:30 PM in the Governor's Conference Room, Capital Building, Juneau, Alaska.

For further information regarding the public meetings or the Sale No. 57 leasing proposal, contact Elaine Pratt, Sale No. 57 EIS Coordinator, Environmental Assessment Division, Alaska OCS Office, Michael Building, 620 East Tenth Street, Anchorage, Alaska 99501, telephone (907) 276-2955 (Mailing Address: P.O. Box 1159, Anchorage, Alaska 99510).

Ed Hastey,

Associate Director, Bureau of Land Management.

March 7, 1980.

[FR Doc. 80-7676 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-84-M

[OR-11517]

Oregon; Partial Termination of Proposed Withdrawal; Opportunity for Public Hearing and Amended Notice of Proposed Withdrawal

Corrections

In FR Doc. 80-6121 appearing on page 13203 in the issue of Thursday, February 28, 1980, third column, Items 15 and 17 in the table were published incorrectly and should read as set forth below:

No. and Name	Description
* * * * *	
15 Parrot Rock, 1 acre.	(T. 16 S., R. 12 W., Sec. 33) 44°08'07" N., 124°07'38" W.
* * * * *	

No. and Name	Description
17 Fivemile Point Rocks, 8 acres.	(T. 27 S., R. 14 W., Sec. 19) 43°13'00" to 43°13'16" N., 124°23'45" to 124°24'05" W.

* * * * *

BILLING CODE 1505-01-M

[W-71141]

Wyoming; Application

February 28, 1980.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 20 inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 18 N., R. 106 W.,
Sec. 24, N½SE¼.

The proposed pipeline will transport natural gas from Mountain Fuel Supply Company's existing pipeline to a proposed pipeline all located within section 24, T. 18 N., R. 106 W., Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 80-7611 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-84-M

Heritage Conservation and Recreation Service

Fish and Wildlife Service

Proposal To Conserve Fish, Wildlife and Habitat Values of the Alaska Peninsula, Alaska; Availability of Draft Environmental Impact Statements and Supplements

AGENCY: U.S. Fish and Wildlife Service, Interior and Heritage Conservation and Recreation Service, Interior.

ACTION: Notice.

SUMMARY: Notice is herby given that pursuant to Section 102(2)(c) of the National Environmental Policy Act, the U.S. Fish and Wildlife Service has prepared a Draft Environmental Impact Statement for a proposal to conserve the fish, wildlife and habitat values of the Alaska Peninsula, Alaska through designation of an Alaska Peninsula National Wildlife Refuge. The Service also has prepared a Draft Supplement to the 1974 Department of Interior Environmental Impact Statement for designation of an Iliamna National Resource Range in Alaska.

Notice also is given that the Heritage Conservation and Recreation Service has prepared a Draft Environmental Impact Statement and Supplement for proposals to protect the natural environment within a four mile corridor along eleven rivers in Alaska.

DATE: Written comments on these draft statements and supplements from government agencies and interested citizens will be accepted on or before May 5, 1980.

ADDRESS: Comments should be addressed to the Alaska Area Director, U.S. Fish and Wildlife Service. 1011 East Tudor Road, Anchorage, Alaska 99507. Comments will be available for public review at the U.S. Fish and Wildlife Service Alaska Area Office during regular business hours, 8:00 a.m. to 4:30 p.m. on regular workdays.

FOR FURTHER INFORMATION CONTACT:

National Wildlife Refuge and Resource Range Proposals.—William C. Reffalt, Chief, ANCSA Staff, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, (202) 343-7533.

Wild and Scenic Rivers.—John Haubert, Outdoor Recreation Planner, Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20240, (202) 343-4793.

SUPPLEMENTARY INFORMATION: On February 5, 1980, a Notice of Intent to Prepare Environmental Impact Statements and Supplements for the Alaska Peninsula and Iliamna areas of Alaska and for 11 Alaska river corridors was published in the Federal Register. Significant comments received on the additional issues to be covered in the scope of these draft documents were incorporated in these statements and supplements.

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)), these documents analyze the significant environmental impacts of actions proposed in current Congressional consideration for designating new or additions to units of the National Wildlife Refuge and Wild and Scenic Rivers Systems in Alaska. These documents also describe reasonable alternatives available to the Executive Branch which could approximate the natural resources protection that would be afforded under legislative proposals, as well as a no action alternative.

One draft environmental impact statement analyzes the environmental consequences of Congressional designation of the approximately 3.5-million-acre Alaska Peninsula National Wildlife Refuge to be administered by the U.S. Fish and Wildlife Service to ensure continued protection and management of nationally and internationally significant fish and wildlife and their habitats and the perpetuation of public benefits associated with these resources. Alternatives include no action; designation of all or portions of the area as a Congressionally established Wilderness; Executive Branch establishment of a national wildlife refuge or national wildlife monument; and alternatives for increasing or decreasing the size of the proposal.

The draft supplement to the 1974 Environmental Impact Statement for the Iliamna National Resource Range discusses Executive Branch alternative actions to protect and manage the fishery, watershed and other natural values of the area. These alternatives analyze the impacts of creating a 5.5-million-acre national wildlife refuge or a national wildlife monument to be administered by the U.S. Fish and Wildlife Service. The no action alternative of the 1974 document has been updated to reflect the Bureau of Land Management's current authorities and mandates under the Federal Land Policy and Management Act of 1976 (FLPMA).

The draft environmental statement/supplement for 11 Alaska river corridors evaluates the impact of protecting the natural environment within a four mile corridor along the Alagnak, Birch Creek, Delta, Fortymile, Gulkana, Kisaralik, Koyuk, Melozitna, Nuyakuk, Susitna and Unalakleet Rivers. Alternatives considered are Congressional designation of 7 rivers as components of the National Wild and Scenic Rivers System and authorization for study for this potential purpose for the remaining 4 rivers; administrative withdrawal of the corridors under section 204(c) of FLPMA for up to 20 years from appropriation under the public land laws, mining and mineral leasing laws and from selection by the State of Alaska under its Statehood Act; and a no action alternative.

All written comments submitted to the Department of the Interior by Federal, State and local agencies and interested citizens or organizations during the comment period will be reviewed and considered. If, upon consideration,

changes in the text of the draft documents are deemed necessary or desirable, such change will be made prior to publication of final statements and supplements. Additionally, an opportunity will be offered during the comment period for resource experts of the State government of Alaska to provide input into preparation of the final documents. The arrangements for that State input meeting will be determined as mutually desirable.

Copies of the three Draft Environmental Statements and/or Supplements are available for review in major libraries across the Nation or can be reviewed or obtained at the following locations: Washington (ANCSA Staff Offices for Fish and Wildlife Service; Public Affairs Office for Heritage Conservation and Recreation Service), and the Regional and Area Office of the U.S. Fish an Wildlife Service and the Heritage Conservation and Recreation Service throughout the Nation.

The primary author of this notice is Christine Enright, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: March 7, 1980.

Robert Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 80-7602 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Glacier National Park, Mont.; Intention To Negotiate Concession Contract

Public notice is hereby given that the National Park Service intends to negotiate a concession contract with Glacier Park, Inc., authorizing it to continue to provide and operate concession facilities and services for the public at Glacier National Park, Montana.

The foregoing concessioner is currently operating under a concession contract which expires by limitation of time on December 31, 1985. Certain improvements are needed requiring substantial investments of capital. In consideration of the needed improvements, the National Park Service will soon propose to negotiate a new concession contract and supersede and cancel the existing contract. At such time that the required investments are identified, public notice will be given pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) and all proposals received will be considered.

Dated: March 5, 1980.

Daniel J. Tobin, Jr.,

Associate Director, National Park Service.

[FR Doc. 80-7651 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-70-M

National Park System Advisory Board; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the National Park System Advisory Board will be held April 10, 11 and 12 in New Orleans, LA.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System.

The members of the Advisory Board are: Mr. Carl Burke (Chairman), Boise, Idaho, Hon. Roy A. Taylor, Black Mountain, NC, Dr. Edgar Toppin, Petersburg, VA, Dr. Douglas D. Anderson, Providence, RI, Mrs. Kathleen Abrams, Miami Shores, Florida, Hon. Alan Bible, Reno, Nev., Mr. Larry Erickson, Minot, ND, Mrs. Anne Jones Morton, Easton, MD, Mrs. Nancy M. Rennell, Greenwich, Conn., Dr. Asa C. Sims, Jr., New Orleans, LA, Dr. Edgar Wayburn, San Francisco, CA, Mr. Bill Wiener, Shreveport, LA.

On April 10 the Advisory Board will make an inspection tour of units of Jean Lafitte National Historical Park.

On April 11 and 12 the Advisory Board will meet in general sessions starting at 9:00 a.m. in the Renaissance Room, Le Pavillon Hotel, 838 Baronne at Poydras, New Orleans, LA, to consider administrative matters pertaining to the Board, discussion of the tour of Jean Lafitte National Historical Park, to consider reports on science and technology programs of the National Park Service, Columbia River Gorge planning, and to receive and consider subcommittee reports on the proposed Prairie Dog management program, and on cultural resources management.

The meetings will be open to the public. However, members of the public wishing to participate in the inspection tour must provide their own transportation. Space and facilities to accommodate members of the public at the general sessions of the meeting are limited and persons will be accommodated on a first-come-first-served basis. Any member of the public may file with the advisory Board a written statement concerning the matters to be discussed.

Persons desiring further information concerning this meeting or who wish to file written statements may contact Shirley Liukens, Advisory Boards and Commissions, National Park Service, Washington, D.C. 20240 (202-343-2012).

Summary minutes of the meeting will be available for public inspection 10 to 12 weeks after the meeting in Room 3416, Interior Building, Washington, D.C.

Dated: March 6, 1980.

Jean C. Henderer,

Chief, Office of Cooperative Activities, National Park Service.

[FR Doc. 80-7652 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-70-M

Ozark National Scenic Riverways Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act. Pub. L. 92-463, 86 Stat. 770, as amended by Pub. L. 94-409, 90 Stat. 1247, that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held Friday, March 28, 1980, at 10:00 a.m. (CST) at the Riverways' Headquarters on U.S. Highway 60 in Van Buren, Missouri.

The Commission was established by Pub. L. 88-492, 78 Stat. 609, 16 U.S.C. 460m-6, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

Mr. Oscar Hawksley, Warrensburg, Missouri (Chairman)
Mr. H. C. Daniel, Van Buren, Missouri
Mr. Carlton E. Bay, Salem, Missouri
Mr. Cecil J. Brallier, Houston, Missouri
Mr. Henry F. Luepke, Jr., St. Louis, Missouri
Mr. Edward Hodge, Eminence, Missouri

The purpose of this meeting is to review with the Commission the progress on the General Management Plan, provide an update on the research program, provide land acquisition status and provide a status report on the Ozark Trail.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements may contact Arthur L. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 490, Van Buren Missouri 63965, telephone 314-323-4236. Minutes of the meeting will be available for public inspection four weeks after the meeting at athe office of Ozark National Scenic Riverways located in Van Buren, Missouri.

Dated: February 29, 1980.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 80-7653 Filed 3-11-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official 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 Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field 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. 252]

MC 27817 (Sub-165TA), filed October 3, 1979. Applicant: H. C. GABLER, INC., R.D. 3, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Paper bags, NOI,* from Charleston, SC to Baltimore, MD; Philadelphia, PA; New York, NY; and Boston, MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amstar Corp., 1251 Avenue of Americas, New York, NY 10020. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 41116 (Sub-69TA), filed December 7, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman (same address as applicant). Applicant is seeking authority as a *contract carrier* to transport *(1) Paper and paper products (except in bulk) (2) Materials & supplies used in manufacture, distribution, or sale of (1) above (except in bulk)* between Dallas, TX and Cincinnati, OH on the one hand, and on the other, points in FL, GA, AL, MS, TX, LA, NM, CO, OK, KS, NE, MO, AR, TN, KY, IL, IN, and OH, for 180 days, under a continuing contract or contracts with Andleboard, Inc., of Cincinnati, OH. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Angleboard, Inc., 8901 Blue Ash Rd., Cincinnati, OH 45242. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 42487 (Sub-961TA), filed November 23, 1979. 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 those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the facilities of Wellington Puritan Mills, Inc., at or near Eatonton, GA, as an off-route point in connection with carrier's otherwise authorized regular route operations. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Wellington Puritan Mills, Inc., Monticellow Hwy., Madison, GA 30650. Send protest to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 42487 (Sub-962TA), filed November 26, 1979. 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 commodities in bulk and household goods as defined by the Commission). Serving the facilities of Washington Public Power Supply System at or near Elma, Washington as an off-route point. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in Tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): ITT Grinnell Corp., 621 Dana Ave., NE., Warren, OH. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 52437 (Sub-10TA), filed December 3, 1979. Applicant: SHIPPERS SERVICE EXPRESS, INC., 7200 Fly Road, P.O. Box 207, East Syracuse, NY 13057. Representative: Herbert M. Canter, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Such merchandise as is dealt in by retail, wholesale and chain grocery and food business houses (except frozen foodstuffs and commodities in bulk),* from Syracuse, NY, to points in CT, MA, ME, NH, RI, and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paul-Jeffrey Company, Inc., Steelway Blvd., P.O. Box 357, Liverpool, NY 13088. Send protests to: Richard H. Cattadoris, D/S, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 59317 (Sub-17TA), filed November 8, 1979. Applicant: BISOM TRUCK LINE, INC., 725 First St., North, Newton, IA 50209. Representative: William L. Fairbank, 1980 Financial Ctr., Des Moines, IA 50309. *Rolled plastic netting* from Minneapolis, MN, to Newton, IA, for 180 days. An underlying ETA seeks 90 days authority. Support shipper(s): Ross Daniels, Incorporated, 1720 Fuller Rd., West Des Moines, IA 50265. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 63417 (Sub-250TA), filed November 23, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *New furniture,* from Trumann, AR, to points in the U.S., and *materials, supplies, and equipment used in the manufacture of new furniture* (except commodities in bulk) from points in the U.S. to Trumann, AR, for 180 days. Supporting shipper(s): Singer Furniture Company, P.O. Box 5337, Roanoke, VA 24012. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 63417 (Sub-257TA), filed October 3, 1979. Applicant: BLUE RIDGE

TRANSFER COMPANY, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Aluminum cans,* from the facilities of Reynolds Metals, Inc., at or near Middletown, NY to facilities of Miller Brewing Company at or near Albany, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reynolds Metals Co., P.O. Box 27003, Richmond, VA. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 63417 (Sub-258TA), filed October 11, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: Willaim E. Bain (same as applicant). *Central heating, air conditioning, and component parts* from Nashville, TN to NC, SC, VA, WV, MD, DC, PA, NY, OH, IN, IL, KY, MI, NJ, MS, AL, GA, DE, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heil Quaker Corp., 1714 Heil Quaker Blvd., LaVergne, TN 37086. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 63417 (Sub-259TA), filed November 8, 1979. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Plastic containers and plastic articles,* between Olive Branch, MS; Memphis, TN; Elizabethtown, KY: Lexington, KY: Madisonville, KY; Louisville, KY; Reserve, LA; and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Group, Inc., Plastic Beverage Bottle Div., 4 Landmark Square, Suite 130, Stamford, CT 06901. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 67646 (Sub-86TA), filed August 13, 1979. Applicant: HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Representative: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101. *Common carrier:* regular routes: *General commodities,* except those of unusual value, and except livestock, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Medina, NY as an off-route point, for 180 days. Applicant intends to tack authority sought herein with authority presently held under docket number MC 67646 and MC 8600. Supporting shipper(s): Fisher Price Toys, 636 Girard Ave., East Aurora, NY 14052. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 78687 (Sub-94TA), filed December 10, 1979. Applicant: LOTT MOTOR LINES, INC., West Cayuga Street (P.O. Box 751), Moravia, NY 13118. Representative: Michael D. Bromley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. *Foodstuffs (except commodities in bulk),* from the facilities of American Home Foods, Division of American Home Products Corp., located at or near Milton, PA (Northumberland county), to points in DE, MD, NY, VA, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 99667 (Sub-00TA), filed November 23, 1979. Applicant: TRI-VALLEY TRANSPORTATION, INC., 111 East 4th Street, Grand Island, NE 68801. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Fresh meat* from Darr, NE to Fort Worth, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dugdale Packing Co., Charles Miller, Traffic Manager, Box 166, Cozad, NE 69130. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 61977 (Sub-29TA), filed October 25, 1979. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., Huntington, WV 25703. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Such commodities as are dealt in by retail, wholesale grocery and food business houses, except commodities in bulk* between points in OH on the one hand, and, on the other, points in KY and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fostoria Distribution Services Co., P.O. Box D, Fostoria, OH 44830. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

MC 102567 (Sub-549TA), filed November 28, 1979. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy. Suite 130, Houston, TX 77040. *Chemicals, in bulk, in tank vehicles,* from Avondale, LA to all points in TX, for 180 days. Applicant has filed an ETA seeking 90 days. Supporting shipper(s): American Cyanamid Company, Berdan Ave., Wayne, NJ 07470. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102616 (Sub-1022TA), filed November 28, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Rd., Akron, OH 44313. Representative: Wendell M. Kiefaber, (same as applicant). *Liquid chemicals,* in bulk, in tank vehicles, from the facilities of U.S. Steel Corporation at Neville Island, PA to points in AL, DE, DC, FL, GA, IN, KY, MD, MI, NC, OH, SC, TN, VA, and WV, and return of rejected shipments, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corporation, 600 Grant St., Pittsburgh, PA 15230. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 102817 (Sub-31TA), filed November 15, 1979. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, Indianapolis, IN 46254. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. *New furniture* from Baltimore and Salisbury, MD, to points in the states of IL, IN, KY, MI, MN, MO, NY, OH, PA, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Duo Sofas, Baltimore Beltway at Exit 10, Baltimore, MD 21227. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 107107 (Sub-480TA), filed November 29, 1979. Applicant ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). *Such commodities as are dealt in by wholesale or retail department or discount stores,* except commodities in bulk, from points in AL, FL, GA, LA, MS, NC, SC and TN to Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pamida, Inc., 8800 F St., Omaha, NE 68127. Send protests to: Donna M. Jones T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 NW. 53rd Ter., Miami, FL 33157.

MC 109736 (Sub-49TA), filed September 20, 1979. Applicant: CAPITOL BUS COMPANY, d.b.a. CAPITOL TRAILWAYS, 1061 S. Cameron St., Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. Common Carrier: Regular Routes: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) Between Baltimore, MD, and Washington, DC, from Baltimore, MD over MD Hwy 3 and

Baltimore-Washington Parkway to junction U.S. Hwy 50, the over U.S. Hwy 50 to Washington, DC, and return over the same route. (2) Between Springettsbury and Manchester Townships, York County, PA, and Washington, DC, serving the intermediate point of Baltimore, MD, from Springettsbury and Manchester Townships, York County, PA, over Interstate Hwy 83 to Baltimore, MD, then over Baltimore-Washington Parkway to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, DC, and return over the same route. (3) Between Frederick, MD, and Washington, DC, from Federick, MD, over U.S. Hwy 240 to Washington, DC, and return over the same route. (4) Between Binghamton, NY, and Scranton, PA, from Binghamton, NY, over NY Hwy 17 to junction Interstate Hwy 81, the over Interstate Hwy 81 to Scranton, PA, and return over the same route. (5) Between Philadelphia, PA, and Atlantic City, NJ, from Philadelphia, PA, over Interstate Hwy 76 to junction Interstate Hwy 676, then over Interstate Hwy 676 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City NJ, and return over the same route. Supporting shipper(s): Applicants statement of fact. Send protests to: ICC, Fed. Res. Bank Bldg., Rm 620, Philadelphia, PA 19106.

MC 108207 (Sub-542TA), filed November 20, 1979. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 225888, Dallas, Texas 75222. Representative: M. W. Smith (same address as carrier). *Meats, meat products, meat by-products and foodstuffs* from points in MN to points in IN, OH, IL and MI for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 5 supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-543TA), filed November 26, 1979. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz St. (Mailing: P.O. Box 225888), Dallas, TX 75265. Representative: M. W. Smith (address same as applicant). *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and foodstuffs* from points in TX and Memphis, TN to points in CA on and east of Continental Divide for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are eight (8) supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 108207 (Sub-544TA), filed November 29, 1979. Applicant: FROZEN FOOD EXPRESS, INC. 318 Cadiz St. (Mailing: P.O. Box 225888), Dallas, TX 75265. Representative: M. W. Smith, address same as above. *Such commodities as are dealt in by wholesale, retail, chain grocery and food business houses* from Louisville, KY to points in AR, AZ, CA, IL, IN, MN, MI, OH, MO, KS, MS, OK, TX, NM, LA, TN, and WI for 180 days. Underlying ETA for 90 days filed. Supporting shipper: Louisville Freezer Center, 2000 Ninth Street, Louisville, KY 40208. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-545TA), filed December 3, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, address same as above. *Meats, meat products, meat by-products, and articles distributed by meat packing houses (except hides and commodities in bulk) as defined in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, and foodstuffs,* from points in IL to points in MN, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 14 supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-546TA), filed December 3, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, address same as above. *Meats, meat products, meat by-products, and articles distributed by meat packing houses (except hides and commodities in bulk) as defined 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 foodstuffs,* from points in IL to points in OH, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 18 supporting shippers. Send protests to: Opal M. Jones, TCS, ICC, 411 West 7th St., Suite 600 Ft. Worth, TX 76102.

MC108207 (Sub-547TA), filed December 3, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, same address as applicant. *Meats, meat products, meat by-products, and articles distributed by meat packing houses (except hides and commodities in bulk) as defined 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 foodstuffs,* from points in IL to points in IN for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 17 supporting shippers. Send protests to; Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 108207 (Sub-548TA), filed December 6, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M.W. Smith, address same as applicant. *Meats, meat products and meat by-products (except in bulk)* from Edgar & Marshfield, WI to Lincoln & Omaha, NE for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper: Bio Resources, 4255 LBJ, Bldg #1, #148, Dallas, TX. Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 108207 (Sub-546TA), filed December 3, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M.W. Smith, address same as applicant. *Meats, meat products, meat by-products and articles distributed by meat packinghouses (except hides and commodities in bulk) as defined 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 foodstuffs,* from points in IL to points in MI, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 14 supporting shippers. Send protests to: Opal Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 112617 (Sub-459TA), filed November 19, 1979. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY. 40221. Representative: Larry W. Thompson, (as above). Petroleum Oil and Petrochemicals, in bulk, in tank vehicles, from the plantsite of Amoco Chemicals, Natchez, MS, to the plantsite of Amoco Chemicals, Wood River, IL. Supporting shipper: Donna Strawbridge, Amoco Chemicals Corp., 200 E. Randolph Dr., Chicago, IL 60601. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 113666 (Sub-189TA), filed November 19, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., P.O. Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood, (same as applicant). *Concrete products, materials, equipment and supplies used in the installation of concrete products,* from Mars and Philadelphia, PA;

Baltimore, MD; Dayton, OH and ports of entry between the U.S. and Canada located in MI and NY to points in NY, MI, OH, MD, PA and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Duve Enterprises, Inc., 115 Primose Ave., Glenshaw, PA 15116. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113666 (Sub-188TA), filed October 24, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: Daniel R. Smetanick (same as applicant). Grouting compounds, materials and supplies used in the production and installation of grouting compounds, except in bulk, between Cincinnati, OH and Pekin, IL, on the one hand, and, on the other, points in the U.S. (except AL and HI), for 180 days. Supporting shipper: U.S. Grout Corp., 3 W. End Ave., Old Greenwich, CT 06870. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 113666 (Sub-187TA), filed September 24, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Drawer A, Freeport, PA 16229. Representative: R. Scott Mahood (same as applicant). *Insulation, insulating materials, materials, equipment and supplies used in the production and installation of insulation and insulating materials,* between Rochester, NY and Wauseon, OH, on the one hand, and on the other, points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Support shipper: Electra Manufacturing Corporation, 1133 S. McCord Rd., Holland, OH 43528. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620., Phila., PA 19106.

MC 114457 (Sub-555TA), filed November 26, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Containers and container closures,* (1) from the facilities of The Continental Group, Inc. at or near Perry and Atlanta, GA, to Cincinnati, OH, Austin, IN, and Memphis, TN; and (2) from Houston and Longview, TX to St. Louis, MO, Quincy, IL, Cincinnati, Columbus and Worthington, OH, Austin and Indianapolis, IN, St. Joseph, Benton Harbor, Shoreham and Holland, MI, and Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Support shipper: Continental Can Co., U.S.A., Region Mgr., Traffic & Distribution, Great Lakes Division, 11550 Mosteller Rd., Cincinnati, OH 45241. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Mpls., MN 55401.

MC 115116 (Sub-31TA), filed September 21, 1979. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, NJ 08901. Representative: Edward F. Bowes, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Common carrier: Passengers and their baggage and express and newspapers in the same vehicle with passengers over regular routes, between Hillsborough and Manville, NJ, serving all intermediate points, from the junction of U.S. Highway 206 and Somerset County Highway 514 (Amwell Road) in Hillsborough Township, NJ over U.S. Highway 206 to the junction of Brooks Boulevard, then over Brooks Boulevard to Manville, NJ and return over the same routes, between Millstone and Manville, NJ, serving all intermediate points, from the junction of Somerset County Highway 514 (Amwell Road) and Millstone River Road in the Borough of Millstone, NJ, then over Millstone River Road to Manville, NJ, and return over the same routes, between points in Franklin Township, NJ serving all intermediate points, from the junction of John F. Kennedy Boulevard and Winston Drive in Franklin Township, NJ, then over John F. Kennedy Boulevard to the junction of County Highway 527 (Easton Avenue) in Franklin Township, NJ, and return over the same routes. Common carrier: Passengers and their baggage and express and Newspapers in the same vehicle with passengers over regular routes, between Franklin Township, NJ and New York, NY, serving no intermediate points, except for purposes of joinder, from the junction of Weston Canal Road and access roads to Interstate 287 in Franklin Township, NJ, then over the access roads and Interstate 287 to the junction of Interstate 287 and the access roads of the NJ Turnpike at Interchange 10 in Edison, NJ, then over the access roads and the NJ Turnpike to the access roads at the NJ Turnpike Interchange 16E in Secaucus, NJ, then over the access roads and Interstate 495, also known as NJ 3 and the Depressed Highway, to the Lincoln Tunnel, then through the Lincoln Tunnel to New York, NY and return over the same routes, between points in Franklin Township, NJ, serving no intermediate points, except for purposes of joinder, from the junction of Easton Avenue and access roads to Interstate 287 in Franklin Township, NJ, then over access roads to Interstate 287 in Franklin Township, NJ and return over the same route. Common carrier: Passengers and their baggage and express and newspapers in the same vehicle with passengers over regular routes, between Manville, NJ and South Bound Brook, NJ serving all intermediate points, from Manville, NJ over Finderne Avenue to the junction of Main Street in Bridgewater Township, NJ, then over Main Street and Talmadge Avenue to the junction of Columbus Place in the Borough of Bound Brook, NJ, then over Columbus Place to the junction of Main Street, then over Main Street to the junction of South Main Street, then over South Main Street to the junction of County Highway 527 (Main Street) in the Borough of South Bound Brook, NJ and return from the junction of County Highway 527 and South Main Street in the Borough of South Bound Brook, NJ, over South Main Street to the Junction of Main Street, Bound Brook, NJ, then over Main Street to the junction of Main Street and East High Street, then over East High Street to the junction of East High Street and East Street, then over East Street to the junction of East Street and Main Street, then continuing over the aforesaid route to Manville, NJ, between Somerville, NJ and Bridgewater Township, NJ serving all intermediate points, from the junction of Middaugh Street and Somerset Street in Somerville, NJ, over Somerset Street to junction West Main Street, then over West Main Street, East Main Street and Main Street to the junction of Finderne Avenue in Bridgewater Township, NJ and return over the same routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Supported by 49 passengers whose names and addresses are on file at the Newark, NJ office of the ICC. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 115557 (Sub-29TA), filed October 19, 1979. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Henry M. Wick, Jr., Esq., 2310 Grant Bldg., Pittsburgh, PA 15219. *Foodstuffs* in vehicles equipped with mechanical refrigeration, between points in IL, OH, MI and WI on the one hand, and, on the other, DuBois, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beaver Meadow Creamery, 400 Maple Ave., DuBois, PA 15801. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106.

MC 116077 (Sub-433TA)., Applicant: DSI TRANSPORTS, INC., 4550 One Post Oak Place, Suite 300, Houston, TX 77027. Representative: J. C. Browder (same as

applicant). *Hexamethylamine Diamine,* in bulk, in tank vehicles from Victoria, TX to Camden, SC, Richmond, VA, Martinsville, VA, Wauesboro, VA, Chattanooga, TN and Seaford, DE, for 180 days. Supporting shipper(s): E. I. DuPont DeNemours & Co., 1007 Market St., Wilmington, DE 19898. Send protests to: John F. Mensing, DS, I.C.C., 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 119777 (Sub-433TA), filed November 23, 1979. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Representative: Carl U. Hurst, Atty. (as above). Metal Articles, Scrap Batteries, Pig Lead, Metal Alloy, and other alloys, used in the manufacture of solder, between the facilities of Price Metal Company at Kansas City, MO, on the one hand, and, on the other, points in CO, GA, IL, IN, IA, MA, MI, NE, NY, NJ, OH, OK, PA and TX. Supporting shipper(s): Mark H. Price, Asst. G/M, Price Metal Company, Guinotte and Flora Ave., Kansas City, MO 64120. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 119917 (Sub-64TA), filed November 28, 1979. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Dr., SE., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Lighting fixtures and parts and accessories for lighting fixtures* from the facilities of Lithonia Lighting, Inc., a Division of National Service Industries, Inc., at or near Conyers, GA, Cochran, GA and Crawfordsville, IN to points in the US in and east of ND, SD, NE, CO, and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting, Inc., Division of National Service Industries, P.O. Box A, Conyers, GA 30207. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 123407 (Sub-6-24TA). Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Composition board (except commodities in bulk),* from Adrian and Constantine, MI, to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Simplex Industries, Inc., Simplex Products Group, 3000 West Beecher Road, Adrian, MI 49221. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 124017 (Sub-9TA), filed November 8, 1979. Applicant: R. JEFFREY & SONS, INC., R. D., Elysburg, PA 17824. Representative: J. Bruce Walter 410 North Front St., P.O. Box 1146, Harrisburg, PA 17108. *Pig iron, coke, ferrous silicon and scrap,* between points in Niagara County and Erie County, NY, on the one hand, and on the other, points in MD, DE, NJ and points in PA on and east of U.S. Hwy 220 and U.S. Hwy 15, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sperry New Holland, Belleville, PA 17004; Ashland Metal Company, Box 435, Ashland, PA 17921; S & B Foundry Co., RD No. 5, Bloomsburg, PA 17815. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124887 (Sub-104TA), filed November 28, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. (1) Iron and steel articles and (2) materials, equipment and supplies used in the production of iron and steel articles, between Aberdeen, NC on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Galvanizing, Inc., Rt. 1, Box 60, Aberdeen, NC 28315. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124887 (Sub-105TA), filed December 5, 1979. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Iron and steel articles and metals* from Chicago, IL and Detroit, MI to points in AL, FL, GA, NC, and SC (restricted to traffic originating at the warehouses of Triangle Steel Service Corporation for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Triangle Steel Service Corporation, 2405 Fruitville Road, Sarasota, FL 33577. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126477 (Sub-8TA), filed November 16, 1979. Applicant: JET AIR FREIGHT AND PARCEL DELIVERY, INC., P.O. Box 9313, Baer Field, Ft. Wayne, IN 46899. Representative: James P. Kirkhope, P.O. Box 15296, Ft. Wayne, IN 46885. *General commodities, having a prior or subsequent movement by air, except commodities in bulk, explosives and dangerous articles, livestock and passengers, in daily scheduled service* between Indianapolis Municipal Airport, at or near Indianapolis, IN, on the one hand; and, on the other, Baer Field Municipal Airport, at or near Ft. Wayne, IN for 180 days. Supporting shippers: Burlington Northern Air Freight, 1936 S. Lynhurst, Indianapolis, IN 46241. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Building, 46 East Ohio Street, Indianapolis, IN 46204.

MC 126477 (Sub-7TA), filed October 26, 1979. Applicant: JET AIR FREIGHT AND PARCEL DELIVERY, INC., P.O. Box 9313, Baer Field, Ft. Wayne, IN 46899. Representative: James P. Kirkhope, P.O. Box 15296, Ft. Wayne, IN 46885. *General commodities, having a prior or subsequent movement by air, except commodities in bulk, explosives and dangerous articles, livestock and passengers, in daily scheduled service* between Baer Field Municipal Airport, at or near Ft. Wayne, IN, on the one hand; and, on the other, James M. Cox Municipal Airport, at or near Vandalia, OH, over irregular routes for 180 days. Supporting shippers: Emery Air Freight Corp., Old Danbury Road, Wilton, CT. Send protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 East Ohio St., Indianapolis, IN 46204.

MC 129057 (Sub-4TA), filed December 10, 1979. Applicant: ACADEMY MOVERS, INC., 421 Sycamore, Junction City, KS 66441. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006. *Used household goods* (restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic), between points in KS. For 180 days, common, irregular route. Supporting shippers: Transportation Officer, Transportation Div., DIO, HQ, 1st Infantry Div., Ft. Riley, KS 66442. Send protests to: M. E. Taylor, D/S, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 133676 (Sub-11TA), filed October 31, 1979. Applicant: COMET TRUCK LINE, INC., 1175 Choctaw Drive, Baton Rouge, LA 70821. Representative: Richard H. Wilson (same address as applicant). *Paper, woodpulp, paper articles, chemicals or machinery used in the manufacture of paper or related articles* between points in LA, AR, MS, TX, and AL, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shippers: Georgia-Pacific Corp., P.O. Box 430, Zachery, LA 70791. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 138536 (Sub-TA), filed December 3, 1979. Applicant: METROPOLITAN

VAN & STORAGE, INC., 417 Main Street, Martinez, CA 94553. Representative: Keith V. Estes (same address as applicant). *Company records* from Seattle, WA; Salt Lake City, UT; Phoenix, AZ; Denver, CO; El Paso, Houston, Midland and Snyder, TX; New Orleans, LA; Pascagoula, MS; Miami, FL; Louisville, KY; and Perth Amboy, NJ to Concord and Dublin, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chevron U.S.A., 2005 Diamond Blvd., Concord, CA 94524. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 133676 (Sub-12TA), filed November 19, 1979. Applicant: COMET TRUCK LINE, INC., 1175 Chactaw Drive, Baton Rouge, LA 70821. Representative: Richard H. Wilson, 1175 Choctaw Dr., Baton Rouge, LA 70821. *Plastic materials other than expanded-flakes, granules, lumps, pellets, powder or solid mass, excluding bulk and tank vehicles,* between Plaquemine, Port Allen, and Baton Rouge, LA and its commercial zone on the one hand, and, on the other, New Orleans, LA and its commerical zone. Restricted to traffic having a subsequent movement by water, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Dow Chemical, U.S.A., P.O. Box 150, Plaquemine, LA 70764. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135316 (Sub-60TA), filed September 24, 1979. Applicant: AIR TRUCK SERVICE, INC., d.b.a. KANAWHA VALLEY AIR FREIGHT, Kanawha Airport, Charleston, WV 25305. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *General commodities,* except classes A and B explosives, household goods as defined by the Commission, those of unusual value and commodities which because of size or weight require the use of special equipment, between the Greater Cincinnati, OH Airport at Cincinnati, OH, Cuyahoga County Airport, Cleveland, OH and the Greater Pittsburgh Airport, Pittsburgh, PA, on the one hand, and, on the other, Charleston and Huntington, WV and pts. in Mason, Putnam, Jackson and Wood Counties, WV, for 180 days. Restricted to traffic having an immediate prior or subsequent movement by aircraft. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under docket number MC 135316. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 135797 (Sub-284TA), filed November 20, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *New furniture* from Washington and St. Louis, MO to Gaithersburg, MD and Pensauken, NJ, for 180 days. Supporting shipper(s): Appleby, Smith & Ingram, 1900 Laytonsville Rd., Gaithersburg, MD 20760. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-285TA), filed November 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Pual R. Bergant (same address as applicant). *Such commodities* as are dealt in or used by retail department stores and mail order and discount houses (except commodities in bulk) from points in CT, MA, ME, NC, NH, NJ, NY, OH, PA, and RI to points in MO; Omaha, NE and Vandalia, IL for 180 days. Supporting shipper(s): KANMO Shippers, Inc., 8300 N.E. Underground Drive, Kansas City, MO 64161. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-286TA), filed November 21, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Petroleum and petroleum products,* in packages, from Maryland Heights, MO to points in AR, CO, KS, LA, OK, and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper (s): Pennzoil Company, P.O. Box 808, Oil City, PA 16301. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-287TA), filed November 29, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, P.O. Box 130, Lowell, AR 72745. *Air conditioning equipment, furnaces, stoves and parts and accessories* thereto, from the facilities of Carrier Corporation at or near Indianapolis, IN to points in AL, AR, CA, CT, FL, GA, IA, LA, ME, MA, MN, NJ, NY, OR, TX, WA, and WI, for 180 days. Supporting shipper(s): Carrier Corporation, P.O. Box 4800, Syracuse, NY 13221. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-288TA), filed November 29, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). (1) *Plastic articles* (except in bulk) from the plantsite and shipping facilities of Mobil Chemical Co. at or near Channahon Township and Joliet, IL to points in the U.S. (except AK and HI), (2) *Materials and supplies* (except in bulk) used in the manufacuture and distribution of plastic articles from points in the U.S. (except AK and HI), to the plantsite and shipping facilities of Mobil Chemical Co., at or near Channahon Township and Joliet, IL, restricted to the transportation of shipments from or to the facilities of Mobil Chemical Co. at or near Channahon Township and Joliet, IL, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Mobil Oil Corporation, 8350 North Central Expressway, Campbell Centre, Suite 522, Dallas, TX 75206. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-289TA), filed December 4, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *Furnaces, air conditioning equipment, air coolers and parts and accessories* thereto, from the facilities of Carrier Corporation at or near Los Angeles, CA to points in AL, AR, CO, FL, GA, ID, IL, IN, IA, MA, MN, NJ, NY, OH, OR, TX, UT, WA and WI, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Carrier Corporation, P.O. Box 4800, Syracuse, NY 13221. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135797 (Sub-290TA), filed December 7, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). *General commodities* (except commodities in bulk) from points in CA, CT, DE, IL, MA, MD, NJ, NY, OR, PA, and WA to the facilities of Tree of Life at St. Augustine, FL, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Tree of Life, Inc., P.O. Box 410, St. Augustine, FL 32084. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 136407 (Sub-28TA), filed December 4, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. Contract—irregular—*Corn products and potato products,* from Los Angeles, CA to Denver and Grand Junction, CO, for

180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): King Soopers Discount Div. of Dillon Co., Inc., P.O. Box 5567 T.A., Denver, CO 80217. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 138567 (Sub-4TA), filed December 5, 1979. Applicant: R. L. PAQUETTE, INC., Box 162, Middlebury, VT 05753. Representative: Roger Paquette, Jr., Dog Team Road, New Haven, VT 05472. Part 1: Plastic Brushes and Plastic Brush Products; Part 2: Plastic Bristles. From: Plant site of Tucel Industries in Forest Dale, VT and the plant site of Polymer, Inc., Middlebury, VT to points in AK, CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tucel, Inc., Forest Dale, VT; Polymers, Inc., Route 16, Middlebury, VT. Send protests to: Harold F. Wyman, DS, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 139206 (Sub-67TA), filed November 29, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., Maryland Heights, MO 63043. Representative: R. C. Mitchell (same as above). *Contract carrier,* irregular routes: *Air conditioners, compressors, humidifying and heating equipment and materials, equipment and supplies* used in the manufacture, distribution and repair of the above-named commodities (except commodities in bulk and those requiring the use of special equipment), between the facilities of Fedders Corp. at Edison, NJ; Buffalo, NY: Federic and Elkton, MD; on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, MI, MO, MS, MN, NC, OH, PA, SC, TN, WV, WI and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fedders Corporation, Woodbridge Ave., Edison, NJ 08817. Send protests to: P. E. Binder, DS, ICC; Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 139276 (Sub-9TA), filed August 24, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Grace Kasallis (same address as applicant). *Iron and steel products,* between the facilities of Joseph T. Ryerson & Son, Inc., at Elk Grove Village and Chicago, IL and points in Michigan on and south of US Hwy 96 from Muskegon to its junction with US Hwy 69 at Lansing; Then on and south of US Hwy 69 to its junction with US Hwy 75 at Flint: then on and south of US Hwy 75 to Detroit, and points in Indiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Joseph T. Ryerson & Son, Inc., 2621 W. 15th Place, Chicago, IL 60608. Send protests to: Cheryl Livingston, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 140186 (Sub-32TA), filed May 2, 1979. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, MT 59801. Representative: Joel E. Guthals, P.O. Box 2533, Billings, MT 59103. *Building materials, and parts, accessories and supplies* used in the installation, and construction of buildings or building materials; *tanks,* iron or steel, metal plate and/or sheet, kd., from Kansas City, MO, Kansas City, KS and Galesburg, IL to points in CA, CO, ID, MN, MT, ND, OR, SD, WA, WY, and UT., For 180 days, there is an underlying ETA seeking 90 days authority. Supporting shipper: Butler Mfg Co., 7400 E. 13th St., Kansas City, MO 64126. Send protests to: Paul J. Labane, Rm. 222, 2602 First Ave., Billings, MT 59101.

MC 141046 (Sub-15TA), filed October 23, 1979. Applicant: MASON O. MITCHELL, d.b.a. M. MITCHELL TRUCKING, 1911 I Street, LaPorte, IN 46250. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier:* irregular routes: *Paper and paper products,* from the facilities of International Paper Company at or near Androscoggin County, MI to points in the United States except AK and HI under a contract or continuing contracts with International Paper Company for 180 days. Supporting shipper(s): International Paper Company, 220 East 42nd Street, New York, NY 10017. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 141867 (Sub-16TA), filed September 5, 1979. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as above). *Commodities as are dealt in or used by the manufacturers of plastic containers, containers and packaging materials,* between points in WA on the one hand, and, on the other, ports of entry located on the International Boundary line between the U.S. and Canada located in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Richter Northwest Corp., 8439 So. 208th St., Kent, WA 98031; Capilano Plastics Co., Ltd., 1648 W. 2nd Ave., Vancouver, B.C., Agri-Container Corp., Box 2004, Wenatchee, WA 98801. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 142686 (Sub-29TA), filed November 2, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker Avenue, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as above). *Contract;* Irregular; *anthracite filter coal, in bags (except in bulk),* from Locust Summit, Pennsylvania, to points within the States of California, Florida, Georgia, Illinois, Indiana, and Texas, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Filter Media, Inc., President, P.O. Box 75, Gilberton, Pennsylvania 17934. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142977 (Sub-7TA), filed December 3, 1979. Applicant: HOOSIER FREIGHT LINES, INC., P.O. Box 16006, Louisville, KY. 40216. Representative: James K. Stayton, Atty., 3008 Preston St., Louisville, KY 40217. Household appliances, equipment, materials and supplies used in the manufacture and distribution thereof, between the General Electric Co., Applicance Park, Louisville, KY and all points in IN. Supporting shipper(s): L. R. Crompton, Mgr., Traffic, General Electric Company, Appliance Park, Louisville, Ky 40225. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 143127 (Sub-62TA), filed December 3, 1979. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, Traffic Mgr. (address same as above). *Pulpboard, wastepaper, boxes, paper products, furniture parts and insulation materials,* between all 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 of the Alton Box Board Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alton Box Board Company, 401 Alton St., Alton, IL 62002. Send protests to: Richard H. Cattadoris, D/S, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 143267 (Sub-97TA), filed October 12, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esquire, 1155 15th Street NW., Washington, DC 20005. *Pipe and pipe fittings,* from the facilities of Can-Tex Industries at Sparta, TN to points in the United States in and east of WI, IL, MO, AR and LA, for 180 days. Supporting shipper(s): Can-Tex Industries, Route 10, Highway 70 South, Sparta, TN 38583. Send protests to: ICC,

Federal Reserve Bank Bldg., 101 N. 7th Street, Rm. 620, Phila., PA. 19106.

MC 143607 (Sub-19TA), filed December 7, 1979. Applicant: BAYWOOD TRANSPORT, INC., Route 6, P.O. Box 2611, Waco, TX 76706. Representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, DC 20001. Contract, irregular; *plastics and resins (except in bulk)* from Pineville, NC to Cleburne, TX for 180 days.Underlying ETA for 90 days has been filed. Supporting shipper(s): Rubbermaid Commercial Products, Inc., Box 771, Cleburne, TX 76031. Send protests to: Marianne Minnich, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 143267 (Sub-98TA), filed November 9, 1979. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, 1156 15th St. NW., Washington, DC 20005. *Metal buildings, prefabricated building parts and materials and accessories used in the manufacture and installation thereof,* (1) from the facilities of National Steel Products Company, Inc., at or near Monroe, LA, to points in the U.S. in the east of WI, IL, MO, AR AND LA, (2) from Ashland, KY, Baltimore and Sparrows Point, MD; Ecorse and Detroit, MI; Weirton, WV; Chicago, Alton, East St. Louis and Granite City, IL; St. Louis, MO and Middletown, OH to the facilities of National Steel Products Company, Inc. at or near Terre Haute, IN and La Grange, GA, and (3) from Weirton, WV; Chicago and Granite City, IL and Murrysville, PA to the facilities of National Steel Products Company Inc., at or near Monroe, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Steel Products Company, Inc., P.O. Box 40490, Houston, TX 77040. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 143897 (Sub-3TA), filed September 24, 1979. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 3057 Grandview Highway, Vancouver, BC, Canada V5M 2E4. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Contract carrier;* irregular routes; *Bonds, securities and bullion,* between ports of entry on the U.S.-Canada international boundary line located in ND and MN on the one hand, and, on the other, points in ND and MN, restricted to traffic originating at or destined to points in Manitoba, Canada, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Toronto-Dominion Bank, P.O. Box 7700, 215 Portage Ave., Winnipeg, Manitoba, Canada. Bank of Montreal, 330 Portage Ave., Winnipeg, Manitoba. The Royal Bank of Canada, 15th Floor, 220 Portage Ave., Winnipeg, Manitoba R3C 2T5. Canadian Imperial Bank of Commerce, 21st Floor Richardson Bldg., Box 814, Winnipeg, Manitoba R3C 2P3. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 144366 (Sub-1F, 2F), filed December 6, 1979. Applicant: FROST PAK COMPANY, P.O. Box 215, Swedesboro, New Jersey 08085. Representative: Chester A. Zyblut, 1030 15th Street, NW., Suite 366, Washington, DC 20005. *Flour, bakery mixes, cake mixes, dessert preparations, gravies, bakery goods, potato products, sugar substitutes, (except in bulk), in vehicles equipped with mechanical refrigeration,* from Buffalo, NY to Parkesburg, PA, and points in its commercial zone. Supporting shipper(s): The Pillsbury Company, 608 Second Avenue South, Minneapolis, MN 55402. Send protests to: John B. Thomas, D/S, ICC, Boston, MA 02114.

MC 144607 (Sub-3TA), filed September 26, 1979. Applicant: SILICA TRANSPORT, INC., Highway 69 East, Melbourne, AR 72556. Representative: Louis Tarlowski, 401 Union Life Building, Little Rock, AR 72203. *Granulated boiler slag, bulk, in pneumatic tank trailers and in bags* from Memphis, TN to points in AL, AR, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC and TX, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): H. B. Reed & Company, Inc.; 8149 Kennedy Avenue, Highland, IN 46322. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144827 (Sub-47TA), filed December 4, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. (1) Apparel and material used in the manufacture of apparel from Paris, TX to Arkadelphia, AR and Memphis, TN and from Arkadelphia, AR to Memphis, TN; and (2) corrugated boxes from Garland, TX to Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vassarette, Div. of Munsingwear, 4791 Burbank Ave., Memphis, TN 38118. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 145956 (Sub-6TA), filed December 11, 1979. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Blood, derivatives of blood, plasma, medical and dental products and materials, equipment, and supplies used for these commodities* between points in the U.S. (except AL & HI), restricted to the transportation of shipments originating at or destined to the facilities of Automated Medical Laboratories, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Automated Medical Laboratories, Inc., 8405 NW. 53rd St., Miami, FL 33166. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 NW. 53rd Ter., Miami, FL 33166.

MC 146646 (Sub-64TA), filed December 4, 1979. Applicant: BRISTOW TRUCKING CO., P.O. Box 6355 A, Birmingham, AL 35217. Representative: Henry Bristow, Jr. (same address as above). *Corn flour and corn meal,* from the facilities of J. R. Short Milling Company located at or near Mt. Vernon, IN., and Kankakee, IL to points in CA, LA, and TX (restricted against commodities in bulk), for 180 days. Supporting shipper(s): J. R. Short Milling Company, 233 South Wacker Drive, Chicago, IL 60606. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 146656 (Sub-10TA), filed October 25, 1979. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oklahoma St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Contract carrier:* Irregular routes: *Plastic bottles, containers and closures, ethylene oxide, and laxative preparations* between Easton and Seat Pleasant, MD, on the one hand, and, on the other, points in MA, CT, RI, NJ, MD, VA, Nashua, NH, DC, those points in that part of PA on and east of Interstate Hwy 81 and on and south of Interstate Hwy 84 and those points in NY on and south of Interstate Hwy 84, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burton, Parsons & Company, Inc., 120 W. Hampton Ave., Seat Pleasant, MD 20027. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 144117 (Sub-50TA), filed December 4, 1979. Applicant: TLC LINES, INC., 1666 Fabick Dr., Fenton, MO 63026. Representative: Jack H. Blanshan, Atty., 205 W. Toughy Ave., Suite 200, Park Ridge, IL 60068. *Such commodities as are dealt in or used by manufacturers of photographic products, except commodities in bulk,* (1) between the facilities of Eastman Kodak Company, Rochester, NY, on the one hand, and, on the other other, Hollywood, Lyoth, Los Angeles,

Oakland, Palo Alto, Sunnyvale, San Francisco, San Ramon, Travis AFB, and Whittier, CA, and points in the commercial zones of the named cities, and (2) between the facilities of Eastman Kodak Company, Windsor, CO, on the one hand, and, on the other, Hollywood, Lyoth, Los Angeles, Oakland, Palo Alto, Sunnyvale, San Francisco, San Ramon, Travis AFB and Whittier, CA, and points in the commercial zones of the named cities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: P. E. Binder, DS, ICC, RM. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144827 (Sub-46TA), filed November 27, 1979. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Memphis, TN 38118. Representative: R. Connor Wiggins, Suite 909, 100 N. Main St., Memphis, TN 38103. *Cellulose film, plastic film and paper film (except commodities in bulk)* (1) from the facilities of PrintPack, Inc. at Grand Prairie, TX to points in AR, MS, OK and Memphis, TN; and (2) between the facilities of PrintPack, Inc. at Grand Prairie, TX and Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): PrintPack, Inc., 4335 Wendell Drive, NW., Atlanta, GA 30336. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 145337 (Sub-10TA), filed November 29, 1979. Applicant: P.M.E., LTD., Box 181, Group 261, R.R. 2, Winnipeg, Manitoba, Canada R3C 2E6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Preimpregnated fiberglass fabric and fiberglass honeycomb core,* from points in Pinal Co. AZ, and Alameda and Orange Cos., CA, to points on the International Boundary Line between the U.S. and Canada at points in MN and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boeing of Canada, Ltd., Winnipeg Div., 99 Murray Park Road, Winnipeg, Man., Canada R3J 3N6. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 145577 (Sub-19TA), filed November 13, 1979. Applicant: GULLETT-GOULD, LTD., P.O. Box 406, Union City, IN 47390. Representative: Jerry Sellman, 50 West Broad Street, Columbus, OH 43215. *Such commodities as are manufactured and/or distributed by Eastman Kodak Company* (1) between Rochester, NY and Hollywood, Lyoth, Los Angeles, Oakland, Palo Alto, San Francisco, San Ramon, Travis AFB, Whittier, Sunnyvale, and South San Francisco, CA and (2) between Windsor, CO and Hollywood, Lyoth, Los Angeles, Oakland, Palo Alto, San Francisco, San Ramon, Travis AFT, Whittier, Sunnyvale and South San Francisco, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 462304.

MC 145697 (Sub-1TA), filed November 19, 1979. Applicant: RICKETTS TRUCKING CO., INC., Rt. 1, Box 396A, Gurdon, AR 71743. Representative: Thomas B. Staley, 1550 Tower Buiding, Little Rock, AR 72201. *Wood residual products* (except in tank vehicles), from Prescott, AR to West Monroe, LA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145997 (Sub-19TA), filed November 28, 1979. Applicant: JEM EQUIPMENT, INC., P.O. Box 396, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Frozen foods* from the facilities of Del Mar Frozen Foods, Inc., at or near Watsonville, CA to points in the U.S. (except AK, CA and HI), for 180 days. Supporting shipper(s): Del Mar Frozen Foods, Inc., P.O. Box 891, Watsonville, CA 95076. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock AR 72201.

MC 146187 (Sub-14TA), filed November 30, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 37742. Representative: Edward C. Blank II, P.O. Box 1004, 805 South Garden St., Columbia, TN 38401. *For movement of metal and plastic egg, bread and milk trays, steel forging rough and wood furniture,* between Jackson, MS, Collier, TN, Clarendon, AR, and Salt Lake City, UT, on the one hand and all points in the United States with the exception of the States of Alaska and Hawaii on the other hand, for 180 days. Restriction: Restricted to traffic originating at and destined to the plantsites of Piper Industries in Jackson, MS, Collierville, TN, Clarendon, AR, and Salt Lake City, UT, and further restricted against any move having an origin and termination that constitute an intrastate movement. Supporting shipper(s): Piper Industries, Box 9226, Jackson, MS 39206. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 146187 (Sub-15TA), filed December 7, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 37742. Representative: Edward C. Blank II, P.O. Box 1004, 805 South Garden St., Columbia, 38401. *Wood, aluminum stepladders, collapsed, extension and straight,* originating at the manufacturing plant of the Davidson Mfg. Corp., Nashville, TN to points in CA, OR, and WA, for 180 days. Restriction: Restricted to traffic originating at the above named location and destined to the above named destination points. Supporting shipper(s): The Davidson Mfg. Corp., 435 Atlas Dr., Nashville, TN 37211. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 146807 (Sub-9TA), filed September 24, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Steel wire,* and (2) *steel wire rope,* (1) from Hanover Township, PA to Peoria, IL, Sedalia, MO, Houston TX, Seattle, WA, and (2) from Sedalia, MO to Lettsdale, PA, Teeterboro, NJ, and all points in OH, for 180 days. An underlying ETA seeks 90 authority. Supporting shipper(s): Broderick & Bascom Rope Co., 10440 Trenton Ave., St. Louis, MO 63132. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146807 (Sub-10TA), filed September 24, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Dr., Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Steel wire,* From Hanover Twp., PA to Laredo, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Camesa SA, Lerdo No. 331, Mexcio 3DS, Mexico. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146807 (Sub-11TA), filed November 16, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Drive, Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Wire products and dishwasher racks,* from Wilkes Barre, PA to Dallas, TX, Cucamonga, CA, and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metropolitan Wire Company, N. Washington Ave and George St., Wilkes Barre, PA 18702. Send protests to: I.C.C., Fed. Res. Bank

Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146807 (Sub-12TA), filed November 19, 1979. Applicant: S n W ENTERPRISES, INC., 1 Passan Drive, Wilkes Barre, PA 18702. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Foodstuffs* (except in bulk), from Johnson City and Brooklyn, NY; Philadelphia and Pittsburgh, PA; Gloucester, Jersey City, and Vineland, NJ; to Birmingham, AL; Tampa and Jacksonville, FL; Atlanta, GA; Chicago, IL; Indianapolis, IN; Kansas City, MO; New Orleans, LA; Baltimore, MD; Detroit, MI; Minneapolis, MN; Brooklyn, NY; Charlotte and Raleigh, NC; Pittsburgh and Philadelphia, PA; Greenville, SC; Bristol, TN; Houston, TX; Roanoke and Norfolk, VA; and Milwaukee, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Specialty Foods Co., P.O. Box 772, Johnson City, NY 13790. Send protests to: I.C.C., 101 N. 7 St., Philadelphia, PA 19106.

MC 146817 (Sub-4TA), filed November 28, 1979. Applicant: GEORGE CAVES, P.O. Box 144, Benedict, NE 68316. Representative: George Caves, (same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk)* from the facilities utilized by Farmland Foods, Inc. at or near Carroll, Cherokee, Denison, Fort Dodge, Des Moines, Iowa Falls and Sioux City, IA; Crete, Lincoln, and Omaha, NE to points in AZ, CA, CO, ID, NM, NV, MT, OR, UT, WA and WY for 180 days. Supporting shipper(s): Farmland Foods, Inc., Dean Wilson, Traffic Manager, P.O. Box 403, Denison, IA 51442. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147547 (Sub-5TA), filed November 14, 1979. Applicant: R & D TRUCKING COMPANY, INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Paper and paper products*, From the facilities of Champion International Corporation at or near Courtland, AL to points in IL, KA, KY, MO, OH, and OK. Restricted against transportation to commodities in bulk., for 180 days. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 147547 (Sub-6TA), filed October 26, 1979. Applicant: R & D TRUCKING COMPANY, INC., Church Road, Lauderdale Industrial Park, Florence, AL 35630. Representative: Roland M. Lowell, 618 United American Bank Bldg. *Cast iron castings* from Memphis, TN, and its commercial zone, to Bow, NH, Carmel, IN, Fisher-Stove of PA at or near Factoryville, PA, Grantsburg, WI, Greensboro, NC, Eugene, OR, Salem, VA, Salt Lake City, UT, Watkinsville, GA, Woodland Park, CO, and points in the commercial zone of each. Supporting shipper(s): M. B. Parker, Inc., 449 Thomas Street, P.O. Box 7157, Memphis, TN 38107. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 147626 (Sub-2TA), filed December 3, 1979. Applicant: ROADRUNNER DELIVERY SERVICE, INC., BWI Airport, Box 8765, Baltimore, MD 21240. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Office furniture, supplies and equipment, and stationery supplies*, between the facilities of United Stationers Supply Company at or near Savage, MD and Washington, DC and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Stationers Supply Company, 1701 S. First Ave., Maywood, IL 60153. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147766 (Sub-1TA), filed November 30, 1979. Applicant: COLORADO-DENVER/WAREHOUSE-DELIVERY, INC., 4902 Smith Road, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Denver, CO and points in CO. Restricted to the account of Sears, Roebuck and Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sears, Roebuck and Co., 1409 S. Lamar Street, Dallas, TX 75295. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 147777 (Sub-1TA), filed December 5, 1979. Applicant: SPRINGFIELD SCHOOL BUS CO. INC., d.b.a. TRAVEL TIME, 99 Arnold Street, Springfield, MA 01119. Representative: Charles A. Webb, 1800 M Street, N.W., Suite 800 South, Washington, DC 20036. *Passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Stafford Springs, CT and Storrs, CT, serving all intermediate points: (1) from Stafford Springs over CT Hwy 32 to Eagleville, CT, then over CT Hwy 275 to junction CT Hwy 195, then over CT Hwy 195 to Storrs and return over the same route; (2) from Stafford Springs, over CT Hwy 32 to junction CT Hwy 195 near Merrow, CT, then over CT Hwy 195 to junction CT Hwy 275 and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 147787 (Sub-4TA), filed November 28, 1979. Applicant: SOUTHERN DRAYAGE, INC., P.O. Box 1983, Jackson, MS 39205. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *Contract carrier*; irregular routes; *Rum* from Jacksonville, FL and points within its commercial zones to Jackson, MS, for the account of Mississippi State Tax Commission, A.B.C. Division, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mississippi State Tax Commission, A.B.C. Division, P.O. Box 22828, Jackson, MS 39205. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, Jackson, MS 39201.

MC 147937 (Sub-1TA), filed August 22, 1979. Applicant: LUXOR TOURS, INC., 14 Hayes Street, Elmsford, N.Y. 10523. Representative: John Catterson, Esq., Bonoy & Schloss, 6 East 43rd Street, New York, New York 10017. Passengers and disabled passengers in special and charter operations in vans and wheel chairs vehicles, limited to 14 or less passengers, not including driver, between Westchester, Rockland and Putnam Counties, NY, Fairfield County, CT, and Atlantic City, NJ. Supporting shipper(s): Twenty-five supporting statements. Send protests to: Maria B. Kejss, ICC, Room 1807, 26 Federal Plaza, New York, New York 10007.

MC 148477 (Sub-1TA), filed October 22, 1979. Applicant: DAILY DELIVERY SERVICE, INC., 1905 Maplewood Ave., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Drugs, health and beauty aids*, from the facilities of the Drug House, Inc. located at or near Baltimore, MD to points in Fairfax, Prince William, Loudoun, Stafford, and Fauquier Counties, VA; Fulton, Franklin, and Adams Counties, PA; Berkeley and Jefferson Counties, WV; and DC and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drug House, Inc., 7401 Pulaski Hwy., Baltimore, Md 21237.

Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 148476 (Sub-1TA), filed October 22, 1979. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 1030 Fifteenth St, N.W., 366 Executive Bldg., Washington, DC 20005. *Contract carrier:* Irregular routes: *Bakers yeast, in vehicles equipped with mechanical refrigeration* from E. Brunswick, NJ to points in VA, NC, SC, GA, and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., 85 Main St., E. Brunswick NJ 08816. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St, Rm. 620, Phila, PA 19106.

MC 148727 (Sub-1TA), filed November 7, 1979. Applicant: EAGLE CONTRACT CARRIER CORP., General Delivery, Winchester, VA 22601. Representative: Lawrence E. Lindeman, 425 13 St. NW., Washington, DC 20004. Contract carrier—irregular routes: (1) *Foodstuffs,* from Winchester and Timberville, VA and Martinsburg, WV, to points in NY, NJ, PA, MD; and (2) *Materials and supplies used in the manufacture and distribution of foodstuffs,* from points in NY, NJ, PA, and MD, to Winchester and Timberville, VA and Martinsburg, WV, under continuing contract(s) with National Fruit Products Co., Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Fruit Products Co., Inc., P.O. Box 2040, Winchester, VA 22601. Send protests to: ICC, 101 N. 7th St., Phila., PA 19106.

MC 148747 (Sub-1TA), filed November 9, 1979. Applicant: D & E TRANSPORT, INC., 408 State Rd., Croydon, PA 19020. Representative: Richard Rueda, 133 N. 4th St., Philadelphia, PA 19106. (1) *Cleaning compounds,* (except in bulk, in tank vehicles), from the facilities of Clarkson Laboratories, Inc., at Camden, NJ to Shelbyville, IN; Chicago, IL; Dallas, TX and points in their respective commercial zones; (2) *Aluminum: plate or sheet in coils, pans, trays and scrap,* (except in bulk, it tank vehicles), from the facilities of EKCO Products, Inc., at Clayton, NJ to Lockport, NY; Shelton, CT; Tyler, TX and points in their respective commercial zones, and (3) *Rough steel forgings,* (except in bulk, in tank vehicles), from the facilities of Specialty Ring Products, Inc. at Cornwells Heights, PA to Indianapolis, IN: Macomb, IL and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clarkson Laboratories, Inc., 1450 Ferry Ave., Camden, NJ 08104; Specialty Ring Products, Inc., 2374 State Rd., Cornwells Heights, PA 19020; EKCO Products, Inc., 838 Delsea Dr., Clayton, NJ 08312. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148777 (Sub-1TA), filed December 5, 1979. Applicant: JACK BURTCH COMPANY, 900 Petrol Road, Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306. *Fuel oil in bulk in tank vehicles,* from Bakersfield, California to points and places in Los Angeles, Santa Barbara and Ventura Counties, California. Service is restricted to shipments having a prior movement by rail and subsequent movement by water vessel, for 180 days. An underlying ETA seeks up to 90 days operting authority. Supporting shipper(s): Oasis Petro Energy Corporation, Manager of Transportation, 5995 Sepulveda Blvd., Culver City, CA 90230. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148756 (Sub-1TA), filed December 3, 1979. Applicant: TRUCKINETICS, INC., 14482 Beach Blvd., Suite I, Westminister, CA 92658. Representative: Wayne Oslahson (same address as above). *Contract;* Irregular; *fiberglass storage tank, including all components and supplies,* between: the facilities of Tankinetics located at Westminister, CA and Harrison, Arkansas, and: Points in the States of CA, TX, LA, AR, GA, FL, PA, KT, AZ, OR, NV, NM, OK, IL, IN, MO, TN, MS, AL and NC, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Tankinetics, Inc., Controller, 15030 Golden West Circile, Westminister CA 92683. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 148767 (Sub-1TA), filed November 20, 1979. Applicant: F. J. SCHILLING, INC., 2105 North Clairemont Avenue, Eau Claire, WI 54701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Liquid petroleum products, in bulk,* between Minneapolis-St. Paul, Rochester, and Duluth, MN, and points within 50 miles of said points on the one hand, and points in Chippewa and Eau Claire Counties, WI, on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eau Claire Co-op Oil Co.; General Mgr., Box 837, Eau Claire, WI 54701. Direct Oil Co., Pres., 1428 Bellinger St., Eau Claire, WI 54701. Consumers Cooperative Assn. of Eau Claire, Asst. Treas./Gen. Mgr., 2221 Highland Avenue, Eau Claire, WI 54701. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 148817 (Sub-1TA), filed December 3, 1979. Applicant: BALL MOTOR LINE, INC., P.O. Box 665, Plymouth, FL 32768. Representative: Timothy C. Miller, 1307 Dolley Madison Boulevard, Suite 301, McLean, VA 22101. *Contract carrier,* irregular routes, *transporting electronic equipment and components for electronic equipment,* from Hebron, OH to DeLeon Springs, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Spartan Electronics Florida, Inc., a Division of Spartan Corporation, P.O. Box 788, DeLeon Springs, FL 32028. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 148826 (Sub-1TA), filed November 29, 1979. Applicant: CARIBBEAN TRANSPORTATION, INC., 9421 SW. 31st Ter., Miami, FL 33165. Representative: Richard B. Austin, 5255 NW. 87th Ave., Suite 214, Miami, FL 33178. *Trailers and containers, with or without wheels, loaded or empty,* between points in Dade and Broward Counties, FL restricted to the transportation of traffic having an immediately prior or subsequent movement by water in interstate or foreign commerce for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 NW. 53rd Ter., Miami, FL 33166.

MC 148827 (Sub-2TA), filed November 30, 1979. Applicant: DAVID ALGER d.b.a. D & C TRANSPORTATION, 2 Chandler Avenue Extension, Orleans, VT 05860. Representative: Daivid Alger (same as applicant), 2 Chandler Avenue Extension, Orleans, VT 05860. *Petroleum products, in tank vehicles,* from Portland, ME to the towns of Barton and Orleans, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. P. Webster, Barton, VT 05822; John Morley, Orleans, VT 05860, and J. B. Colton, Inc., Orleans, VT 05860. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 148837 (Sub-TA), filed November 30, 1979. Applicant: DONALD C. PHILBRICK, d.b.a. PORTLAND AIR FREIGHT, 1016 Westbrook Street, Portland ME 04102. Representative: Donald C. Philbrick (same address as applicant). *General Commodities,* with the usual exceptions, having prior or subsequent movement by air between

Portland, ME and Boston, MA. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) W. H. Nichols Co., 2400 Congress St., Portland, ME 04101. (2) GTE Sylvania Inc., Rte. 35, Standish, ME 04084. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 148836 (Sub-1TA), filed December 3, 1979. Applicant: DONALD A. SMITH, 5722 Underwood Dr., Greensboro, NC 27409. Representative: Donald A. Smith (same as above). *Clay, ore, refractory products and materials, supplies and equipment used in manufacturing refractory products* between points in AL, FL, GA, KY, MS, NC, OH, PA, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North State Pyrophyllite Company, Inc., P.O. Box 7247, Greensboro, NC 27407. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516; Charlotte, NC 28205.

MC 148846 (Sub-2TA), filed November 30, 1979. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, 350 Capitol Life Center, Denver, CO 80203. *Liquid animal feed (in tank vehicles),* from the facilities of Cargill, Inc., at or near Sterling, CO to points in NE, KS, SD and WY for 180 days. An underlying ETA filed seeking 90 days authority. Supporting shipper(s): Cargill, Inc., P.O. Box 9300, Minneapolis, MN 55440. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 148846 (Sub-1TA), filed December 5, 1979. Applicant: JETWAL, INC., P.O. Box 512, Sterling, CO 80751. Representative: Jack B. Wolfe, 350 Capitol Life Center, Denver, CO 80203. *Liquid feed supplement* (in bulk in tank vehicles), from facilities of Loomix, Inc., at or near Johnstown, CO, to points in NE, KS, SD, WY and Sioux City, IA, and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Loomix, Inc., Box T, 123 Charlotte, Johnstown, CO 80534. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 148867 (Sub-1TA), filed November 29, 1979. Applicant: TRANS-ADVO, INCORPORATED, Service Road, West Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: aluminum lithographic printing plates; supplies and equipment used in the manufacture of aluminum lithographic printing plates between Rockville and/or Somers, Connecticut and points and places in the 48 contiguous United States and the District of Columbia, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Ano-coil Corporation, 60 East Main Street, Rockville, CT 06066. Send protest(s) to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 148876 (Sub-1TA), filed December 7, 1979. Applicant: MAGNUM FREIGHT LINES, INC., 3119 Bandini Blvd., Vernon, CA 90023. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading issued by Inter State Express, Inc., a freight forwarder, as defined in Section 10102(8) of the Interstate Commerce Act,* from points in Los Angeles, CA, and its commercial zone, to (a) Mesa, Phoenix and Tucson, AZ; Albuquerque, NM; Las Vegas, Reno and Sparks, NV; and Dallas, Fort Worth and Houston, TX, and (b) to points within the commercial zone of the cities in (a) above, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Inter State Express, Inc., 120 Apollo Street, Brooklyn, NY 11222. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Bldg., 300 N. Los Angeles St., Los Angeles, CA 90012.

MC 148937, filed November 14, 1979. Applicant: FREDDIE MILLER, JR., d.b.a. MILLER ENTERPRISES, 6706 Rockergate Dr., Missouri City, TX 77459. Representative: James T. Kells, 7887 Katy Freeway, Suite 104, Houston, TX 77024. *Building materials* from the plantsite of Johns-Manville Sales Corporation, at or near Marrero, LA to points in TX, for 180 days. Supporting shipper(s): Johns-Manville Sales Corporation, Ken-Caryl Ranch, Denver, CO 80217. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. #8610, Houston, TX 77002.

MC 148946, filed November 13, 1979. Applicant: LEON CLAY, INC., Route #1, 2401 Bledsoe St., Pocahontas, AR 72455. Representative: Leon Clay (same as applicant). Contract carrier over irregular routes: *Plastic pipe, plastic tubing, plastic fittings, compound sealer and bonding cement, and materials* used in the manufacture of above listed items, from plantsite of A. O. Smith-Inland, Inc. to its customers in the Continental U.S. for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): A. O. Smith-Inland, Inc., 2700 W. 65 St., Little Rock, AR 72209. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 148947 (Sub-TA), filed November 15, 1979. Applicant: HUNTER TRANSPORT COMPANY, INCORPORATED, 1603 Long St., Chattanooga, TN 37408. Representative: Ann K. Merriman (same address as applicant). *Contract carrier:* irregular routes; *(1) Beer or other beverages with alcoholic content of no more than 5% by weight,* from points in FL, MO, VA, OH, TX & IL to Chattanooga, TN and *(2) Materials, equipment and supplies used in the distribution of commodities in (1) above and return of empty containers or returned product* from Chattanooga, TN to points in FL, MO, VA, OH, TX, and IL, for 180 days. Supporting shipper(s): Beasley Distributing Company, Inc., P.O. Box 2187, Chattanooga, TN 37402. Send protests to: Glenda Kuss, TA, ICC, A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 148956, filed November 9, 1979. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 LaMonde, Hacienda Heights, CA 91745. Representative: Jack R. Cobb (same address as applicant). *Meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk),* from points in CA to points in SC and VA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Landmark Beef Processors, Inc., 3163 E. Vernon Avenue, Vernon, CA 90058. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Bldg., 300 No. Los Angeles St., Los Angeles, CA 90012.

MC 148957 (Sub-TA), filed December 5, 1979. Applicant: ALL WAYS TRANSFER, INC., 4987 N. University Dr., Suite 14-B, Lauderhill, FL 33321. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. Contract Carrier—Irregular Route: *General commodities* (except commodities in bulk, class A and B explosives, household goods and commodities which because of size or weight require the use of special equipment), between facilities of Reliable Freight Distribution & Warehousing, Inc., Dade County, FL and points in Broward, Dade, and Palm Beach Counties, FL, under continuing contract or contracts with Reliable Freight Distribution & Warehousing, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Reliable Freight Distribution

& Warehousing, Inc., 4987 N. University Dr., Suite 14-B, Lauderhill, FL 33321. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

W-336 (Sub-19TA), filed December 5, 1979. Applicant: POPE & TALBOT, INC., 600 Montgomery St., San Francisco, CA 94111. Representatives: Adolphus Andrews, Jr., Senior Vice President, 600 Montgomery St., San Francisco, CA 94111; Joseph H. Delehant, Attorney at Law, 1776 F Street, NW., Washington, D.C. 20006. By decision entered December 17, 1979, the Motor Carrier Board granted applicant 180-day temporary authority, effective December 17, 1979, to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of lumber, from Port Gamble, WA, to Newark and Camden, NJ, Brooklyn, NY, Baltimore, MD, Philadelphia, PA, New Haven, CT, Providence, RI, and Boston, MA, under a contract with Pope & Talbot, Inc. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

[Notice No. 270]

MC 141532 (Sub-70TA), filed January 7, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Roofing materials,* from Stroud, OK to points in CO on and south of U.S. Hwy 50 to points in NM, for 180 days. Supporting shipper(s): Bendix Forest Products Corporation, 2740 Hyde St., San Francisco, CA 94109. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 141532 (Sub-71TA), filed January 9, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 3328 East Valley Road, Renton, WA 98055. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Lumber and wood products,* from points in that part of TX on and east of Interstate 45 and on and south of U.S. Hwy 84 and from points in LA to points in that part of CO on and south of U.S. Hwy 50 and to points in NM, for 180 days. Supporting shipper(s): Bendix Forest Products Corporation, 2740 Hyde St., San Francisco, CA 94109. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 141932 (Sub-25TA), filed September 14, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). *General commodities, (except commodities of unusual value, Class A and B explosives, household goods defined by the Commission)* from Manchester, NH to points in the United States, except AK, CT, DE, HI, ME, MD, MA, NH, NY, RI, VT and WV, restricted to the transportation of traffic originating at the warehouse facilities of N.H. Shippers Cooperative, Inc. at Manchester, NH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N.H. Shippers Cooperative, Inc., Cove Street, Manchester, NH 03101. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 141932 (Sub-26TA), filed December 27, 1979. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA. 02339. Representative: A. C. Gardner 176 King Street, Hanover, MA. 02339. *Plastic articles, bags, film, liners, sheeting, tarps, and scrap and materials, equipment and supplies used in the manufacture of Plastic Articles,* between Montgomery, AL, Lawrenceburg, TN, Peabody and Salem, MA and points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, WI and DC, restricted to the movement of traffic from or to the facilities or warehouses of, or used by, Webster Industries, Inc. Peabody, MA. 01960. For 180 days. Supporting shipper(s): Webster Industries, Inc., 58 Pulaski Street, Peabody, MA. 01960. Send protests to: John B. Thomas, D/S ICC, 150 Causeway Street, Boston, MA. 02114.

MC 141932 (Sub-27TA), filed January 21, 1980. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Alton C. Gardner (same address as applicant). *Plastic and rubber articles and materials, cellular, expanded or foam and materials, equipment and supplies used in the manufacture of plastic and rubber articles,* between Baltimore and Jessup, MD and points in CT, DE, ME, MA, NH, NJ, NY, PA and RI, restricted to the movement of traffic from or to the facilities or warehouses of, or used by, William T. Burnett & Co., Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William T. Burnett & Co., Inc., 1500 Bush Street, Baltimore, MD. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02144.

MC 142062 (Sub-37TA), filed January 5, 1980. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract carrier:* irregular routes: *Such commodities as are dealt in, used or distributed by a manufacturer of plastic bathtubs* between the facilities of Baja Industries, Inc., at or near Tucson, AZ on the one hand, and, on the other, points in IL, IN, OH, PA, MN, KY, MO, FL, NC, SC, GA, TX, CA, and WA restricted to shipments moving under a continuing contract or contracts with Baja Industries, Inc. for 180 days. (Corresponding ETA seeks 90 days authority.) Supporting shipper(s): Baja Industries, Inc., 4065 N. Romero, Tucson, AZ 85705. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn St., Room 1386, Chicago, Il 60604.

MC 142592 (Sub-8TA), filed January 11, 1980. Applicant: H. L. STANSELL, INC., 1221 U.S. Alternate Hwy. 19, Palm Harbor, FL 33653. Representative: David C. Venable, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. *Fruit juices and frozen foods* from the facilities of H. P. Hood, Inc., at or near Dunedin, FL to points in AZ, CA, CO, ID, NV, NM, OR, UT and WA for 180 days. Supporting shipper(s): H. P. Hood, Inc., 427 San Christoper Dr., Dunedin, FL. Send protests to: Donna M. Jones, T/A, ICC-BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 142663 (Sub-4TA), filed December 28, 1979. Applicant: SPRINGBROOK TRANSPORT, INC., P.O. Box 422, Springfield, PA 19064. Representative: Timothy C. Miller, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101. *Materials and supplies used in the manufacture of iron and steel articles, and iron and steel articles* between the plantsite and facilities of or utilized by Raritan River Steel Company at Perth Amboy, NJ on the one hand, and on the other, points in and east of MN, IA, MO, AR and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raritan River Steel Co., 225 Elm St., Perth Amboy, NJ 08862. Send protests to: ICC, 101 North 7th St., Philadelphia, PA 19106.

MC 142672 (Sub-118TA), filed January 11, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. (1) *Sheet glass and glass lamp parts;* and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution

of the commodities in (1); (10 from Ft. Smith and Van Buren, AR to points in AZ, CA, CO, CT, GA, IL, NY, OH, OR, PA, TX and WA; and (2) from points in CA to Ft. Smith and Van Buren, AR, for 180 days. Supporting shipper(s): Merry Go Round Glass Company, 8010 Ball Road, Ft. Smith, AR 72903. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143002 (Sub-17TA), filed January 5, 1980. Applicant: C.D.B., Inc., 155 Spalding, S.E., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Contract Carrier:* irregular routes: *Materials and supplies used in the manufacture and distribution of household and personal care products* from various points in the continental United States to Ada, MI under continuing contract with the Amway Corporation for 180 days. Supporting shipper(s): Amway Corp., 7575 E. Fulton Road, Ada, MI 49355. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 143233 (Sub-6TA), filed January 2, 1980. Applicant: DENNY TRANSPORT, INC., 3405 Industrial Parkway, Jeffersonville, IN 47310. Representative: David G. Abraham, Moshman Associates, Inc., 6400 Goldsboro Road, Washington, D.C. 20034. *Contract carrier;* irregular routes; *Inedible animal grease, tallow, oil and stearine in bulk in tanktrucks,* between Jeffersonville, IN and points in the states of AR, GA, IL, IA, KY, MA, MI, MN, MS, MO, NJ, NY, OH, PA, TX, WI and WV for 180 days. Supporting shipper(s): Geo. Pfau's Sons Co., Inc., P.O. Box 7, Jeffersonville, IN 47130. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 143503 (Sub-28TA), filed January 30, 1980. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: T. M. Brown, P.O. Box 1540, Edmond, Oklahoma 73034. *New furniture, furnishing, and appliances,* from the facilities of Weiner Furniture Co., at or near Lawrence, MA to points in Rockingham, Hillsboro, Chesire, Sullivan, Merrimack, Belknap, and Strafford counties, NH, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Weiner Furniture Co., Inc., 551 Common St., Lawrence, MA 01842. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 143953 (Sub-2TA), filed January 24, 1980. Applicant: ELITE TRUCKING COMPANY, P.O. Box 69, Station E, St. Joseph, MO 64505. Representative: W. R. England III, P.O. Box 456, Jefferson City, MO 65102. Contract, irregular; *Steel and building products and raw materials used in the production and manufacture of steel and building products, except commodities in bulk, in tank vehicles* between the plant sites of Pascoe Steel Corporation located at or near Wathena, KS, Columbus, GA and Pomona, CA, and between those points on the one hand and all points in the States of AL, AZ, AR, CA, CO, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TN, TX, UT, VT, WA, WI and WY, under continuing contract with Pascoe Steel Corp. for 180 days. Supporting shipper(s): Pascoe Steel Corp., P.O. Box 619, Wathena, KS 66090. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 144022 (Sub-3TA), filed January 11, 1980. Applicant: BLACK ARROW TRANSPORT, INC., 107 Abbott Street, Springfield, MA 01118. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *(1) Paper and paper products,* from points in CT, MA, ME, NH, NJ, NY, RI, and VT, to points in the contiguous 48 States, restricted to traffic moving on freight forwarder bills of lading of Sheldon Forwarding Co., Holyoke, MA, and *(2) general commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between points in IL, WI, MN, and ND, and (b) between IL, WI, MN, and ND, on the one hand, and, on the other, points in MA, MT, NY, PA and WA, restricted to traffic moving on freight forwarder bills of lading of United Freight Fowarders, Inc., Holyoke, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s); Sheldon Forwarding Co., 170 Main Street, Holyoke, MA 01040; United Freight Forwarders, Inc., 170 Main Street, Holyoke, MA 01040. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 144082 (Sub-16TA), filed February 1, 1980. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith, 1333 Nevada Blvd., Charlotte, NC 28217. *Contract* carrier-irregular routes; *Television sets, radios, phonographs, stereo systems, recorders and players, speaker systems, audio equipment and accessories and component parts for the above set forth commodities* from the facilities of RCA Corp. located at Bloomington and Indianapolis, IN to points in the States of AL, GA, NC, SC, and TN, for 180 days. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with RCA Corporation. An underlying ETA seeks 90 days authority. Supporting shipper(s): RCA Corporation, Building 204-2, Route 38, Cherry Hill, NJ 08358. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 144122 (Sub-69TA), filed January 23, 1980. Applicant: CARRETTA TRUCKING, INC., S. 160, Route 17 North, Paramus, NJ 07652. Representative: Joseph Carretta, S. 160, Route 17 North, Paramus, NJ 07652. Electrical wire and cable. From the facilities of Continental Copper and Steel Industries, Inc. (Hatfield Wire and Cable Division) in Phoenix, AZ to points in the U.S., for 180 days. Supporting shipper(s): Continental Copper and Steel Ind., Inc., Hatfield Wire and Cable Division, 12 Commerce Drive, Cranford, NJ 07016. Send protests to: Joel Morrows, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 144513 (Sub-14TA), filed December 6, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford Kistler, P.O. Box 82028, Lincoln, NE 68501. *Adhesives* (except commodities in bulk), from the Columbus, OH commercial zone to points in AZ, CA, OR, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Hardwood Floors, Inc., 4255 LBJ Freeway, Dallas, TX 75234. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 144572 (Sub-34TA), filed January 16, 1980. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. (1) *Clutches, clutch parts, and iron and steel castings,* from St. Peters, MO to the facilities of Dana Corporation, Spicer Clutch Division in Colorado Springs; (2) *Rolled Steel,* from the Chicago, IL and Columbus, OH commercial zones to the facilities of Dana Corporation, Spicer Clutch Division in Colorado Springs, CO, for 180 days. An underlying ETA requesting up to 90 days authorized. Supporting shipper(s): Dana Corporation, Spicer Clutch Div., 1210 Garden of the Gods Road, Colorado Springs, CO 80907. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 144622 (Sub-139TA), filed January 14, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72209. Representative: Robert D. Gisvold, 100 First Natl. Bank Bldg., Minneapolis, MN 55402. *Television sets, radios, stereo systems, cassette recorders, video tape recorders, and accessories, components and parts therefor* from Indianapolis and Bloomington, IN to Albany and Binghamton, NY, Atlanta and Savannah, GA, Birmingham and Mobile, AL, Boston, MA, Jacksonville, Miami and Tampa, FL, Kearny, NJ, Philadelphia, PA and Portland, ME, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): RCA Corporation, Bldg. 204-2, Route 38, Cherry Hill, NJ 08358. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 144622 (Sub-143TA), filed January 21, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Foodstuffs* from the facilities of Land O'Frost at Searcy, AR to AL, AZ, CA, CO, FL, GA, KS, LA, MD, MI, NC, OK, OR, SC, TN, TX, UT, VA, WA, and WV for 180 days. Underlying ETA filed. Supporting shipper(s): Land O'Frost, Hastings Avenue, Searcy, AR 72143. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 144622 (Sub-144TA), filed January 31, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (address same as applicant). *Ethyl alcohol synthetic resins (plastic pellets), and ethyl ether* from Tuscola, IL to points in the U.S. (except AK and HI), for 180 days. Supporting shipper(s): U.S. Industrial Chem. Corp., P.O. Box 218, Tuscola, IL 612953. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 144622 (Sub-145TA), filed January 31, 1980. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Chemical products, refractories, and foundry supplies* from Chicago, IL to all points in TX for 180 days. Supporting shipper(s): Foseco, Inc., 20200 Sheldon Rd., Brookpark, OH 44142. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft Worth, TX 76102.

MC 144643 (Sub-10TA), filed January 23, 1980. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02854. Contract-irregular, (1) *Wire displays, plain steel wire, cardboard cartons, equipment, parts* and *related accessory items,* used in the manufacture and distribution thereof, from the plantsite owned or operated by Eastern Wire Products Company, at or near Providence, RI, to all points in the United States (except AK and HI), and (2) *Tubing, steel wire on carriers, materials, equipment* and *supplies,* used in the manufacture and distribution of the commodities set forth in (1) above, from all points in the United States (except AK and HI) to the plant facility owned or operated by Eastern Wire Products Company, at or near Providence, RI. Restriction: The authority sought herein is to be restricted to a transportation service to be provided under a continuing contract or contracts with Eastern Wire Products Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eastern Wire Products Company, 498 Kinsley Avenue, Providence, RI 02909. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St., Room 102, Providence, RI 02903.

MC 144672 (Sub-22TA), filed January 31, 1980. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Ave., Trotwood, OH 45426. Representative: Richard H. Schaefer, P.O. Box 26189, Trotwood, OH 45426. *Plastic articles or plastic materials* from Indianapolis, IN to points in States of AL, AR, FL, GA, IL, IA, KY, LA, MI, MN, MS, MO, NE, OH, TN, TX, VA, WV, and WI for 180 days. Restricted to shipments originating at the plantsite of W. R. Grace & Co at Indianapolis, IN. Supporting shipper(s): W.R. Grace & Co., P.O. Box 295, Reading, PA 19603. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 144893 (Sub-2TA), filed December 26, 1979. Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 E. 800 North, P.O. Box 502, St. George, UT 84770. Representative: J. Ralph Atkin, Attorney, 60 N. 300 East, P.O. Box 339, St. George, UT 84770. *Print Paper for Newspaper,* from Pomona, CA to Phoenix, Mesa and Tempe, AZ and return; and from Pomona, CA to Albuquerque and Santa Fe, NM for 180 days. Supporting shipper(s): Garden State Paper Co., Inc., P.O Box 2364, Pomona, CA 91766. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 144953 (Sub-7TA), filed January 28, 1980. Applicant: MULLEN TRUCKING LTD., 6204-A Burbank Road SE., Calgary, AB, CD T2H 2C2. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Roofing materials and fiberboard sheathing* from ports of entry on the International Boundary line between the U.S. and Canada located in ID and MT to points in Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, Twin Falls, Jerome, Minidoka, Cassia, Power, Bingham, Bonneville, and Bannock Counties, ID; and Box Elder, Cache, Weber, Morgan, Daivs, Salt Lake, Summit, Utah, Wasatch, San Pete, and Carbon Counties, UT; resticted to traffic moving in foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) IKO Industries Ltd., 1600 42nd Avenue SE., Calgary, AB, Canada. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 145022 (Sub-7TA), filed December 17, 1979. Applicant: MARSH BROTHERS TRUCKING SERVICE, INC., P.O. Box 7398, Station B, Dayton, OH 45407. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *Sand,* from Harrison, OH to points in KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): P & B Trucking Co., Route 2, Brookville, IN 47012. Send protests to: ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 145152 (Sub-169TA), filed January 9, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative Don Garrison, P.O. Box 1065 Fayetteville, AR 72701. *Chemicals, NOI; organic ammonia compounds; esters, fatty acid of animal oils, NOI; esters, fatty acid of vegetable oils, NOI; coconut oil; textile softeners, NOI; cleaning or washing compounds; lubricating oils; chemicals, NOI; wax, NOI; resin plasticizer; fireproofing or flame retardant compounds; and inedible fatty alcohol of petroleum oil NOI* (except in bulk) from points in the U.S. to facilities of Emery Industries, Inc., at or near Santa Fe Springs, CA; Linden, NJ; Lock Haven, PA; and Mauldin, SC, restricted to transportation of traffic destined to the named facilities, for 180 days. Supporting shipper(s): Emery Industries, Inc., P.O. Box 628, Mauldin, SC 29662. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145152 (Sub-170TA), filed January 17, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Frozen food specialities* from the facilities of

Campbell Soup Company, at or near Fayetteville, AR to points in LA, MS and Dallas and Garland, TX, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Campbell Soup Company, 1100 West 15th St., Fayetteville, AR 72701. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 145152 (Sub-173TA), filed January 24, 1980. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Foodstuffs,* from the facilities of Blue Star Foods, Inc. at or near Council Blufs, IA and Omaha, NE to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Blue Star Foods, Inc., 1023 Fourth St., Council Bluffs, IA 51501. Send protests to: Marianne Minnich, TCS, ICC, 411 W. 7th, Suite 600, Ft. Worth, TX 76102.

MC 145492 (Sub-4TA), filed January 23, 1980. Applicant: RICCIONI CORPORATION, 130 Cedar Grove Road, Somerville, NJ 08876. Representative: Martin M. Geffon, 155 Canterbury Road, Mt. Laurel, NJ 08054. Contract carrier, irregular routes for 180 days. Animal feed (except in bulk) from Richmond, IN to Pearl River, NY. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Wayne, NJ 07470. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145582 (Sub-7TA), filed January 30, 1980. Applicant: DENMARK TRUCKING, INC., P.O. Box 373, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Contract carrier;* irregular routes; *paper articles and material, equipment and supplies used in the manufacture and distribution of paper articles* (except commodites in bulk) between the facilities of Mebane Packaging Corp. located at or near Greenville, MS, on the one hand, and, on the other, points in AL, FL, GA, LA, TN and TX under continuing contract or contracts with Mebane Packaging Corp.; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mebane Packaging Corp., 1020 N. Broadway, Greenville, MS 38701. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 145743 (Sub-14TA), filed December 3, 1979. Applicant: T.F.S., INC., R.R. 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 300 S. Thompson Avenue, Sioux Falls, SD 57101. *Meats and packinghouse products* from Downs, KS to points in the commercial zones of Los Angeles, Fresno and Lodi, CA; York, NE; and St. Joseph, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pork Packers International, Inc., Joe Berg, Plant Manager, P.O. Box 158, Downs, KS 67437. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 145743 (Sub-15TA), filed January 4, 1980. Applicant: TFS, INC., R.R. 2, Box 126, Grand Island, NE 68801. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Avenue, Sioux Falls, SD 57101. *Malt beverages* from Milwaukee and LaCrosse, WI and St. Paul, MN and points in their commercial zones to points in Lincoln County, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Klemm Distributing, Inc. d.b.a. Arrowhead Distributing Company, Robert F. Klemm, President, P.O. Box 652, North Platte, NE 69101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 146032 (Sub-7TA) filed November 2, 1979 Applicant: SKYCAB, INC., 137 N. 4th St. Philadephia, PA 19106. Representative: Steven M. Tannenbaum, 133 N. 4th St., Philadelphia, PA 19106. (1) *Cameras, lenses, copying machines, & photographers parts, materials, equipment & supplies* and (2) *materials & equipment used in the distribution and sale of such commodities in (1) above* (except in bulk, in tank vehicles) from the facilities of Berkey Marketing Companies at Woodside, NY to Philadelphia and Pittsurgh, PA; Baltimore, MD; Richmond, VA; Charleston, WV; Charlotte, NC; Atlanta, GA; New Orleans, LA; Orlando, FL; Columbus and Toledo, OH; Detroit, MI; Chicago, IL; St. Louis, MO; Denver, CO; and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Berkey Marketing Companies, Div. of Berkey Photo Inc., 25-20 Brookly Queen Expressway W., Woodside, NY 11377. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620 Phila., PA 19106.

MC 146062 (Sub-3TA), filed January 17, 1980. Applicant: J. C. HAULING CO., 6233 Gravois Avenue, St. Louis, MO 63116. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Traprock, in bulk* from the facilities of Iron Mountain Trap Rock Company, at or near Iron Mountain, MO to Madison County, IL, for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): Iron Mt. Trap Rock Co., P.O. Box 35, Iron Mountain, MO 63649. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 146293 (Sub-45TA), filed January 17, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE., 5th Floor, Atlanta, GA 30326. *Charcoal and charcoal products, wood chips and lighter fluid,* (a) from Dothan, AL to points in AR, LA, MS, GA, SC, and FL; (b) from Burnside, KY to points in the US in, north and east of WI, IL, TN and NC; (c) from Jacksonville, TX to points in NM, OK and LA; and *sawdust and wax impregnated fireplace logs,* from Fairless Hills, PA and Lawrenceville, NJ to points in the US in and east of WI, IL, KY, TN and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kingsford Company, P.O. Box 1033, Louisville, KY 40201. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Room 300, Atlanta, GA 30309.

MC 146293 (Sub-46TA), filed January 22, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE., Fifth Floor, Atlanta, GA 30326. *(1) Roof ventilators, portable electric heaters, humidifiers, heat exchangers, portable fireplaces and (2) Materials, equipment and supplies used in the manufacture, distribution and sale of the commodities in part (1) above,* between Okolona, Tupelo and Verona, MS, on the one hand, and, on the other, points in the US (except AK, HI and MS), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arvin Industries, Inc., 1607 Central Ave., Columbus, IN 47201. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 146293 (Sub-47TA), filed January 22, 1980. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, 3390 Peachtree Rd. NE., 5th Floor, Atlanta, GA 30326. *Paper, paper products, woodpulp, plastic, plastic articles, polyethylene, materials, equipment and supplies used in the manufacture and distribution of the named products (except commodities in bulk, in tank vehicles),* between the facilities of International Paper Company located in states east of MT, WY, CO and NM, restricted to traffic originating at or destined to IPCO facilities, for 180 days. An underlying

ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Rm. 300, Atlanta, GA 30309.

MC 146423 (Sub-9TA), filed October 11, 1979. Applicant: STEPHEN HROBUCHAK d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, P.O. Box 1456, Scranton, PA 18503. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Sulfuric, Hydrochloric and Nitric acids in shipper owned glass lined tank type semi-trailers* between Phillipsburg, NJ and Hayward, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. T. Baker Chemical Co., Phillipsburg, NJ 08865. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146553 (Sub-10TA), filed December 21, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Bakery goods* from Louisville, KY, to points in CT, FL, MA, NJ, NY, OK, PA, TX, and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146553 (Sub-11TA), filed December 20, 1979. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Canned pet food* from the facilities of Star-Kist Foods, Inc. at Muscatine, IA, to points in CA, MD, NJ, NY, and to Salt Lake City, UT, and Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Star-Kist Foods, Inc., 582 Tuna St., Terminal Island, CA 90731. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146553 (Sub-12TA), filed January 22, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Rd., Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Ctr., Des Moines, IA 50309. *Brake drums, wheels, and rims* from Dayton, Akron, and Frankfurt, OH; Romulus and Lansing, MI; and Henderson, KY, to Omaha, NE, and points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Des Moines Wheel & Rim Co., 1436 East Ovid, Des Moines, IA 50316. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146643 (Sub-29TA), filed December 28, 1979. Applicant: DAVID CREECH TRANSPORTATION SYSTEM, 655 East 114th St., Chicago, IL 60628. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Contract carrier:* irregular routes: *Canned foodstuffs (not cold packed or frozen)* from Chicago, IL to St. Louis, Salem, Springfield and Sedalia, MO for 180 days. Supporting shipper(s): Campbell Soup Co., 2550 W. 35th St., Chicago, IL 60632. Send protests to: Transportation Assistant, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146853 (Sub-3TA), filed December 14, 1979. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. *Sawdust and shavings* (1) from Hulett, WY, and Independence, WI, to points in IL, MO, NE, IA, and MN; (2) from Belle Fourche, SD, to points in IL, MO, NE, and MN; (3) from Anoka and Bayport, MN, to points in IL, MO, NE, and IA; and (4) from Des Moines, IA, to points in IL, MO, NE, IA, and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hawkeye Woodshavings, Incorporated, 1735 Hull, Des Moines, IA 50313. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146973 (Sub-2TA), filed January 23, 1980. Applicant: SOUTHERN MOTOR FREIGHT, INC., 575 Great Southwest Parkway, Atlanta, GA 30336. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. *(1) Agricultural fertilizers and industrial and fire retardant chemicals (except commodities in bulk),* from the facilities of National Chemco, Inc., a subsidiary of the Southern Group, Inc., at or near Waynesboro, GA to points in FL, SC, AL, VA, TN, AR, PA, OH, IN and KY and *(2) Ingredients and supplies utilized in the manufacture and distribution of agricultural fertilizers and industrial and fire retardant chemicals (except commodities in bulk),* from points in FL, SC, AL, VA, TN, AR, PA, OH, IN and KY to the facilities of National Chemco, Inc., a subsidiary of the Southern Group, Inc. at or near Waynesboro, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Chemco, Inc., a subsidiary of the Southern Group, Inc., 575 Great Southwest Parkway, Atlanta, GA 30336. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 147102 (Sub-3TA), filed December 31, 1979. Applicant: E.T.I. COMPANY, 4055 William Penn Highway, Easton, PA 18042. Representative: Rick A. Rude, 1730 Rhode Island Ave., NW., Washington, DC 20036. *Such commodities as are dealt in or used by manufacturers or distributors of Industrial machinery and equipment,* between Hazleton, PA, on the one hand, and points in CT, PA, DE, ME, MD, NY, NJ, MA, RI, NH, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dorr-Oliver, Inc., Carlton Ave., Hazleton, PA 18201. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 147143 (Sub-1TA), filed December 6, 1979. Applicant: COOPER TRUCKING, INC., 3624 State Route 303, Ravenna, OH 44266. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. *Scrap metal, in bulk, in dump vehicles,* from Cleveland, OH to Detroit, MI, Duquesne, Erie, and Sharon, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luria Brothers & Co., Inc., 20521 Chagrin Blvd., Shaker Hts., OH 44122; Parkwood Iron & Metal Co., 4917 Holyoke Ave., Cleveland, OH 44104. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 148202 (Sub-3TA), filed December 31, 1979. Applicant: K & W ENTERPRISES, INC., 6223 Triport Court, Greensboro, NC 27410. Representative: Kim G. Meyer, P.O. Box 56614, Atlanta, GA 30343. *Contract* carrier-irregular routes; *New internal combustion diesel engines, new automotive and industrial transmissions, and related parts* (1) from points in MI and IN to the facilities of Covington Diesel, Inc. at or near Greensboro, NC and its subsidiary, Covington Power Products, Inc. at or near New Bern, NC and (2) from the facilities of Covington Diesel, Inc. at or near Greensboro, NC and its subsidiary, Covington Power Products, Inc. at or near New Bern, NC to points in FL, TX, CA and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Covington Diesel, Inc., and its subsidiary, Covington Power Products, Inc., P.O. Box 9418, Greensboro, NC 27408. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 148223 (Sub-1TA), filed January 21, 1980. Applicant: INTERMOUNTAIN COURIER SERVICE, 181 Jefferson, Pocatello, ID 83201. Representative: Merlen D. Fullmer (same as above). *Banking Data, Computer Data, Biological Specimens, E.E.G. Tests and Medical Test Reports,* (1) Between all

points south of the Salmon River in ID and Salt Lake City, UT; (2) between points in ID south of the Salmon River on the one hand and Salt Lake City, UT on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (5) Idaho First National Bank, P.O. Box 2122, Idaho Falls, ID 83401; Idaho Falls Consolidated Hospitals, 2525 So. Blvd., Idaho Falls, ID 83401; Idaho First National Bank, P.O. Box 7527, Boise, ID 83707; St. Anthony Hospital, 650 N. 7th St., Pocatello, ID 83201; Eastern Idaho Clinical Pathology Laboratories, 181 Jefferson, Pocatello, ID 83201. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 148472 (Sub-1TA), filed January 7, 1980. Applicant: CLOVER CLUB FOODS CO., P.O. Box 228, Kaysville, UT 84037. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Foodstuffs, and material, equipment and supplies used in the manufacture, processing and distribution of foodstuffs,* between points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY under a continuing contract/s with El Molino Foods, Inc., for 180 days. There is an underlying 90-day ETA request. Supporting shipper(s): El Molino Foods, Inc., Kaysville, UT 84037. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 148502 (Sub-2TA), filed February 1, 1980. Applicant: L. F. CARTER, INC., Field Avenue, P.O. Box 224, Pittsford, VT 05763. Representative: Jack R. Abell, 27 South Main Street, P.O. Box 782, Rutland, VT 05701. Contract, irregular: *limestone ground products* (palletized), from Florence, VT to points in ME, NH, NY, MA and CT, for 180 days. Supporting shipper(s): Omya, Inc., 61 Main Street, Proctor, VT 05765. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 148522 (Sub-6TA), filed December 12, 1979. Applicant: PAUL E. ACE TRUCKING, INC., 930 Clay Ave., Stroudsburg, PA 18360. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. *Cleaning compounds, household products and deodorants,* from East Stroudsburg, PA to Liverpool (Syracuse), NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Drackett Company, 5020 Spring Grove Ave., Cincinnati, OH 45232. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 148743 (Sub-1TA), filed December 13, 1979. Applicant: JOEY CRAWFORD TRUCKING CO., Route 1, Box 366D, Farmington, MO 63640. Representative: (same as above). (1) *Lime,* in bulk, in dump vehicles, and (2) *Dolomite,* in dump vehicles, (1) from Ste. Genevieve, MO to Carleton, MI and points within 10 miles thereof, and (2) from Gibsonburg, OH to Flat River, MO and points within 10 miles thereof in a continuous move in same vehicle, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flat River Glass Co., 1000 Taylor Ave., Flat River, MO 63601; Guardian Ind., Corp., 14600 Romine Rd., Carleton, MI 48117. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 148822 (Sub-1TA), filed January 15, 1980. Applicant: THE TRUCKING CO., INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Contract, irregular: Vinyl-coated pressboard, plywood, and gypsum board and materials, equipment and supplies utilized in the manufacture, distribution and sale of the above described commodities,* between the facilities of Decor, Inc., located at or near Fairfield, AL, Elkhart, IN, Tualiton, OR, and Arlington, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract with Decor, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Decor, Inc., P.O. Box 111, Fairfield, AL 35064. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 148893 (Sub-2TA), filed January 31, 1980. Applicant: WREN TRUCKING, INC., 572 Kennedy Rd., Cheektowaga, NY 14227. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043. *Truck bodies and parts therof,* from the facilities of Markel-Nutone Div. Scovill located in Buffalo, NY to points in IL, IN, IA, MI, MN, NE, OH, PA, and WI; and *Materials, supplies and equipment used in the manufacture, production, packaging, sale or distribution of truck bodies and parts thereof,* in reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Markel-Nutone Div. Scovill, 601 Amherst Street, Buffalo, NY. Send protests to: Anne Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo NY 14202.

MC 148972 (Sub-1TA), filed December 13, 1979. Applicant: EDWARD J. WHALEN, d.b.a. WHALEN TRUCK SERVICE, R.R. 2, Auxvasse, MO 65231. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Coal,* in bulk, in dump vehicles from Mexico Coal Company, Inc., at or near Mexico, MO to Pearl, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mexico Coal Company, Inc., Rt. No. 1, Laddonia, MO 63352. Send protests to: Vernon V. Coble, DS, ICC, Room 600, 911 Walnut St., Kansas City, MO 64106.

MC 148973 (Sub-4TA), filed December 20, 1979. Applicant: ELSBERRY TRANSPORT, INC., P.O. Box 3, Albert City, IA 50510. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Sunflower meal* from Red Wing and Minneapolis, MN to the facilities of Kent Feeds, Inc. located at Muscatine, Waterloo, Altoona, Estherville and Sioux City, IA; Beardstown and Rockford, IL; Logansport, IN; and Marshall, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kent Feeds, Inc., Thomas D. Donis, Traffic Manager, 1600 Oregon St., Muscatine, IA 52671. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 148982 (Sub-2TA), filed January 17, 1980. Applicant: AVONDALE TRUCKING COMPANY, INC., P.O. Box 9178, Bridge City, LA 70094. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. *Freight, all kinds, in cargo containers, and empty cargo containers* from applicant's Avondale container yard located at Bridge City, LA, to applicant's Avondale container yard located at Port Allen, LA; and empty cargo containers in reverse direction. Restricted to traffic having a prior or subsequent movement in interstate or foreign commerce; for 180 days. Underlying ETA for 90 days has been filed. Supporting shipper(s): 9 supporting shippers. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Ft. Worth, TX 76102.

MC 149012 (Sub-1TA), filed December 20, 1979. Applicant: GROVER F. BOYD, d.b.a. GROVER F. BOYD TRUCKING COMPANY, P.O. Box 67, Emelle, AL 35459. Representative: David A. Reid, Attorney-at-Law, P.O. Box 149, Livingston, AL 35470. *Contract, irregular: Hazardous and non-hazardous wastes,* from points in the United States (except AK and HI), to the facilities of Waste Management of Alabama, Inc. in Emelle (Sumter County), AL. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Waste Management of Alabama, Inc., P.O. Box 55, Emelle, AL 35459. Send protests to: Mabel E. Holston, T/A, I.C.C., Room 1616, 2121 Bldg., Birmingham, AL.

MC 149033 (Sub-1TA), filed December 21, 1979. Applicant: WILLIAM R. MILCZSKI, JR., Route 2, Plattsmouth, NE 68048. Representative: Marshall D.

Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract carrier, irregular routes: *Lumber* from points in AR and OK to points in NE, KS, MO, IA, MN, WI, Sioux Falls and Watertown, SD; Fargo, Minot and Bismarck, ND for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Timber Co., Inc., Harold Kendrick, Vice President, 116 North Main, Halstead, KS 67056. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 149142 (Sub-1TA), filed January 3, 1980. Applicant: WESLEY J. REYNOLDS, an individual d.b.a W. R. TRUCKING, 3022 MacArthur Blvd., Oakland, CA 94602. Representative: Eugene Q. Carmody, 15523 Sedgeman Street, San Leandro, CA 94579. *Contract carrier,* irregular routes: *Electrical transformers and parts, cutouts and parts, insulators, batteries, pole line construction material, capacitors and circuit breakers,* from facilities of McGraw-Edison Company, Power Systems Division, at or near Visalia, CA, to points in AZ, ID, NV, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McGraw-Edison Company, P.O. Box 2350, Pittsburgh, PA 15230. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 149152 (Sub-1TA), filed January 18, 1980. Applicant: L & L MOTOR FREIGHT, INC., P.O. Box 26767, Oklahoma City, OK 73126. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Authority sought to operate as a *common carrier,* by motor vehicle, transporting *general commodities* (with the usual exceptions), over regular routes, (1) Between Oklahoma City, OK, and Tulsa, OK, serving all intermediate points: From Oklahoma City over U.S. Hwy 66 and Interstate Hwy 44, to Tulsa and return over the same route. (2) Between Tulsa, OK, and junction U.S. Hwy 66 and OK Hwy 82, serving no intermediate points: From Tulsa over U.S. Hwy 66 to junction OK Hwy 82, and return over the same route. (3) Between Tulsa, OK, and junction U.S. Hwy 66 and Interstate Hwy 44, near Vinita, OK, serving no intermediate points: From Tulsa over Interstate Hwy 44 to junction U.S. Hwy 66, near Vinita, OK, and return over the same route. (4) Between junction U.S. Hwy 66 and U.S. Hwy 69 and Muskogee, OK, serving all intermediate points, and the off-route points of Tullahassee, Redbird, Porter, Coweta, and Big Cabin: From junction U.S. Hwy 66 and U.S. Hwy 69 over U.S. Hwy 69 to Muskogee, and return over the same route. (5) Between junction U.S. Hwy 66 and OK Hwy 33 and junction OK Hwy 33 and U.S. Hwy 69, serving all intermediate points: From junction U.S. Hwy 66 and OK Hwy 33 over OK Hwy 33 to junction U.S. Hwy 69. (6) Between Pryor, OK, and junction OK Hwy 82 and U.S. Hwy 66, serving all intermediate points, and serving the off-route points of Strang, Cleora, Ketchem, Grand River Dam Site, Disney, and the Mossman Construction Camp: From Pryor over OK Hwy 20 to junction OK Hwy 82, then over OK Hwy 82 to junction U.S. Hwy 66, and return over the same route. (7) Between Adair, OK, and junction OK Hwy 28 and OK Hwy 82, serving all intermediate points: From Adair over OK Hwy 28 to junction OK Hwy 82, and return over the same route. (8) Between Oklahoma city, OK, and Mustogee, OK, serving no intermediate points: From Oklahoma City over Interstate Hwy 40 to junction U.S. Hwy 69 then over U.S. Hwy 69 to Mustkogee, and return over the same route. (9) Between Pryor, OK, and Claremore, OK, serving no intermediate points, and serving Claremore for purposes of joinder only: from Pryor over OK Hwy 20 to Claremore and return over the same route. (10) Between Muskogee, OK, and Tulsa, OK, serving all intermediate points (except Bixby), and the off-route points of Taft, Jamesville, and Yahola: From Tulsa over U.S. Hwy 64 to Muskogee, and return over the same route. (11) Between Muskogee, OK, and Tulsa, OK, serving no intermediate points: From Tulsa over Muskogee Turnpike to Muskogee, and return over the same route. (12) Between tulsa, OK, and McAlester, OK, serving no intermediate points: From Tulsa over U.S. Hwy 75 to Henryetta, then over Indian Nation Turnpike to McAlester, and return over the same route. (13) Between Checotah, OK, and McAlester, OK, serving no intermediate points, and serving Checotah for purposes of joinder only: From Checotah over U.S. Hwy 69 to McAlester, and return over the same route. Authority to serve commercial zones of all points authorized and to interline with existing carriers requested, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are approximately 43 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C. or at the field office named below. Send protests to: Connie G. Stanley, Transportation Assistant, 240 Old Post Office and Courthouse, 215 N.W. Third Street, Oklahoma City, OK 73102.

MC 149173 (Sub-1TA), filed January 22, 1980. Applicant: NATIONAL EXPRESS, INC., 4535 Lindell Blvd., St. Louis, MO 63108. Representative: Ernest A. Brooks II, 1301 Ambasasdor Bldg., St. Louis, MO 63101. *Malt beverages and commodities used in the manufacture and distribution of malt beverages (except commodities in bulk)* between the facilities of Anheuser-Busch, Inc. located in the St. Louis, MO-East St. Louis, IL Commercial Zone, on the one hand, and, on the other, points in Columbus, OH and its Commercial Zone for 180 days. Underlying ETA filed. Supporting shipper(s): Anheuser-Busch, Inc., 721 Pestalozzi, St. Louis, MO 63118. Send protests to: Ruth Allport, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

MC 149182 (Sub-2TA), filed January 11, 1980. Applicant: SAMUEL R. GELDMACHER, Box 411, Mona, UT 84645. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Drilling Mud,* from the facilities of Industrial Minerals Ventures at or near Imvite (Nye County), NV, to Nephi, UT under a continuing contract/s with Drilling Mud, Inc., for 180 days. Supporting shipper(s): Drilling Mud, Inc., P.O. Box 99, Nephi, UT 84648. Send protests to: Patricia Allgier, TA, ICC, 5301 Federal Bldg., 125 S. State St., Salt Lake City, UT.

MC 149192 (Sub-1TA), filed January 11, 1980. Applicant: J & S TRUCKING CO., Rt. 2, Box 288D, Auburn, AL 36830. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. *Contract, irregular:* (1) *wood chips, wood shavings, bark and sawdust,* from points in AL, to Vienna and Monticello, GA, and (2) *green rotary cut lumber* (veneer) from Hurtsboro, AL to Durand and Monticello, GA for the account of the Georgia-Pacific Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corp., P.O. Box 1808, Augusta, GA 30903. Send protests to: Mabel E. Holston, TA, I.C.C., Room 1616, 2121 Bldg. Birmingham, AL 35203.

MC 149202 (Sub-1TA), filed January 22, 1980. Applicant: MOUNTAIN TRUCKING, INC., 1114 E. 5th Street, Oxnard, CA 93030. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *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 Los Angeles, California, and its Commercial Zone, Las Vegas, Nevada and Salt Lake City, Utah, restricted to the transportation of traffic having a prior or subsequent movement, by air, for 180 days. An underlying ETA seeks up to 90

days operating authority. Supporting shipper(s). Imperial Air Freight Service, Assistant Vice President, 9322 Bellanca, Los Angeles, CA 90045; Pilot Air Freight Corp., Operations Mgr., 5341 W. 104th Street, Los Angeles, CA; All Air Freight Forwarding, President, 8636 Aviation Boulevard, Inglewood, CA. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 149203 (Sub-1TA), filed January 22, 1980. Applicant: PEMBROKE TRUCKING CO., INC., P.O. Box 55, Pembroke, NC 28372. Representative: Gary C. Strickland, (same as above). *Buildings, building panels, building parts and materials, accessories and supplies used in the installation, erection and construction of buildings, building panels and building parts* from the facilities of Butler Manufacturing Company at or near Laurinburg, NC to points in SC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Butler Manufacturing Company, P.O. Box 1529, Laurinburg, NC 28352. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.

MC 149212 (Sub-1TA), filed January 21, 1980. Applicant: B & W INVESTMENTS CO. d.b.a. B.W.I., INC., 906 South Main St., Dyersburg, TN 38024. Representative: R. Connor Wiggins, Suite 909, 100 N. Main Bldg., Memphis, TN 38103. *Ink, typewriter ribbons, carbon paper, stamp pads, adhesives, duplicating fluid, naptha, water-based paint, markers and pens, type cleaner, carbon sets and display racks,* from the facilities of the Carter's Ink Company at Crossville, TN to the facilities of the Carter's Ink Company at Vernon, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Carter's Ink Company, 2110 West Avenue North, Crossville, TN 38555. Send protests to: Diana J. Porter, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 149223 (Sub-2TA), filed January 11, 1980. Applicant: R. C. AND N. R. AKIN, d.b.a. AKIN TRUCKING, Route 2, Box 266, Westville, OK 74965. Representative: Grey E. Summy, P.O. Box 1540, Edmond, OK 73034. (1) *Foodstuffs,* (1) from McAllen, TX to Stilwell, OK and (b) from Stilwell, OK to points in TX; and (2) *materials and supplies* used in the transportation and storage of foodstuffs, from Stilwell, OK to McAllen, TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Stilwell Foods, Inc., P.O. Box 432, Stilwell, OK 74960. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 149302, filed January 30, 1980. Applicant: EXPRESS TRANSPORT, INC., 247 Moorland Street, Fall River, MA 02724. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. *Such merchandise as is sold or dealt in by retail department stores* and *material, supplies* and *equipment* (except commodities in bulk) *used or useful in the conduct of such business,* between points in MA on the one hand, and, on the other, points in NC, SC, GA, FL, AL, TN, and MS. Restriction: Restricted to traffic moving to, from or between facilities of the Zayre Corp. of Framingham, MA. For 180 days. Supporting shipper(s): Zayre Corp., Framingham, MA 01701. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset Street, Room 102, Providence, RI 02903.

MC 149303, filed January 28, 1980. Applicant: Eugene R. Hansen, d.b.a. TRAPPER TRUCKING, 7090 Hiway 101 West, Port Angeles, WA 98362. Representative: Judith G. McCormick, d.b.a. Angeles Accounting, 826-C East Front Street, Port Angeles, WA 98362. *General commodities, except in bulk in tank vehicles,* between points in the U.S. west of the Mississippi River, for 180 days. Supporting shipper(s): Peninsula Plywood (ITT Rayonier), 439 Marine Drive, Port Angeles, WA and Dryco Supply, 3026 Hiway 101 East, Port Angeles, WA 98362. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 149343, filed January 30, 1980. Applicant: SOUTHERN PRIDE TRUCKING, INC., P.O. Box 80681, San Diego, CA 92138. Representative: Kenneth F. Dudley, 1501 E. Main St., P.O. Box 279, Ottumwa, IA 52501. (1) *Boats,* between points in CA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, LA, MD, MA, MS, NH, NJ, NY, NC, OR, RI, TN, TX, VA and WA; (2) *Machine Shop and Construction Machinery,* between points in CA, on the one hand, and, on the other, points in AL, AZ, FL, GA, LA, MS, NC, SC and TX; (3) *Aircraft engines, turbines and related parts,* from points in CA to points in AZ, CO, CT, FL, GA, IL, KY, NY, SC, TN, TX and WA; (4) *Generators and Electrical Supplies,* between Huntsville, AL and Minneapolis, MN on the one hand, and, on the other, points in California; for 180 days. Supporting shipper(s): There are approximately five shippers. The statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148103 (Sub-1TA), filed January 9, 1980. Applicant: BIG JOHN TRANSPORTATION-TEXAS CORPORATION, P.O. Box 35018, Houston, TX 77035. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. Oilfield equipment (Mercer description) between points and places in Texas and California, on the one hand and, on the other, points and places in Arkansas, Louisiana, Oklahoma, New Mexico, Mississippi, Alabama, Colorado, Wyoming, Utah, Montana, Minnesota, Wisconsin, Nevada, Arizona, Florida, Kansas, North Dakota, South Dakota, Idaho, Tennessee, Missouri, Nebraska, North Carolina, South Carolina, Virginia, New Jersey, California, Georgia, Virginia, West Virginia, Maryland, Connecticut, New York and Texas. Between points and places in Oklahoma on the one hand and, on the other, points and places in Arkansas, Louisiana, New Mexico, Mississippi, Alabama, Colorado, Wyoming, Utah, Montana, Minnesota, Wisconsin, Nevada, Arizona, Florida, Kansas, North Dakota, South Dakota, Idaho, Tennessee, Missouri, Nebraska, North Carolina, South Carolina, Virginia, New Jersey, California, Georgia, Virginia, West Virginia, Maryland, Connecticut, New York and Texas. Iron and steel articles as defined by I.C.C. (Ex Parte MC45), restricted to shipments weighing 4,000 lbs. or more when moving in a single piece, from Texas to all points in the United States except Alaska and Hawaii. Pipe, iron and steel between points and places in Missouri, Kansas, Texas, Minnesota and Illinois on the one hand and, on the other, points and places in the United States except Alaska and Hawaii. Plates iron or steel between points and places in Missouri, Kansas, Texas, Minnesota and Illinois on the one hand and, on the other, points and places in the United States except Alaska and Hawaii. (Restricted to shipments weighing 4,000 lbs. or more when moving in a single piece.) Prefabricated steel buildings, K.D. and parts thereof from Houston, Texas to points in the United States except Alaska and Hawaii. Refrigeration coolers, coils and parts thereof from the plant site of Thermal Corporation, Houston, Texas, to Arnold Air Force Base, Tullahoma, Tennessee. Used agricultural machinery (as described by I.C.C.) and equipment from points and places in the United States except Alaska and Hawaii to points and places in California, Texas and Oklahoma for reconditioning purposes. Agricultural machinery and equipment as described by I.C.C. (Ex Parte MC45) from points

and places in California, Texas and Oklahoma, to points and places in the United States except Alaska and Hawaii. Used rail and track material as described by I.C.C. (Ex Parte MC-45). Used railroad equipment as described by the I.C.C. (Ex Parte MC-45). From points and places in the States of Texas, Oklahoma, New Mexico, Kansas, Missouri, Arizona, Colorado, Arkansas, Alabama, Wyoming, Montana, Utah and Nevada to points and places in Oklahoma, Texas, Louisiana, and California. Rail and track material as described by I.C.C. (Ex Parte MC-45). Railroad equipment as described by the I.C.C. (Ex Parte MC-45). From points and places in California, Oklahoma, Louisiana and Texas, to points in the States of Texas, Oklahoma, New Mexico, Kansas, Missouri, Arizona, Colorado, Arkansas, Alabama, Wyoming, Montana, Utah, and Nevada to points and places in Oklahoma, Texas and California. Empty freight trailer containers from Port of Houston, Houston, Texas, to Pampa, Texas, for the purpose of loading carbon black at the plant site of Cabot Corporation at Pampa, Texas. Carbon black from the plant site of Cabot Corporation at Pampa, Texas, moving in truck-trailer containers to the Port of Houston, Houston, Texas. There are 36 supporting shippers which can be reviewed at headquarters in Washington, DC or field office listed below: Send protests to: Opal Jones, TCS, ICC, 411 W. 7th St., Suite 600, Fort Worth, TX 76102.

[Notice No. N-1]

Republications

MC 3753 (Sub-21TA), filed December 20, 1979. Applicant: AAA TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, NJ 08619. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartman & Burstein, One World Trade Center, Suite 2373, New York, NY 10048. 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 Boston, MA on the one hand and on the other, points in the following New Hampshire Counties of Belnap, Cheshire, Hillsborough, Merrimack, Rockingham, Strafford and Sullivan, for 180 days. An underlying ETA seeks 90 days authority. Service is authorized to be tacked to existing authority held in Certificate MC-3753 and subs for 180 days. Supporting shipper(s): There are approximately 300 supporting shippers on file in Newark, NJ and Washington, DC. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 3753 (Sub-22TA), filed December 20, 1979. Applicant: AAA TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, NJ 08619. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartman & Burstein, One World Trade Center, Suite 2373, New York, NY 10048. 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 Hagerstown, MD on the one hand and on the other, the following Virginia Counties: Clarke, Frederick and Warren, for 180 days. An underlying ETA seeks 90 days authority. Service is authorized to be tacked to existing authority held in Certificate MC-3753 and subs for 180 days. Supporting shipper(s): There are approximately 300 supporting shippers on file in Newark, NJ field office and Washington, DC. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 3753 (Sub-23TA), filed December 20, 1979. Applicant: AAA TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, NJ 08619. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartman & Burstein, One World Trade Center, Suite 2373, New York, NY 10048. 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 Scranton, PA on the one hand and on the other, points in the following PA counties: Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Montour, Sullivan, Susquehanna and Wyoming, for 180 days. An underlying ETA seeks 90 days authority. Service is authorized to be tacked to existing authority held in Certificate MC-3753 and subs for 180 days. Supporting shipper(s): There are approximately 300 supporting shippers on file in Newark, NJ field office and Washington, DC. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 3753 (Sub-25TA), filed December 20, 1979. Applicant: AAA TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, NJ 08619. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartman & Burstein, One World Trade Center, Suite 2373, New York, NY 10048. 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 Scranton, PA on the one hand and on the other, points in Broome, Chemung, Cortland, Tioga and Tompkins Counties, NY, for 180 days. An underlying ETA seeks 90 days authority. Service is authorized to be tacked to existing authority held in Certificate MC-3753 and subs for 180 days. Supporting shipper(s): There are approximately 300 shippers to this application. They are on file in the Newark, NJ field office and Washington, DC. Send protests to: Irwin Rosen, D/S. ICC, 744 Broad Street, Rm. 522, Newark, NJ 07102.

MC 3758 (Sub-26TA), filed December 21, 1979. Applicant: AAA TRUCKING CORPORATION, 3630 Quaker Bridge Road, Trenton, NJ 08619. Representative: Herbert Burstein, Esq., Zelby, Burstein, Hartman & Burstein, One World Trade Center, Suite 2373, Brooklyn, NY 10048. General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment. Between Philadelphia, PA and Salisbury, MD on the one hand, and on the other, all points in DE, for 180 days. An underlying ETA seeks 90 days authority. Service is authorized to be tacked to existing authority held in Certificate MC-3753 and subs for 180 days. Supporting shipper(s): There are approximately 300 supporting shippers to this application. They may be examined at the Newark, NJ field office or Washington, DC. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

[Notice No. F-8]

The following applications were filed in Region 2. Send protests to: ICC, Federal Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 112304 (Sub-2-4TA), filed February 20, 1980. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati. OH 45223. Representative: John G. Banner (same address). (1) *Iron and steel articles*, from the facilities of North Star Steel Co., at or near Monroe, MI, to all points in and east of MN, SD, NE, CO, OK, and TX, and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture and distribution of items in (1) above, in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Star Steel Co., 2901 Metro Drive, Minneapolis, MN 55420.

MC 144386 (Sub-II-1), filed February 21, 1980. Applicant: WILLIAM B. BLANEY, JR., and JAMES M. BLANEY d.b.a. BLANEY FARMS, R.D. No. 1, Box

218B, Perryopolis, PA 15473. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Malt beverages and materials and supplies used in the sale and distribution thereof,* (1) between Winston-Salem, NC and Detroit, MI, on the one hand, and on the other, State College, PA, under a continuing contract or contracts with Cold, Inc. d.b.a. Nittany Beverage, and (2) between Winston-Salem, NC and Detroit, MI, on the one hand, and, on the other, New Kensington, PA, under a continuing contract or contracts with Galli Beer Distributing Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Galli Beer Distribution Co., Inc., 866 7th St., New Kensington, PA 15068. Cold, Inc., d.b.a. Nittany Beverage, 139 N. Patterson St., State College, PA 16801.

MC 144386 (Sub-II-3), filed February 21, 1980. Applicant: WILLIAM B. BLANEY, JR., and JAMES M. BLANEY d.b.a BLANEY FARMS, R.D. No. 1, Box 218B, Perryopolis, PA 15473. Representative: William A. Gary, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract; irregular: Malt beverages and materials and supplies used in the sale and distribution thereof,* between Newark, NJ and Milwaukee, WI, on the one hand, and on the other, Washington, PA under a continuing contract or contracts with Gasper A. Mirisciotta d.b.a. Gabby's Gem Distributing Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gasper A. Mirisciotta d.b.a. Gabby's Gem Distributing Co., 140 Highland Ave., Washington, PA 15301.

MC 72069 (Sub-II-1), filed February 11, 1980. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005. *Bread crumbs,* from Miami, FL to Vineland, NJ for 180 days. Supporting shipper(s): Progreeso Quality Foods, Vineland, NJ 08360.

MC 63417 (Sub-II-2), filed February 13, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *Flat glass* from Tulsa, OK to Rocky Mount, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weaver Mirror Co., Inc., P.O. Box 359, 421 N. Main St., Rocky Mount, VA 24151.

MC 119894 (Sub-2-1TA), filed February 28, 1980. Applicant: BOWARD TRUCK LINE, INC., 104 Roesler Rd., Glen Burnie, MD 21061. Representative: M. Bruce Morgan (same as applicant). *Paper, paper products and woodpulp (except in bulk) and materials and supplies used in the manufacture, distribution and packaging of paper, paper products and woodpulp (except in bulk)* between the plantsite of Bowater Carolina Corp. at or near Catawba, SC on the one hand, and on the other, all points in VA on and south of Interstate Hwy 64 and on and east of US Hwy 29 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bowater Carolina Corp., P.O. Box 7, Catawba, SC 29704.

MC 138438 (Sub-II-2), filed February 19, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: James R. Jones, 580 Northern Ave., Hagerstown, MD 21740. *Portable or fabricated iron or steel storage buildings and cabinets and materials and supplies used in the manufacture and distribution thereof,* between Hagerstown, MD, and its commercial zone, on the one hand, and, on the other hand, points in and east of WI, IL, MO, AR, and TX. Supporting shipper(s): Roper Eastern Inc., 881 Pennsylvania Ave., Hagerstown, MD 21740.

Note.—Dual operations may be involved.

MC 142559 (Sub-II-2), filed February 7, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Truano, 100 E. Broad St., Columbus, OH 43215. *(1) Water heaters, boilers, water storage tanks, and disposals and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk)* between McBee, SC, on the one hand, and, on the other, points in and east of MN, IA, MO, OK and TX for 180 days. Supporting shipper(s): A. O. Smith Corp., P.O. Box 584, Milwaukee, WI 53201.

MC 142864 (Sub-2-1TA), filed February 19, 1980. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. *(1) Coated abrasives and coated paper products* from Alliance, OH to Chicago, IL and *(2) materials, equipment and supplies used in the manufacture of coated abrasives and coated paper products* from points in NY to Alliance, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sancap Abrasives, Inc., 16123 Armour St., Alliance, OH 44601.

MC 150036 (Sub-II-2), filed February 7, 1980. Applicant: C & R CONTRACT CARRIERS, INC., 109 Oak St., P.O. Box 329, Covington, VA 24426. Representative: William T. Wilson & Assoc., 228 N. Maple Ave., P.O. Drawer 590, Covington, VA 24426. *Contract; irregular: Emergency machinery, parts, chemicals, materials and supplies used in the production and manufacture of paper products, except commodities in bulk and tank vehicles,* between the facilities of Westvaco Corp., at or near Covington, VA, and points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, ME, MI, MN, MO, MS, NC, NE, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WI, and WV, under contract with Westvaco Corp., New York, NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westvaco Corp., 299 Park Ave., New York, NY 10017.

MC 150183 (Sub-2-1TA), filed February 28, 1980. Applicant: CASSCO REFRIGERATED TRANSPORT, Division of Cassco Corp., 125 W. Bruce Street, Harrisonburg, VA 22801. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Foodstuffs, and materials and supplies used in the manufacture and distribution of foodstuffs (except in bulk)* between points in Frederick, Shenandoah, Rockingham, Bedford, and Albermarle Counties, VA and Berkeley and Jefferson Counties, WV, on the one hand, and on the other, points in CT, DE, MA, MD, NJ, NY, PA, RI, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schenck Foods Company, Inc., P.O. Box 275, Winchester, VA 22601; Rocco Farm Foods, Inc., Route 3, Box 370, Edinburg, VA 22824; Shen-Valley Meat Packers, Inc., P.O. Box E, Timberville, VA 22853; Shenandoah Valley Poultry Co., Inc., P.O. 868, Harrisonburg, VA 22801; McCormick Foods, Inc., P.O. Box 334, Bedford, VA 24523; Lord Bros., Inc., P.O. Box 826, Martinsburg, WV 25401.

MC 150080 (Sub-II-1), filed February 14, 1980. Applicant: CONTROLLED CARRIERS, INC., 319 Pottstown Rd., Box 18, Exton, PA 19341. Representative: Joseph Seifrit (same as applicant). *Contract; irregular: (1) Paper products, and (2) materials and supplies used in the manufacture of paper products,* from Dowingtown, PA to CO, CT, FL, GA, IL, IA, KS, KY, LA, MA, MI, MN, MO, NJ, NY, NC, OH, OR, PA, SC, TN, TX, VA, and WV for commodities listed in (1) above, and from the same destinations in the reverse direction for commodities in (2) above, under continuing contract or contracts for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dopaco, Inc., Boot and Chestnut St., Downingtown, PA 19335.

MC 141572 (Sub-II-1), filed February 21, 1980. Applicant: COUNCILL

HAULING, INC., 1447 Clay St., Franklin, VA 23851. Representative: Richard J. Lee, Suite 1222, 700 E. Main St., Richmond, VA 23219. *Contract; irregular: Lumber (except plywood and veneer)* between the facilities of Continental Group, Inc., at or near Wakefield and McKenney, VA and Johnston, SC, on the one hand, and, on the other, points in NC, SC, VA, WV, OH, DE, PA, NJ, NY, CT, MA, RI, NH, VT, ME, MD and DC for 180 days. Supporting shipper(s): Continental Group, Inc., P.O. Box 8969, Savannah, GA 31412.

MC 148088 (Sub-2-1TA), filed February 25, 1980. Applicant: COUNTRY TRAILS BUS CO., INC., R.D. No. 2, Box 25D, Clarion, PA 16214. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Passengers and their baggage, in the same vehicle with passengers in special and charter operations* beginning and ending in the counties of Clarion, Forest, and Jefferson, PA and extending to points in TN, IL, OH, FL, WV, VA, DC, NJ, NY, MA, and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There 18 supporting shippers. Their statements may be examined at the office listed below.

MC 149369 (Sub-II-1), filed February 21, 1980. Applicant: CRAMBLETT TRUCKING, INC., 2232 Avalon Rd., NW., Carrollton, OH 44615. Representative: James M. Burtch, Jr., 100 E. Broad St., Columbus, OH 43215. *Coal* from the facilities of Consolidated Coal Co. located in Allegheny County, PA to points in OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Coal Co., P.O. Box 16086, Cleveland, OH 44116.

MC 117384 (Sub-2-1TA), filed February 4, 1980. Applicant: DAVIDSON BROTHERS, R.D. No. 3, Bellefonte, PA 16823. Representative: J. Bruce Walter, 410 N. 3rd St., Harrisburg, PA 17108. *Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet and metallic cadmium, and materials, equipment and supplies used in the production, storage, and distribution of such commodities* between the facilities of St. Joe Zinc Co. at Josephtown (Potter Twp., Beaver Co.), PA on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., 2 Oliver Plaza, Pittsburgh, PA 15222.

MC 114301 (Sub-II-1), filed February 21, 1980. Applicant: DELAWARE EXPRESS, CO., P.O. Box 97, Elkton, MD 21921. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Ammonium Sulfate Fertilizer, in bulk, in dump trucks,* from Wilmington, DE to points in MD, DE, NJ, PA, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001.

MC 113666 (Sub-II-1), filed February 7, 1980. Applicant: FREEPORT TRANSPORT, INC., Drawer A, Freeport, PA 16229. Representative: D. R. Smetanick (same as applicant). *Zinc,* from Braddock, PA to points in the state of AL, IL, IN, KY, MD, MO, CT, MA, NY, NJ, NC, SC, TN, VA, MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222.

MC 148838 (Sub-II-1), filed February 15, 1980. Applicant: GEAUGA TRUCK LINES, INC., 705 U.S. State Rt. 224, Nova, OH 44859. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract; irregular: Scrap graphite, electrodes, carbon raiser, calcined-anthracite coal, anthracite coal, graphite powder, and recycled graphite; and materials and supplies used in the manufacture, distribution, and sales of the above commodities* between points in the US under continuing contract(s) with Graphite Sales, Inc. of Chagrin Falls, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Graphite Sales, Inc., 16715 W. Park Circle Dr., P.O. Box 185, Chagrin Falls, OH 44022.

MC 97841 (Sub-2TA), filed February 28, 1980. Applicant: GENERAL HIGHWAY EXPRESS, INC., Industrial Drive, Post Office Box 727, Sidney, OH 45265. Representative: David A. Turano, 100 East Board St., Suite 1800, Columbus, OH 43215. *Compressors and parts for compressors* (except commodities which, by reason of size and weight, require special equipment) between the facilities of The Copeland Corp., at or near Rushville, IN and at or near Sidney, OH for 180 days. Supporting shipper: The Copeland Corp., Campbell Rd., Sidney, OH 45365.

MC 133099 (Sub-II1), filed February 19, 1980. Applicant: THE GLASGOW & DAVIS CO., P.O. Box 1717, Salisbury, MD 21801. Representative: Gary E. Thompson, 4304 East-West Hwy, Washington, DC 20014. *Precast concrete products* from MD to points in DC, DE, MD, NJ, PA, VA, and WV for 180 days. Supporting shipper(s): National Concrete Products, N. Salisbury Blvd., Salisbury, MD 21801.

MC 125335 (Sub-2-1TA), filed February 15, 1980. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Frozen vegetables,* from the facilities of Southland Frozen Foods, Inc., at or near Plant City, FL, to points in IL, IN, IA, KS, MI, MN, NE, OH, and WI for 180 days. Supporting shipper: Southland Frozen Foods, Inc., P.O. Box 1000, Plant City, FL.

MC 13134 (Sub-2-2TA), filed February 14, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 East Broad St., Suite 1800, Columbus, OH 43215. *Refractories, refractory products, insulating materials,* and materials used in the production and distribution of refractory products, between the facilities of A. P. Green Refractories Co., Inc. on the one hand, and, on the other, points in the U.S. in and east of the states of ND, SD, NE, CO, OK and TX, for 180 days. Supporting shipper: A. P. Green Refractories Co., Inc., Green Blvd., Mexico, MO 65256.

MC 149351 (Sub-II-1TA), filed February 1, 1980. Applicant: HEYMAN TRUCKING, INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract; irregular: Plastic articles* from Winchester, VA and its commercial zone, to points in ID, MT, OR, WA, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601.

MC 147681 (Sub-2-1TA), filed February 15, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, R.D. #2, West Middlesex, PA 16159. Representative: Henry M. Wick, Jr., Esq., 2310 Grant B, Pittsburgh, PA 15219. *Malt beverages and materials and supplies used in the sale and/or distribution of malt beverages* (except commodities in bulk), from the facilities of Van Munching & Co., Inc. at Secaucus, NJ and the facilities used by Van Munching & Co., Inc. in the commercial zone of New York, NY, to points in IL, IN, KY, MI, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Van Munching & Co., Inc., 51 West 51 St., New York, NY 10019.

MC 146656 (Sub-2-1TA), filed January 11, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4

Professional Drive, Gaithersburg, MD 20760. *Contract; irregular: plastic bottles, containers, and closures, ethylene oxide, and laxative preparations* between Elkridge, Seat Plasant, and Easton, MD, on the one hand, and, on the other, points in MA, CT, RI, NJ, MD, DE, VA, Nashua, NH, the District of Columbia, those points in that part of PA on and east of Interstate Hwy 81 and on and south of Interstate Hwy 84 and those points in NY on and south of Interstate Hwy 84 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burton, Parsons & Co., Inc., 120 W. Hampton Ave., Seat Pleasant, MD 20027.

MC 56244 (Sub-2-1TA), filed February 15, 1980. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 N, Third St., P.O. Box 1146, Harrisburg, PA 17108. (1) *Automotive steering assemblies and parts* and (2) *materials, supplies and equipment* used in connection with or incidental to the manufacturing or distribution of said commodities (except commodities in bulk) between the facilities of R. H. Sheppard Co., Inc., at Hanover, PA and points in its commercial zone, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MO, NH, NJ, NY, OH, PA, RI, TN, VA, VT, and WV, restricted to shipments originating at the indicated destination. Supporting shipper(s): R. H. Sheppard Co., Inc., 101 Philadelphia St., Hanover, PA 17331.

MC 56244 (Sub-2-2TA), filed February 29, 1980. Applicant: KUHN TRANSPORTATION CO., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108. (1) *Such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses and (2) *materials, supplies and equipment* used in connection with or incidental to the conduct of such business (except commodities in bulk) from Urbana, OH and Franklin, KY and points in their commercial zones, to Hanover, PA and Philadelphia, PA and points in their commercial zones, restricted to the transportation of shipments for the Drackett Company originating at the indicated origins and destined to the indicated destinations. Supporting shipper: Drackett Company, 5020 Spring Grove Ave., Cincinnati, OH 45232.

MC 110328 (Sub-2-1TA), filed February 20, 1980. Applicant: ROY A. LEIPHART TRUCKING, INC., 1298 Toronita St., York, PA 17402. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Unfinished synthetic yarn, synthetic staple fibers, batting, batts, wadding, cotton jute or sisel rug cushions,* from Roanoke, AL and its commercial zone to Carlisle and Lewistown, PA, and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. H. Masland & Sons, Box 40, 50 Spring Rd., Carlisle, PA 17013.

MC 105881 (Sub-2-1TA), filed February 19, 1980. Applicant: MR&R TRUCKING CO., P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th ST. NW. Washington, DC 20036. *Common carrier; regular routes general commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment):* Serving points in Marion County, FL, as intermediate or off-route points in connection with carrier's regular routes. Applicant intends to tack this authority with its existing authority. Interlining is intended. Supporting shippers: There are 24 statements in support attached to this application which may be examined at the office listed below.

MC 148044 (Sub-II-1TA), filed February 22, 1980. Applicant: JANICE PATRICIA MARTIN, d.b.a. J. D. MARTIN TRUCKING CO., Route 4, Box 251A, Rocky Mount, VA 24151. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Stone, stone products, and stone mixed with cement and sand, in bags* from points in Botetourt County, VA to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: James River Limestone, Inc., P.O. Box 617, Buchanan, VA 24066.

MC 107403 (Sub-2-2TA), filed February 19, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Hydrogen Peroxide, in bulk, in tank vehicles,* from Newark, CA to Casper and Glen Rock, WY and Grand Junction, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fmc Corp., 2000 Market St., Philadelphia, PA 19103.

MC 107403 (Sub-2-3TA), filed February 20, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from Thomasville, GA to points in AL and FL, for 180 days. Supporting shipper(s): Guardsmen Chemicals, Inc., 631 Campbell St., Thomasville, GA 31792.

MC 150180 (Sub-II-1), filed February 11, 1980. Applicant: MENCHVILLE MARINE SUPPLY CORP., 494 Menchville Rd., Newport News, VA 23602. Representative: T. V. Morrison, Jr., P.O. Box 1003, Newport News, VA 23601. *Contract; irregular: Brewer's condensed solubiles* from the facilities of Anheuser-Busch, Williamsburg, VA to points in MD, VA, NC, SC, PA, DE, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Associates Research Management, Inc., 9608 Partridge Lane, Crystal Lake, IL 60014.

MC 78228 (Sub-2-1TA), filed February 21, 1980. Applicant: J MILLER EXPRESS, INC., 962 Greentree Road, Pittsburgh, PA 15220. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. *Zinc and zinc slabs, ingots, dross, residue, skimmings, ashes and scrap and containers used in the transportation of said commodities* between East Liverpool, OH and Braddock, PA, on the one hand, and, on the other, points in CT, DE, MD, PA, WV, OH, MI, IN, IL, KY, NY and NJ, for 180 days. An underlying ETA seeks 90 days. Supporting shipper: St. Joe Zinc Co., Division of St. Joe Minerals Corp., Two Oliver Plaza, Pittsburgh, PA 15222.

MC 59957 (Sub-2-1TA), filed February 19, 1980. Applicant: MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, PA 17405. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. (1) *Common carrier: Regular routes: General commodities,* except those of unusual value, and except dangerous explosives, household goods, livestock, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading: between Springfield, MA and Derby Line, VT: From Springfield over U.S. Hwy 5 to Derby Line, and return, serving all intermediate points and all points in NH and VT off-route points; between Boston, MA and Colebrook, NH: From Boston over U.S. Hwy 3 to Colebrook, and return, serving all intermediate points and all points in NH as off-route points; between Boston, MA and Houlton, ME: From Boston over Interstate Hwy 95 to Houlton, and return, serving all intermediate points and all points in ME as off-route points; between York, PA and Pittsburgh, PA: From York over U.S. Hwy 30 to Chambersburg, PA, then over U.S. Hwy 11 to Winchester, VA, then over U.S. Hwy 50 to Clarksburg, WV, then over

U.S. Hwy 19 to Pittsburgh, and return over the same route, serving all intermediate points and all points in WV as off-route points; between Portsmouth, NH and Albany, NY: From Portsmouth over NH Hwy 101 to junction NH Hwy 9, then over NH Hwy 9 to the NH–VT state line, then over unnumbered hwy to junction U.S. Hwy 5, then over U.S. Hwy 5 to Brattleboro, VT, then over VT Hwy 9 to the VT–NY state line, then over NY Hwy 7 to Troy, NY, then over NY Hwy 2 to Albany, and return over the same route, serving all intermediate points; between Champlain, NY and Glen Falls, NY: From Champlain over U.S. Hwy 9 to Glen Falls, and return, serving all intermediate points and points in the Counties of Washington, Rensselaer, and Essex as off-route points; between Burlington, VT and New York, NY: From Burlington over U.S. Hwy 7 to Rutland, VT, then over U.S. Hwy 4 via Hudson Falls, NY, to junction U.S. Hwy 9, then over U.S. Hwy 9 to New York, and return over the same route, serving all intermediate points and the NY off-route points of Albany, Amsterdam, Garden City, Kingston, Newburgh, Port Chester, Schenectady, Troy, and White Plains; between New York, NY and Richmond, VA: From New York over U.S. Hwy 1 to the junction of U.S. Hwy 130, then over U.S. Hwy 130 to Penns Grove, NJ, then across the Delaware River to New Castle, DE, then over U.S. Hwy 40 to Baltimore, MD, then over U.S. Hwy 1 to Richmond, and return over the same route, serving all intermediate points and the off-route points on Long Island, NY, and those points in that part of MD east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, and the VA off-route points of Lorton, Occoquan, Bowling Green, Quantico, and Fort Belvoir; and (2) *Common carrier: Irregular route: General commodities,* except those of unusual value, and except dangerous explosives, household goods, livestock, commodities in bulk, commodities requiring special equipment (other than those requiring refrigeration), and those injurious or contaminating to other lading, between Cincinnati, OH, Pittsburgh, PA, Baltimore, MD, Hagerstown, MD, and Richmond, VA on one hand, and, on the other, points in WV, for 180 days. Supporting shipper(s): there are 52 statements in support attached to this application which may be examined at the office listed below.

MC 146313 (Sub-2–1TA), filed February 28, 1980. Applicant: WILLIAM E. MULLENAX, d.b.a. MULLENAX REFRIGERATED TRANSPORT, Rt. 220, South, Petersburg, WV 26847. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract; irregular: Merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* between Greensburg, IN, on the one hand, and, on the other, points in OH, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45201.

MC 147655 (Sub-2–1TA), filed February 15, 1980. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Gary E. Thompson, 4304 East-West Hwy., Washington, DC 20014. *Fly ash, in bulk,* from the facilities of National Minerals Corp. at New Alexandria, PA and at or near Indiana, PA and within a 25 mile radius thereof to points in DE, MD, NJ, NY, OH, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): National Minerals Corp., R.D. #4, Box 189-B, Indiana, PA 15701.

MC 149352 (Sub-2–1TA), filed January 23, 1980. Applicant: PHOENIX TRANSPORTATION SERVICES, INC., 4755 W. 150th St., Cleveland, OH 44135. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. *Contract; irregular; (1) Cleaning, scouring, and washing compounds, lubricants, disinfectants and empty metal cans,* between the facilities of Westley Industries, Inc., at or near Cleveland, OH, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, IA, KY, ME, MA, MI, MN, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VA, WV, and WI under continuing contract(s) with Westley Industries, Inc., of Cleveland, OH; *(2) Yarn and materials, equipment and supplies used in the manufacture, processing and distribution of yarn,* between the facilities of Phoenix Dye Works, at or near Cleveland, OH, on the one hand, and, on the other, points in AL, CT, FL, GA, IL, IN, IA, KY, ME, MA, MI, MN, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VA, WV, and WI, under continuing contract(s) with Phoenix Dye Works, Cleveland, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westley Industries, Inc., 5300 Harvard Ave, Cleveland, OH 44105, Phoenix Dye Works, 4755 W. 150th St., Cleveland, OH 44135.

MC 123254 (Sub-2–1TA), filed February 6, 1980. Applicant: ALBERT PITZER AND JANE PITZER, d.b.a. PITZER BROTHERS, a partnership, P.O. Box 633, Jeannette, PA 15644. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005. *Malt beverages and related advertising materials* from the facilities of Jos. Schlitz Brewing Co. at or near Winston-Salem, NC to points in Indiana, Lawrence, Lycoming, and Mercer Counties, PA; and *used, empty malt beverage containers,* on return for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) F. L. LaMantia Distributors, 60 W. Chestnut St., Blairsville, PA 15717; Mid-State Beverage Co., 1805 E. 3rd St., Williamsport, PA 17701; Morelli & Sons, Inc., 1025 S. Mill St., New Castle, PA 16101.

MC 114969 (Sub-2–1TA), filed February 21, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, OH 45150. Representative: James M. Roudebush (same as applicant). *Fertilizer and fertilizer ingredients, in bulk and in bags,* from Terre Haute, IN to points in KY and IL; on the South of U.S. Rt. 40, for 180 days. An underlying ETA seeks 90 days authority. Support shipper(s) Estech General Chemicals Corp., 30 N. LaSalle St., Chicago, IL 62202.

MC 144910 (Sub-2–1TA), filed February 13, 1980. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. *Cleaning products, toilet preparations, non-medicated syrup and shortening (except in bulk),* from the facilities of Lever Brothers Co., Baltimore, MD, to points in OH for 180 days. An underlying ETA seeks 90 days authority. Support shipper(s) Lever Brothers Co., 390 Park Ave., New York, NY 10022.

MC 146892 (Sub-2–1TA), filed February 14, 1980. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, OH 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of carpeting (except in bulk)* from Rome, GA and Wilmington, OH to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Trend Carpet, P.O. Box 162, Rome, GA 30161.

MC 135111 (Sub-2–1TA), filed February 19, 1980. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, OH 44622. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract carrier:* irregular routes: *Zinc slabs* from Clarksville, TN to Dover, OH. Restricted to transportation service to be performed under continuing contract(s) with Empire-Detroit Steel Div. of Cyclops Corp. for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): Empire-Detroit Steel Div. of Cyclops Corp., 137 Iron Ave., Dover, OH 44622.

MC 50069 (Sub-2-1TA), filed February 22, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm (same as applicant). *Liquid chemicals, in bulk, in tank vehicles,* between Indianapolis, IN and points in OH, IL, MI and KY for 180 days. Supporting shipper(s): General Alum and Chemical Corp., 1508 S. Keystone, Indianapolis, IN 46204.

MC 146964 (Sub-2-1TA), filed February 11, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same as applicant). *Margarine, shortening and peanut butter* from the facilities of Sunnyland Refining Co., Inc., at or near Birmingham, AL to points in DE, DC, FL, GA, MD, NJ, NY, PA, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sunnyland Refining Co., 3330 Tenth Ave., N., Birmingham, AL 35201.

MC 146964 (Sub-2-2TA), filed February 20, 1980. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Christain V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Chemicals and lubricating oils in containers* from the facilities of Master Chemical Corp., Perrysburg, OH to Williamsport, York, Dover an Lancaster, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weber Industrial Serv., Inc., 3635 Carlisle Rd., Dover, PA 17315.

MC 148188 (Sub-2-1TA), filed February 21, 1980. Applicant: RETAIL LEASING CORP., d/b/a, RETAIL TRANSPORTATION CO., 11301 Rockville Pike., Kensington, MD 20795. Representative: Edw. F. Schiff, 1333 New Hampshire Ave., NW, Washington, DC 20036. *Contract carrier:* irregular route: *Such merchandise as is dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business* (except commodities in bulk, in tank vehicles) between all points in the states of AL, AR, AZ, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY, under continuing contract(s) with Mast Industries, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mast Industries, Inc., 270 W. Cummings, Woburn, MA 01801.

MC 128772 (Sub-2-1TA), filed February 14, 1980. Applicant: RICE TRUCKING, INC., 151 St. James St., Mansfield, PA 16933. Representative: Donald O. Cleveland (same as applicant). *Contract; irregular: Iron and steel articles,* between the plantsite of Armco Steel Corp., Mansfield, PA, on one hand, and, on the other, points in WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis St. Middletown, OH 45053.

MC 2202 (Sub-2-1TA), filed February 7, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William W. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20041. Common carrier: *regular routes: General commodities* (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Crossville, AL and points in its commercial zone as an off-route point in connection with applicant's regular routes, for 180 days. Applicant proposes to tack the authority sought herein with its regular route operations over U.S. Hwy 11 and I-59. Applicant proposes to interline at existing gateways throughout its system. An underlying ETA seeks 90 days authority. Supporting shipper(s): Home Interiors Distributing Warehouse, P.O. Box 325, Crossville, AL 35962.

MC 114569 (Sub-2-1TA), filed February 4, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). *Charcoal and charcoal briquettes* from McArthur, OH and Dixie, WV to points in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Roseville Charcoal and Mfg. Co., P.O. Box 1188, Zanesville, OH 43701. Roger J. Wood Co., Inc., 3117 Chestnut St., Camp Hill, PA 17011.

MC 114569 (Sub-2-2TA), filed February 28, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). *Garden tractors and implements* from South Bend, IN and Mishawaka, IN to the facilities of Brawley Distributing located at New Cumberland, PA. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brawley Distributing Company, P.O. Box 488, New Cumberland, PA 17070.

MC 110683 (Sub-2-1TA), filed February 20, 1980. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Applicant's representative: Francis W. McInerny, Suite 502, 1000 16th St., NW, Washington, DC 20036. *Common carrier; regular route; general commodites (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment):* (1) between Charleston, SC, and Asheville, NC, serving all intermediate points: From Charleston over Interstate Hwy 26 to Asheville, and return over the same route, serving all points in Charleston, Berkeley, Dorchester, Colleton, Richland, Lexington, Saluda, Fairfield, Newberry, Greenwood, Laurens, Union, Spartanburg, Anderson, Pickens, and Greenville Counties, SC, and Polk, Henderson, Transylvania, Buncombe, Yancey, Madison, Haywood, and Swain Counties, NC, as off-route points. (2) Between Middlesboro, KY, and Elizabeth City, NC, serving all intermediate points: From Middlesboro over U.S. Hwy 25E, to its junction with U.S. Hwy 58, then over U.S. Hwy 58 to its junction with U.S. Hwy 501, then over U.S. Hwy 501 to its junction with VA Hwy 96, then over VA Hwy 96 to its junction with NC Hwy 96 to Oxford, then over U.S. Hwy 158 to Elizabeth City and return over the same route, serving all points in Bell County, KY; Lee, Scott, Washington, Grayson, Carroll, Patrick, Henry, Pittsylvania, and Halifax Counties, VA; and Person, Granville, Vance, Warren, Nash, Wilson, Pitt, Edgecombe, Martin, Bertie, Halifax, Northampton, Washington, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, NC, as off-route points. (3) Between Corbin, KY, and Augusta, GA, serving all intermediate points: From Corbin over U.S. Hwy 25E to its junction with U.S. Hwy 25, then over U.S. Hwy 25 to Augusta, and return over the same route, serving all points in Laurel, Whitley, Knox, and Bell Counties, KY; Madison, Yancey, Haywood, Buncombe, Transylvania, Handerson, Polk Counties, NC; and Pickens, Greenville, Oconee, Anderson, Laurens, Abbeville, Greenwood, Saluda, McCormick, Edgefield, and Aiken Counties, SC, as off-route points. (4) Between New Bern, NC, and Jellico, KY, serving all intermediate points: From New Bern, NC, over U.S. Hwy 70 to its junction with Interstate Hwy 40, then over Interstate Hwy 40 to its junction with Interstate Hwy 75, then over Interstate Hwy 75 to Jellico, KY, serving all points in Carteret, Pamlico, Craven, Jones, Onslow, Beaufort, Greene, Lenoir, Duplin, Wayne, Johnston, Wake,

Franklin, Durham, Orange, Alamance, Caswell, Guilford, Davidson, Forsyth, Davie, Rowan, Iredell, Lincoln, Catawba, Alexander, Burke, Caldwell, Rutherford, McDowell, Buncombe, Haywood, and Madison Counties, NC, and Whitley County, KY, as off-route points. (5) Between Richlands, NC, and Charlotte, NC, serving all intermediate points: From Richlands over NC Hwy 24 to Charlotte, and return over the same route, and serving all points in Jones, Onslow, Duplin, Sampson, Cumberland, Hoke, Harnett, Moore, Richmond, Randolph, Montgomery, Stanly, Union, Cabarrus, and Mecklenburg Counties, NC, as off-route points. (6) Between Charlotte, NC, and Fair Play, SC, serving all intermediate points: From Charlotte over Interstate Hwy 85 to Fair Play and return over the same route, and serving all points in Mecklemburg, Gaston, Cleveland, and Polk Counties, NC, and York, Cherokee, Spartanburg, Greenville, Anderson, Pickens, and Oconee Counties, SC, as off-route points. (7) Between Bristol, VA, and Wilmington, NC, serving all intermediate points: From Bristol over U.S. Hwy 421 to Wilmington, and return over the same route and serving all points in Pender, Brunswick, New Hanover, Sampson, Johnston, Harnett, Chatham, Randolph, Alamance, Guilford, Forsyth, Stokes, Rockingham, Yadkin, Surry, Iredell, Alexander, Wilkes, Caldwell, Allegheny, Ashe, Wautauga, Mitchell, Bladen, Columbus, and Avery Counties, NC, as off-route points. (8) Between Danville, VA, and Savannah, GA, serving all intermediate points: From Danville over U.S. Hwy 29 to Charlotte, NC, then over U.S. Hwy 21 to its junction with U.S. Hwy 17, then over U.S. Hwy 17 to Savannah, and return over the same route, and serving all points in Pittsylvania County, VA; Rockingham, Caswell, Stokes, Guilford, Forsyth, Randolph, Davidson, Rowan, Davie, Cabarrus, Lincoln, Mecklenburg, Gaston, and Union Counties,; York, Chester, Union, Lancaster, Newberry, Fairfield, Kershaw, Saluda, Lexington, Richland, Sumter, Calhoun, Orangeburg, Bamberg, Dorchester, Colleton, Allendale, Hampton, Jasper, Charleston, and Beaufort Counties, SC, as off-route points. (9) Between Lumberton, NC, and Yemassee, SC, serving all intermediate points: From Lumberton over Interstate Hwy 95 to Yemassee and return over the same route, and serving all points in Robeson, Bladen, and Columbus Counties, NC, and Dillon, Marlboro, Horry, Darlington, Marion, Florence, Sumter, Clarendon, Calhoun, Orangeburg, Berkeley, Williamsburg, Dorchester, Bamber, Colleton, Jasper, and Beaufort Counties, SC, as off-route points. (10) Between Charleston, SC, and Augusta, GA, serving all intermediate points: From Charleston over U.S. Hwy 78 to Augusta, and return over the same route and serving all points in Charleston, Berkeley, Dorchester, Colleton, Orangeburg, Bamberg, Allendale, Hampton, Barnwell, Aiken, and Edgefield Counties, SC, as off-route points. (11) Between Hillsville, VA, and Ocoee, TN, serving all intermediate points in NC and VA. From Hillsville over Interstate Hwy 77 to its junction with U.S. Hwy 64, then over U.S. Hwy 64 to Ocoee, and return over the same route, and serving all points in Surry, Allegheny, Stokes, Wilkes, Yadkins, Davie, Alexander, Iredell, Rowan, Lincoln, Catawba, Caldwell, Burke, Rutherford, McDowell, Cleveland, Polk, Henderson, Transylvania, Jackson, Haywood, Swain, Macon, Clay, Graham, and Cherokee Counties, NC, as off-route points. (12) Between Wilmington, NC, and Point South, SC, serving all intermediate points: From Wilmington over U.S. Hwy 17 to Point South and return over the same route, and serving all points in New Hanover and Brunswick Counties, NC; and Horry, Williamsburg, Georgetown, Berkeley, Charleston, Colleton, Jasper, and Beaufort Counties, SC, as off-route points. (13) Between Charlotte, NC, and Augusta, GA, serving all intermediate points: From Charlotte over U.S. Hwy 74 to its junction with U.S. Hwy 601, then over U.S. Hwy 601 to its junction with Interstate Hwy 20, then over Interstate Hwy 20 to Augusta, and return over the same route, serving all points in Mecklenburg and Union Counties, NC; and York, Chester, Lancaster, Chesterfield, Fairfield, Kershaw, Lee, Sumter, Richland, Lexington, Saluda, Aiken, McCormick, and Barnwell Counties, SC, as off-route points. (14) Between Ranger, NC, and Tellico Plains, TN, serving all intermediate points: From Ranger over NC Hwy 294 to its junction with TN Hwy 123, then over TN Hwy 123 to its junction with TN Hwy 68, then over TN Hwy 68 to Tellico Plains, and return over the same route, and serving points in Cherokee County, NC, as off-route points. (15) Between Hillsville, VA, and Myrtle Beach, SC, serving all intermediate points: From Hillsville over U.S. Hwy 52 to its junction with U.S. Hwy 76, then over U.S. Hwy 76 to its junction with U.S. Hwy 501, then over U.S. Hwy 501 to Myrtle Beach, SC, and return over the same route, and serving all points in Carroll County, VA; Surry, Stokes, Yadkin, Forsyth, Guilford, Davie, Davidson, Rowan, Cabarrus, Montgomery, Stanly, Union, Anson, Richmond, and Scotland Counties, NC; and Chesterfield, Marlboro, Darlington, Lee, Florence, Marion, Dillon, and Horry Counties, SC, as off-route points. (16) Between Gate City, VA, and Columbia, SC, serving all intermediate points: From Gate City over U.S. Hwy 23 to its junction with U.S. Hwy 321, then over U.S. Hwy 321 to Columbia and return over the same route, and serving all points in Wataugh, Ashe, Avery, Caldwell, Alexander, Burke, Catawba, Lincoln, Gaston, Union, and Mecklenburg Counties, NC; and Cherokee, York, Union, Chester, Lancaster, Newberry, Fairfield, and Richland Counties, SC, as off-route points. (17) Between Florence and Camden, SC, serving all intermediate points: From Florence over U.S. Hwy 301 to its junction with Interstate Hwy 20, then over Interstate Hwy 20 to Camden, and return over the same route, and serving all points in Florence, Darlington, Lee, Kershaw, and Sumter Counties, SC, as off-route points.(18) Between Jonesville, VA, and Junction of U.S. Hwy 25 and NC State Hwy 208, serving all intermediate points: From Jonesville over VA Hwy 70 to its junction with TN Hwy 70, then over TN Hwy 70 to its junction with NC State Hwy 208, then over NC State Hwy 208 to its junction with U.S. Hwy 25, and return over the same route, and serving all points in Madison, Yancey, Mitchell, and Haywood Counties, NC, as off-route points. (19) Between Rosman, NC, and Greenville, SC, serving all intermediate points: From Rosman over U.S. Hwy 178 to its junction with SC State Hwy 8, then over SC Hwy 8 to its junction with U.S. Hwy 123, then over U.S. Hwy 123 to Greenville, and return over the same route, and serving all points in Transylvania, Jackson, Henderson Counties, NC; and Oconee, Pickens, Anderson, and Greenville Counties, SC, as off-route points. Supporting shippers: There are 104 statements in support attached to this application which may be examined at the office listed below.

Note.—No duplicating authority sought. Applicant proposes to tack sought authority with existing authority at common points. The purpose of this application is to convert irregular route authority to regular route and to eliminate gateways. An underlying ETA seeks 90 day authority.

MC 147294 (Sub-2-1TA), filed February 21, 1980. Applicant: STAM-WIN, INC., 3700 Park East Drive, Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. *Contract carrier:* irregular routes: *Engine bearings and materials, equipment and supplies used in the manufacture of engine*

bearings (except commodities in bulk), between the facilities of Gould, Inc. at Cleveland, OH and Atlantic, IA on the one hand and, on the other, points in IA, IL, IN and OH, under continuing contract(s) with Gould, Inc., for 180 days. Supporting shippers(s) Gould, Inc., 17000 St. Clair Ave., Cleveland, OH 44110.

MC 148400 (Sub-2-1TA), filed February 15, 1980. Applicant: ORVILLE E. VAUGHAN and KATHLEEN V. VAUGHAN d.b.a. SUN VALLEY TANK LINES, 64 Laporte Drive, Route 3, Mars, PA 16046. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. *Contract carrier; irregular routes: Animal fats, tallow, grease, vegetable oils and fatty acids, in bulk, in tank vehicles* between Philadelphia, PA on the one hand and, on the other, Cedartown, GA; Greenville, Spartanburg and Chester, SC; Suffolk, VA; Oakhill, NY; Saginaw, MI; Frankfort and Chicago, IL; Milwaukee, WI and Charlotte, NC for 180 days. An underlying ETA seeks 90 days authority. Restricted to a transportation service to be performed under continuing contract(s) with Jacob Stern and Sons, Inc. Supporting shipper(s): Jacob Stern & Sons, Inc., Suite 910, Benj. Fox Pavilion. Jenkintown, PA 19046.

MC 72495 (Sub-2-1TA), filed: February 14, 1980. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, WV 26070. Representative: Stephen J. Habash, 100 East Broad St., Columbus, OH 43215. *Granulated slag, in bulk,* from the facilities of H. B. Reed & Co., Inc., at or near Cresap, WV, to Erie, PA, for 180 days. *An underlying ETA seeks 90 days authority.* Supporting shipper: H. B. Reed & Co., Inc., 8149 Kennedy Ave., Highland, IN 46322.

MC 113158 (Sub-2-1TA), filed: February 20, 1980. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. *Foodstuffs,* (except canned goods, frozen foods, and commodities in bulk) from Clayton, DE, to the facilities of Acme Markets, Inc., in DE, MD, NJ, NY, and that part of PA on and east of U.S. Hwy 15, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Markets, Inc., 124 North 15th St., Philadelphia, PA 19101.

MC 150037 (Sub-2-1TA), filed February 7, 1980. Applicant: TRANSIT, INC., P.O. Box 81081, A.M.F., Cleveland, OH 44181. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities,* except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipemnt, (1) Between the Cleveland-Hopkins Internat'l Airport near Cleveland, OH on the one hand and, on the other J.F.K. Internat'l Airport and LaGuardia Interna'l Airport in or near New York, NY, Newark Internat'l Airport in or near Newark, NJ, Detroit Metropolitan Airport near Detroit, MI, McGee Tyson Airport near Knoxville, TN, Douglas Municipal Airport near Charlotte, NC, Miami Internat'l Airport near Miami, Fl., Dallas-Fort Worth Airport near Dallas, TX, and Houston Intercontinental Airport near Houston, TX. (2) Between J.F.K. Internat'l Airport and LaGuardia Internat'l Airport in or near New York, NY and Newark Internat'l Airport in or near Newark, NJ on the one hand and, on the other, Logan Internat'l Airport near Boston, MA, Bradley Internat'l Airport near Hartford, CT, Philadelphia Internat'l Airport near Philadelphia, PA, Baltimore-Washington Internat'l Airport near Baltimore, MD, and Dulles Internat'l Airport near Washington, DC. Restricted to the transportation of shipments having a prior or subsequent movement by air. An underlying ETA seeds 90 days authority. Supporting shipper(s): There are 22 supporting shippers. Their statements may be examined at the office listed below.

MC 140786 (Sub-2-1TA), filed February 11, 1980. Applicant: THE UNITED STATES CARGO & COURIER SERVICE, INC., 1362 Essex Ave., Columbus, OH 43216. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Commercial paper; business and accounting records, including checks in the process of collection, cancelled bonds and stubs, cancelled U.S. Treasury checks, and bank supplies and correspondence* between Cleveland, Columbus, Cincinnati, OH and Pittsburgh, PA on the one hand and, on the other, points in KY, OH, PA (on and west of U.S. Hwy. 15) and WV, for 180 days. Restricted to transportation of shipments originating at or destined to the facilities of the Federal Reserve Bank of Cleveland or its member banks. Supporting shipper(s): Federal Reserve Bank of Cleveland, P.O. Box 6387, Cleveland, OH 44101.

MC 138714 (Sub-2-1TA), filed February 22, 1980. Applicant: VIRGINIA TRANSPORTATION, INC., P.O. Box 26449, Richmond, VA 23261. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Contract; irregular: *general commodities (except those of unusual value, commodities in bulk, classes A&B explosives, household goods as defined by the Commission, and commodities requiring special equipment),* between Richmond and Ashland, VA on the one hand, and, on the other, points in FL and MI, under continuing contract(s) with Best Products Co., Inc., restricted to traffic originating at or destined to the facilities of Best Products, Co., Inc., for 180 days. Supporting shipper: Best Products Co., Inc., Box 26303, Richmond, VA 23260.

MC 21866 (Sub-2-1TA), filed February 5, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. *Concrete pumping and pouring parts and equipment,* and *materials and supplies used in the installation of concrete pumping and pouring parts and equipment,* from the facilities of Allentown Pneumatic Gun Co. in Alburtis, PA to Seabrook, NH and Lake Wishon, CA for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Allentown Pneumatic Gun Co., P.O. Box 185, Allentown, PA 18105.

MC 64600 (Sub-2-1TA), filed January 9, 1980. Applicant: WILSON TRUCKING CORP., P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same as applicant). *Common carrier; regular routes: General commodities* (except those of unusual value, Classes A & B explosives; household goods as defined by the Commission, commodities in bulk and those requiring special equipment) (1) Between Winchester, VA and Hagerstown, MD: From Winchester, VA over U.S. Hwy 11 to Hagerstown, MD, and return over the same route; from Winchester, VA over I-81 to Hagerstown, MD, and return over the same route. (2) Between Winchester, VA and Frederick, MD: From Winchester, Va over VA Hwy 7 to its intersection with U.S. Hwy 340, then over U.S. 340 to Frederick, MD, and return over the same route. (3) Between Hagerstown, MD and Baltimore, MD: From Hagerstown, MD over U.S. Hwy 40 to Baltimore and return over the same route. From Hagerstown, MD over U.S. Hwy 40 to its intersection with I-70 North, then over I-70 North to Baltimore, MD, and return over the same route. (4) Between Frederick, MD and Washington, DC: From Frederick, MD over MD Hwy 355 to its intersection with U.S. Hwy 240, then over U.S. Hwy 240 to Washington, DC, and return over the same route. From Frederick, MD over I-270 to its intersection with U.S. Hwy 240, then over U.S. Hwy 240 to Washington, DC, and return over the same route, serving all intermediate points in connection with the routes

described in (1) through (4) above, for 180 days. Applicant intends to tack authority sought herein with authority held under MC 64600 and intends to interline with other carriers at Winchester, Newington, Richmond, Norfolk and Roanoke, VA; Greensboro, Charlotte, Raleigh and Wilson, NC; and Columbia, SC. Supporting shipper(s): There are 70 supporting shippers. Their statements may be examined at the office listed below.

MC 64600 (Sub-2-3TA), filed January 9, 1980. Applicant: WILSON TRUCKING CORP., P.O. Drawer 2, Fishersville, VA 22939. Representative: William J. Jones (same as applicant). *Common; regular: General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); A. Regular Routes. 1. Between Richmond, VA and Anderson, SC: From Richmond over U.S. Hwy 360 to its junction with VA Hwy 304, then over VA Hwy 304 to its junction with U.S. Hwy 58, then over U.S. Hwy 58 to its junction with U.S. Hwy 29, then over U.S. Hwy 29 to Anderson and return over the same route. From Richmond over U.S. Hwy 360 to its junction with U.S. Hwy 29, then over U.S. Hwy 29 to Anderson and return over the same route. 2. Between Richmond, VA and Columbia, SC: From Richmond over U.S. Hwy 1 to Columbia and return over the same route. From Richmond over Interstate Hwy 95 to its junction with Interstate Hwy 85, then over Interstate Hwy 85 to its junction with U.S. Hwy 1, then over U.S. Hwy 1 to Columbia and return over the same route. 3. Between Richmond, VA and Greenville, SC: From Richmond over U.S. Hwy 301 to its junction with U.S. Hwy 76, then over U.S. Hwy 76 to its junction with SC Hwy 14, then over SC Hwy 14 to its junction with U.S. Hwy 276, then over U.S. Hwy 276 to Greenville and return over the same route. From Richmond over Interstate Hwy 95 to its junction with Interstate Hwy 20, then over Interstate Hwy 20 to its junction with Interstate Hwy 26, then over Interstate Hwy 26 to its junction with U.S. Hwy 276, then over U.S. Hwy 276 to Greenville and return over the same route. 4. Between the junction of U.S. Hwy 301 and U.S. Hwy 64 and the junction of U.S. Hwy 70 and U.S. Hwy 29: From the junction of U.S. Hwy 301 and U.S. Hwy 64 over U.S. Hwy 64 to its junction with NC Hwy 98, then over NC Hwy 98 to its junction with U.S. Hwy 70, then over U.S. Hwy 70 to its junction with U.S. Hwy 29 and return over the same route. From the junction of U.S. Hwy 301 and U.S. Hwy 64 over U.S. Hwy 64 to its junction with U.S. Hwy 70, then over U.S. Hwy 70 to its junction with U.S. Hwy 29 and return over the same route. 5. Between the junction of U.S. Hwy 301 and U.S. Hwy 264 and the junction of U.S. Hwy 264 and U.S. Hwy 64: From the junction of U.S. Hwy 301 and U.S. Hwy 264 over U.S. Hwy 264 to its junction with U.S. Hwy 64 and return over the same route. 6. Between the junction of U.S. Hwy 15 and U.S. Hwy 70 and the junction of U.S. Hwy 15 and U.S. Hwy 1: From the junction of U.S. Hwy 15 and U.S. Hwy 70 over U.S. Hwy 15 to its junction with U.S. Hwy 1 and return over the same route. 7. Between the junction of U.S. Hwy 29 and U.S. Hwy 74 and the junction of U.S. Hwy 52 and U.S. Hwy 301: From the junction of U.S. Hwy 29 and U.S. Hwy 74 over U.S. Hwy 74 to its junction with U.S. Hwy 52, then over U.S. Hwy 52 to its junction with U.S. Hwy 301 and return over the same route. From the junction of U.S. Hwy 29 and U.S. Hwy 74 over U.S. Hwy 74 to its junction with U.S. Hwy 601, then over U.S. Hwy 601 to its junction with SC Hwy 151, then over SC Hwy 151 to its junction with U.S. Hwy 52, then over U.S. Hwy 52 to its junction with U.S. Hwy 301 and return over the same route. Serving all intermediate points on routes described in (1) through (7) above and Farmville and Chase City, VA, points in the NC Counties of Caswell, Chatham, Cumberland, Durham, Franklin, Granville, Greene, Harnett, Hoke, Johnston, Lee, Lenoir, Martin, Orange, Person, Pitt, Randolph, Robeson, Sampson, Vance, Wake, Warren, Wayne, and Wilson, points in the SC Counties of Anderson, Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, Greenville, Kewshaw, Lancaster, Lee, Lexington, Marlboro, Marion, Pickens, Richland, Spartanburg, Sumter, Union and York as off-route points in connection with routes described above. 8. Between Lynchburg, VA and Roanoke, VA: From Lynchburg over U.S. Hwy 460 to Roanoke and return over the same route, serving all intermediate points. B. Alternate Routes for Operating Convenience Only. 1. Between Hickory, NC and Roanoke, VA: From Hickory over Interstate Hwy 40 to its junction with Interstate Hwy 77, then over Interstate Hwy 77 to its junction with Interstate Hwy 81, then over Interstate Hwy 81 to Roanoke and return over the same route. 2. Between Danville, VA and the junction of NC Hwy 86 and U.S. Hwy 70: From Danville over VA Hwy 86 to the VA-NC State Line, then over NC Hwy 86 to its junction with U.S. Hwy 70 and return over the same route. 3. Between Glasgow, VA and the junction of VA Hwy 130 and Interstate Hwy 81: From Glasgow over VA Hwy 130 to its junction with Interstate Hwy 81 and return over the same route. 4. Between Richmond, VA and Roanoke, VA: From Richmond over U.S. Hwy 360 to its junction with VA Hwy 307, then over VA Hwy 307 to its junction with U.S. Hwy 460, then over U.S. Hwy 460 to Roanoke and return over the same route. Applicant intends to tack authority sought with authority held under docket MC 64600. Applicant intends to interline with other carriers at Richmond, VA; Greensboro, Wilson and Raleigh, NC; Columbia and Greenville, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 240 supporting shippers. Their statements may be examined at the office listed below.

MC 146361 (Sub-2-1TA), filed February 11, 1980. Applicant: WOLTER TRUCK LINES, INC., R.D. 1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. *Amonium Sulfate fertilizer in bulk, in dump trucks*, from Wilmington, DE to points in MD, DE, NJ, PA, and NY for 180 days. Supporting shipper(s): Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001.

MC 30237 (Sub-2-1TA), filed February 29, 1980. Applicant: YEATTS TRANSFER CO., a Corporation, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt, P.O. Box 666, Altavista, VA 24517. *New Furniture*, from Atlanta, GA to points in the states of KY, NC, SC, TN, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S K Products, Corp., 5355 Bucknell Drive SW., Atlanta, GA 30336.

MC 8958 (Sub-2-1TA), filed February 11, 1980. Applicant: YOUNGSTOWN CARTAGE CO., 825 W. Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same as applicant). *Iron and steel, articles, material, equipment, and supplies used in the manufacture of commodities* between New Haven and Windsor, CT and points in FL, GA, IL, IN, NC, SC, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peterson Steel Inc., 60 Pidgeon Hill Rd. Ext., Windsor, CT 06095.

The following applications were filed in Region 3. Send protest to: ICC, P.O. Box 7520, Atlanta, GA 30309.

MC 144985 (Sub-3-1TA), filed February 25, 1980. Applicant: THE HOLLAND COMPANY, INC., 319 Clark Street, Cayse, SC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K

Street, NW., Washington, DC 20005. *Glazed structural masonry products* from Mt. Holly, SC, and points in its commercial zone to points in AR, LA, VA, DC, MD, DE, NJ, NY, OH, VT, NH, MA, ME, CT, RI, WV, and PA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United Glazed Products, Inc., Box 52, Mt. Holly, SC 29463.

MC 146179 (Sub-3-1TA), filed February 25, 1980. Applicant: MATERIAL DELIVERY SERVICE, INC., P.O. Drawer F, County Road 26, Alabaster, AL 35007. Representative: Edward J. Kiley, 1730 M Street NW., Washington, DC 20036. (1) *Cement,* and (2) *lime in bags,* from the facilities of National Cement Co., at or near Ragland, AL to points in NC, SC, and LA.

MC 117416 (Sub-3-4), filed February 25, 1980. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue, N.W., Knoxville, TN 37921. Representative: Herbert Alan Dubin, Baskin and Sears, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting: *Sodium sulphate (except in bulk, in tank vehicles)* from the facilities of JM Huber Corporation at or near Etowah, TN to points in IN, MI, OH, and KY.

MC 11220 (Sub-3-2TA), filed February 25, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of All-Steel, Inc., located at or near Warrensburg, MO, on the one hand, and, on the other, Fort Smith, AR; Dallas, TX; points in AL, IN, MS, OH; those in that part of GA located on and west of U.S. Hwy 441; those in that part of LA located on and east of the Mississippi River; and those in that part of TN located on and west of U.S. Hwy 41, for 180 days. Applicant intends to tack the authority sought with its existing regular route authority and to interline with other carriers. Supporting shipper: All-Steel, Inc., Aurora, IL 60507.

MC 116254 (Sub-3-2), filed February 22, 1980. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Mr. M. D. Miller (same address as applicant). *Polyester Fibre Chips,* in hopper-type vehicles, from the facilities of Goodyear Tire & Rubber Company, at or near Scottsboro, AL to the Shakespeare Company, Columbia; SC.

MC 140484 (Sub-3-1), filed February 20, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same as above). *Malt Beverages* (except in bulk in tank vehicles). From the facilities in G. Heilemen Brewing Company, Inc., at or near Evansville, IN, to Fort Myers, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sunset Distributors, Inc., 3404 Cargo Street, Fort Myers, FL 33901.

MC 106119 (Sub-3-1TA), filed February 25, 1980. Applicant: ASSOCIATED PETROLEUM CARRIERS, Union Road, P.O. Box 2808, Spartanburg, SC 29304. Representative: R. E. Littlejohn, P.O. Box 2808, Spartanburg, SC 29304. *Liquid petroleum products (Gasoline, etc.), in bulk,* in tank vehicles, from Savannah, GA, to points and places in the State of Florida, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): T. J. Terminals Corporation, P.O. Box 2775, Topeka, KS 66601.

MC 112617 (Sub-3-2), filed February 21, 1980. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Larry W. Thompson, Traffic Manager, Liquid Transporters, Inc., P.O. Box 21395, Louisville, KY 40221. *Petroleum products,* in bulk, in tank vehicles, from Owensboro, KY; Memphis and Nashville, TN; Oakland City, Evansville and Mt. Vernon, IN; Wood River, IL; and West Memphis, AR; to points in AR, IN, IL, KY, MO, and TN. Supporting shipper(s): Steve K. Smith, President, Industrial Petroleum Supply, Inc., P.O. Box 1876, Owensboro, KY 42301.

MC 128117 (Sub-3-2TA), filed February 18, 1980. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. *Furniture and furniture parts* from Trumann, Ft. Smith, and Waldron, AR to points in LA, MS, VA, TN, AL, GA, NC, SC, and FL.

MC 147886 (Sub-3-1TA), filed February 20, 1980. Applicant: A M & M Incorporated, P.O. Box 1627, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. *Air conditioning equipment* from the facilities of Heat Controller, Inc. at Jonesville, MI to the facilities of Amarelli Export Service at Jersey City, NJ.

MC 124887 (Sub-3-3TA), filed February 21, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Brick* and *tile,* from Kentwood, LA to points in TX for 180 days. Supporting shipper: Elgin Butler Brick Co., P.O. Box 1947, Austin, TX 78767.

MC 56679 (Sub-3-3TA). Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: David L. Capps (same as applicant). *General commodities, (with the usual exceptions), having an immediate prior or subsequent movement by water,* between Baltimore, MD, on the one hand, and, on the other, Graham WV and Vanadis (Cambridge), OH; and from Sunbright, VA to Norfolk, and Richmond, VA for 180 days. Supporting shipper: Foote Mineral Company, Route 100, Exton, PA 19341.

MC 73688 (Sub-3-1TA), filed February 25, 1980. Applicant: SOUTHERN TRUCKING CORPORATION, P.O. Box 7195, 1500 Orenda Avenue, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. *Iron* and *steel,* between Birmingham, AL, on the one hand, and, on the other, points in AL, MS, LA, TN, KY, GA, FL, NC, SC and MO. Supporting shippers: J & N Steel Corp., P.O. Box 6279A, Birmingham, AL 35217; U.S. Tube, P.O. Box 5487, Birmingham, AL 35207; The George Franks Co., P.O. Box 406, Birmingham, Al; Metal Fab, Inc., P.O. Box 72, Trussville, AL 35173; Hardwick Co., Inc., 2308 First Avenue South, Birmingham, AL 35210; Marmon/Keystone, 2505 First Avenue South, Birmingham, AL; 35210; Birmingham, Rail and Loco., P.O. Box 5507, Birmingham, AL 35207.

MC 105120 (Sub-3-2TA), date filed February 21, 1980. Applicant: FREIGHTWAYS EXPRESS, INC., 2700 Sterick Building, Memphis, TN 38103. Representative: James N. Clay, III (same as above). *Common carrier,* regular routes; *General commodities,* except household goods, those of unusual value, commodities in bulk and those requiring special equipment, (1) Between Marked Tree, AR and Sikeston, MO, serving intermediate points in Greene and Clay Counties, AR and Poplar Bluff, MO: From Marked Tree over US Hwy. 63 to junction AR Hwy 1, then over AR Hwy. 1 to junction AR HWY, 135 then over AR Hwy 135 to junction US Hwy 62, then over US Hwy 62 to junction US Hwy 67 then over US Hwy 67 to junction US Hwy 60 then over US Hwy 60 to Sikeston and return over the same route. (2) Between Manila, AR and junction AR

Hwys 135 and 18 near Lake City, AR serving all intermediate points: From Manila over AR Hwy 18 to junction with AR Hwy 135 and return over the same route. (3) Between Cardwell, MO and Little Rock, AR serving all intermediate points between Cardwell and Searcy, AR: From Cardwell over MO and AR Hwys 25 to junction US Hwy 67 then over US Hwy 67 to Little Rock and return over the same route. (4) Between Corning, AR and Walnut Ridge, AR, serving all intermediate points: From Corning over US Hwy 62 to junction AR Hwy 1, then over AR Hwy 1 to junction AR Hwy 90 then over AR Hwy 90 to O'Kean and then over AR Hwy 34 to Walnut Ridge and ruturn over the same route. (5) Between Hargrave Corner, AR and Kennett, MO serving no intermediate points: From Hargrave Corner, AR over AR Hwy 90 to the AR-MO state line and then over MO Hwy 84 to Kenett and return over the same route, commercial zone authority is requested, for 180 days. An underlying ETA seeking 90 days authority is sought.

MC 143867 (Sub-3-1TA), filed February 19, 1980. Applicant: Singer Contracting Company, Inc., P.O. Box 218, Lumpkin, GA 31815. Representative: Ralph B. Matthews, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. (1) *Sawdust, shavings, and wood residue and* (2) *bark, otherwise exempted from economic regulation,* when moving in mixed loads with the commodities named in (1) above from Muscogee, Harris, Talbot, Marion, Schley, Quitman, Clay, and Sumter Counties, GA to points in Barbour, Henry, and Russell Counties, AL and from points in Russell County, AL to points in Dooly, Dougherty, and Macon Counties, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers: Georgia Kraft Co., P.O. Box 398, Lumpkin, GA 31815 and Phenix Lumber Co., Phenix City, AL.

MC 149217 (Sub-3-3TA), filed February 15, 1980. Applicant: BOB BENNETT TRUCKING COMPANY, 966 Ashby Street, Atlanta, GA 30317. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from points in FL, AR, TN, MS, KY and LA to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 11220 (Sub-3-1TA), filed February 19, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. Common carrier, 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 Wayne, IN and Warsaw, IN, serving all intermediate points: From Fort Wayne, IN over U.S. Hwy 30 to Warsaw, IN, and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to serve the commercial zones of all intermediate and termini points sought to tack or join with applicant's existing routes at Fort Wayne, IN and to interline with other carriers at points which applicant is presently authorized to serve, such as Atlanta, GA; Birmingham, AL; Jackson, MS; New Orleans, LA; Memphis, TN; Dallas, TX; etc. There are four statements of support attached to this application which may be examined at the Interstate Commerce Commission Regional Complaint and Authority Center, 1252 West Peachtree Street, N.W., Atlanta, GA 30309.

MC 124887 (Sub-3-1TA), filed February 15, 1980. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from FL, AR, TN, KY and VA to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 128504 (Sub-3-1TA), filed February 20, 1980. Applicant: JAMES M. BARNETT AND MRS. JAMES BARNETT d/b/a BARNETT'S MOVING & STORAGE, P.O. Box 726, Kosciusko, MS 39090. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. (1) *new furniture,* from Lexington and Kosciusko, MS, to points in AL, AR, AZ, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MA, MD, ME, MI, MN, MS, MO, NC, ND, NE, NH, NM, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WV, and WI; and (2) *materials, equipment and supplies* used in the manufacture and distribution of new furniture from the destinations in (1) above to Lexington, and Kosciusko, MS for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ace Mfg. Company, Inc., P.O. Box 460, Lexington, MS, 39095.

MC 110878 (Sub-3-1TA), filed February 15, 1980. Applicant: ARGO TRUCKING COMPANY, P.O. Box 955, Elberton, GA 30635. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Waste or scrap paper* from points in AL, AR, FL, LA and MS to the facilities of Georgia Kraft Corp. at or near Macon, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: The Mead Corporation, Courthouse Plaza Northeast, Dayton, OH 45463.

MC 138157 (Sub-3-3TA), filed February 21, 1980. Applicant's name: SOUTHWEST EQUIPMENT RENTAL, INC., d/b/a SOUTHWEST MOTOR FREIGHT. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Chemicals, chemical compounds, cleaning compounds, rubber accelerators and preservatives, plasticizers; and materials, equipment and supplies used in the manufacture, production and distribution of the commodities named herein* (except commodities in bulk), from Chattanooga, TN to Andover, MA; Detroit, MI; Dallas, TX; Chicago, IL; Greenville, SC and Santa Fe Springs, CA. Supporting shipper: Alco Chemical Corporation, 909 Mueller Dr., Chattanooga, TN 37406.

Note.—Applicant holds contract carrier authority in MC-134150 and subs thereunder, therefore, dual operations may be involved.

MC 108341 (Sub-3-1TA), filed February 21, 1980. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon Street, P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, address same as applicant. *Iron and steel articles,* from Perth Amboy, NJ to those points in the US in and east of MN, IA, MO, AR, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Raritan River Steel Company, P.O. Box 309, Perth Amboy, NJ 08862.

MC 110166 (Sub-3-1TA), filed February 15, 1980. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, Nashville, TN 37210. Representative: Donald E. Cross, 918-16th Street NW., Washington, D.C. 20006. *Common carrier,* 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 Memphis, TN and Kansas City, MO (and points in its commercial zone): from Memphis, TN over Interstate Hwy. 40 to its junction with Interstate Hwy. 55, then over Interstate Hwy. 55 to its junction with US Hwy. 63, then over US Hwy. 63 to the Arkansas-Missouri State Line, then over US Hwy. 63 to its junction with US Hwy. 60, then over US Hwy. 60

to Springfield, MO, and then over MO Hwy. 13 to its junction with MO Hwy. 7, then over MO Hwy. 7 to its junction with US Hwy. 71, then over US Hwy. 71 to Kansas City, MO, and return over the same route, serving no intermediate points. *Restriction:* Restricted against the transportation of traffic (i) originating at Memphis, TN and destined to Kansas City, MO and (ii) originating at Kansas City, MO and destined to Memphis, TN. (2) Between St. Louis, MO and Kansas City, MO (and points in its commercial zone), serving St. Louis, MO for joinder only: from St. Louis, MO over Interstate Hwy. 70 to Kansas City, MO, and return over the same route, serving no intermediate points. For 180 days. Supporting shippers: There are 79 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—Applicant proposes to tack the authority sought here at Memphis, TN and St. Louis, MO with its existing operating authority. Applicant proposes to interline with other carriers at Memphis, Nashville, Knoxville and Chattanooga, TN; Kansas City, MO; Atlanta, GA; Asheville, Charlotte and Winston-Salem, NC. An underlying E.T.A. seeks 90 day authority.

MC 150112 (Sub-3-1TA), filed February 14, 1980. Applicant: FLEXIBLE TRANSPORT, INC., P.O. Box 668664, Charlotte, NC 28266. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Plastic or rubber articles or materials, expanded,* from Chicago and Bridgeview, IL, Ft. Wayne and Bremen, IN, Eddystone, Hazelton, and Allentown, PA, Lousiville, KY, Tupelo, MS, Mt. Airy, High Point, and Greensboro, NC, Haverhill, MA, and Franklin, Carlstadt, E. Rutherford, and Rockaway, NJ to points in the United States in and east of MN, IA, MO, AR, and LA (except ME, NH, and VT), restricted to the transportation of traffic moving in specially constructed compressing trailers, for 180 days. An underlying ETA seeking 90 days of authority has been filed. There are on file supporting statements for five supporting shippers.

MC 111545 (Sub-3-1TA), filed February 15, 1980. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: J. Michael May (same address as above). *Sand* (except in bulk), *in containers,* between Cooke County, TX, on the one hand, and, on the other, points in California and those points in and east of MN, IA, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Cupakco, Inc., P.O. Box 622, Gainesville, TX 76240.

MC 56679 (Sub-3-2TA), filed February 15, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). *Synthetic tire yarn cord,* from Shelbyville, TN to Norfolk, VA for 180 days. Supporting shipper: Allied Chemical Corporation, 1411 Broadway, New York City, NY 10018.

MC 116947 (Sub-3-1TA), filed February 15, 1980. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street, S.W., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. (1) *lighting fixtures* and *lighting equipment,* (2) *parts for commodities* in (1) above and (3) *materials and supplies used in the manufacture and distribution of the commodities* in (1) and (2) above (except commodities in bulk), between the plant site of Gibson-Metalux Corporation at or near Eufuala, AL and Americus, GA, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gibson-Metalux Corp., P.O. Box 1207, Americus, GA 31709.

MC 106074 (Sub-3-4TA), filed Feb. 15, 1980. Applicant: B AND P MOTOR LINES, INC., Shiloh Road and U.S. Highway 221 South, Forest City, North Carolina 28043. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, Georgia 30328. *Furniture, furniture parts, display fixtures, parts and accessories,* from Payson, UT, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MI, MO, NE, NV, NM, ND, OK, OR, SD, TN, TX, UT, WA, WY, and Forest City, NC. Supporting shipper: Payson Display Fixture Company, 4777 W., 10400 E, Payson, Utah 84651.

MC 136315 (Sub-3-1TA), filed February 15, 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. *Iron and steel articles and building materials* (except in bulk) between points in AL, AR, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, NC, OH, OK, PA, SC, TN, TX and WI for 180 days. Supporting shipper: North Pacific Lumber Company, P.O. Box 3915, Portland, OR 97208.

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 141804 (Sub-6-1TA), filed January 30, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Steel doors and hardware used in their framing and installation and related equipment and supplies,* from Cincinnati, OH to points in and west of MT, WY, CO and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Gregory J. Decker, Manager, Rates, American Standard Inc., P.O. Box 2003, New Brunswick, NJ 08903.

MC 149360 (Sub-6-1TA), filed February 5, 1980. Applicant: L. B. TRANSPORT SERVICES, INC., 19114 Pioneer Boulevard, Cerritos, CA 90701. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract carrier: irregular routes: (1) sinks, vanities, toilets, and bathroom accessories,* from Torrance, CA to points in the United States and *(2) mirrors and glass shelves,* from Charlotte, SC, and Kingsport, TN to Torrance, CA, restricted to traffic originating at or destined to the facilities of Perma Bilt Industries.

MC 149360 (Sub-6-2TA), filed February 5, 1980. Applicant: L. B. TRANSPORT SERVICES, INC., 19114 Pioneer Boulevard, Cerritos, California 90701. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills CA 90212. *Contract carrier: Irregular routes: vanities and marble tiles,* from Los Angeles County, CA to points in the United States, except in Alaska and Hawaii, and points on the International Boundary Line between the United States and Canada.

MC 150026 (Sub-6-1TA), filed February 6, 1980. Applicant: McKINLEY TRUCKING, INC., 3979 Crestview, Salt Lake City, UT 84117. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier: irregular routes: roofing and roofing materials and commodities used in the manufacture, distribution and installation thereof* (except commodities in bulk), between the facilities of Owens-Corning Fiberglas Corporation at Woods Cross, UT on the one hand and on the other points in CA, OR, CO, MT, WY, ID, & WY, under continuing contract or contracts with Owens Corning Fiberglas Corporation. Supporting shipper: Owens-Corning Fiberglas Corporation, Febergla Tower, Toledo, Ohio 43659.

MC 141804 (Sub-6-1TA), filed February 6, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488,

Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Furniture,* from Maryville, TN to points in NY, NJ, MD, VA, CA, OR, WA, Washington, D.C., Chicago, IL and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: George L. Mitchell, Vice President, Klote International, 1729 Henry G. Lane Street, P.O. Box 1258, Maryville, TN 37801.

MC 141804 (Sub-6-2TA), filed February 6, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). *Commodities dealt in and used by animal and pet stores and juvenile furniture and playground apparatus,* from Canton, GA to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Donald L. Martin, Vice President, Odell Manufacturing, Inc., P.O. Box 1169, Canton, GA 30114.

MC 148328 (Sub-6-1TA), filed February 7, 1980. Applicant: LEONARD ALLEN d.b.a. ALLEN TRUCKING, 112 Manzanita, West Covina, CA 91791. Representative: (same as Applicant). *Contract carrier;* irregular routes: *Commodities used, sold or distributed by a manufacturer of cleaning compounds* (except commodities in bulk) from Santa Ana, CA to points in AZ and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Amway Corporation, 1800 E. Dyer Rd., Santa Ana, CA 92705.

MC 144912 (Sub-6-1TA), filed February 7, 1980. Applicant: LEON R. GOLDSMITH d.b.a. Terminal Motor Express, 1711 E. 15th Street, Los Angeles, CA 90021. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *General commodities (except those of unusual value, Classes A and B exposives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of a shipper association,* (1) between points in AZ, CA (except Los Angeles), NV, and UT, on the one hand, and, on the other, points in and east of MN, NE, KS, OK, and TX, and (2) from Los Angeles, CA, to Albuquerque, NM, and to points in AZ and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MSA-LAMDA, Inc., 4430 E. Sheila Street, Los Angeles, CA 90023, LAWI/CSA Consolidators, Inc., 805 North Bra Blvd., Glendale, CA 91203, and Streamline Shippers Association Inc., 970 E. Third Street, Los Angeles, CA 90013.

MC 143503 (Sub-6-1TA), filed February 7, 1980. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New furniture, furnishings and accessories* from the facilities of Scandanavian Design, Inc. at or near Windsor, CT, to points in RI; Columbia and Rensselaer counties, NY; and Berkshire, Franklin, Hampshire, Hampden, and Worcester counties, MA. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Scandanavian Design, Inc.; 575 Worcester Road; Natick, MA 01760.

MC 150039 (Sub-6-1TA), filed February 7, 1980. Applicant: CLEO OWENS, d.b.a. OWENS TRANSPORTATION CO., 11829 Fair Ford Ave., Norwalk, CA 90650. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract carrier;* Irregular routes: *Lubricating oils, other than in bulk,* from Los Angeles, CA to points in AZ, LA, NM, OR, TX and WA, under a continuing contract(s) with Refiners Marketing Company, Terminal Island, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Refiners Marketing Company, 100 S. Seaside Ave., Terminal Island, CA 90731.

MC 150042 (Sub-6-1TA), filed February 8, 1980. Applicant: JOHN W. CAIN, d.b.a. CAIN TRUCK LINE, P.O. Box 538, Sunland Park, NM 88063. Representative: J. P. Rose, 10217 Maxweed Dr., El Paso, TX 79925. *Contract carrier;* Irregular routes: *Foodstuffs,* in refrigerated equipment, (1) from points in CA to points in El Paso County, TX, and (2) from Clearfield, UT to points in El Paso, TX, under a continuing contract with Sysco—H & R Food Service Co., for 180 days.

MC 150044 (Sub-6-1TA), filed February 8, 1980. Applicant: R. ERDMANN TRUCKING, INC., Highway 101 W, P.O. Box 564, Port Angeles, WA 98362. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Lumber, plywood and veneer.* (1) Port Angeles, WA to points on the U.S./Canada international boundary line in WA. (2) Veneer from points on the international boundary line between the U.S. and Canada in Washington, to Port Angeles, WA. Supporting shipper: Peninsula Plywood Division of ITT Rayonier, 439 Marine, Port Angeles, WA 98362.

MC 150043 (Sub-6-1TA), filed February 8, 1980. Applicant: JACK L. WACH, 8822 South Cameo Way, Sandy, UT 84070. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 84111. *Cups and closures,* from the facilities of Lily Division of Owens-Illinois, located at or near Riverside, CA to points in AZ, ID, MT, NV, and UT. Supporting shipper: Lily Division, Owens-Illinois, 800 Iowas Ave., Riverside, CA.

MC 141804 (Sub-6-4TA), filed February 8, 1980. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., 4015 Gusati Road, P.O. Box 3488, Ontario, GA 91761. Representative: Frederick J. Coffman (same as applicant). *General Commodities,* (except those of unusual value, household goods as described by the Commission, commodities in bulk, frozen foods, and those requiring special equipment), from King Co., WA to points in AR, GA, IA, KS, LA, MO, MS, NE, NJ & TN. Restricted to traffic originating at the facilities used by Bostrum-Warren, Inc., for 180 days. Supporting shipper: Ray L. Dean, Director of Transportation, Bostrum-Warren, Inc., 920 2nd Ave., Suite 406, Seattle, WA 98104.

MC 42487 (Sub-6-1TA), filed February 11, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier;* regular routes: *General commodities, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, assembed automobiles and heavy machinery requiring special equipment for handling),* Between Indianapolis, IN and Bloomington, IL: From Indianapolis over Interstate Hwy 77 to Bloomington, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's otherwise authorized regular-route operations. Applicant intends to serve points in the Indianapolis, IN and Bloomington, IL Commercial Zones in connection with the authorities described above. Supporting shippers: There are no Certificates for Support attached as this is an application for an alternate route and all the testimony relates to operating efficiencies and economy accruing to the Applicant. The statement of support may be examined at the office listed below and at the Interstate Commerce Commission Headquarters.

Note.—Applicant intends to tack to its existing authority and any authority it may

acquire in the future. These authorities, in turn, will be joined with other authorities of Applicant at common service points to permit service to and from points throughout the United States.

Note.—Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission.

MC 106194 (Sub-6-1TA), filed February 11, 1980. Applicant: HORN TRANSPORTATION, INC., 2622 McCormick Avenue, P.O. Box 1172, Pueblo, CO 81002. Representative: John B. Thompson, 2622 McCormick Avenue, P.O. Box 1172, Pueblo, CO 81002. *Buildings; Metal KD, parts and components used in the construction of metal buildings* from Fort Collins, CO to points in AR, AZ, OK, NM and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Marathon Metallic Building Co., 120 N.E. Frontage Road, Fort Collins, CO 80524.

MC 145992 (Sub-6-1TA), filed February 11, 1980. Applicant: THE TOWN TOUR FUN BUS COMPANY, INC. d.b.a. FUN BUS SYSTEMS, 304 Katella Way, Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Passengers and their baggage in round trip special and charter operations,* beginning and ending at points in Los Angeles, Orange, and Riverside Counties, CA, and extending to points in NV. An underlying ETA is now in effect. Supporting shipper(s): There are approximately (9) statements of support attached to the application.

MC 147330 (Sub-6-1), filed February 11, 1980. Applicant: SUNCO TRUCKING CO., P.O. Box 443, Farmington, NM 87401. Representative: Robert G. Shepherd, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. (1) *machinery, equipment, materials and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and (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 of pipe, from points and places in San Juan, Los Alamos, Sandoval, Rio Arriba, McKinley, Santa Fe and Bernalillo Counties, NM; Dolores, Montezuma, Laplata, and Archuleta Counties, Co., to points and places in the States of AZ, UT, CO, and WY and from points and places in the States of AZ, UT, CO, and WY, and to points and places in San Juan, Los Alamos, Sandoval, Rio Arriba, McKinley, Santa Fe, and Bernalillo Counties, NM; Dolores, Montezuma, Laplata, and Archuleta Counties Co., for 180 days. There are fourteen supporting shippers.

MC 150054 (Sub-6-1TA), filed February 12, 1980. Applicant: J. W. CROWLEY, DWAYNE CROWLEY AND DONALD CROWLEY d.b.a. J. W. CROWLEY & SONS, East Route, Monticello, UT 84535. Representative: John T. Wirth, 717—17th Street, Suite 2600, Denver, CO 80202. (1) *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses,* and (2) *materials, equipment and supplies used in the distribution and sale of the products in (1) above,* from Clearfield, UT to Albuquerque, NM, for 180 days. Restriction: Restricted in (1) and (2) above against the transportation of commodities in bulk. Supporting shippers: Associated Grocers of Colorado, Inc., P.O. Box 5528 T.A., Denver, CO 80217; Western Grocers, Inc., P.O. Box 25184, Albuquerque, NM.

MC 150056 (Sub-6-1 TA), filed February 12, 1980. Applicant: AGRA TRANSPORTATION SERVICE, INC. (a corporation), 8164 West Buckeye Road, Phoenix, Arizona 85031. Representative: Andrew V. Baylor, 337 East Elm Street, Phoenix, Arizona 85012; 602/274-5146. Roofing and roofing materials, (except in bulk), *from* Bakersfield, Los Angeles, Southgate and Wilmington, CA *to* points in Maricopa and Pima counties, AZ.

MC 109584 (Sub-6-1TA), filed February 12, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, P.O. Box 7240, 3980 Quebec St., Denver, CO 80207. Representative: Rick Barker (address same as applicant). Liquid Trace Minerals, in bulk, in tank vehicles, from La Habra, CA to points in KS. Supporting shipper: Delst Chemical & Research, Inc., P.O. Box 2392, Fullerton, CA 92633.

MC 140847 (Sub-6-1TA), filed February 12, 1980. Applicant: J. W. CROWLEY, DWAYNE CROWLEY & DONALD CROWLEY; d.b.a. J. W. CROWLEY & SONS, East Route, Monticello, UT 84535. Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202. *Contract carrier:* irregular routes: *Foodstuffs* (except in bulk), from Merced, CA to El Paso, TX and points in AZ and NM, for 180 days. Restriction: Restricted to a traffic service to be performed under a continuing contract(s) with Ragu Foods Inc. Supporting shipper: Ragu Foods, Inc., 33 Benedict Place, Greenwich, CT 06830.

MC 125433 (Sub-6-1TA), filed February 12, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). (1) *hose, all kinds, with or without fittings,* from the facilities of Swan Hose Division Amerace Corporation located at or near Stillwater, OK; Dallas, TX; Elkton and Lexington, TN and Bucyrus, OH to points in the United States (except AK and HI), and (2) *equipment, material and supplies used in the manufacture of (1) above,* from the points in the United States (except AK and HI) to the facilities of Swan Hose Division Amerace Corporation, located at or near Stillwater OK; Dallas, TX; Elkton and Lexington, TN and Bucyrus, OH.

MC 125433 (Sub-6-2TA), filed February 12, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). *Molybdenum concentrates and molybdic oxides (except in bulk),* from Garfield, UT to points in the United States (except AK and HI).

MC 125433 (Sub-6-3TA), filed February 12, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same as applicant). (1) *prefabricated buildings, knocked down, or in sections, and* (2) *equipment, supplies, and component parts used in the construction, erection and completion of prefabricated buildings* (except in bulk in tank vehicles) From Ft. Collins, CO to points in TX, LA, AR and OK.

MC 112391 (Sub-6-1TA), filed February 12, 1980. Applicant: HADLEY AUTO TRANSPORT, P.O. Box 96, Pico Rivera CA 90660. Representative: Edward T. Lyons, Jr., of, JONES, MEIKLEJOHN, KEHL & LYONS, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver CO 80264. Contract carrier: irregular routes: *Automobiles, trucks, buses and chassis,* in secondary movements, in truckaway service, between points in CO, AZ, NM, SD and WY, under a continuing contract or contracts with Volkswagen of America, Inc., Englewood Cliffs, NJ. for 180 days. Supporting shipper: Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, NJ 07632.

MC 140186 (Sub-6-1TA), filed February 12, 1980. Applicant: TIGER TRANSPORTATION, INC., P.O. Box 2248, Missoula, Montana 59806. Representative: Joel E. Guthals, Esq., Wright, Tolliver & Guthals, P.O. Box 21115, Billings, Montana 59104. *Flour*

from Billings, MT, and the commercial zone thereof to Denver, CO, and the commercial zone thereof for 180 days. Applicant has also filed ETA seeking up to 90 days of operating authority. Supporting shippers: there is one statement of support attached to the application.

MC 121626 (Sub-6-1TA), filed February 12, 1980. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Donald L. Stern, Stern & Becker, P.C. Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Frozen foods,* from the facilities of Campbell Soup Company, Inc. at Omaha and Fremont, NE to Paris, Garland and Dallas, TX. Supporting Shipper: Campbell Soup Company, Inc., Campbell Place, Camden, NJ 08101.

MC 121626 (Sub-6-2TA), filed February 12, 1980. Applicant: BAYVIEW TRUCKING, INC., 7080 Florin-Perkins Road, Sacramento, CA 95828. Representative: Donald L. Stern, Stern & Becker, P.C. Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Foodstuffs,* from points in OR, WA, and ID to Modesto and Sacramento, CA, restricted to traffic destined to the facilities of or used by Campbell Soup Company, Inc. Supporting Shipper: Campbell Soup Company, Inc., Campbell Place, Camden, NJ 08101.

MC 148158 (Sub-6-1TA), filed February 12, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., Post Office Box 1299, City of Industry, CA 91749. Represenatative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, 1800 United California Bank Building, Los Angeles, California 90017. *Dehydrated potatoes, onions, and garlic* from the facilities of Ampco Foods, Inc. located in Madison, Bonneville, and Bingham Counties, ID to all points in the United States except AK and HI.

MC 148158 (Sub-6-2TA), filed February 12, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., Post Office Box 1299, City of Industry, CA 91749. Represenatative: Patricia M. Schnegg, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, California 90017. *General commodities* (except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, class A and B explosives, and livestock) between El Paso County, TX, on the one hand, and on the other points in CA, GA, IN, KY, and UT.

MC 141205 (Sub-6-2TA), filed February 12, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier:* Irregular routes: *crude oil, scrubber oil and condensate* from points in Kiowa County, KS to the Husky Oil Company pipeline injection station on Arapahoe Pipeline near Anton, CO. An underlying ETA seeks 90 days authority. Supporting shipper[s]: Husky Oil Company, 600 South Cherry Street, Denver, CO 80222.

MC 133037 (Sub-6-1TA), filed February 12, 1980. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th Street, Denver, CO 80205. Representative: Charles J. Kimball, Kimball, Williams & Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1) Foodstuffs not requiring refrigeration in transit when moving on the same vehicle with foodstuffs requiring refrigeration in transit, from Denver, CO and points in its commerical zone to Laramie County, WY and Colfax County, NM. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supported by 7 shippers.

MC 117786 (Sub-6-1TA), filed February 12, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Alcoholic liquors and wines,* from Lawrenceburg, IN; Louisville & Frankfort, KY; Schenley, PA; and Tullahoma, TN to the State of AL. Supporting shipper: Schenley Distillers, Inc., 36 E. 4th ST., Cincinnati, OH 45202.

MC 107839 (Sub-6-1TA), filed February 12, 1980. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: David E. Driggers of Jones, Meiklejohn, Kehl & Lyons, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Foodstuffs (except in bulk)* from the facilities of Bruce Foods Corporation at or near Wilson, NC to points in FL, GA, MS, AL and LA for 180 days. An underlying ETA seeks 90 days authority. The application is supported by the following shipper: Bruce Foods Corporation, P.O. Drawer 1030, New Iberia, LA 70560.

MC 141205 (Sub-6-1TA), filed February 12, 1980. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder, James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. *Contract carrier: crude oil, scrubber oil and condensate* from points in Rice, Pratt and Harper Counties, KS to the pipeline injection station of Total Refining Company at Laverne, OK.

MC 147193 (Sub-6-1TA), filed February 12, 1980. Applicant: MARTIN RUITER d.b.a. MARTIN'S FEED CO., P.O. Box 189, Custer, WA 98240. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. *Malt beverages, wines and champagnes* from points in CA to Bellingham and Mount Vernon, WA.

MC 109584 (Sub-6-2TA), filed February 12, 1980. Applicant: ARIZONA-PACIFIC TANK LINES, P.O. Box 7240, 3980 Quebec St., Denver, CO 80207. Representative: Rick Barker (address same as Applicant). Petroleum Products, in bulk, in tank vehicles, from Odessa, TX to points in AZ and CA. Supporting shipper: L. A. Solvent Co., 310 N. San Vicente Blvd., Los Angeles, CA 90048.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-7598 Filed 3-11-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Annual Review of Advisory Committees; Request for Public Recommendations and Comments

The Agency for International Development is currently conducting the Annual Comprehensive Review of the Federal Advisory Committees for which it has responsibility. The purpose of this review is to determine whether to continue, merge, terminate or revise the responsibilities of any of these advisory committees.

Currently A.I.D. advisory committees are: the Advisory Committee on Voluntary Foreign Aid; the A.I.D. Research Advisory Committee; and the Board for International Food and Agricultural Development.

The Agency seeks public participation in the annual review process, and in pursuit of this objective, is inviting comments and recommendations from all interested persons and groups regarding any of these advisory committees. Comments should be submitted to A.I.D. in writing no later than March 31, 1980, and should be addressed to: Ms. Gwendolyn H. Joe, Advisory Committee Management Officer, Agency for International

Development, Office of Management Planning, Washington, D.C. 20523.

D. G. MacDonald,
Assistant Administrator, Bureau for Program and Management Services.

March 3, 1980.

[FR Doc. 80-7522 Filed 3-11-80; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Therefor; Termination of Investigation as to Respondent Sundstrand Corp.

Upon consideration of Motion Docket No. 71-25, as certified to the Commission by the Administrative Law Judge (ALJ) on February 4, 1980, and the ALJ's recommendation that Sundstrand Corporation be terminated as a respondent in the above-captioned investigation, the Commission has ordered termination of its investigation with respect to that firm.

Copies of the Commission order and Commission opinion are available to the public during official working hours at the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., telephone (202) 523-0161.

Issued: March 5, 1980.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-7670 Filed 3-11-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Therefor; Amendment of Notice of Investigation

Upon consideration of Motion Docket No. 71-27, as certified to the Commission by the Administrative Law Judge (ALJ) on January 31, 1980, the papers filed in support of or in opposition to that motion, and the ALJ's recommendation that the notice of investigation in the above-captioned investigation be amended, the Commission has ordered that Ultraseal International, Ltd. be added as a respondent to the notice of investigation.

Copies of the Commission action and order and the Commission opinion are available to the public during official working hours at the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C., telephone (202) 523-0161.

Issued: March 3, 1980.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-7671 Filed 3-11-80; 8:45 am]

BILLING CODE 7020-02-M

[Inv. Nos. 701-TA-52 through 701-TA-61 (final)]

Certain Nonquota Cheese From the European Communities and Norway; Investigations and Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of 10 countervailing duty investigations to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports of certain nonquota cheese from member States of the European Communities and Norway.

EFFECTIVE DATE: February 5, 1980.

SUPPLEMENTARY INFORMATION: Section 104(a) of the Trade Agreements Act of 1979 requires the Commission to conduct countervailing duty investigations in cases where the Commission has received the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, which had been waived pursuant to section 303(d) of the Tariff Act of 1930, and which applies to merchandise other than quota cheese (as defined in section 701(c)(1) of the Trade Agreements Act of 1979). On February 5, 1980, and February 28, 1980, the Commission received information with respect to certain nonquota cheese from member States of the European Communities and from Norway. Accordingly, the Commission hereby gives notice that it is instituting the following investigations pursuant to section 705 of the Tariff Act of 1930, as added by title I of the Trade Agreements Act of 1979. These investigations will be subject to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR, 44 FR 76457) and, particularly, subpart C thereof, effective January 1, 1980.

PUBLIC HEARING ORDERED: A public hearing in connection with the investigations will be held on Wednesday, May 21, 1980, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, N.W., Washington, D.C. 20436, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than close of business (5:15 p.m., e.d.t.), Friday May 15, 1980. For further information, consult the Commission's *Rules of Practice and Procedure* (19 CFR 207.23).

PREHEARING STATEMENTS: The Commission will prepare and place on the record by April 28, 1980, a staff report containing preliminary findings of fact. The Commission will serve the public portion of the staff report on the parties no later than April 28, 1980. Parties to the investigation will submit to the Commission a prehearing statement by May 13, 1980. Prehearing statements proffered after the close of business, May 13, 1980, will not be accepted. Each prehearing statement should include the following:

(a) Exceptions, if any, to the preliminary findings of fact contained in the staff report;

(b) Any additional or proposed alternative findings of fact;

(c) Proposed conclusions of law; and

(d) Any other information and arguments which the party believes relevant to the Commission's determination in these investigations.

WRITTEN SUBMISSIONS: Any person may submit to the Commission on or before the date on which prehearing statements are due a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen true copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Investigation No.	Product/country	Prehearing report to parties	Deadline for prehearing statements from parties	Hearing date	Hearing location	Contact person
701-TA-52	Certain nonquota cheese[1] from Belgium	Apr. 28, 1980	May 13, 1980	May 21, 1980	ITC Building, Washington, D.C	Robert Eninger (202) 523-0312
701-TA-53	Certain nonquota cheese[1] from Denmark	do	do	do	do	Do.
701-TA-54	Certain nonquota cheese[1] from the Federal Republic of Germany.	do	do	do	do	Do.
701-TA-55	Certain nonquota cheese[1] from France	do	do	do	do	Do.
701-TA-56	Certain nonquota cheese[1] from Ireland	do	do	do	do	Do.
701-TA-57	Certain nonquota cheese[1] from Italy	do	do	do	do	Do.
701-TA-58	Certain nonquota cheese[1] from Luxembourg	do	do	do	do	Do.
701-TA-59	Certain nonquota cheese[1] from the Netherlands	do	do	do	do	Do.
701-TA-60	Certain nonquota cheese[1] from the United Kingdom	do	do	do	do	Do.
701-TA-61	Certain nonquota cheese[2] from Norway	do	do	do	do	Do.

[1] Fiore Sardo and Pecorino cheeses, made from sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40%, and a water content, by weight, of the non-fatty matter not exceeding 47%, provided for in TSUS items 117.65, 117.67, or 117.70; and Feta cheese, made from goat's or sheep's milk, not grated or powdered, of a fat content, by weight, not exceeding 40%, a water content, by weight, of the non-fatty matter exceeding 62% but not exceeding 72%, and with a fat content, by wieght, of the dry matter of 39% or more, all the foregoing in containers holding brine, provided for in TSUS items 117.70, 117.75, or 117.88.

[2] Gjetost cheeses provided for in TSUS items 117.30, or 117.35; Gammelost cheeses provided for in TSUS item 117.60; and Nokkelost cheeses, with a fat content, by weight, of the dry matter of 30%, or of 45%, provided for in TSUS item 117.60.

FOR FURTHER INFORMATION CONTACT: Robert Eninger, Investigative Staff, U.S. International Trade Commission, (202) 523-0312.

Issued: March 6, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-7868 Filed 3-11-80; 8:45 am]

BILLING 7020-02-M

[731-TA-15 (Preliminary)]

Pipes and Tubes of Iron or Steel From Japan; Institution of Preliminary Antidumping Investigation and Scheduling of Conference

Investigation instituted. Following receipt of a petition on Februarty 28, 1980, filed by counsel representing Babcock and Wilcox Co., Beaver Falls, Pa., a domestic producer of steel, the United States International Trade Commisison on March 5, 1980, instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of "welded pipes and tubes of iron or steel provided for in item 610.3205 of the Tariff Schedules of the United States Annotated (TSUSA) and seamless pipes and tubes of iron or steel, of circular cross section, provided for in TSUSA items 610.4600, 610.4920, 610.5210, 610.5215, or 610.5270," allegedly sold or likely to be sold at less than fair value. This investigation will be subject to the provisions of Part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457) and, particularly, Subpart B thereof, effective January 1, 1980.

Written submissions. Any person may submit to the Commission on or before March 27, 1980, a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheel must be clearly marked at the top "Confidential Business Data." Confidential submissions much conform with the requirements of § 201.6 of the Commission *Rules of Practice and Procedure* (19 CFR 201.6). All the written submissions, except for confidential business data, will be available for public inspection.

Conference. The Director of Operations of the Commission has scheduled a conference in connection with the investigation for 10:00 a.m., e.s.t., on Monday, March 24, 1980, at the U.S. International Trade Commission Building, 701 E. Street, Washington, D.C. Parties wishing to participate in the conference should contact the senior investigator for the investigation, Mr. Thomas St. Maxens (202-5233-0339). It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated one hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the senior investigator.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City Office of the U.S. International Trade Commision located at 6 World Trade Center.

Issued: March 5, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-7672 Filed 3-11-80; 8:45 am]

BILLING CODE 7020-02-M

Review of Certain Countervailing Duty Orders

Section 104(b) of the Trade Agreements Act of 1979 in pertinent part provides:

(b) *Other Countervailing Duty Orders.*—

(1) REVIEW BY COMMISSION UPON REQUEST.—In the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303)—

(A) Which is not a countervailing duty order to which subsection (a) applies,

(B) Which applies to merchandise which is the product of a country under the Agreement, and

(C) Which is in effect on January 1, 1980, or which is issued pursuant to court order in an action brought under section 516(d) of that Act before that date.

The Commission, upon the request of the government of such a country or of exporters accounting for a significant proportion of exports to the United States of merchandise which is covered by the order, submitted within 3 years after the effective date of title VII of the Tariff Act of 1930 shall make a determination under paragraph (2) of this subsection.

(2) *Determination by the Commission.*—In a case described in paragraph (1) with respect to which it has received a request for review, the Commission shall commence an investigation to determine whether—

(A) An industry in the United States—

(i) Would be materially injured, or

(ii) Would be threatened with material injury, or

(B) The establishment of an industry in the United States would be materially retarded.

By reason of imports of the merchandise covered by the countervailing duty if the order were to be revoked.

It is the intention of the Commission to establish a schedule on or about April 30, 1980, for the conduct of investigations pursuant to section 104(b) encompassing requests for such

investigations that have been received by March 28, 1980. In accordance with § 207.31 of the Commission's rules of practice and procedure, among the factors to be considered by the Commission for establishing priorities of institution among such requests are:

(a) The trade interests of the United States;

(b) The length of time a countervailing duty order has been in effect (longest first);

(c) The volume of trade of the product in question; and

(d) The appropriateness of consolidation of investigations relating to like products.

Additional investigations, requests for which are received after March 28, 1980 and before December 31, 1982, will be scheduled at later dates.

Issued: March 7, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-7669 Filed 3-11-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

U.S. v. Halifax Hospital Medical Center and Volusia County Medical Society; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS) have been filed with the United States District Court for the Middle District of Florida, Orlando Division, as to the Volusia County Medical Society, in *U.S. v. Halifax Hospital Medical Center and Volusia County Medical Society,* Civil No. 78-554-Orl-Civ-Y. The complaint alleged that the two defendants engaged in a combination and conspiracy to impair the ability of a health maintenance organization, Florida Health Care Plan, Inc., to compete in the delivery of health care services in the Volusia County, Florida area.

The proposed Final Judgment requires that the Society rescind its resolution opposing the Plan. It also enjoins the Society from adopting any policy or practice with the purpose or foreseeable effect of discouraging physicians from affiliating with the Plan or from discouraging the public from using the Plan's services.

Also contained in the proposed Final Judgment is a general provision prohibiting the Society from participating in any conspiracy or plan to impair the ability of any person to commence or maintain operations in the delivery of health care services in the area.

A third category of provisions in the proposed Final Judgment prohibits the Society from doing any thing to discourage physicians from practicing medicine on other than a fee-for-service basis. Also prohibited would be activities which have the purpose or effect of discouraging the public from using the services of physicians or organizations which are not reimbursed on a fee-for-service basis.

The Proposed Final Judgment states that nothing in the Judgment shall prohibit or limit the Society's ability to carry out its duties and responsibilities under Florida law. There is also a provision intended to protect the Society's right to seek to influence governmental action.

The proposed Final Judgment requires that the medical society furnish to each of its members a copy of the resolution rescinding its earlier opposition to Florida Health Care Plan, a copy of the Final Judgment and a letter explaining the terms of the Judgment. Also, the Society is required to furnish to the Court and to the plaintiff an affidavit as to its compliance with this notification requirement.

The proposed Final Judgment will remain in effect for a ten-year period. It applies to the Society and to its officers, directors, agents, employees and to all persons in active participation with any of them who receive notice of the Judgment.

Public comment is invited within the statutory 60-day comment period. Such comment, and responses thereto, will be published in the Federal Register and filed with the Court. Interested persons may address comments to John W. Poole, Jr., Chief, Special Litigation Section, Room 7218, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Joseph H. Widmar,

Director of Operations.

U.S. District Court, Middle District of Florida, Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.,* Defendants.

Civil Action No. 78-554-Orl-Civ-Y.

Filed: March 5, 1980.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The United States and defendant, Volusia County Medical Society, Inc., consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant, Volusia County Medical Society, Inc., and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to plaintiff and defendant, Volusia County Medical Society, Inc., in this or any other proceeding.

Dated: March 5, 1980.

For Plaintiff: Sanford M. Litvack, Assistant Attorney General; Mark Leddy, John W. Poole, Jr., Charles S. Stark, Attorneys, Department of Justice; Terrence F. McDonald, Richard L. Irvine, Attorneys, Department of Justice, 10th and Penna. Ave. N.W., Washington, D.C. 20530, Telephone: (202) 633-3082.

For Defendant, Volusia County Medical Society, Inc.: William Loucks, Fink, Loucks, and Sweet, 149 Broadway, Daytona Beach, Florida (904) 252-7653; William H. Adams, Mahoney, Hadlow and Adams, Post Office Box 4099, Jacksonville, Florida 32201 (904) 354-1100.

U.S. District Court, Middle District of Florida, Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.,* Defendants.

Civil Action No. 78-554-Orl-Civ-Y.

Filed: March 5, 1980.

Final Judgment as to Defendant Volusia County Medical Society, Inc.

Plaintiff, United States of America, having filed its complaint herein on November 27, 1978, and plaintiff and defendant, Volusia County Medical Society, Inc., by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue, and this Court, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, having determined there is no just reason for delay in entering a Final Judgment as to all of Plaintiff's claims asserted in said complaint against said consenting defendant and having directed the entry of such a Final Judgment;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and each of the parties consenting hereto. The complaint states a

claim upon which relief may be granted against the defendant, Volusia County Medical Society, Inc., under Section 1 of the Sherman act (15 U.S.C. § 1).

II

As used in this Final Judgment, "defendant Society" means the defendant, Volusia County Medical Society, Inc.

III

This Final Judgment applies to the defendant Society and to its officers, directors, agents, employees, successors and assigns, and to all persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

The defendant Society is ordered to rescind its resolution of November 9, 1971, stating its opposition to Florida Health Care Plan, Inc., and is enjoined and restrained from, unilaterally or in concert with any person, adopting or adhering to any resolution, policy, statement of position, or practice, or taking any action, whose purpose or foreseeable effect is in any way to:

(a) discourage physicians from supporting, affiliating with or performing service on behalf of Florida Health Care Plan, Inc.; or

(b) discourage the public from using the services of Florida Health Care Plan, Inc.

V

The defendant Society is enjoined and restrained from entering into or participating in any conspiracy, agreement, understanding, plan, or concert of action with any person which has the purpose or effect of impairing the ability of any person to commence or maintain operations or to compete in the delivery of health care services in the Volusia County area.

VI

The defendant Society is enjoined and restrained from, unilaterally or in concert with any person:

A. adopting or adhering to any resolution, policy, statement of position, or practice, or taking any action, whose purpose or foreseeable effect is in anyway to discourage physicians from:

(1) supporting, affiliating with or performing services on behalf of any health maintenance organization;

(2) supporting, affiliating with or performing services on behalf of any facility, organization, group or entity because it compensates physicians, in whole or in part, on other than a fee-for-service basis;

(3) practicing medicine, in whole or in part, on other than a fee-for-service basis;

(4) supporting, affiliating with or performing services on behalf of any facility, organization, group or entity because it competes or would compete with any other health care facility, organization or group.

B. Adopting or adhering to any policy, statement of position, or practice, or taking any action, whose purpose or foreseeable effect is in anyway to discourage the public from using the services of:

(1) any facility, organization, group or entity because it:

(a) is a health maintenance organization;

(b) compensates physicians, in whole or in part, or other than a fee-for-service basis; or

(c) competes or would compete with any other health care facility, group, or organization.

(2) any physician because he or she practices medicine, in whole or in part, on other than a fee-for-service basis.

VII

A. Nothing in this Final Judgment shall prohibit or limit the ability of the Society from carrying out, in a *bona fide* manner, its duties and responsibilities under applicable Florida statutes and regulations.

B. Nothing in paragraphs IV, V and VI of this Final Judgment shall prohibit or limit the ability of the defendant Society or any other person subject to this Final Judgment, to the extent otherwise lawful, from:

(1) preparing or furnishing testimony, information or advice to, or negotiating with, any governmental body or agency or furnishing drafts or copies of any such information to any organization which is preparing or furnishing testimony, information or advice to, or negotiating with, any governmental body or agency with respect to the same subject matter;

(2) advising its members and others of existing or proposed legislation, programs, policies, regulations, actions, procedures, or interpretations issued or proposed by any governmental body or agency, communicating its views with respect thereto, and soliciting their views thereon;

(3) informing members and others of any testimony, information or advice supplied to, or negotiations with, any governmental body or agency; and

(4) suggesting or recommending that members or others undertake activities enumerated in subparagraphs (1) through (3) above;

unless such activities are undertaken as a sham, including, without limitation, activities that are intended to achieve the effects described in paragraphs IV, V or VI, through means other than the action of a governmental body or agency.

VIII

The defendant Society is ordered and directed: A. Within sixty (60) days after entry of this Final Judgment,

(1) to send to each of its members

(a) a copy of the resolution rescinding its November 9, 1971, resolution,

(b) a copy of this Final Judgment, and

(c) a letter identical in text to that attached to this Final Judgment as Appendix A;

(2) to file with this Court and to serve upon the plaintiff an affidavit as to the fact and manner of its compliance with subsection A of this paragraph VIII.

B. To furnish a copy of this decree, together with a letter identical in text to that attached to this decree as Appendix A, to all persons (when they are admitted to membership) who become members of defendant Society

IX

For the purpose of determing or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the defendant Society made to its principal office, be permitted:

(1) access during office hours of defendant Society to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the defendant Society, which may have counsel present, relating to any matters contained in this final Judgment; and

(2) subject to the reasonable convenience of defendant Society and without restraint or interference from it, to interview officers, employees and agents of defendant Society, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division made to the defendant Society's principal office, the defendant Society shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

C. If at the time information or documents are furnished by the defendant Society to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the defendant Society marks each pertinent page of such material "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to the defendant Society prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which the defendant Society is not a party.

X

This judgment shall remain in effect for a period of 10 years from the date of entry. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XI

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Appendix A

Dear VCMS Member: Enclosed with this letter is a copy of the Final Judgment entered with respect to the Volusia County Medical Society in the Justice Department's antitrust suit against the Society and Halifax Hospital Medical Center. This Judgment has been agreed to by the Justice Department and the Society in settlement of the suit, and it has been approved and entered by the court. You should read the terms of the Judgment carefully and note that you, and the other members of the Society, as individuals, are bound by its provisions under certain circumstances. The Judgment prohibits you as an individual from acting on behalf of, or participating with, the Society in doing any of the things the judgment prohibits the Society from doing. A violation of the terms of the Judgment may constitute contempt of court and be punishable by fine or imprisonment, or both. The purpose of this letter is to help you understand the terms of the Judgment.

First, the judgment contains provisions relating to the Florida Health Care Plan. The Society is required to rescind its 1971 resolution opposing Florida Health Care Plan (FHCP), and it is prohibited from doing anything to discourage physicians from supporting, affiliating with, or performing services for FHCP, or to discourage the public from using FHCP's services.

A second category of provisions relates to activities of the Society which may impair competition in the delivery of health care sevices. The Society is prohibited from doing anything that has the purpose or effect of impairing anyone's ability to compete in the delivery health care services in the Volusia County area.

A third category of provisions relates to activities of the Society with respect to physicians or organizations that practice on other than a fee-for-service basis or compete with other health care facilities. The Society is prohibited from doing anything to discourage physicians from practicing on other than a fee-for-service basis, or from supporting, affiliating with or performing services on behalf of (1) any health maintenance organization, or (2) any facility, organization, group or entity because it compensates physicians on other than a fee-for-service basis, or because it competes or would compete with any other health care facility, organization or group. In addition, the Society is prohibited from doing anything to discourage the public from using the services of any such facility, organization, group or entity, or the services of any physician because he or she practices on other than a fee-for-service basis.

Finally, the Judgment makes it clear that its prohibitions are not to be construed as preventing the Society from (1) carrying out, in good faith, its duties and responsibilities under Florida law, or (2) engaging in good faith efforts to influence legislation or governmental agencies.

If you have any questions concerning the meaning or effect of the judgment as it pertains to you or the Society, you should contact the attorney for the Society, whose name can be obtained from the Society's office.

United States District Court Middle District of Florida Orlando Division

United States of America, Plaintiff, v. *Halifax Hospital Medical Center; Volusia County Medical Society, Inc.*, Defendants.

Civil Action No. 78-554-Orl-Civ-Y.

Filed: 3/5/80.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the United States submits this Competitive Impact Statement relating to the proposed Final Judgment as to Volusia County Medical Society, Inc. (hereinafter referred to "VCMS" or "the Society") submitted for entry in this civil antitrust proceeding.

I

Nature of the Proceedings

On November 27, 1978, the United States filed a civil antitrust complaint alleging that VCMS and Halifax Hospital Medical Center ("HHMC" or "the Center") had combined and conspired to impair the ability of Florida Health Care Plan ("FHCP" or "the Plan"), a health maintenance organization in Daytona Beach, Florida, to commence and maintain operations and to compete in the delivery of health care services in the Volusia County area. The complaint alleged that the combination and conspiracy violated Section 1 of the Sherman Act, 15 U.S.C. § 1.

Entry of the proposed Final Judgment will terminate this action with respect to VCMS, except that the court will retain jurisdiction to interpret, modify or enforce the judgment, or to punish violations of any of its provisions.

II

Description of the Practices Involved in the Alleged Violation

VCMS is an association of physicians in Volusia County, Florida. It has about 200 members. The other defendant, Halifax Hospital Medical Center, is a 600-bed medical facility in Daytona Beach, Florida, and is the largest medical facility in Volusia County.

The complaint alleges that there are professional and social benefits that result from membership by physicians in local medical societies such as VCMS, and that a physician who takes action or adopts a position contrary to that of the local medical society risks economic reprisal.

The complaint alleges that beginning in or about 1971, defendants and co-conspirators engaged in a combination and conspiracy to impair the ability of Florida Health Care Plan to commence and maintain operations and to compete in the delivery of health care services in the Volusia County area. It further alleges that for the purpose of hindering the Plan and knowing that their actions could have an adverse impact on the Plan, the defendants and co-conspirators (1) publicly advocated the lack of need for the Plan while simultaneously formulating a proposal for their own health maintenance organization; (2) established a Professional Procurement Committee at Halifax Hospital Medical Center which discouraged non-local physicians who contemptated affiliating with the Plan from locating in the Volusia County area; (3) excluded physicians who contemplated affiliation with the Plan from staff appointments at Halifax Hospital Medical Center; and (4) adopted, published and distributed a resolution opposing the plan.

The complaint alleges that the conspiracy has had the following effect, among others: (1) the formation and development of the Plan has been delayed and obstructed; (2) the Plan has been denied the opportunity to compete freely for the provision of health care services in the Volusia County area; (3) competition in the provision of health care services in the Volusia County area has been restrained; and (4) consumers have been deprived of free and open competition in the market for health care services in the Volusia County area.

III

Explanation of the Proposed Final Judgment

The United States and VCMS have stipulated that the court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act. The stipulation provides that neither party has made any admission about any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered until the court determines that entry is in the public interest.

A. Prohibited Conduct

The proposed judgment prohibits three categories of conduct. The first category relates expressly to actions directed against Florida Health Care Plan. Section IV of the proposed judgment requires the Society to rescind its resolution opposing the Plan. It also enjoins the Society from, unilaterally or with any other person, adopting or adhering to any resolution, policy, statement of position, or practice, or taking any action, with the purpose or foreseeable effect of (a) discouraging physicians from supporting, affiliating with or performing services on behalf of the Plan, or (b) discouraging the public from using the Plan's services.

The second category relates more generally to activities which may impair competition in the delivery of health care services in Volusia County. Section V of the proposed judgment enjoins the Society from entering into or participating in any conspiracy, agreement, understanding, plan, or concert of action with any person whose purpose or effect is to impair the ability of any person to commence or maintain operations or to compete in the delivery of health care services in the Volusia County area.

A third category of provisions, set out in Section VI of the proposed judgment, would enjoin VCMS from doing anything, unilaterally or in concert with any person, that would have the purpose or foreseeable

effect of discouraging physicians from (1) practicing medicine on other than a fee-for-service basis, (2) supporting, affiliating with or performing services for any facility, organization, group or entity because it compensates physicians on other than a fee-for-service basis or because it competes or would compete with any other health care facility, organization or group, or (3) supporting, affiliating with or performing services for any health maintenance organization. Section VI would also enjoin VCMS from doing anything with the purpose or foreseeable effect of discouraging the public from using the services of any physician because he or she practices medicine on other than a fee-for-service basis, or from using the services of any facility, organization, group or entity (1) because it is a health maintenance organization, (2) because it compensates physicians on other than a fee-for-service basis, or (3) because it competes or would compete with any other health care facility, group, or organization.

The only exceptions to the prohibitions of Sections IV, V and VI are contained in Section VII. That Section provides that nothing in the proposed judgment shall prohibit or limit VCMS's ability to carry out, in good faith, its duties and responsibility under applicable Florida statutes and regulations. Section VII also contains a provision intended to protect VCMS's right to seek to influence governmental action. It provides that nothing in Sections IV, V, or VI of the proposed judgment shall prohibit or limit the ability of VCMS, to the extent otherwise lawful, from (1) preparing or furnishing testimony, information or advice to, or negotiating with, any governmental body or agency, or assisting others in doing so; (2) advising its members and others about legislation, or about governmental programs, policies, regulations, actions, procedures or interpretations, or communicating its views about them or soliciting others' views; (3) informing its members and others about any testimony, information or advice supplied to, or negotiations with, any governmental body or agency; or (4) suggesting or recommending that members or others undertake any of these activities. Section VII further provides, however, that this exception to the judgment's injunctive provisions does not apply if the activities are undertaken as a sham, including, without limitation, activities that are intended to achieve the effects prohibited by the judgment through means other than the action of a governmental body or agency.

The proposed Final Judgment requires that VCMS furnish to each of its members a copy of the resolution rescinding its earlier opposition to Florida Health Care Plan, a copy of this Final Judgment, and a letter explaining the terms of the judgment. VCMS is required to funish to the court and to plaintiff an affidavit as to the fact and manner of its compliance with this notification requirement. In addition, VCMS is required to furnish a copy of the decree and explanatory letter to all new members at the time they are admitted to memberhip.

B. Scope and Duration of the Proposed Judgment

The proposed Final Judgment will remain in effect for a period of ten years from the date it is entered. It applies to VCMS and to each of its officers, directors, agents, employees, successors and assigns, and to all persons in active concert or participation with any of them who receive actual notice of the judgment.

C. Effect of the Proposed Judgment on Competition

The relief in the proposed Final Judgment is designed to prevent any recurrence of the activities alleged in the complaint, and to prevent interference by VCMS with health care providers who seek to compete in the Volusia County area on a non-fee-for-service basis or otherwise. Compliance by VCMS with the proposed judgment will assure that such providers are free to compete for the services of physicians and for patients without interference by the Society. At the same time, VCMS's right to carry out its fucntions under state laws and regulations, and to make its views known to governmental bodies and agencies, is preserved.

The proposed final judgment provides two methods for determining the defendant's compliance with its terms. First, the United States is given access, upon reasonable notice, to the records of the defendant to examine them for possible violations of the judgment, and to interview officers, directors, employees and agents of the defendant. Second, the United States may require the defendant to submit written reports about any matters pertaining to the judgment.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by VCMS of the type upon which this complaint is based. The Department believes that disposition of its claims against VCMS without further litigation is appropriate because the proposed judgment provides all the relief which the United States sought with respect to VCMS in its complaint, and the additional complexity of the litigation that retaining VCMS as a defendant would involve would not result in additional public benefits.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys fees. Entry of the proposed final judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against this defendant.

V

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed final judgment should be modified may submit written comments to John W. Poole, Jr., Antitrust Division, United States Department of Justice, 10th & Penn. Ave., N.W., Washington, D.C. 20530 within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to entry. The judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternatives to the Proposed Consent Judgment

The alternative to the proposed Final Judgment considered by the Department of Justice was a full trial against VCMS of the issues on the merits and on relief. The Department considers the substantive language of the proposed judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the judgment provides appropriate relief against the violations alleged in the complaint.

VII

Determinative Materials and Documents

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered in formulating the proposed final judgment.

Dated: March 5, 1980.

Charles S. Stark; Terrence F. McDonald; Richard L. Irvine; Attorneys, Antitrust Division, Department of Justice, Washington, D.C. 20530 Telephone: (202) 633-2836.

[FR Doc. 80-7863 Filed 3-11-80; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Waste Management Panel; Meeting

March 10, 1980.

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the Waste Management Panel of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on Thursday, March 27, 1980, from 9:00 a.m. to 5:00 p.m. The meeting will take place at the Hilton Inn-Airport, 901 Airline Highway, Kenner, Louisiana 70062 [(504) 721-3471], and will be open to the public.

The Committee, consisting of 18 non-Federal members, appointed by the President from State and local government, industry, academia, and other appropriate areas, was established by Public Law 95-63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The meetings will consist of presentations by the Chicago Sanitary District, major chemical manufacturers, and disposal site operators on, and discussions of, RCRA—Caused Pressures for Ocean Disposal of Industrial Wastes and Sewage Sludges.

Persons desiring to attend will be admitted to the extent seating is available. In view of the limited number of spaces in the meeting room, interested individuals should so notify NACOA in advance. Contact should be made with Dr. James S. Mattson, whose address is: National Advisory Committee on Oceans & Atmosphere (NACOA), 3300 Whitehaven Street NW., Page Building #1, Room 434, Washington, DC 20235.

The telephone number is (202) 653-7818. Requests for additional information concerning the meeting should also be addressed to Dr. Mattson.

Persons wishing to make formal statements should notify the Chairman of the Panel in advance of the meeting. The Chairman retains the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before, during, or after the session.

Samuel H. Walinsky,
Executive Officer.

[FR Doc. 80-7872 Filed 3-11-80; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL CAPITAL PLANNING COMMISSION

Federal Triangle Master Plan; Intent To Prepare a Draft Environmental Impact Statement and Request for Comments

The General Service Administration (GSA) and the Executive Director of the National Capital Planning Commission (NCPC) have determined that an environmental impact statement is required for the Federal Triangle Master Plan which will be prepared by GSA and approved by NCPC.

The Executive Director of NCPC and GSA solicit written and/or oral comments from members of the public on the real environmental issues and alternatives associated with the Federal Triangle Master Plan. Comments are welcomed on the scope of the environmental impact statement: The range of actions, alternatives, and impacts which should be considered.

A public meeting for the receipt of comments will be held on Wednesday, March 26, 1980, at 7:30 p.m. in the 10th Floor Conference Room of the National Capital Planning Commission, 1325 G Street NW. Written comments may also be submitted in advance of the meeting to: Jerry Shiplett, General Services Administration, 7th and D Streets SW, Room 7527, Washington, D.C. 20407.

Edward H. Rickels,
Secretary.
March 7, 1980.

[FR Doc. 80-7658 Filed 3-11-80; 8:45 am]

BILLING CODE 7520-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-282, 50-306]

Northern States Power Co.; Proposed Issuance of Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering approval of an application by Northern States Power Company (the licensee) to expand spent fuel storage capacity from 687 to 1582 fuel assemblies. This applciation has been made for the Priarie Island Nuclear Generating Plant Unit Nos 1 and 2 located in Goodhue County, Minnesota, which the licensee operates under Facility Operating Licenses Nos. DPR-422 and DPR-60.

Prior to approval of this application for increased spent fuel storage capacity, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 11, 1980, the licensee may file a request for a hearing with respect to approval of the application for increase in spent fuel storage capacity and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commisison or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also indentify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in a proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under considerations. A petitioner who fails to file such a supplement which satisfies these

requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commisison's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representiative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addresed to A. Schwencer: (petitioner's name and telephone number); (date petition was mailed); Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer for the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of a good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the licensees' application for increase in spent fuel storage capacity dated January 31, 1980, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 200 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Bethesda, Md., this 28th day of February 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 80-7610 Filed 3-11-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 21463; 70-6403]

Allegheny Power System, Inc.; Proposal by Holding Company To Issue Short-Term Notes to Banks and Commercial Paper to a Dealer

March 5, 1980.

Notice is hereby given that Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes to issue and sell from time to time through September 30, 1981 short-term notes to banks and commercial paper to a dealer in a maximum aggregate principal amount of $175,000,000 at any one time outstanding. As of March 31, 1980 it is expected that Allegheny will have $25,000,000 of short-term debt outstanding pursuant to Commission authorization which expires on that date.

Allegheny proposes to borrow short-term funds through the issuance, reissuance, sale and renewal of notes to banks and of commercial paper to a dealer or dealers in commercial paper as funds may be required in an amount not to exceed $175 million outstanding at any one time, including any notes to banks or commercial paper as may still be outstanding as of March 31, 1980. It is proposed that such notes and commercial paper will be issued from time to time and be renewed from time to time prior to September 30, 1981 provided that no such notes or commercial paper shall mature after March 31, 1982.

Each note payable to a bank will be dated as of the date of the borrowings which it evidences, will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at the prime or equivalent interest rate of the bank at which the borrowing is made in effect at the time of issuance, or in effect from time to time, and will be prepayable at any time without premium or penalty. The name or names of the banks from which such borrowings are proposed to be effected (maximum $240 million for all companies in the Allegheny Power System outstanding at any one time) and the maximum aggregate principal amount of loans which may be outstanding to any one or more of the companies in the Allegheny Power System including Allegheny from each bank at any one time are as follows:

Citibank, N.A., New York, New York	$40,000,000
The Chemical Bank, New York, New York	30,000,000
Mellon Bank, N.A., Pittsburgh, Pennsylvania	70,000,000
Pittsburgh National Bank, Pittsburgh, Pennsylvania	17,500,000
Manufacturers Hanover Trust Co., New York, New York	75,000,000
Irving Trust, New York, New York	5,000,000
Chase Manhattan Bank, N.A., New York, New York	2,500,000
Total	$240,000,000

provided that the maximum amount of such borrowings on behalf of Allegheny at any one time outstanding will not, when taken together with any commercial paper then outstanding, be in excess of $175 million.

Allegheny and its subsidiaries have established lines of credit with various banks for short-term borrowings. Balances are maintained to meet regular operating requirements at all of these banks as well as, when necessary, in connection with these lines of credit. Compensating cash balance requirements are generally either on the basis of a percentage of the line of credit extended by such bank, or a higher percentage of notes outstanding, whichever is greater, or a percentage of the line of credit plus a percentage of notes outstanding, in every case on an average annual basis. If such balances were maintained by Allegheny solely to fulfill compensating balance requirements for borrowings to be made by Allegheny the effective interest cost to Allegheny of issuing and selling the notes would be more than 18.75% on the basis of a prime commercial credit rate of 15.0%.

Certain of the banks listed above have offered to substitute fees for, or to be used in conjunction with lower compensating balances than those set forth above. The fee arrangements vary and would not be utilized unless the effective cost thereof is less than the compensating balance arrangement in effect at the bank at that time. The proposed fee arrangements produce an effective interest cost of issuing and selling the notes of between 17.04% and 17.94% on the basis of a prime

commercial rate of 15% rather than the 18.75% effective cost resulting from meeting compensating balance requirements set forth above.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. Allegheny has designated A.G. Becker & Co., Incorporated as its commercial paper dealer. The commercial paper notes will be sold directly to the dealer, at a discount, not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The dealer may reoffer the commercial paper at a discount rate of ⅛ of 1% per annum less than the discount rate of Allegheny. Allegheny may issue commercial paper notes if (1) the interest cost thereof is equal to or less than the effective interest cost at which Allegheny could borrow the same amount from the banks named herein at that time or (2) Allegheny cannot at that time borrow the same amount for the same period of time from the banks named herein. The dealer will reoffer the commercial paper notes to not more than 200 of its customers, identified and designated in a non-public list prepared in advance. No sale of commercial paper of Allegheny will be made to any customer unless that customer has received up to date reports as to the Allegeny's credit position. No additions will be made which would increase the customer list or lists which will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, financial companies and nonfinancial corporations which invest funds in commercial paper. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

Allegheny requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof since it is not practicable to invite competitive bids for commercial paper and current rates for commercial paper for prime borrowers such as Allegheny are published daily in financial publications.

Allegheny will use the proceeds of the proposed short-term borrowings primarily to make advances to Allegheny Pittsburgh Coal Company and to make investments in its electric utility subsidiaries to assist them in operating their businesses as utilities, including paying or prepaying short-term debt incurred in part to finance their construction programs, such investments to be in the form of purchases of common stock. The investments by Allegheny in the subsidiaries will vary, depending on many factors, including the level of the cost of senior securities, the sufficiency of rate levels to provide internally generated funds and support the issuance of senior securities and the accuracy of current estimates of load requirements, and for costs of construction expenditures which are the subject of continuing review. The following table sets forth the presently projected investments by Allegheny in the subsidiaries through 1981 (in millions of dollars):

Investments	1980	1981	Total
Monongahela Power Co	$25.0	$10.0	$35.0
The Potomac Edison Co	25.0	20.0	45.0
West Penn Power Co	20.0	25.0	45.0
Total	$70.0	$55.0	$125.0

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $10,400, including fees of $8,000 for rating the commercial paper. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 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 the filing 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 applicant at at the above-stated address, 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, as filed or as it may be amended, may be granted 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. 80-7584 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16625/March 5, 1980; File No. SR-AMEX-79-22]

American Stock Exchange, Inc.; Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 2, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. (the "Exchange") proposes to amend Rule 958 regarding Registered Options Traders by adding the commentary set forth below. (Italics indicate words to be added.)

Rule 958

Commentary

.01 A Registered Trader electing to engage in Exchange options transactions is designated as a specialist on the Exchange for all purposes under the Securities Exchange Act of 1934 and the rules and regulations thereunder with respect to options transactions initiated and effected by him on the floor in his capacity as a Registered Trader. *For purposes of this commentary, the term "transactions initiated and effected on the floor" shall not include transactions initiated by a Registered Trader off the floor, but which are considered "on-floor" pursuant to Commentaries .02 and .03 of Rule 111.*

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing rule change is as follows: Commentary .01 to Amex Rule 958 (the

"Rule") provides that Registered Options Traders ("ROTs") are specialists on the Exchange for all purposes under the Securities Exchange Act of 1934 (the "Act") with respect to options transactions initiated and effected on the floor. Thus, a member trading as an ROT qualifies for exemptions provided to specialists under the Act from the net capital rule, Regulation T (margin), and Section 11(a) (restrictions on member trading).

The Rule also incorporates many basic provisions of Amex Rule 111, which governs registered floor trading and delineates whether a Registered Trader's transactions are considered to be on the floor or off the floor. A commentary to Rule 111 establishes that, for purposes of that rule, certain types of transactions are considered "on-floor" even though they are initiated by a Registered Trader while he is not physically on the floor. For example, a transaction initiated by a Registered Trader off the floor is deemed "on-floor" if he has previously been on the floor at any time during the same day. The commentary is designed to assure that the restrictions of the floor trading rule cover all transactions in which a Registered Trader may enjoy the "time and place" advantages of being on the floor.

The proposed addition to Commentary .01 to Rule 958, which the SEC has requested the Exchange to adopt,* makes clear that, regardless of whether or not an ROT transaction is considered "on-floor" for purposes of Rule 111, such a transaction must actually be initiated on the floor if the ROT is to qualify for the specialist exemptions from the net capital rule,** Regulation T, and Section 11(a).

The proposed amendment to Rule 958 is being made at the request of the Commission staff, apparently on the basis that it is consistent with Section 6(b) of the Act in general and enhances the Exchange's ability to enforce compliance with provisions of the Act.

*Letter dated December 14, 1979 from Douglas Scarff, Director of the Division of Market Regulation, to Robert J. Birnbaum, Amex President.

**In a letter dated February 8, 1980, from J. Bruce Ferguson, Director, Legal and Regulatory Policy Division, Amex to Stuart Strauss, Division of Market Regulation, the Amex stated that it is its position that an ROT would lose his net capital exemption as a result of off-floor trading only to the extent that such transactions in conjunction with other off-floor trades constituted off-floor trading on more than an "occasional basis."

Comments Received from Members, Participants, or Others on Proposed Rule Change

No formal comments were solicited or received with respect to the proposed rule change.

Exchange's Statement of Burden on Competition

Burden on Competition

The proposed amendment may impose burdens on competition which, in view of the Commission's position, appear to be justified by the regulatory purposes of the Act.

On or before April 16, 1980, or within such longer period (i) as the SEC may designate up to 90 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the SEC will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 2, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 5, 1980.

[FR Doc. 80-7549 Filed 3-11-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11072; 812-4572]

Amsterdam-Rotterdam Bank N.V.; Application of the Act Exempting Applicant From All Provisions of the Act

March 6, 1980.

Notice is hereby given that Amsterdam-Rotterdam Bank N.V. ("Applicant"), c/o David Gruber, Esq., Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, filed an application on November 13, 1979, and an amendment thereto on February 4, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of 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 is a commercial bank organized under the laws of the Netherlands. Based on deposits at December 31, 1978, Applicant was the 25th largest bank in the world. At that time, it had total assets of $36.8 billion and deposits of approximately $30.6 billion. Applicant represents that its shares are widely held by Dutch and foreign investors and are listed on the Amsterdam, Frankfurt, Paris and Zurich stock exchanges.

The application states that Applicant's principal business is the receipt of deposits and the making of loans. Applicant represents that retail deposits are received through its domestic network of approximately 850 branches and that wholesale deposits are obtained principally from Dutch corporations and banks throughout the world. Applicant's loans total approximately $20.3 billion, or about 55% of its total assets. In addition, Applicant states that it engages in fiduciary services, lease financing, foreign exchange and underwriting in the Eurobond market. At December 31, 1978 investment securities amounted to approximately $1 billion, or less than 3% of total assets, and over 90% consisted of Netherlands government securities.

Applicant represents that it is supervised by the Minister of Finance of the Netherlands and by De Nederlandsche Bank N.V., the central bank of the Netherlands. Applicant states that the regulatory structure under which it operates is generally equivalent to, and in certain respects more restrictive than, the structure imposed on United States banks. The application indicates that three of the most important regulatory tools governing Applicant relate to liquidity, capital requirements and loan diversification. According to the application, the central bank of the Netherlands regularly examines Dutch credit institutions and requires reports in a specified form on a monthly basis, as part of its regulatory and supervisory function.

Applicant proposes to issue and sell unsecured prime quality commercial paper notes in bearer form and

denominated in United States dollars to a commercial paper dealer in the United States who will then reoffer the notes in minimum denominations of $100,000 to institutional investors, entities and individuals in the United States who normally purchase commercial paper notes. Applicant also represents that the notes will not be advertised or otherwise offered for sale to the general public. The application states that the notes will provide an alternate source of supply of United States dollars which will supplement United States dollars currently obtained by Applicant in the Eurodollar market. Applicant represents that it does not intend to sell the notes in the United States in excess of an aggregate of $300 million at any one time outstanding. The application states that the notes will rank *pari passu* among themselves and equally with all its other unsecured indebtedness, including liabilities to depositors, except that subordinated debt and the equity securities of the Applicant will rank below the notes. Applicant plans to sell the notes without registration under the Securities Act of 1933 (the "1933 Act"), in reliance upon an opinion of its United States counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant states it will not proceed with its proposed offering until it has received such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and all future issues of securities in the United States shall have received prior to issuance one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations and that its United States counsel shall have certified that such rating has been received.

Applicant undertakes to insure that the commercial paper dealer will provide each offeree of the notes prior to purchase with a memorandum describing Applicant's business and containing Applicant's most recent publicly available fiscal year-end balance sheet and income statement which shall have been audited. Applicant states that such memorandum will describe differences which are material to investors, if any, between the accounting principles applied by Applicant's Dutch auditors in preparation of its financial statements and generally accepted accounting principles employed by United States banks. Applicant represents that such memorandum will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States. The application indicates that the memorandum will be updated periodically to reflect material changes in Applicant's financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the foregoing undertakings. Applicant further represents that any future offering of its securities in the United States will be made on the basis of disclosure documents at least as comprehensive as those used in the presently proposed offering and each offeree will be provided with such disclosure documents.

Applicant represents that it will appoint a bank in the United States, the Commission or some other party which normally acts in such capacity, to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the city and state of New York with respect to any such action. Applicant states that both its appointment of an authorized agent for service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securites that it may make in the United States, which may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection or investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant submits that it is extensively regulated by banking authorities in the Netherlands and therefore that application of the provisions of the Act to Applicant would be unnecessary and burdensome. Applicant also asserts that its capital structure and distribution of profits could not be conformed to the provisions of the Act. As a closely regulated banking entity, Applicant states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act was directed are not present in this case. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Moreover, the application contends that because of the development of the large Eurodollar market, the major foreign banks which deal in that market need a source of United States dollars in the event of even a short-term disruption in the market. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 31, 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 reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be

filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

FR Doc. 80-7585 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 21468; 70-6235]

Central and South West Fuels, Inc. et al.; Proposed Fuel Exploration and Development Budget Authorization

March 6, 1980.

In the matter of Central and South West Fuels, Inc., P.O. Box 10773, Golden, Colorado 80401; Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Public Service Company of Oklahoma, Ash Creek Mining Company, P.O. Box 201, Tulsa, Oklahoma 74102; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604.

Notice is hereby given that Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwestern Electric Power Company ("SWEPCO"), and West Texas Utilities Company ("WTU"), each an electric utility subsidiary company of Central and South West Corporation ("CSW"), a registered holding company, together with Central and South West Fuels, Inc. ("CSWF"), a fuel subsidiary of CPL, PSO, SWEPCO, and WTU, and Ash Creek Mining Company, a mining subsidiary of PSO, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 9(a), 10, 12 and 13 of the Act and Rules 90-95 promulated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By series of order dated December 28, 1978, March 30, 1979, May 11, 1979, May 31, 1979, June 28, 1979, July 31, 1979, and October 31, 1979 (HCAR Nos. 20864, 20983, 21046, 21071, 21124, 21165 and 21234), applicants-declarants were authorized fuel exploration and development budgets for the period January 1, 1979, through March 31, 1980.

By post-effective amendment applicants-declarants request fuel exploration and development expenditure authorizations for the period April 1, 1980, through March 31, 1981, in the following amounts:

CSWF	$18,846,000
CPL	21,740,000
PSO	29,019,000
SWEPCO	3,391,000
Total	$72,996,000

The CSWF $18,846,000 budget authorization is composed as follows: Lignite Projects, $13,810,000; Coal Projects, $3,605,000; Uranium Projects, $65,000; General and Administrative, $1,208,000; and Other Expenditures, $158,000. The Lignite Projects authorization includes allocations among its activities as follows: Cass-Morris Area (Texas), $90,000; Dolet Hills Area (Louisiana), $4,000,000; Karnack-Woodlawn Area (Texas), $1,920,000; South Hallsville Area (Texas), $3,500,000; Walker-Grimes Area (Texas), $2,750,000; and other lignite prospects, $1,550,000 (primarily for engineering studies, evaluation and verification of lignite areas which have been or may be offered to CSWF, including expenses necessary for analysis of drilling results and other submittals to CSWF).

At December 31, 1979, the Cass-Morris prospect involved 12,800 net acres. The only expenditure during the budget period will be $90,000 to maintain existing leases; no development, engineering or geological work will be undertaken.

At December 31, 1979, the Dolet Hills prospect involved 22,000 acres. The fuel from this prospect is planned to be used for a 640 MW unit to be owned in equal shares by SWEPCO and Central Louisiana Electric Company ("CLECO"), a non-affiliated utility. No lignite from this prospect will become available to CSW operating companies, and SWEPCO will reimburse CSWF for all exploration and development expenditures related thereto. SWEPCO will be reimbursed by CLECO for 50% of such expenditures. Of the budgeted amount it is expected that $2,335,000 will be expended on land acquisition and maintenance, $915,000 for engineering expenses and $750,000 for geological work.

At December 31, 1979, the Karnack-Woodlawn prospect involved 35,236 acres. Of the budgeted amount it is expected that $733,000 will be expended for new leases and $425,000 will be expended for collecting environmental data necessary to apply for a mine permit. CSWF also plans to continue its development drilling program in this prospect, to continue engineering work (including mapping and surveying) and to continue work on the preliminary mine plan.

At December 31, 1979, the South Hallsville prospect involved 40,395 acres. SWEPCO owns all CSW interests in this area and will reimburse CSWF for all exploration and development expenditures related thereto. The fuel from this prospect is planned to be used for a 640 MW unit to be owned solely by SWEPCO. Of the budgeted amount it is expected that $400,000 will be expended on continued work on the mine permit and work on selecting a mining contractor, and $3,100,000 will be expended on further land acquisition and relocating pipelines running through the prospect so that they will not interfere with surfacre mining.

At December 31, 1979, the Walker-Grimes prospect involved 50,748 acres. Of the budgeted amount it is estimated that $850,00 will be expended on further land acquisitions. The balance will be expended to complete drilling on the eastern half of the prospect, begin drilling on the western half therof, and to do mapping, surveying and preliminary work for a mine plan.

The $3,605,000 CSWF Coal Projects budget includes $105,000 for engineering and feasibility studies related to coal projects which have been or may be offered to CSWF during the budget period. The remaining $3,500,000 is for the futhrer acquisition of acreage ($2,000,000) in the New Castle-Crystal Falls Area (Texas), and the further development, drilling analyses, maping, surveying and preparing a preliminary mine plan of said prospect ($1,500,000). The prospect at December 31, 1979, involved 34,762 acres, and preliminary analyses had indicated that coal may exist in the area in sufficient quantity to fuel a large generating plant.

The $65,000 CSWF Uranium Projects budget consists of $30,000 for state lease payments and $35,000 for assessment work on unpatented mining claims for PSO's uranium holdings. The $1,208,000 CSWF General and Administrative budget includes office rent and salaries for personnel for work which cannot be designated for a specific prospect. The $158,000 CSWP Other Expenditures budget consists of $127,000 for legal fees and other costs related to negotiating coal purchases for Oklaunion Unit No. 1, and $31,000 for legal fees and other

work related to entering into a contract for uranium for PSO's Black Fox Station.

CPL, PSO and SWEPCO request expenditure authorizations of $21,740,000, $29,019,000 and $3,391,000, respectively (excluding any allownace for funds used during construction), for the 12-month period ending March 31, 1981, for oil and gas exploration and development activities to be conducted by them unilaterally or with non-affiliated entites. CPL, PSO and SWEPCO propose to continue severally to acquire leasehold interests and surface titles, to dispose of interests deemed not attractive or appropriate to their needs, to conduct geological evaluation and testing, to drill exploratory and development wells, to operate wells, to acquire and operate gathering and pipeline facilities in connection with gas or oil wells in which any of them has a participation, to arrange for any necessary treatment or processing and to make incidental sales of products or by-products where no use can feasibly be made of them. Activities may be entered into through joint ventures, partnerships or other non-affiliated entities and may involve farm-ins, farm-outs, bottom-hole or dry-hole contributions and other transactions.

At December 31, 1979, CPL had acquired leaseholds containing estimated proven reserves of 28,914,000 mcf of gas and 318,000 barrels of oil. Of the budgeted amount CPL expects to spend $20,990,000 for new exploration and development and $750,000 for exploration and development of old areas. Of is budgeted amount PSO plans to expend $25,250,000 for further exploration in its programs in the Anadarko and Arkoma areas in Oklahoma and $3,769,000 for new exploration. SWEPCO's budget contemplates the continued development of three of its prospect areas, and no new exploration is being budgeted.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000, including legal fees of $2,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 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-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 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 amended 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 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.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7586 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11067; 812-4621]

John R. Kendall; Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of the Application

March 5, 1980.

Notice is hereby given that John R. Kendall ("Applicant"), 20241 SW. 92nd Avenue, Miami, Florida 33189, has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 (the "Act") for an order conditionally exempting Applicant and any company which he is or is in the future may become an affiliated person from the provisions of Section 9(a) of the Act and for an order of temporary exemption from 9(a) pending the Commission's determination of the application. Interested persons are directed to the application on file with the Commission for a statement of the representations summarized below.

Kendall intends to apply as a registered representative with the N. E. L. Equity Services Corp. Applicant states that from approximately March 1977 until his resignation on May 31, 1979, he was employed by Fundpack Management, Inc. ("Management") as operations officer for the Fundpack, Inc., Holding Trust and Holdings of U.S. Government Securities, Inc. (the "Funds") three registered investment companies for which Management served as investment adviser.

On March 21, 1979, the Commission commenced a civil action in the United States District Court for the District of Columbia styled *Securities and Exchange Commission* v. *The Fundpack, Inc., et al.* The Commission's Complaint named as defendants Management and its two broker-dealer subsidiaries, the Funds, and Applicant and eleven other officers and directors of the defendant entities. Among other things the Complaint alleged that Applicant aided and abetted violations by Management and others of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder, Sections 5(a), 5(b) and 17(a) of the Securities Act of 1933 ("Securities Act"), Section 36(a) of the Act and Section 206 of the Investment Advisers Act of 1940 ("Advisers Act"). On January 21, 1980, Applicant, without admitting or denying the allegations of the Commission's Complaint, consented to the entry against him of a Final Order prohibiting him from engaging in or aiding and abetting practices violative of Section 206 of the Advisers Act or Sections 5(a) and 5(b) of the Securities Act, or breaching the fiduciary duties incorporated in the Act by operation of Section 36(a) thereof ("Final Order"). The Final Order was entered by the Court on March 5, 1980.

Section 9(a) of the Act, insofar as is pertinent here, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of an advisory board, investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face amount certificate company, if such person is, by reason of any misconduct, permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an underwriter, broker-dealer, or investment adviser, or as an affiliated person, salesman or employee of any investment company, bank or insurance company or from engaging in or continuing any conduct or practice in connection with any such activity.

Section 9(c) provides that upon application the Commission by Order shall grant an exemption from provisions of Section 9(A), either unconditionally or on an appropriate temporary basis, if it has established

that the prohibitions of Section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant submits that for the following reasons the prohibition of Section 9(a), to the extent applicable by virtue of the Final Order, would be unduly and disproportionately severe as applied to Applicant and the conduct of Applicant has been such as not to make it against the public interest or protection of investors for the Commission, pursuant to Section 9(c), to enter an order granting Applicant and any company or person with which Applicant is or may become an affiliated person, a conditional exemption from the provisions of Section 9(a), and thereafter, after notice and opportunity for hearing, to enter an order granting a permanent conditional exemption from such provision:

1. Applicant intends to apply as a registered representative in a non-supervisory capacity as a registered representative dealing with individual accounts. He will have no role or authority in the determination of investment or marketing policies or strategies employed by any registered investment company or its affiliates nor is he otherwise involved in the management of any such entities. He is not an officer, director, investment adviser or principal underwriter of any registered investment company and has no present intention of serving or acting in any such capacity in the future.

2. The activities of Applicant with regard to the matters which form the basis of the Commission's Complaint have not resulted in direct pecuniary benefit to Applicant, and Applicant had no intention of violating any law.

3. Applicant has never before been required to apply for exemption from the provisions of Section 9(a) of the Act.

4. The possible application of the prohibitions of Section 9(a) to Applicant's intended employer in the absence of the requested exemptive relief would result in Applicant's inability to pursue such employment.

5. The relief sought by the Applicant is strictly limited to that necessary to permit Applicant to pursue his employment as described above. Such relief would not permit Applicant to become involved in a managerial or supervisory capacity with any registered investment company, and thus will not enable Applicant to engage in or aid or abet conduct of the type which formed the basis for the Commission's Complaint.

Applicant also submits that issuance of the temporary exemption requested in the application is appropriate. The temporary exemption would enable Applicant to embark immediately upon his tended employment without interruption in his present employment and would thus avoid the loss of income which would occur if Applicant were forced to forego this employment pending the final determination of the application.

The Commission has considered the matter and finds that (1) the unqualified prohibitions of Section 9(a) might be unduly burdensome and disproportionately severe as applied to Applicant and (2) the conduct of Applicant has been such as not to make it against the public interest or protection of investors to grant temporary exemption from Section 9(a) prior to the determination of the application.

Accordingly, it is ordered, Pursuant to Section 9(c) of the Act that Applicant and any company with which he is or may become affiliated be and they hereby are temporarily exempted from the provisions of Section 9(a) of the Act on the condition that (a) Applicant will not become affiliated with any registered investment company, (b) Applicant will be fully supervised in any capacity in which he becomes affiliated with any affiliate of any registered investment company, and (c) Applicant's activities in any such capacity shall be entirely non-supervisory and Applicant shall take no part, directly or indirectly, in the formulation or development of any investment, marketing or other policy or strategy of any registered investment company or its investment adviser or principal underwriter, or in the management thereof.

Notice is further given that any interested person may not later than March 31, 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 reason for such request, and the issues 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, 500 North Capitol Street, Washington, D.C. 20549. A copy of such request shall be served personally or by first class mail upon Applicants at the address set forth 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. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said Application, unless 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 notice of further developments in this matter, including the date of the hearing (if ordered) any any postponements thereof.

By the Commission.

George Fitzsimmons,

Secretary.

[FR Doc. 80-7587 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21465; 70-5415]

Middle South Utilities, Inc., et al.; Post-Effective Amendment Regarding Issuance and Sale of Notes by Fuel-Supply Subsidiary to a Bank

March 5, 1980.

In the matter of Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; System Fuels, Inc., Noro Plaza, 666 Poydras, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delarande Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; New Orleans Public Service, Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned non-utility, fuel-supply subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, and the above-named companies have filed with this Commission a further post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By supplemental orders in this proceeding dated April 15, 1974, April 13, 1976, April 13, 197, and April 11, 1978 (HCAR Nos. 18378, 19484, 19982, and 20499), the Commission authorized SFI to issue and sell bank notes up to an aggregate amount of $40,000,000 outstanding at any one time pursuant to a loan agreement dated as of April 17, 1974, among SFI, the Operating Companies, and Citibank, N.A. The loan agreement terminates on April 17, 1980.

SFI now intends to extend the term of the loan agreement for one year through April 17, 1981, and proposes to issue and sell its notes to Citibank in accordance therewith up to an aggregate of $40,000,000 outstanding at any one time. The interest rate on borrowings by SFI under the loan arrangement will be one hundred three percent (103%) per annum of the base rate charged by Citibank on 90-day loans to substantial and responsible commercial borrowers. All of the other teams and conditions of the loan agreement are to remain unchanged. Compensating balances are nor required. SFI will use the proceeds of the notes for the financing of a portion of its fuel-oil inventory and for other expenditures in connection with its fuel-supply program for the Middle South Utilities system.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is requested that authorization be granted to file certificates pursuant to Rule 24 on a quarterly basis.

Notice is further given that any intersted person may, not later than April 1, 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 post-effective amendment to the 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 amended 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. 80-7588 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21464; 70-6420]

Middle South Utilities Inc., and Louisiana Power & Light Co.; Proposal by Electric Utility Subsidiary To Issue and Sell Common Stock to Parent Holding Company

In the matter of Middle South Utilities Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174.

Notice is hereby given that Middle South Utilities Inc. ("Middle South"), a registered holding company, and its electric utility subsidiary company, Louisiana Power & Light Company ("LP&L"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration which is summarized below, for a complete statement of the proposed transaction.

Louisiana has outstanding 65,140,000 shares (of an authorized 150,000,000 shares) of common stock, without nominal or par value, stated on its books at $428,900,000, all of which shares are owned by Middle South. Louisiana now proposes to issue and sell to Middle South, and Middle South proposes to acquire, 15,152,000 additional shares of Louisiana's common stock ("New Common Stock") for an aggregate purchase price of $100,000,000 in cash.

Louisiana and Middle South believe it is preferable for sales of the New Common Stock to be timed to coincide with Louisiana's cash needs from time to time, which are primarily determined by the nature and pace of its construction program. Accordingly, Louisiana and Middle South propose that sales of the New Common Stock be effected from time to time through December 31, 1980, in increments to be determined by Louisiana and Middle South. Each such sale will be reported to the Commission by a certificate filed pursuant to Rule 24. Upon completion of the proposed transaction, Louisiana will have issued an outstanding 80,292,000 shares of common stock stated in its Common Stock Account at an aggregate of $528,900,000. Upon consummation of its aforesaid stock acquisition, Middle South proposes to charge its Investment Account with the amount of its cash investment, $100,000,000.

Louisiana's construction program contemplates expenditures of approximately $285,000,000 in 1980, which will require funds in excess of the treasury funds available for that purpose. Louisiana intends to effect short-term borrowings in an aggregate principal amount not expected to exceed $150,000,000 at any one time outstanding during the remainder of 1980 pursuant to the Commission's orders dated December 15, 1978 (HCAR No. 20832), January 5, 1979 (HCAR No. 20873) and July 10, 1979 (HCAR No. 21141). It is proposed that the funds to be provided by the above-mentioned issuance and sale of the New Common Stock by Louisiana will be used primarily for the financing in part of Louisiana's construction program and for the payment in part of short-term borrowings.

To the extent funds are required from external sources to acquire the New Common Stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes under a revolving credit agreement dated as of June 29, 1979, as amended, with a group of banks headed by Manufacturers Hanover Trust Company, New York, New York, as authorized by the Commission's orders dated June 7, 1979 (HCAR No. 21093) and December 6, 1979 (HCAR No. 21332).

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $5,000. It is stated that no state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 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 the filing 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 and 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 filed or as it may be 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. 80-7647 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21462; 70-5543]

New England Electric System and New England Energy Corp; Request for Exception From the Consolidated Tax Allocation Provisions

March 5, 1980.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its fuel subsidiary New England Energy Incorporated ("NEEI"), 25 Research Drive, Westborough, Massachusetts 01581, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9(a), 10 and 12 of the Act and Rules 43 and 45(a) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated October 30, 1974 (HCAR No. 18635), NEES was authorized to organize, acquire the capital stock of, and make investments in NEEI, and NEEI was authorized to enter into a partnership with Samedan Oil Corporation ("Samedan") to explore for oil and gas. Said order included, among other things, the granting of applicants-declarants' request for an exception from the consolidated tax allocation provisions of Rule 45(b)(6) pursuant to Rule 45(a), on terms and conditions therein set forth. Said exception was granted for the tax years 1974, 1975 and 1976. By subsequent ordere dated June 18, 1976 (HCAR No. 19580), the exeption was continued for the tax years 1977, 1978 and 1979. By order dated December 28, 1979 (HCAR No. 21365), NEEI was authorized to enter into an extension of its partnership with Samedan through December 31, 1984, and to invest $30,000,000 in said partnership during 1980.

By post-effective amendment applicants-declarants request that their Rule 45(a) exception be further continued for the tax years 1980, 1981 and 1982. The precise exception sought is as follows:

(1) NEEI would be credited with and receive the cash equivalent of reductions in consolidated tax liabilities arising from the inclusion of such tax losses in the consolidated tax returns for the tax years 1980, 1981 and 1982;

(2) in any year in which NEEI has taxable income, and, on a separate return basis would be entitled to tax credits under the net operating loss carryback and carryover provisions of the Internal Revenue Code, any credits previously received by NEEI under (1) would be applied to reduce any credits to which NEEI might otherwise be entitled under the separate return limitations of Rule 45(b)(6); and

(3) in no event will the tax allocated to any other subsidiary of NEES exceed the amount of its tax based upon a separate return computed as if it had always filed its tax returns on a separate return basis.

It is stated that through December 31, 1979, approximately $28,500,000 of capital has been provided to NEEI through payments of tax benefits by its associated companies under the previous orders under Rule 45(a) authorizing the NEES system to allocate consolidated federal income taxes otherwise than in accordance with Rule 45(b)(6).

There are no additional fees or expenses to be incurred in connection with the proposed transaction. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 31, 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-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 addresed: 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 address, 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 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 exemptions 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.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7648 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16630; SR-MSRB-77-12]

Municipal Securities Rulemaking Board; Order Approving Amended Proposed Rule Change

March 6, 1980.

On September 20, 1977, the Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue, NW., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change, proposed MSRB rule G-23, to establish standards of ethical conduct and certain other requirements for municipal securities brokers and municipal securities dealers ("municipal securities professionals") that provide financial advisory services for compensation to issuers.[1] Proposed rule

[1] Notice of that filing was published in Securities Exchange Act Release No. 13987 (Sept. 22, 1977) (42 FR 49856 (1977)). Proposed rule G-23 was originally filed as part of a series of rules referred to as the MSRB "fair practice" rules. The Commission

Footnotes continued on next page

G–23 was amended previously on August 23, 1978, and August 28, 1979.[2] In addition to the previous amendments, on February 28, 1980, the MSRB submitted a technical amendment to the proposed rule to provide that, except as otherwise specified, the rule will take effect 30 days after the date of approval by the Commission. The purpose of the technical amendment is to provide municipal securities professionals with reasonable time to take such actions as may be necessary to comply with proposed rule G–23 upon Commission approval, and to avoid unduly disrupting financial advisory and underwriting activities which may be in progress at that time.

Amended proposed MSRB rule G–23 would define the term "financial advisory relationship" and require that a financial advisory relationship entered into by a municipal securities professional for the purpose of rendering financial advisory or consultant services to a municipal issuer with respect to a new issue of municipal securities be evidenced by a written agreement which sets forth the basis of compensation for such services.[3] The amended proposed rule also would require that a municipal securities professional acting as a paid financial advisor with respect to a new issue of municipal securities satisfy certain conditions specified in the proposed rule prior to purchasing the same issue. In a competitive sale, the financial advisor would be required to obtain the consent of the issuer prior to submitting a bid. Prior to purchasing securities on a negotiated basis, a financial advisor would be required to terminate the financial advisory relationship in writing and thereafter obtain the issuer's consent to the acquisition of the securities. In a negotiated sale, a financial advisor also would be required to disclose to the issuer that there may be a possible conflict of interest in changing capacity from financial advisor to underwriter, and to disclose in writing the source and anticipated profit with respect to underwriting the new issue. In addition to the requirements above, in the event a financial advisor underwrites a new issue of municipal securities, he would be required to disclose in writing to each customer the existence of the finacial advisory relationship.

The text of proposed rule G–23, as amended, is as follows:

Rule G–23. Activities of Financial Advisors

(a) *Purpose.* The purpose and intent of this rule is to establish ethical standards and disclosure requirements for brokers, dealers, and municipal securities dealers who act as financial advisors to issuers of municipal securities.

(b) *Financial Advisory Relationship.* For purposes of this rule, a financial advisory relationship shall be deemed to exist when a broker, dealer, or municipal securities dealer renders or enters into an agreement to render financial advisory or consultant services to or on behalf of an issuer with respect to a new issue or issues of municipal securities, including advice with respect to the structure, timing, terms and other similar matters concerning such issue or issues, for a fee or other compensation or in expectation of such compensation for the rendering of such services. Notwithstanding the foregoing, a financial advisory relationship shall not be deemed to exist when, in the course of acting as an underwriter, a municipal securities dealer renders advice to an issuer, including advice with respect to the structure, timing, terms and other similar matters concerning a new issue of municipal securities.

(c) *Basis of Compensation.* Each financial advisory relationship shall be evidenced by a writing entered into prior to, upon or promptly after the inception of the financial advisory relationship (or promptly after the creation or selection of the issuer if the issuer does not exist or has not been determined at the time the relationship commences). Such writing shall set forth the basis of compensation for the financial advisory services to be rendered, including provisions relating to the deposit of funds with or the utilization of fiduciary or agency services offered by such broker, dealer, or municipal securities dealer or by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer in connection with the rendering of such financial advisory services. The requirement for a writing shall become effective on June 4, 1980.

(d) *Underwriting Activities.* No broker, dealer, or municipal securities dealer that has a financial advisory relationship with respect to a new issue of municipal securities shall acquire as principal either alone or as a participant in a syndicate or other similar account formed for the purpose of purchasing, directly or indirectly, from the issuer all or any portion of such issue, or arrange for such acquisition or participation by a person controlling, controlled by, or under common control with such broker, dealer, or municipal securities dealer, unless

(i) If such issue is to be sold by the issuer on a negotiated basis,

(A) The financial advisory relationship with respect to such issue has been terminated in writing and at or after such termination the issuer has expressly consented in writing to such acquisition or participation in the purchase of the securities on a negotiated basis;

(B) The broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer at or before such termination that there may be a conflict of interest in changing from the capacity of financial advisor to purchaser of the securities with respect to which the financial advisory relationship exists and the issuer has expressly acknowledged in writing to the broker, dealer, or municipal securities dealer receipt of such disclosure; and

(C) The broker, dealer, or municipal securities dealer has expressly disclosed in writing to the issuer at or before such termination the source and anticipated amount of all remuneration to the broker, dealer, or municipal securities dealer with respect to such issue in addition to the compensation referred to in section (c) of this rule, and the issuer has expressly acknowledged in writing to the broker, dealer, or municipal securities dealer receipt of such disclosure; or

(ii) If such issue is to be sold by the issuer at competitive bid, the issuer has expressly consented in writing prior to the bid to such acquisition or participation.

The limitations and requirements set forth in this section (d) shall also apply to any broker, dealer, or municipal securities dealer controlling, controlled by, or under common control with the broker, dealer, or municipal securities dealer having a financial advisory relationship. The use of the term "indirectly" in this section (d) shall not preclude a broker, dealer, or municipal securities dealer who has a financial advisory relationship with respect to a new issue of municipal securities from

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Footnotes continued from last page approved the fair practice rules, with certain exceptions including proposed rule G–23, in Securities Exchange Act Release Nos. 15247 and 15248 (Oct. 19, 1978) (43 FR 50525 (1978)).

[2] Notice of those amendments was published in Securities Exchange Act Release No. 15138 (Sept. 7, 1978) (43 FR 41111 (1978)), and Securities Exchange Act Release No. 16152 (Aug. 30, 1979) (44 FR 52775 (1979)).

[3] The MSRB has indicated that the written agreement need not specify a fee at the outset of the financial advisory relationship, but must set forth, for example, whether the compensation to the financial advisor includes a depositary or fiduciary relationship with the issuer. The provision of the proposal requiring a written agreement would become effective 90 days after the date of Commission approval of the amended proposed rule in order to provide a suitable period within which existing oral agreements may be reduced to writing.

purchasing such securities from an underwriter, either for its own trading account or for the account of customers, except to the extent that such purchase is made to contravene the purpose and intent of this rule. Each broker, dealer, and municipal securities dealer subject to the provisions of this section (d) shall maintain a copy of the written disclosures, acknowledgements and consents required by this section in a separate file and in accordance with the provisions of rule G-9.

(e) *Disclosure to Customers.* If a broker, dealer, or municipal securities dealer acquires new issue municipal securities or participates in a syndicate or other account that acquires new issue municipal securities in accordance with section (d) of this rule, such broker, dealer, or municipal securities dealer shall disclose the existence of the financial advisory relationship in writing to each customer who purchases such securities from such broker, dealer, or municipal securities dealer, at or before the completion of the transaction with the customer.

(f) *Applicability of State or Local Law.* Nothing contained in this rule shall be deemed to supersede any more restrictive provision of state or local law applicable to the activities of financial advisors.

(g) *Effective Date of Rule.* Except as otherwise provided in this rule, the provisions of this rule shall take effect on April 5, 1980.

* * * * *

The Commission received 22 letters of comment on the initial filing of proposed MSRB rule G-23. Commenters expressed concern that the proposed rule's provisions, including its strict prohibition against a paid financial advisor acting as underwriter in a negotiated sale, could have serious adverse effects on financial advisory relationships between municipal securities pofessionals and issuers. Commenters suggested, among other things, that the MSRB clarify the types of financial advisory relationships the proposed rule was intended to address, and that the MSRB adopt a "disclosure" approach with respect to the dual role of a financial advisor-turned-underwriter, rather than prohibiting the dual capacity. Primarily in response to considerable concern about certain of the original provisions of the proposed rule, the MSRB subsequently amended the proposal to clarify the scope of proposed rule G-23 and to permit a paid financial advisor to act as underwirter in a negotiated sale, provided that certain conditions were met. In addition, the MSRB amended the proposal in response to staff concern that the original provision, which would have required a financial advisor prior to entering a competitive bid to provide to other interested bidders information concerning the issue or the issuer obtained as a result of the financial advisory relationship, could result in a strong disincentive for financial advisors to bid on an issuer's securities and, accordingly, might create an unjustifiable burden on competition.[4] All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room.

The Commission finds that the amended proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned amended proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-7846 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-16624; March 5, 1980, File No. SR-PHLX 80-4]

Philadelphia Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 3, 1980, the above-mentioned self-regulatory organization ("SRO") filed with the Securities and Exchange Commission a proposed rule change as follows:

SRO's Statement of Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), hereby proposes to amend Rule 1046 ("Restriction of Out-of-the-Money Options") to permit, in certain situations, (1) the entry of orders which result in spread positions, and (2) the purchase of restricted puts. The text of the proposed amendment is as follows: (italics indicates new material):

(c)(iii) The entry of an order for any opening transaction which would, upon execution, create a spread position for the same number of option contracts of the same class;

(c)(iv) The entry of an order for the purchase of a put against a long position in either the underlying stock or a security immediately exchangeable or convertible without restriction, other than the payment of money, into the underlying stock; or

(c)(iii) is renumbered

(c)(v) Any transaction of a specialist *or registered options trader* pursuant to the provisions of applicable PHLX rules.

SRO's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The purpose of proposed Rule 1046(c)(iii) is to permit investors to enter an order in a restricted option, the execution of which would result in a spread position. Under present Rule 1046(c)(ii), the entry of a spread order is exempt from the prohibition of the restricted options rule provided both sides of the order are executed simultaneously. That is, a spread order, by definition, requires the simultaneous purchase and sale of the same number of option contracts of the same class.

Under the proposed rule change, investors would be permitted to execute each side of a spread at different times, which might be advisable depending on market conditions. For example, an account which already has a long position in a particular option class would be able to sell (opening) a restricted option provided each such option sold is offset by a long option which results in a spread position. Similarly, if an account has an existing short position in a particular option class, it would be permitted to purchase (opening) a restrict option to offset the short position provided the transaction results in a spread position.

The proposed rule change would not permit, however, a spread position to be established by initiating an opening purchase or sale in a restricted option and subsequently executing the other side of the spread.

With respect to proposed Rule 1046(c)(iv), the amendment would permit investors to purchase (opening) restricted puts provided they are offset

[4] The Commission received only one comment letter on the subsequent amendments to the proposed rule. That letter opposed the approval of MSRB rule G-23, since the proposed rule would permit a paid financial advisor to underwrite the securities of an issuer to which it furnished advice.

in the account by long stock or convertible security positions.

The amendment to proposed Rule 1046(c)(v) reflects PHLX's current practice of exempting registered options traders as well as specialists from the prohibitions of Rule 1046.

The basis of the proposed rule change is found in Section 6(b)(5) of the Act which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade, to protect investors and the public interest, and to facilitate transactions in securities.

Comments were neither solicited nor received.

The PHLX has determined that the proposed amendment will not impose any burden on competition.

On or before April 16, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 2, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

March 5, 1980.

[FR Doc. 80-7650 Filed 3-11-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Advisory Councils; Renewal

In accordance with Pub. L. 92-463 committees for the following ten Regional Advisory Councils have been renewed for two years and will expire on February 28, 1982, unless renewed or dissolved before that date:

Region I—Advisory Council
Region II—Advisory Council
Region III—Advisory Council
Region IV—Advisory Council
Region V—Advisory Council
Region VI—Advisory Council
Region VII—Advisory Council
Region VIII—Advisory Council
Region IX—Advisory Council
Region X—Advisory Council

The geographical areas covered by each of the ten Regional Councils are as follows:

Region I—Boston, Augusta, Concord, Hartford, Montpelier and Providence

Region II—New York, Hato Rey, Newark and Syracuse

Region III—Philadelphia, Clarksburg, Pittsburgh, Richmond, Baltimore and Washington, D.C.

Region IV—Atlanta, Charlotte, Columbia, Miami, Jacksonville, Louisville, Jackson, Birmingham and Nashville

Region V—Chicago, Cleveland, Columbus, Detroit, Indianapolis, Madison and Minneapolis

Region VI—Dallas, Albuquerque, Houston, Little Rock, Lower Rio Grande Valley, Lubbock, New Orleans, Oklahoma City and San Antonio

Region VII—Kansas City, Des Moines, Omaha, St. Louis and Wichita

Region VIII—Denver, Casper, Fargo, Helena, Salt Lake City and Sioux Falls

Region IX—San Francisco, Honolulu, Las Vegas, Los Angeles, Phoenix, San Diego and Fresno

Region X—Seattle, Spokane, Anchorage, Boise and Portland.

For further information or any comments, write or call Michael B. Kraft, Deputy Advocate for Advisory Councils, 144 L Street, N.W., Washington, D.C. 20416, (202) 653-6748.

Dated: March 6, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-7636 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1803]

Alabama; Declaration of Disaster Loan Area

The area of the Corner of Oakwood and Meridian Streets in the City of Huntsville, Madison County, Alabama, consitutes a disaster area because of damage resulting from a fire which occurred on February 19, 1980. Eligible persons, firms and organizations may file applications for physical damage until the close of business on April 28, 1980, and for economic injury until the close of business on November 28, 1980, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Alabama 35205.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 28, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-7637 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-0303]

Cohasset Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

August 1, 1979, a notice was published in the Federal Register (44 FR 45273) stating that Cohasset Capital Corporation, 760 Chief Justice Cushing Highway, Cohasset, Massachusetts 02025 had filed an Application with the Small Business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on August 16, 1979, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01.01-0303 on February 29, 1980, to Cohasset Capital Corporation pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalogue of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies)

Dated: February 29, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-7638 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5377]

Elk Associates Funding Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company

under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*,) has been filed by Elk Associates Funding Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and stockholders of the applicant are as follows:

Gary C. Granoff, 2 Fir Neck, Great Neck, NY 80302—President, Director, Attorney—29% Stockholder

Allen S. Kaplan, 329 Pepperidge Road, Hewlett Harbor, NY 11557—Vice President, Secretary, Director—15% Stockholder

N. Henry Granoff, 1801 South Flagler Drive, West Palm Beach, FL 33401—Director—10% Stockholder

Paul D. Granoff, M.D., 243 Heritage Drive, Aurora, IL 60505—13% Stockholder

Dan M. Granoff, M.D., 21 Baywood Drive, Winterville, NC 28590—13% Stockholder

Jeannette Granoff, 1801 South Flagler Drive, West Palm Beach, FL 33401–10% Stockholder

Marvin Sabesan, 210 Cedar Shore Drive, Massapequa, NY 11758—10% Stockholder.

The applicant, a New York Corporation, with its principal place of business at 969 Lakeville Road, New Hyde Park, New York 11040, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 500 shares of common stock.

The applicant will conduct its activities principally in the State of New York and in particular, the County of Nassau and in the City of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns who are considered "mini-fleet" taxicab corporations doing business in the City of New York and license by the New York City Taxi and Limousine Commission.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: March 6, 1980.

John L. Werner,

Acting Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-7642 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-5249]

Great Security Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Great Security Investment Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the applicant are as follows:

Tuyen Ngoc Vu, 1073 Wunderlich Drive, San Jose, CA 95129; Chairman, Director, Treasurer; 25% Stockholder.

Khuyen Ngoc Pham, 531 10th Avenue, San Francisco, CA 94118; President, Director; 25% Stockholder.

Tuyet Thi Nguyen, 1073 Wunderlich Drive, San Jose, CA 95129; Secretary, Director; 25% Stockholder.

Mai Tuyet Tran, 531 10th Avenue, San Francisco, CA 94118; Vice President, Director; 25% Stockholder.

The applicant, a California Corporation, with its principal place of business at 2343 Third Street, San Francisco, California 94117, will begin operations with $505,000 of paid-in Capital and paid-in surplus derived from the sale of 50,000 shares of common stock.

The applicant will conduct its activities principally in the State of California.

Applicant intends to provide assistance primarily to persons of Indo-Chinese descent but will review applications from any qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such conerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Adminstration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 29, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-7640 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0344]

New Horizons Capital Corp.; Surrender of License

Notice is hereby given that, pursuant to § 107.105 of the Small Business

Administration's Rules and Regulations governing Small Business Investment Companies (13 CFR 107.105 (1979)), New Horizons Capital Corporation (New Horizons), 90 Broad Street, New York, New York 10004, incorporated under the laws of the State of New York, has surrendered its License No. 02/02-0344, issued by the SBA on July 5, 1978.

New Horizons has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the above cited regulation, the license of New Horizons is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 29, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-7639 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

Senior Executive Service Performance Review Board; List of Members

AGENCY: Small Business Administration.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board.

SUMMARY: Pub. L. 95-454 dated October 13, 1978, (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). The following is a listing of those individuals currently serving as members of this Agency's PRB:

1. Paul D. Sullivan, Associate Deputy Administrator for Support Services.
2. Harold A. Theiste, Associate Deputy Administrator for Programs.
3. Donna R. Harrigan, Regional Administrator (Chicago).
4. Bernard Kulik, Associate Administrator for Procurement Assistance.
5. Albert Prendergast, Deputy Chief Counsel for Advocacy.
6. Jean P. Lewis, Assistant Administrator for Congressional and Legislative Affairs.
7. William Gennetti, District Director (Philadelphia).

FOR FURTHER INFORMATION CONTACT: Ms. Frances H. Mendez, Director, Office of Executive Services, on (202) 653-6516.

Dated: February 21, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-7641 Filed 3-11-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[521644]

Decision Denying American Manufacturer's Petition Alleging That the Appraised Value of Certain Printing Presses Manufactured in East Germany Is Too Low; Petitioner's Desire to Contest This Decision

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of (1) decision on American manufacturer's petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to an American manufacturer's petition alleging that the appraised value of certain web-fed lighograph printing presses from East Germany is too low, the Customs Service advised the petitioner that the appraising officer's determination of value regarding the subject printing presses was considered, following careful review, to be correct. Upon being informed that its petition had been denied, the petitioner filed notice of it desire to contest the decision of the Customs Service.

FOR FURTHER INFORMATION CONTACT: Burton L. Schlissel, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, N.W, Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION:

Background

A petion was filed under section 516 of the Tarriff Act of 1930, as amended (19 U.S.C. 1516), by an Amnerican manufacture of web-fed lithographic printing presses, Harris Corporation, which alleged that the appraised value of the Zephyr 300 printing press, a web-fed lithographic printing press manufactured by The Polygraph Company of Leipzig, East Germany, is too low. Importations of the Zephyr 300 printing press have been classified under the provision for other printing machinery in item 668.20, Tariff Schedules of the United States, with duty at the column 2 rate of 25 percent ad valorem. Notice of receipt of the petition was published in the Federal Register on May 4, 1979 (44 FR 26233).

The petitioner based its allegation, in part, upon a comparison of the value of an equvalent printing press manufactured in West Germany, the Albert 101, with Department of Commerce data regarding the value of web presses imported from East Germany.

Decision on Petition and Receipt of Petitioner's Notice of Desire to Contest

In Headquarters letter dated October 16, 1979, file No. 541911, the petitioner was advised that the basis of appraisement used for the Zephyr 300 printing press was cost of production under section 402a(f) of the Tariff Act of 1930, as amended (19 U.S.C. 1402(f)), and that the appraising officer's determination of value was correct. In denying the petition, the petitioner was informed that its reliance upon the selling price of the West German printing press was erroneous inasmuch as it was not produced in the same country as the printing press undergoing appraisement. Futhermore, the Zephry 300 printing press was imported without a motor, compressor, or various other electrical components which were added following importation, but before sale in the United States.

In response to this decision, the petitioner filed his notice of desire to contest, in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23 of the Customs Regulations (19 CFR 175.23). However, under section 516(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(e)), current Customs practice will continue so long as no decision of the United States Customs Court or the United States Court of Customs and Patent Appeals not in harmony with this practice is published.

Authority

This notice is being published in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24).

Dated: March 5, 1980.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 80-7607 Filed 3-11-80; 8:45 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 50
Wednesday, March 12, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-273; March 7, 1980]

CIVIL AERONAUTICS BOARD.

Short Notice of Meeting for March 13, 1980.

TIME AND DATE: 9:30 a.m., March 13, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items adopted by notation.
2. Dockets 33361, 32516, and 32517—*Former Large Irregular Air Service Investigation: Application of Arrow Airways, Inc.* for domestic, overseas, and foreign charter air transportation certificates. Orders declining review and issuing certificates. (Memo No. 9525, OGC)
3. Dockets EAS-429, 430, 431, and 446; Appeals of Essential Air Service Determinations of Alexandria, Lafayette, Lake Charles and Shreveport, Louisiana. (OGC, OCCR, BDA)
4. Dockets 35908 and 36204, Essential air service at Clearfield/Philipsburg, PA. (BDA)
5. Docket 34774, Interim Essential Air Transportation at Enid, Ponca City, McAlester and Stillwater, Oklahoma, and Paris, Texas. (BDA, OCCR)
6. Docket 34774, Application of Metro Airlines for compensation for losses in providing essential air service at Paris, Texas. (BDA, OCCR, OGC, OC)
7. Docket 37405, Notice of American Airlines of intent to suspend air service at Long Island-MacArthur Airport, Islip, New York. (BDA)
8. Docket 34591, notice of Piedmont Aviation of intent to suspend service at Hot Springs, Virginia. (BDA, OCCR)
9. Docket 36941, Reconsideration of Order 79-10-133 that deferred action on applications for new route authority at Boston. (BDA)
10. Docket 37276, application of Golden West for a certificate and request for fitness hearing. (BDA)
11. Docket 37281, application of Green Mountain Airlines for a certificate and request for fitness hearing. (BDA)
12. Dockets 31133 and 36585; Petition of ASTA requesting the Board to reconsider its action in Order 79-11-196 in approving the ATC agreements requiring personal guarantees (Agreements CAB 27001-A5 and 27004-A2). (Memo No. 8620-B, BDA)
13. Docket 31866, Central American Air Taxi, Inc.—reissuance of section 418 all-cargo air service certificate. (BDA)
14. Docket 36344, Hawaiian Airlines requests an exemption to permit it to file tariffs for the Intra-Hawaii entity on 30 days notice, fare increases that are within the zone of reasonableness assuming a ceiling fare based on the July 1, 1977 fare level adjusted upward by 10 percent. (BDA)
15. Domestic Fare Flexibility and Docket 31290, Domestic Passenger Fare Policy. (BDA)
16. Docket 32660, IATA agreement establishing new fare structures, with increases, between Mexico and Central America/Caribbean; between the Caribbean and South/Central America; between Central and South America; and within the Caribbean and Central America sub-areas for April 1, 1980, effect. (Memo No. 9528, BIA, BDA)
17. Docket 37288, Alitalia's petition for reconsideration of Order 79-12-208, December 18, 1979, suspending its Boston-Milan normal economy fare increases. (BIA)
18. Docket 37209, Application of TTI Travel, Inc. for a foreign indirect air carrier permit. (Memo No. 9527, BIA, OGC, BALJ)
19. Docket 37360, Application of Trinidad and Tobago (BWIA International) Airways Corporation d/b/a BWIA International-Trinidad and Tobago Airways for the transfer to it of the foreign air carrier permit of British West Indian Airways Limited. (Memo No. 9526, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: George A. Dalley was confirmed by the United States Senate on March 6, 1980. The presence of Member Dalley will allow the board to conduct business in a meeting. Because it was not certain until his confirmation that a quorum would be present for a board meeting, the following members have voted and that no earlier announcement of this meeting was possible:

Chairman Marvin S. Cohen
Member Elizabeth E. Bailey
Member Gloria Schaffer [1]

[S-489-80 Filed 3-10-80; 3:35 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, March 21, 1980.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-483-80 Filed 3-10-80; 10:20 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 10:20 a.m., Thursday, February 28, 1980.

PLACE: Room 856, 1919 M Street, N.W., Washington, D.C.

STATUS: Special Emergency Closed Meeting.

MATTERS CONSIDERED: Internal Personnel Matters.

The prompt and orderly conduct of Commission business did not permit announcement of this meeting prior to the meeting.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 5, 1980.

[S-486-80 Filed 3-10-80; 11:45 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, March 12, 1980.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item Number, and Subject

General—1—*Title:* Amendment of Part O of the Commission's Rules and Regulations to Reflect a Transfer of Responsibility. *Summary:* The Commission will consider

[1] Stephen H. Lachter, Member Gloria Schaffer's Assistant cast the vote by proxy.

FOB proposal to amend Section 0.121(a) of the rules to transfer the operational responsibility for Hawaii and the Pacific Island field installations from Bureau's San Francisco Regional Office to the Seattle Regional Office.

General—2—*Title:* Notice of Proposed Rule Making to implement a provision of the new International Convention for the Safety of Life at Sea, 1974, requiring mandatory carriage aboard certain vessels of radar equipment. *Summary:* The FCC will consider adopting minimum shipboard specifications for compulsory radar equipment. The new Safety Convention will require all vessels of 1,600 tons gross tonnage and over engaged on international voyages to carry a radar meeting the specifications of the government under whose flag it is operating. Such proposed minimum specifications are given in detail in the Appendix attached to the Notice and in the documents incorporated therein by reference.

Private Radio—1—*Title:* Licensing of club and military recreation stations in the Amateur Radio Service; and, stations in the Radio Amateur Civil Emergency Services (RACES). *Summary:* The Commission will consider whether: to grant new licenses for these types of stations; or, to grant modification and renewal licenses only; or, to discontinue issuing any club, military recreation, or RACES licenses.

Private Radio—2—Eligibility of OAS for licensing in the General Mobile Radio Service.

Common Carrier—1—*Title:* Application for Review of Chief, Common Carrier Order denying, in part, permission to serve certain information requests. (CC Docket No. 79-138). *Summary:* The Commission will consider an application for review filed by the Ad Hoc Telecommunications Users Committee (Committee), of a Bureau order denying, in part, permission to the Committee to serve certain information requests upon AT&T.

Common Carrier—2—*Title:* Petition for Reconsideration of *Memorandum Opinion, Order and Authorization,* FCC No. *79-304* by American Satellite Corporation. *Summary:* The Commission will consider whether the petition raises any facts or arguments which require reconsideration of its conditional grant of authority to Satellite Business Systems to construct tracking, telemetry and control earth stations at Clarksburg, Maryland and Castle Rock, Colorado.

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Common Carrier—2—*Title:* Petition for Reconsideration of *Memorandum Opinion, Order and Authorization,* FCC No. *79-304* by American Satellite Corporation. *Summary:* The Commission will consider whether the petition raises any facts or arguments which require reconsideration of its conditional grant of authority to Satellite Business Systems to construct tracking, telemetry and control earth stations at Clarksburg, Maryland and Castle Rock, Colorado.

Common Carrier—3—*Title:* Petition for Reconsideration of prior Commission action conditionally granting merger application of Xerox Corporation and WUI, Inc. *Summary:* Radio Broadcasting Company (RBC), a radio common carrier which competes with Airsignal, Inc., a subsidiary of WUI, Inc., seeks reconsideration or clarification of the Commission's prior order granting the merger application of Xerox and WUI (74 FCC 2d 471). Issues to be resolved include whether the Commission may consider a petition for reconsideration filed one day late, whether the Commission may treat the petition as a request for clarificatioin and whether and to what extent the Commission should clarify the condition concerning the degree of separation to be maintained between Xerox and its communications subsidiaries.

Common Carrier—4—*Title:* Final Decision and Order in Western Union Telegraph Company, Docket No. 20847. *Summary:* Western Union Telegraph Co. offers low speed private line telegraph service known as Series 1000. In 1976 it increased rates for this service and an investigation was instituted regarding the lawfulness of these tariff revisions. The Administrative Law Judge (ALJ) issued an Initial Decision, released July 18, 1978, concluding that the rates were not unlawful. On exceptions, the general issue to be considered is whether Western Union met its burden of proving the revisions just and reasonable.

Cable Television—1—*Title:* Further Notice of Proposed Rulemaking in Docket 21006, to add frequency channelling requirements and restrictions and to require monitoring for signal leakage from cable television systems. *Summary:* The NPRM proposed a new set of Rules designed to control interference to aeronautical radio services due to signal leakage from cable television systems using aeronautical radio frequencies. The MPRM is based on the regulatory approach recommended by the FCC Advisory Committee on Cable signal Leakage presented to the Commission and released on January 24, 1980.

Assignment and Transfer—1—*Title:* In Re Application of The President and Directors of Georgetown College (Georgetown) and The University of The District of Columbia (UDC) for the voluntary assignment of license of noncommercial educational station WGTB-FM, Washington, D.C. *Summary:* The Alliance to Preserve Radio at Georgetown (APRG) filed a petition to deny the above-captioned assignment application alleging that Georgetown has not adequately maintained its public inspection file or provided sufficient detail of the proposed assignment; that UDC does not have legal authority to operate a noncommercial educational station; that UDC is not financially qualified or capable of effectuating its programming proposals; and that UDC has not complied with Commission ascertainment requirements for noncommercial broadcast applicants. The Georgetown University Student Government has filed an informal objection joining APRG's further allegations that Georgetown has not accurately stated its reasons for the proposed assignment and that approval of the transaction will result in the loss of a unique entertainment format in WGTB-FM's service area.

Assignment and Transfer—2—*Title:* In re (a) applications for transfer of control of McClatchy Newspapers, licensee of stations KMJ, AM/FM/TV, Fresno, California, stations KBEE AM/FM, Modesto, California, stations KBFK(AM)/KAER(FM), Sacramento, California, station KOVR(TV), Stockton, California and KOH, Reno, Nevada; (b) application for assignment of license of FM station KNEV, Reno, Nevada, from Everett B. Cobb/Eleanor B. Cobb, Joint Tenants, to McClatchy Newspapers; (c) application for assignment of license of station KOVR(TV), Ch. 13, Stockton, California from McClatchy Newspapers to KOVR-TV, Inc.; (d) request for the issuance of a tax certificate to McClatchy Newspapers for the breakup of a media concentration in the Stockton/Sacramento, California, market. *Summary:* The McClatchy transfer of control applications present a question of the applicability of the multiple ownership rules (TV/aural, broadcast/newspaper and TV/cable television) the transaction. The effect on the applications of a hearing proceeding (Docket Nos. 21274-6) involving McClatchy's station KMJ-TV, Fresno, California, will also be considered.

Renewal—1—*Title:* EEO Goals and Timetables. *Summary:* Agenda item asking the Commission to accept the goals and timetable for Stations WCEH-AM and FM and sending the attached letter notifying the stations of the Commission's acceptance with the reminder of filing periodic EEO progress reports.

Aural—1—*Subject:* Memorandum Opinion and Order in re aplication of Radio Clearwater, Inc. for modification of the facilities of Station WAZE to provide for unlimited time operation on 860 kHz with 500 watts power and change of city of license from Clearwater to Dunedin, Florida. *Summary:* The Commission considers (i) the above application; (ii) a request for waiver of Section 73.3569 by the applicant; and (iii) a petition to deny by Loyola University, licensee of Station WWL, New Orleans, Louisiana.

Broadcast—1—*Title:* Proposal to require commercial broadcast renewal applicants

and noncommercial educational television applicants to consult with all significant elements in their communities. The Commission will consider a proposed amendment to the *Primer on Ascertainment of Community Problems by Commerical Broadcast Renewal Applicants* and the *Primer on Ascertainment of Community Problems by Noncommercial Educational Broadcast Applicants.*

Broadcast—2—Evaluation of the small market ascertainment exemption experiment. On its own motion, the Commission considers the future of the small market ascertainment exemption.

Broadcast—3—*Title:* Petition to institute a freeze on channels used for land mobile/UHF-TV frequency sharing and to change mileage spacing requirements to accommodate increased land mobile usage. The first petition asks us to institute a freeze on the acceptance of applications for use of certain UHF-TV assignments in the top-25 metropolitan areas not already involved in the sharing arrangement. The second petition ask us to inquire into changes in the taboos (spacing requirements) as a means of permitting additional use of the frequencies involved in the sharing plan.

Broadcast—4—Memorandum Opinion and Order, RM-3502 (National Black Media Coalition). In this item, the Commission takes action on a petition for rule making filed by the National Black Media Coalition. The petition consists of 35 separate proposals designed to foster the advancement of Black Americans in electronic mass communications.

Broadcast—5—Notice of Proposed Rule Making concerning the Commission's policies and procedures for amendment of the FM Table of Assignments, Section 73.202(b) of the rules.

The meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: March 6, 1980.

[S-486-80 Filed 3-10-80; 11:50 am]

BILLING CODE 6712-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 12582; February 26, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 3 p.m., February 22, 1980.

CHANGE IN THE MEETING: The following has been rescheduled for March 10, 1980 at 2 p.m.

Docket No. and Company

EL78-43, City of Bountiful, Utah, *et al.*

Kenneth F. Plumb,

Secretary.

[S-487-80 Filed 3-10-80; 3:35 pm]

BILLING CODE 6450-85-M

6

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 15363; March 10, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. March 12, 1980.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

M-4. R-424 and R-446, Comprehensive Interperiod Tax Allocation (Tax Normalization) for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Book and Income Tax Purposes.

M-5. RM78-22, Revision of Part I, Title 18, Code of Federal Regulations, Rules of Practice and Procedure; Separation of Functions and Ex Parte.

CAG-27. CP71-68, *et al.*, Columbia LNG Corporation, Consolidated System LNG Company, and Southern Energy Company.

Kenneth F. Plumb,

Secretary.

[S-488-80 Filed 3-10-80; 3:35 pm]

BILLING CODE 6450-85-M

7

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, March 17, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20661.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 7, 1980.

Theodore E. Allison,

Secretary of the Board.

[S-482-80 Filed 3-7-80; 4:49 pm]

BILLING CODE 6210-01-M

8

[USITC SE-80-15]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, March 20, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Headboxes and papermaking machinery (Docket No. 633).
5. Anhydrous ammonia from the USSR (Inv. TA-406-6)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-481-80 Filed 3-7-80; 4:49 pm]

BILLING CODE 7020-02-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Thursday, March 13, 1980 (revised).

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: 2 p.m.

1. Affirmation Session (Approximately 10 minutes, public meeting, items are revised).
   a. TMI-1 Prehearing Conference Orders.
   b. Consumers Power CP Modifications.
   c. Petition by New Hampshire re Licensing Efficiency.
   d. Request for Hearing in Marble Hill.
   e. Policy Statement for Licensing Pause.
   f. Atlantic Research Corporation.
   g. FOIA Appeal for GE Reed Report.

The Items that were removed were affirmed on March 6.

2. Discussion of Proposed Congressional Testimony (Approximately 1½ hours, closed—Ex. 9, as announced).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Roger M. Tweed,

Office of the Secretary.

March 7, 1980.

[S-484-80 Filed 3-10-80; 10:20 am]

BILLING CODE 7590-01-M

Wednesday
March 12, 1980

Part II

Department of Justice

Law Enforcement Assistance Administration

Delinquency Prevention Research and Development; Requests for Comments on the Proposed LEAA Guideline

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Requests for Comments on the Proposed LEAA Guideline: Delinquency Prevention Research and Development

AGENCY: Law Enforcement Assistance Administration (LEAA).

ACTION: Request for public comment.

SUMMARY: Notice is hereby given that the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601, et. seq., proposes to issue an addition to the National Priority Program and Discretionary Program Announcement, published in the Federal Register on February 15, 1980. It will not in any way impact upon the programs or regulations presently set out that announcement or affect the eligibility of those individuals applying for previously announced programs.

SUPPLEMENTARY INFORMATION: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is inviting interested persons to comment on the proposed guideline and will consider all such written comments before the final publication of this guideline. The period for public comment on this proposed guideline is 30 days. This 30 day external review period was approved by Homer F. Broome, Acting Administrator of LEAA, because it is deemed in the best interest of the public to provide for award of grants before October 1, 1980. After development of the final guideline, which is expected to published in the Federal Register in Spring 1980, it is anticipated that interested persons will have approximately 60 days to develop applications.

This notice and opportunity to submit written views and comments is provided pursuant to Executive Order No. 12044, Improving Government Regulations, to ensure that interested organizations, agencies and individuals have an opportunity to review the proposed guideline. Interested persons are invited to submit written comments or suggestions to Ms. Pamela Swain, National Institute for Juvenile Justice and Deliquency Prevention, 633 Indiana Avenue, NW, Room 304, Washington, DC, 20531, on or before April 1, 1980, Ms. Swain's telephone number is 202/724-5893.

Ira M. Schwartz,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

Office of Juvenile Justice and Delinquency Prevention Program Announcement: Delinquency Prevention Research and Development

Pursuant to Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is sponsoring a program of research in delinquency prevention. The sole aim of this program is to obtain rigorous evaluation research results on the particular delinquency prevention approaches described within this announcement.

A. Background

In response to the legislative mandate to develop effective approaches for preventing delinquency, OJJDP commissioned the preparation of two major sets of materials on the state-of-the-art of delinquency prevention. One set was prepared to guide states in using Federal funds to develop state-wide prevention strategies. It consists of a review of academic, professional and popular views about causes of delinquency, and identifies directions that appear promising for preventing delinquency. This material is contained in two volumes entitled *Delinquency Prevention: Theories and Strategies* and *State Options for Supporting Delinquency Prevention.*

The OJJDP Assessment Center on Delinquent Behavior and its Prevention was also commissioned to review and analyze the theoretical and empirical literature on causes of delinquent behavior, and to review studies of the effectiveness of various approaches to preventing delinquency. The Center also undertook a nationwide survey of existing prevention programs. The results of the review and survey efforts were systematically combined to produce a design for a comprehensive program to prevent delinquency summarized in a paper entitled "The Social Development Theory of Delinquency and Its Prevention."

The Prevention Research and Development Program consists of two components. The first is a test in one community of the comprehensive model designed by the Assessment Center, which focuses on the family, school, peer groups and employment. The second component involves a test of school-based prevention strategies in selected communities, based upon the most promising strategies identified in *Delinquency Prevention: Theories and Strategies,* which are compatible with the school-based components of the comprehensive model. This solicitation invites applications to test the second component.

OJJDP has available a limited supply of the referenced background material. Copies will be mailed to persons interested in applying for this program upon written request as long as the supply lasts.

B. Program Objective

1. To implement in four (4) to six (6) sites, a chosen set of primary and secondary prevention programs which deliberately and systematically apply certain contemporary delinquency theories and research findings.

2. To apply rigorous experimental and quasi-experimental evaluation research designs to the programs implemented in order to:

a. assess the impact of the programs on deliquent behavior and some closely related variables;

b. assess the effectiveness of the various program elements; and

c. add to the understanding of processes which generate delinquent behavior and how such behavior can be reduced.

C. Programs To Be Tested

The approaches to be tested under this program have already been selected. Applications of these types, not departures from them, are invited. Potential applicants should bear in mind that OJJDP considers the demonstration of advanced delinquency prevention programs and the production of high quality evaluation research findings to be the sole purpose of this program. For certain potential applicants this program will present a rare opportunity for rigorous program development and testing. Agencies or organizations primarily interested in augmenting services may find this program to be a troublesome and awkward source of support, as the program types may not be relevant, desirable or feasible.

D. Program Description

Through this program, OJJDP will test selected primary and secondary delinquency prevention strategies. For purposes of this announcement, primary prevention includes programs which alter fundamental conditions or institutional arrangements *or* which address all youth, in order to preclude delinquent behavior and to forestall processes by which youth may come to assume delinquent roles and lifestyles. Secondary delinquency prevention includes programs which address

populations of youth which may, on adequate evidence, be regarded as being at greater than normal risk of engaging in delinquent behavior or of assuming delinquent roles and lifestyles.

1. *Central Characteristics of Selected Programs.* The desired primary and secondary prevention programs share some central characteristics intended to make them attempts to reduce the original incidence of delinquent behavior rather than to react to troublesome behavior which is already visible.

a. Both the primary and secondary prevention programs employ contemporary delinquency theory to interpret organizational and group arrangements and processes conducive to delinquent behavior and to the assumption of delinquent roles by youth. Both employ this interpretation selectively to alter or counteract these arrangements or processes.

b. Neither the primary nor secondary programs to be tested employ individual diagnosis, screening or treatment to any significant degree. Rather, the aim is to intervene in arrangements and processes affecting classes of youth. In the secondary prevention programs, limited use is made of individual assessments and treatments as supplements to the central activities.

c. Neither the primary nor the secondary prevention programs should address youth who are, at the time, engaged in proceedings with, or in the custody of, juvenile justice agencies. In general, programs which operate primarily as responses to individual youths' histories of delinquent behavior are not desired, and will not be regarded as responsive to this announcement.

2. *Theoretical Orientation.* In order to provide a distinctive focus for these programs and to attain desirable depth and rigor in the program design and evaluation, the desired delinquency prevention programs will apply a few selected theoretical arguments about delinquent behavior. Both the validity of the theoretical arguments and the programmatic application of the arguments will be addressed in the evaluation component of this program.

Social control (Reiss, 1951; Nye, 1958; Matza 1964; Hirschi, 1969) is the major theory to be tested through this program. The control theoretical perspective will be augmented selectively by cultural deviance theory (Miller, 1957; Sutherland and Cressy, 1966; and Akers, et al. 1979), strain or opportunity theory (Martin, 1937; Cohen, 1955; Cloward and Ohlin, 1960) and labeling theory (Becker, 1963; Lemert, 1972). Discussions of each of these theories can be found in the background materials for this announcement.

E. General Program Approach

The basic method of these delinquency prevention programs is to employ specific theory and research findings to identify and interpret organizational and group processes contributing to delinquent behavior, and then to move selectively to remove, reduce or counteract those contributors, or to create new opportunities for better social bonding. Programs will establish organizational or group routines in which social control of delinquent behavior is increased, or eliminated, and systematic supports for law-abiding behavior are strengthened.

The approach outlined here will be tested in schools. The target population will be youth from approximately 12 to 16 years of age.

F. Program Strategy

This program announcement is designed to provide potential applicants with general information on the approach to the Delinquency Prevention Research and Development program, and to initiate a program development process. Applicants are asked to assess their capability to participate in the effort, and to assess the feasibility of applying the approach outlined above in their jurisdiction.

Simultaneously, OJJDP will be undertaking development activities to give more specific direction to the program. OJJDP will be convening a small working group to review the materials discussed in the background section of this announcement, to specify the theoretical framework and the hypotheses to tested, and to identify the range of specific school-based program components to be implemented in local school systems.

The results of this process will be shared with successful applicants through the technical assistance efforts sponsored by OJJDP in support of this initiative. The OJJDP technical assistance contractor and the evaluation grantee will assist grantees in incorporating selected components into their first-year plans.

G. Desired Project Forms

The desired strategies can be implemented in either of two main forms: direct efforts toward organizational change *or* more conventional programs of direct services to selected youth populations.

1. Direct efforts toward selective organizational change (see *Delinquency Prevention: Theories and Strategies,* Chapter 3). In this form, the applicant selects for attention to school or a group of schools. The theoretical framework will be applied to identify and interpret organizational and group arrangements and processes bearing on the social control of delinquent behavior. Then, programs to modify the subject organizational and group arrangements are designed and implemented, employing the selected prevention strategies. Organizational change is the direct product. While such change is likely to be complementary to broader aims of improving schooling, that is not the main purpose. The central aim is to affect delinquent behavior by augmenting social control.

2. Programs of direct service to selected youth populations (see *Delinquency Prevention: Theories and Strategies,* Chapter 4). The design and implementation of selective school organizational changes of the type described above may not be feasible in some jurisdictions. Therefore a second form may be attempted either as a primary or a secondary prevention program. This second form is accomplished by indentifying a legitimate activity which can be component of the on-going activities of the school which, in itself, can be expected to enhance the grounds for bonding. Such activities must provide an opportunity for the project to apply the theoretical framework and strategies which are the bases for this research and development program.

The selected activities are then made available to some population of youth. If primary prevention is selected, the activity would include a cross-section of all youth. If secondary prevention is selected, it would include a mix of all youth such that the clientele would be perceived as an ordinary group of youth, although particular efforts should be made to recruit populations of youth which stand a greater than normal risk of engaging in delinquent behavior.

In this form, the basic or on-going activities of the program would be supported by the school as a normal part of its operations.

Program elements which are consistent with the theoretical approaches of interest and with *both* of the forms described above include "performance-based education" (sometimes referred to as "mastery learning" or "individualized instruction"), opportunities for work and community service, increased student participation in school governance and in the planning and development of school activities, and home-school coordination. Applicants should assess their capability to implement these types of components in thier applications.

Applicants who select the direct service form should bear in mind that even this form should contribute to long-term organizational development. (See *Delinquency Prevention: Theories and Strategies,* Chapter/Section 4.10.)

As a support for, but not as a replacement for, the two program types described, limited remedial components relying primarily on individual assessment will be entertained within secondary prevention programs.

Applicants will be expected to demonstrate their capability to implement one of these two program forms. *Applications should not contain detail on how such forms would be implemented.*

H. Duration of Grants and Funding Levels

Awards will be made for a period of two years, with the intentions of providng a third year for all projects initially approved and making satisfactory progress, providing that funds are available.

Since programs of the type desired cannot be adequately designed and proposed in the period available for proposal preparation, applications will be used primarily by OJJDP to assess applicant capability and the feasibility of implementing the program in the local jurisdiction.

Applications should address a three-year time period which allows for the following:

1. *Year One.* The first year following grant award will be devoted to systematic and detailed planning, negotiation, design and development of the intended program. First year budgets may not exceed $75,000. These funds may be used to defray design and development costs, including program coordination, negotiation of detailed agreements with necessary organizations, time for staff to participate in training, program design, development and testing of materials and methods, training of relevant staff in the theoretical underpinnings of the program and specialized consultation and assistance. Travel funds should be designated for quarterly trips to Washington, DC, to confer with other program grantees, the government project monitor, the technical assistance contractor and the program evaluator.

OJJDP anticipates that the grantees will wish to appoint project directors to lead the development activities of the first year and manage implementation in the second and third years. The Project Director should be an experienced, knowledgeable and influential member of the applicant's staff who is in a favorable position to apply these methods. If the applicant proposes to hire a Project Director not presently a member of the staff, sufficient justification must be submitted as part of the application. At a minimum, the Project Director must have organizational change skills and an orientation to innovation. The core staff must include research expertise.

The products for the first year should be:

a. A complete, detailed, well-developed and rehearsed strategy and program design. The design will be prepared by the grantee with the assistance of OJJDP to insure its consistency with the theoretical framework and its evaluability.

b. A thorough narrative report of the development activities.

2. *Year Two.* The programs designed and rehearsed in the first year will be implemented in the second year. OJJDP expects second year budgets not to exceed $150,000. Given the intent to base these projects within existing organizations, OJJDP expects that the bulk of operational costs will be borne locally.

Because this is a testing program, there will be a continuing need for the grantees to address design, program development and organizational development throughout the second year. Therefore, a substantial portion of the second year budget must be devoted to activities such as staff training, consultation, progress review, necessary revision of materials, review of the theoretical framework, etc.

OJJDP is aware that there may be exceptions to the principle that operational costs must be borne locally. Use of some portion of the second year funds to defray operational costs will be reviewed and approved by OJJDP based upon the following considerations:

a. In the first year, the project staff made serious, systematic attempts to base the program in local resources.

b. The operation expense is necessary to obtain evaluative information regarding project impact on delinquent behavior.

c. Costs are one-time costs of change or, if the costs are on-going, there is assurance that they will be assumed by the local organization in a short period of time.

The products for the second year should be:

a. One year's experience with a carefully implemented program.

b. A thorough, descriptive report of the second year's experience.

3. *Year Three.* Based upon the availability of funds and demonstration of satisfactory progress during the initial funding period, grantees may be awarded third year funding.

During this final funding period, grantees will continue to refine and improve the existing program in light of the second year's experience and in response to the preliminary evaluation results. Particular consideration must be given to the consolidation and permanent establishment of the program if the evaluation results are favorable.

Once again, the grantee must give substantial attention and resources to the problems of organizational development and program development, refinement and renewal. If operational costs have been covered with grant funds during the second year, the third year allocation for this purpose should be eliminated or greatly reduced. The grantee should begin during the third year to assume the costs for the project.

In summary, OJJDP intends to provide an opportunity for theory-based, systematic program development. OJJDP expects that this program will result in:

1. Careful, well-supported implementation of specific program components.

2. Thorough evaluation of the entire process and its outcomes.

3. Institutionalization of programs which are determined to be effective.

I. Evaluation

Since this is a research and development program, the evaluation will be a major, integral component. Each project will be expected to strictly adhere to the requirements of the design to be developed by an independent evaluator. These requirements are likely to include random selection procedures, follow-up of youth involved in the program, access to school, police and court records, and detailed documentation of the project activities. The evaluation design will be developed in conjunction with the program development process explained in Paragraph F, *Program Strategy.* The evaluator will work with the technical assistance contractor to assist the projects in implementing procedures which meet evaluation requirements.

J. Technical Assistance

Technical assistance will be provided to successful applicants at each stage of program development, including application refinement, implementation and evaluation. The technical assistance provider will work with OJJDP in prioritizing their technical assistance needs, and the provider will be required to provide a timely, planned response to those technical assistance requests which can be accommodated. The provider will also provide written

reports of technical assistance to the project staff, to OJJDP and to the evaluator.

K. Eligibility

Eligibility for this program is limited to schools and school districts or other organizaitons which, by virtue of extraordinary circumstances, relationships or competencies, are in a position to implement the described programs in the manner set out in this announcement.

L. Application Procedures

Applicants are referred to LEAA Guideline Manuals M 7100.1 and M 4500.1, effective editions, for a full discussion of application requirements. All applications must be submitted on Standard Form 424.

In addition to these requirements, applicants must:

1. Demonstrate an understanding of the research and development approach.
2. Demonstrate prior experience in implementing programs organizational change and/or direct services to particular populations of youth. Describe the evaluation of these programs, if applicable.
3. Demonstrate that evaluation of the required rigor will be supported.
4. Demonstrate that the historical developments and present political and organizational circumstancs in the applicant organizations make the organizational change and/or direct service forms describe in this announcement feasible and that it is feasible to implement elements of the type described in Section G.
5. Demonstrate an understanding of the delinquency prevention theories contained in Paragraph D2 of this announcement, and how they relate to problems in the applicant's school district.
6. Indicate the level of proposed staff expertise in prevention programming, educational program development and research or program evaluation. (Resumes of key project staff should be included.)

Applications will be rated on the above criteria. They will have equal weight.

Each application must contain a description of the proposed budget for the first two project years. Applicants must describe the extent to which the major operational costs of the project can be borne locally.

Prospective applicants for this program must mail or hand-deliver one (1) original and two (2) copies of the application to the Office of Juvenile Justice and Delinquency Prevention, LEAA, Room 442, 633 Indiana Avenue, NW, Washington, DC, 20531, by _____. Applications sent by mail will be considered to be received on time if sent by registered mail or certified mail no later than _____, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service.

M. Selection Process

All applications will reviewed by OJJDP staff. If more than 20 applications are received, OJJDP will compose a panel to read the applications and score them on the criteria listed in Paragraph L of this announcement. The applications receiving the highest overall ratings will be selected as finalists.

Site visits may be made to each of the finalist organizations for further funding consideration, to clarify information submitted in the application, and to provide the applicant with more detailed information on the hypotheses to be tested and the specific program components to be implemented. Four to six sites will be selected for funding.

N. Contacts

For further information regarding this announcement, contact Pamela Swain, National Institute for Juvenile Justice and Delinquency Prevention (202-724-5893), or Kathie Costin, Office of Juvenile Justice and Delinquency Prevention (202-724-7776).

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Part III

Civil Aeronautics Board

Implementation of the National Environmental Policy Act; Environmental Regulation, Waiver of Procedural Requirements; Delegation of Authority

CIVIL AERONAUTICS BOARD

14 CFR Part 312

[Regulation PR-218; Procedural Regulation Reissuance of Part 312; Docket 32602]

Implementation of the National Environmental Policy Act

AGENCY: Civil Aeronautics Board.
ACTION: Reissuance of Part.

SUMMARY: This rule revises the CAB's procedures for ensuring its full compliance with the National Environmental Policy Act (NEPA). The changes reflect the Airline Deregulation Act of 1978 and the adoption of environmental regulations by the Council on Environmental Quality. The rule lists those CAB actions that normally may significantly affect the environment and require an environmental impact statement or assessment, and those that normally do not. It also simplifies the procedures and policies that must be followed in making environmental determinations. The rule changes are partly in response to a petition by National Airlines, and partly at the CAB's own initiative.

DATES: Effective: April 26, 1980.
Adopted: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach, Environmental Counsel, 202-673-5858, or Arnold G. Konheim, Chief, Environmental Programs Division, 202-673-6089, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: In May 1978 National Airlines filed a petition for rulemaking, asking that certain changes be made in the Board's environmental procedures (14 CFR Part 312). By an advance notice of proposed rulemaking (PDR-56, 43 FR 38205, August 25, 1978), the Board postponed action on National's petition, although stating its intention to revise Part 312, so that it could use the experience gained in dealing with certain environmental issues then before the Board, and also so that it could review the new regulations of the Council on Environmental Quality (CEQ) then being changed. On July 30, 1979, the Board issued a notice of proposed rulemaking (PDR-56A, 44 FR 45637, August 3, 1979), proposing thoroughly to review Part 312 in view of the changes made in the Board's policies and statutory authority by the Airline Deregulation Act of 1978 (Pub. L. 95-504), and in view of the revised CEQ regulations, (43 FR 55978, November 29, 1979, 40 CFR Parts 1500-1508). Comments on the proposed changes were filed by Piedmont Airlines, San Diego Unified Port District, Louisville and Jefferson County Air Board, Trans International Airlines, Air California, United States Environmental Protection Agency, Massachusetts Port Authority (Massport), and the Council on Environmental Quality (CEQ).

After review of these comments and of our experience during the initial phase of deregulation of air transportation, we have decided to adopt, in essence, the procedures proposed in PDR-56A, although the text of the rule has been modified and expanded.

The National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190, as amended, 42 U.S.C. 4321-4347) directs all Federal agencies to review and consider to the fullest extent possible the environmental effects of agency proposals and decisions. It requires that every recommendation or proposal for a major Federal action that significantly affects the quality of the human environment include a statement on the environmental impact of the proposed action. This Environmental Impact Statement (EIS) is to include any adverse environmental effects of the action, alternatives to the proposed action, and other environmental issues. Before the EIS is made final, a draft is to be circulated for comment to State and local authorities, Federal environmental agencies, and known environmental groups. The EIS and the comments accompany the proposal through the agency review process before a decision on the proposed action is made. The purpose of NEPA is to ensure the widest range of beneficial uses of the environment without ruin or risk to health or safety, to preserve important historic, cultural and natural aspects of the country, and to improve the quality of renewable resources, by improving and coordinating Federal plans and programs and encouraging State and local government and public input at the earliest possible stage of any proposed action.

Part 312 has been the Board's vehicle for integrating NEPA into the regulation of air transportation. This revision of Part 312 is intended to make sure that the required environmental considerations are fully included in the Board actions to deregulate domestic air transportation, and in our continued regulation of international air transportation. These changes in Part 312 make the Board's environmental procedures simpler, but no less strict. Although our statutory mandate has been completely revised, the impact of our decisions on the environment is not to be disregarded in implementing the transition to a more competitive air transportation. The impact on the environment remains as a primary consideration for the Board in its regulatory activities. In certain instances, however, such as the granting of dormant authority or automatic entry, the Congress has given the Board only a ministerial role, thereby precluding it from making the environment a factor in these cases. The rules adopted here will therefore apply to Board activities where the Board has the power to exercise discretion in its decision-making and to take independent action on the environmental results of its decisions.

The Council on Environmental Quality has adopted regulations for Federal executive agencies to ensure their compliance with NEPA, and the Board is using those regulations for guidance. As an independent regulatory agency, the Board has the duty to develop its own procedures and policies with respect to NEPA. Revised Part 312 incorporates the CEQ regulations as a guide in developing data from which an evironmental determination can be made, and to supplement our procedures in meeting the goals of NEPA to the fullest extent practicable. For example, Board officials will use provisions of the CEQ regulations as guidance when preparing an Environmental Impact Statement, and as part of the considerations for making determinations about whether a proposed action would significantly affect the environment. The regulations and policies of CEQ and the Environmental Protection Agency are, of course, always a primary point of reference when making decisions on environmental issues in our proceedings.

As explained in the proposal, the revised Part 312 makes several major changes in the Board's environmental procedures. The requirement that applicants for route authority and certain other Board actions file environmental evaluations is eliminated, as is the provision that public hearings are not normally held in making environmental determinations. The requirement that the Public Reference Room at the Board maintain a list of proceedings involving environmental issues has been dropped as unnecessary. Categories have been established to list those actions of the Board that normally do and that normally do not require the preparation of an EIS or an assessment. Public participation in the Board's environmental decision-making has been expanded, as have notice and

publicity of Board environmental proceedings. The rules themselves have been simplified in both text and format so that they can be more easily understood.

Subpart A—General Provisions

Subpart A of the proposed rule has been extensively revised. New sections on the purpose of the part and its applicability have been added. Section 312.1 states that the purpose of the part is to implement fully the National Environmental Policy Act (NEPA), as suggested by the Council on Environmental Quality (CEQ). Much of the language in the section is taken from the existing policy section of Part 312 to make clear that there has been no change in the Board's determination to comply with NEPA through orderly environmental review processes, and to involve the public and local officials at each step in the making of environmental decisions. The new applicability section states that the policy and rules in Part 312 apply to all actions or activities of the Board. It also includes the provisions from the proposal about applicability to ongoing proceedings. Problems that may arise from applying the new procedures to such proceedings will be handled on an *ad hoc* basis.

The proposed section on waivers and exemptions has been deleted. The Board has broad exemption authority under section 416 of the Federal Aviation Act of 1958, as amened (49 U.S.C. 1301 *et. seq.*), to exempt persons from provisions of the Act or Board regulations when consistent with the public interest, so that a specific provision in Part 312 is unnecessary. The Board is, however, delegating authority to its bureau and office directors, as the officials reponsible for environmental actions, to waive certain procedural requirements of filing times established under authority of this part. The delegation is being placed in Part 385 with other Board delegations, and is being issued simultaneously with this rule as OR-165.

In response to several comments, the Board is adding a definition section to the final rule. For brevity, only those terms that are used repeatedly throughout the part are defined. Unnecessary definitions and those that are self-explanatory have not been retained from the present rule. The definitions are based on similar definitions in the CEQ regulations.

Two additional sections of the proposed rule have been placed in Subpart A. The section in the proposed rule on duties and designation of Board officials remains essentially the same, with some editorial changes. The section on obtaining information about Board environmental actions and decisions has been moved there for easier access, and has been modified slightly.

CEQ asked that the Board add a section to the rule about helping potential applicants. The proposed section would require that when a potential applicant tells the Board that an application is being prepared, Board staff would be available to help the potential applicant in obtaining studies or other information needed for later Board action. The Board has adopted the spirit of CEQ's suggestion, and has expanded the proposal to make such information available to the general public, and not just to potential applicants. In § 312.6, paragraph (a) has been changed to tell the public where general environmental information about Board activities can be obtained, as well as status reports on assessments or an EIS. Also, as was stated in the proposed rule, the Board's staff is available to airport operators who need help in lessening any environmental impact of commercial aviation activities at their airport. The airport operator, who has a large part of the responsibility and authority for taking such actions, would thus have available the Board's experience, forecasting expertise, and familiarity with the types of legal restrictions that may be imposed. This will assure that protection of both the local environment and the national air transportation system in ensured.

Subpart B—Environmental Procedures

The two sections of the proposed rule that generated the most comment were those categorizing certain Board actions as normally requiring or normally not requiring an environmental impact statement or assessment. The United States Environmental Protection Agency, in its comment, stated that the Board's use of these classifications is reasonable and appropriate for use in narrowing the focus of environmental issues. The Agency did state, however, that the use of these categories should be reviewed later to evaluate their effectiveness. The Board will do so. Although Massport argued that the Board's use of categorical exclusions was overly broad, most of the comments suggested various changes to the actions listed in the categories, rather than attacking the concept as a whole. The final rule continues this structure while making some editorial and technical changes.

The section of the proposed rule entitled "Actions that normally require preparation of an environmental impact statement" has been deleted. As stated in the proposed rule, there are no actions that normally require an EIS without some preliminary investigation. This section is therefore unnecessary.

Numerous technical changes have been made in sections 312.10, 312.11, and 312.12 to make clear the Board's intent and to incorporate many of the suggestions of the commenters. Three types of actions are listed in § 312.10 as potentially significantly affecting the environment, thereby normally requiring an evironmental assessment or environmental impact statement. They are: (1) first-time service by air carriers to an airport, (2) first-time service to an airport by specified types of aircraft, and (3) actions where there would be a significant increase in the scope of operations at an airport.

In the proposed rule, the third category of proposed actions was listed as a finding of significant *change* in the scope of operations at an airport. Several commenters argued that this category was too broad and did not give clear guidance to either Board officials or to the public. The Board has modified this category so that only where there would be a substantial *increase* in the scope of operations, resulting in significant change in environmental impact at the airport, is there a presumption of significant impact on the environment. Decreases in the scope of operations will have a more varying degree of impact, and will be considered on an individual basis.

The determination of a significant change in environmental impact will be made by the Board official responsible for the proposed action, using the considerations in § 312.12, and the screening test in Appendix I where possible. The Board has also included in § 312.10 an example of the type of change that would significantly increase the scope of operations at an airport: a 25 percent increase in total daily operations. FAA Order 1050.1B, para. 324c, also used this threshold for stating when a noise analysis is not required. This example is not intended to be exclusive, but only to give a reference mark to the public and the Board staff. These changes, combined with the modifications made in § 312.12, will prescribe sufficient guidance to the public and to Board officials, but without restricting the Board from having flexibility in considering unusual or innovative actions.

These categories are intended to make clear that negative findings are no longer routinely needed. A requirement for making such findings tends to add to

the length of agency documents without contributing new information.

Section 312.11 lists those actions that normally do not require preparation of an EIS or an assessment. Editorial changes have been made in this section to eliminate several redundancies and inconsistencies, and to make clear the Board's intent. Two substantive changes have been made in this section. The paragraph listing authorization of operations for a period of 2 years or less has been deleted. Our intent in that paragraph was to base the exclusion primarily on the temporary or emergency nature of the action, not on its duration. The rule therefore now makes clear that the exclusion only applies to those types of actions.

The second substantive change removes the two-tiered review of a finding that actions normally excluded may have a significant impact on the environment. Under the proposed rule, only in extraordinary circumstances and after a finding that there may be a significant impact on the environment would an EIS or assessment be prepared. In the final rule, the criterion of extraordinary circumstances has been removed. NEPA requires an EIS whenever a major Federal action may have a significant effect on the environment, whether or not the circumstances are unusual. The Board will not impose a higher threshold than required in the statute, and has thus removed that provision.

Massport argued that all multiple permissive awards, essential air service determinations, and airport access policy decisions should be included with those actions normally requiring an EIS or an assessment. As was found in our Draft Program Environmental Impact and Energy Statement on Multiple Permissive Entry Policy, multiple permissive awards normally would not involve significant environmental impact, or increase the scope of operations at an airport. It is the market, not the award of authority, that normally determines the amount of new service at an airport. Between December 1978 and July 1979, the Board made multiple awards in 422 markets. As of September 1, 1979, there have been only 176 new entries in those markets. Existing carriers can also increase their operations to meet service needs within their present authority and often contract existing service when new authority is awarded.

The Board has reviewed the environmental impact of multiple permissive awards in its Draft Program Environmental Impact and Energy Statement, which was circulated in October of 1979. The Draft EIS projected a change in departures between a decrease of 1 percent to an increase of 2 percent for the more probable forecast of the impact that would result from multiple permissive entry (p. 4). Normally, for such a change in operations, we would not expect the noise effects of multiple permissive awards to be environmentally significant. The Draft EIS also found that impacts on air and water pollution, and on airside congestion normally are not significant, and that energy efficiency is improved with multiple entry.

The Draft Program EIS does, however, list classes and examples of airports that may experience unusual growth, and therefore which may have possible significant noise impact. Revised Part 312 provides for this possibility by including in § 312.10 a significant increase in the scope of operations at an airport as a category of actions normally requiring an EIS or assessment, and by stating in § 312.12 criteria that give the Board the flexibility to adapt to unusual circumstances that might require an EIS or an assessment. For example, the Board is now preparing an environmental assessment on the cumulative impact of additional service at Logan International Airport in Boston and an EIS on John Wayne Airport in Orange County, California. A Finding of No Significant Impact is also being reviewed for the IATA Faresetting Agreement case.

Massport also argued that essential air service determinations should normally require preparation of an EIS or an assessment. In most cases, these determinations are merely to replace one carrier with another, primarily using small propeller-driven aircraft. Where first-time service or first-time jet service to an airport is involved, the essential air service determination would fall under those actions normally requiring an EIS or an assessment. Further, those determinations that may have a significant impact on the environment would be covered by § 312.11(b), which allows an official to make this finding and begin the steps toward preparing an EIS or assessment.

Massport further argued that airport access policy decisions should be included among those actions normally requiring an EIS or an assessment. These decisions would presumably involve airline slot arrangements or other agreements between the carriers themselves that are approved by the Board. Actions involving access are not routinely handled by the Board, but instead are developed by the local airport operators and the carriers themselves after authority to serve that airport has been obtained by the carrier or carriers. Because of their rarity and the direct involvement of the FAA, the environmental considerations in such actions are best handled on a case-by-case basis. It is unnecessary to include this category of action under § 312.10 when those few instances where a Board action in this area may have a significant impact can be better handled on an individual basis.

The Board has stated in § 312.12 the considerations to be used by the Board staff in reviewing the environmental effects of proposed actions. In addition to the criteria listed by CEQ in its regulations, the Board will consider three additional matters: (1) potential inconsistency with State or local airport environmental laws or requirements; (2) environmental assessments prepared for the airport involved, such as in connection with an environmental impact statement or report, or an airport master plan or noise control plan; and (3) the forecast of cumulative foreseeable changes caused by the proposed action measured against the existing use of the airport.

The San Diego Port District argued that any new authorized service to an airport that under State environmental law or requirement has been declared an environmentally sensitive area would automatically require an EIS, since without mandatory mitigation new service would increase the noise footprint. That is not necessarily true. As explained earlier in connection with multiple permissive authority, the simple award of authority does not determine whether any new service will be begun, let alone whether there would be an increase in service. The Board recognizes San Diego's concern. The vast majority of Board actions, however, would not affect or come in conflict with State environmental laws or requirements. Further, the principal responsibility is on the airport proprietor to develop plans to handle any problems that may arise because of changes in competition, as long as such plan treats all carriers on a non-discriminatory basis. It is true that mitigation may not be easy, since any efforts to mitigate the effects should not be at the expense of competition or place an unfair burden on new carriers or entrants.

Under § 312.12, the Board will consider applicable State and environmental laws, as specified by § 1508.27 of the CEQ regulation. This approach provides more flexibility than including actions that are contrary to State laws or that affect a declared environmentally sensitive area as a

category of actions normally requiring an EIS or an assessment, as asked by San Diego. We have, however, included in § 312.12 a requirement that environmental assessments prepared for the local airport, such as in connection with an airport master plan or noise control plan, be considered in determining the potential impact of the proposed action. This will help to ensure that local problems and concerns are considered.

Several commenters suggested that various changes be made in the procedural provisions of the proposed rule for making environmental determinations. As revised, the rule in § 312.13 states that within 15 days of an application or proposed action that has the potential of significantly affecting the environment or that may be environmentally controversial, the Board will notify those persons and agencies who may be interested in the proposed action. Notice shall include State and regional clearinghouses, the media, and known national and local environmental organizations. As EPA asked, its regional offices will also be notified of proposed action within their jurisdiction. The notice shall contain a brief list of the potential environmental issues when practicable. This notice procedure is to be used prior to an initial determination by the Board of the potential environmental impact, and in making an EIS or assessment. This quick notice also adopts the CEQ proposal for early consultation with the interested public and local agencies when Board action is reasonably foreseeable.

The Louisville and Jefferson County Air Board suggested that rather than notifying all known private environmental groups, the notice be restricted to State and local clearinghouses. We have a duty to obtain as much information as possible in making our determinations on these matters. The Louisville Board argued that such a restriction would limit notice to those with a legitimate interest in airport activities, and would prevent the airport from being buried by requests for information. Protection of the environment, however, is a concern of all, and we want the broadest possible participation. It is expected that there will be interaction between the local authorities and environmental groups, since it is the local authorities that develop environmental control measures to balance with the air service needs of the community. We have decided to use the OMB A-95 clearinghouses, as suggested by the Louisville Board, as a supplement to other notification procedures.

Air California was concerned that the Board would make environmental determinations without input from outside parties. It suggested that the Board notify applicants that their applications must be served on interested parties that have requested service of applications having an environmental impact on their area. Since the Board does not believe that the burden of providing a large number of copies should be placed on an applicant, particularly when we are uncertain whether there is even a potential impact, an environmental distribution list will be established for the Board's Docket Section. Anyone may ask to be on the list. After an initial screening by the Board, if an action has the potential to have a significant impact or might be controversial on environmental grounds, the Board will notify persons on the list who may be affected by the proposed action, and others listed in § 312.13, describing the potential environmental issues. Those persons and agencies involved in or affected by the proposed action may then participate in the proceeding. This will ensure public participation before a decision is made about the potential impact.

In arguing that the proposed rule relied on public complaints and impact to initiate environmental assessments, Massport misunderstood the Board's intent and proposed procedures. The revised rule makes clear our intent. The rule lists three categories of actions that normally require an EIS or assessment. For those actions listed as not normally requiring an EIS or assessment, the Board may find that the action may nonetheless significantly affect the environment, based on the considerations in § 312.12. The Board, after such a finding, or if the action is determined to be highly controversial on environmental grounds, would begin an environmental review. In all cases, although environmental concerns may be brought to the attention of the Board by several means, the review is made independently by the Board. Further, in asking the public for assistance at this early stage, the Board's notice itself may list the possible environmental issues involved with the proposed action. The Board then, after notice and public comment, makes an independent evaluation, based on all information available, including any public comment, of the potential environmental impact of a proposed action and the need for an EIS or assessment. In this way, the Board believes its new procedures meet both the need to involve the public at the earliest possible stage in environmental decision-making and the NEPA requirement for independent agency evaluation of the need for an environmental assessment or an EIS.

Two commenters suggested that the Board make a public hearing mandatory before environmental determinations are made. The existing Part 312 stated that hearings are not normally used to make environmental determinations. The provision has been eliminated. In the revised rule, while hearings are not mandatory, hearings are to be an integral part of the Board's environmental review on a case-by-case basis. The Board, in deciding whether a hearing is needed in a particular case, will use the criteria of the CEQ regulations: (1) whether there is a substantial environmental controversy, and (2) whether there is a substantial interest in holding a hearing. This will give the Board flexibility to tailor the procedures to the case and to the issues involved. It will not, however, diminish the ability of the Board to obtain information from the public or of interested parties to present data to the Board. In implementing various aspects of the Airline Deregulation Act (P.L. 95-504), the Board has used non-hearing procedures that have been effective in gathering the available information and the views of all parties.

Air California recommended that time limits be set for service of applications and for the making of initial determinations. We have set a time limit for the giving of notice by the Board and a minimum period for comments. We have not, however, set a time limit for Board action. To do so would unnecessarily restrict the flexibility of the Board to respond to the needs of each case. Time periods may be set in individual cases.

The section in the proposed rule on use of environmental documents in Board decision-making has been split into two sections, with minor editorial changes. There has been no substantive change.

Miscellaneous

Massport argued that the rule should be subject to an environmental review. As the CEQ found for its own regulations, an EIS is not required on these implementing regulations. Contrary to Massport's assertion, the changes in this rule are not a major change in Board policy. It is a change in procedure to match existing practice and to enhance our present policy. The elimination of the requirement for the filing of environmental evaluations relieves carriers of an unnecessary burden, as shown in PDR-56A. In PDR-

56A, the Board stated that this in no way changes its vigilance in environmental matters. In regard to the listing of certain types of actions as normally requiring or normally not requiring an EIS or assessment, these categories reflect existing practice, except for eliminating unnecessary paperwork. For these reasons, the revision of our environmental procedures in this rule is not a major Federal action under NEPA, and would not have a significant impact on the environment. Neither an EIS nor a Finding of No Significant Impact is therefore required.

The EPA suggested that an evaluation method should replace the existing noise and air pollutant screening tests in Appendices I and II of Part 312, but that these tests should not be discontinued until a new method is in place. Although the present noise screening test is inconsistent with the current state of the art of noise analysis, until a new method can be developed, the Board has decided to keep the present screening test in Appendix I. As stated in the proposed rule, the Board intends to replace the screening test and to develop new procedures to assist in making environmental determinations about potential Board actions. A notice of proposed rulemaking will be published in the near future, proposing some form of procedures and asking for public comment. The air pollutant test is being deleted because experience has shown noise pollution to be the controlling factor in triggering an environmental assessment. The Board, however, may develop a revised screening test. Appendix II is deleted as no longer needed.

Retention of the Board's position of Environmental Coordinator, as suggested by one commenter, is unnecessary. The duties of that position are now handled by staff such as the Environmental Programs Division, the Environmental Counsel and others with expertise in this area.

Massport wanted energy use assessed as part of the environmental process. Energy efficiency and use of proposed actions are evaluated using the procedures in 14 CFR Part 313 that implement the Energy Policy and Conservation Act. These procedures already provide that energy impact will be assessed where pertinent as part of the environmental process.

Effectiveness

CEQ has asked that the final rule be sent to it for review 30 days prior to publication. As the Board has stated in the proposed rule and in this final rule, as an independent regulatory agency it has its own responsibility to develop rules consistent with NEPA. In this proceeding the Board has published an advance notice of proposed rulemaking and a notice of proposed rulemaking, followed by a lengthy comment period. Comments have been accepted after the set comment period, including those of Massport and CEQ.

In order to develop the best possible set of environmental procedures for the Board, however, and so as to allow all of the interested public and government agencies to review the rules adopted, particularly since the rules have been substantially rewritten and reorganized, the Board is delaying effectiveness of this final rule for 45 days from publication in the Federal Register. The delay in effectiveness, after publication, allows all parties to review the rule and permits any major problems to be corrected before implementation. Since the rule incorporates CEQ's suggestions and most of those of the commenters, there appears to be no need to delay publication of the final rule. The purpose of final review is better served by publication to the public and by delay in effectiveness than by the method asked for by CEQ.

For these reasons, in 14 CFR Part 312, Appendix II is revoked and reserved, Appendix I and the part are amended to read as follows:

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

Subpart A—General Provisions

Sec.

312.1 Purpose.
312.2 Applicability.
312.3 Relationship to other statutues.
312.4 Definitions.
312.5 Duties of Board officials.
312.6 Information on Board environmental actions.

Subpart B—Environmental Procedures

312.10 Actions normally requiring preparation of an environmental impact statement or assessment.
312.11 Actions normally not requiring preparation of an environmental impact statement or assessment.
312.12 Considerations in reviewing environmental effects.
312.13 Public notice of application or proposed action.
312.14 Public participation in initial environmental determinations.
312.15 Initial determination.
312.16 Environmental assessment.
312.17 Finding of no significant impact.
312.18 Environmental impact statement.
312.19 Use of environmental evaluation in Board decisionmaking.
312.20 Board action after environmental review.
Appendix I—Noise Screening Test.
Appendix II—[Reserved]

Authority: Secs. 102, 204 of the Federal Aviation Act of 1958, as amended, 92 Stat. 1706, 72 Stat. 743, 49 U.S.C. 1302, 1324; National Environmental Policy Act of 1969, 83 Stat. 352 *et seq.*, 42 U.S.C. 4321 *et seq.*

Subpart A—General Provisions

§ 312.1 Purpose.

(a) The purpose of this part is to provide a framework for compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) in the regulation of air transportation under the Federal Aviation Act of 1958 (49 U.S.C. 1301, preserving and enhancing the environment. This part implements NEPA as fully as statutory authority permits, and uses the related regulations of the Council on Environmental Quality (CEQ) (43 FR 55978, November 29, 1978) (40 CFR Parts 1500–1508) as a supplement for guidance in using the procedures of the part. The part requires that NEPA be considered as a mandate and as supplemental to the Board's existing authority, and ensures that environmental quality factors are considered in the Board's decisionmaking process at the earliest possible time.

(b) It is further the purpose of this part to establish orderly environmental review processes within the Board so that environmental concerns are considered in Board decisions, and major Board actions significantly affecting the quality of the human environment are preceded by a detailed statement on the environmental impact of such action. The part requires that this detailed environmental statement accompany the proposals for actions through existing Board review and decision processes and that public comment be obtained.

§ 312.2 Applicability.

(a) The policy and rules in this part apply to all actions or activities of the Board. The part also applies to all persons participating in these activities.

(b) This part governs all proceedings in which an Environmental Impact Statement or a Finding of No Significant Impact has not been issued prior to the effective date of the part. All other proceedings shall be governed by the procedures set forth in 14 CFR Part 312, as effective April 3, 1979. In neither case, however, shall the provisions of this paragraph relieve any person from complying with Board orders, rulings of an administrative law judge, or requests by the Board official directing the submission of data from which an environmental assessment can be prepared.

§ 312.3 Relationship to other statutes.

Findings about environmental impacts required by other statutes shall be incorporated in the Environmental Impact Statement or the Finding of No Significant Impact required by this part whenever applicable and possible.

§ 312.4 Definitions.

As used in this part:

"Environmental assessment" means a public document prepared by the Board that briefly provides sufficient evidence and analysis for determining whether an Environmental Impact Statement or a Finding of No Significant Impact should be prepared, and includes discussions of the need for the proposal, the environmental impact of the proposal and alternatives, the factual basis for any conclusions, and a list of persons and agencies consulted.

"Environmental impact statement" means a detailed, written statement as required by section 102(2)(C) of NEPA, and includes an analysis of the efforts to avoid or lessen adverse environmental consequences by means of modified approaches or alternatives.

"Finding of No Significant Impact" means a statement of reasons why an action for which an environmental assessment is required would not significantly affect the quality of the human environment, and includes an environmental assessment or a summary of the assessment.

§ 312.5 Duties of Board officials.

(a) Office and bureau directors shall be responsible for preparing Environmental Impact Statements or assessments or Findings of No Significant Impact, and shall ensure compliance with this part, NEPA, and other environmental statutes as applicable, for Board actions within their areas of concern.

(b) Overall review of Board compliance with NEPA and this part shall be the joint responsibility of the General Counsel and the Chief, Environmental Programs Division, Office of Economic Analysis.

§ 312.6 Information on Board environmental actions.

(a) Status reports on Environmental Impact Statements or assessments or Findings of No Significant Impact prepared or being prepared by the Board, or general environmental information about Board activities, may be obtained by writing, listing the docket number when assigned, either to the information contact person listed on the document or to: Associate General Counsel, Legal Counsel Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

(b) Environmental documents shall be made available to the public without charge to the extent practicable or at a fee not exceeding actual reproduction costs.

Subpart B—Environmental Procedures

§ 312.10 Actions normally requiring preparation of an environmental impact statement or assessment.

Actions that have the potential to significantly affect the environment, and that normally require preparation of an environmental impact statement or an environmental assessment, include those in which the Board has decisionmaking power and:

(a) That involve first-time service by air carriers to an airport;

(b) That involve first-time service to an airport by jet, SST, helicopter or V/STOL aircraft; or

(c) That would substantially increase the scope of operations at an airport, such as an increase in total daily operations by more than 25 percent.

§ 312.11 Actions normally not requiring preparation of an environmental impact statement or assessment.

(a) Except when they fall within the categories listed in § 312.10, the following actions normally do not require preparation of an environmental impact statement or an environmental assessment:

(1) Actions where the Board has no control over the outcome and where its decisionmaking power is eliminated by statute or regulation, including but not limited to registration of air taxi operators and air freight forwarders, and awards under the unused authority, automatic market entry, and domestic all-cargo certificate sections of the Act;

(2) Actions that have an impact primarily on points outside of the United States, except for those significantly affecting the environment of a foreign nation not participating in the action, or ecological natural resources designated for protection by the President or Secretary of State, or global common areas such as oceans or the atmosphere;

(3) Enforcement of laws or regulations, including preliminary investigations;

(4) Approving or setting carrier fares or rates;

(5) Approving a carrier agreement, acquisition of control, merger, consolidation or interlocking relationship;

(6) Determining essential air service, subsidy eligibility, or subsidy need under section 419 of the Act;

(7) Authorizing carriers to serve airports already receiving the type of service authorized;

(8) Authorizing transborder operations by Canadian air carriers with aircraft having a capacity of 60 seats or less, or 18,000 pounds payload or less;

(9) Granting of temporary, emergency authority; and

(10) Authorizing suspension or termination of service.

(b) Where the Board official responsible for the action determines that any of the actions listed in paragraph (a) have the potential to significantly affect the environment, an environmental impact statement or environmental assessment shall be prepared.

(c) Unless a determination is made under paragraph (b) of this section, no further action under this Part is required for actions listed in this section.

§ 312.12 Considerations in reviewing environmental effects.

In reviewing potential environmental effects, the Board and its officials shall consider—

(a) The criteria listed by the Council on Environmental Quality in 40 CFR 1508.27;

(b) The potential inconsistency with State or local airport environmental laws or requirements;

(c) Environmental assessments prepared for the airport involved, such as in connection with an environmental impact statement or report, or an airport master plan or noise control plan; and

(d) The forecast of cumulative foreseeable changes caused by the proposed action or actions measured against the existing use of the airport, using Appendix I where relevant.

§ 312.13 Public notice of application or proposed action.

(a) The responsible official shall notify those persons and agencies who may be interested in or affected by any applications or proposed Board actions that involve matters listed in § 312.10 or designated under § 312.11(b), or that are determined to be highly controversial on environmental grounds, within 15 days of receipt of the application or adoption of a notice of proposed action, or as soon as practical after an environmental issue is raised within these categories. Notification shall include notice to the Environmental Protection Agency and its appropriate regional office, State and areawide clearinghouses under OMB Circular A-95 (Revised), newspapers and electronic media in the area affected, known community organizations such as small business associations in the area affected, and

known national and local environmental organizations.

(b) Notice required by this section shall include a brief description of the proposed action, and to the extent practicable a brief list of the potential environmental issues raised by the proposed action.

(c) Any person or organization may receive notice of any application or proposed action involving a specified airport, type of proceeding, or geographic area by asking the Docket Section to place it on the Environmental Distribution List.

§ 312.14 Public participation in initial environmental determinations.

(a) Except in extraordinary circumstances, interested persons and organizations shall be given not less than 30 days after notification to submit comments or additional information on the environmental issues presented in any notice of a Board environmental proceeding.

(b) A comment that contains specific information on the potential environmental impact of an application or proposed action should include the source of the information, assumptions and justification for its use, and the base period to which the potential impact is compared. The base period should be one that does not include unusual factors such as strikes, equipment shortages or other unusual circumstances.

§ 312.15 Initial determination.

(a) The responsible Board official shall make an evaluation of the potential environmental impact of any application or proposed action for which a notice has been issued under § 312.13. In making the evaluation, the official shall consider all information available, including comments submitted by the public and other government agencies, and shall be guided by the standards in § 312.12. If additional information is needed, the applicant or other person or agency shall be asked to provide it within a specific time period set by the responsible official, or the official may order a hearing to obtain the information.

(b) If the responsible official determines that the proposed Board action may significantly affect the environment and further analysis is required, all parties participating in the proceeding shall be individually notified of the determination.

(c) An initial determination is not required in those cases where the responsible official finds an environmental assessment or impact statement is needed, based on evidence already in the record.

§ 312.16 Environmental assessment.

If further evaluation is needed before a decision about whether an Environmental Impact Statement should be prepared, the responsible official shall notify the public and other government agencies by using the procedures in § 312.13 of the Board's intent to prepare an environmental assessment for the proposed action. A public comment period or a hearing may be used to obtain additional information.

§ 312.17 Finding of no significant impact.

If after review of the environmental assessment, the responsible official decides that an Environmental Impact Statement need not be prepared, a Finding of No Significant Impact shall be issued. The finding shall be sent to all persons and organizations who have participated in the proceeding, and be distributed using the procedures in § 312.13.

§ 312.18 Environmental impact statement.

(a) A Notice of Intent to prepare a draft environmental impact statement shall be published in the Federal Register, and distributed as set forth in § 312.13, as soon as practicable after the decision has been made. The Notice of Intent shall include the proposed action and possible alternatives, the procedures to be used to narrow the issues to be covered in the the statement, and the name and address of a contact person for the statement.

(b) The Environmental Impact Statement shall be prepared using 40 CFR Parts 1500, 1501, and 1502 as guidance. Every effort shall be made to reduce paperwork and to reduce delay in the preparation of the statement, using the procedures set forth in 40 CFR §§ 1500.4 and 1500.5 as guidance to the fullest extent possible. The statement shall include an explanation of the right to appeal the Board's final decision on the proposed action.

(c) A supplement to the draft or final statement shall be prepared if there is a substantial change in the proposed action, or if significant new circumstances or information are brought to the Board's attention.

(d) Draft and final statements shall be distributed for review as follows:

(1) The administrative law judge and any party or Rule 14 participant in the proceedings (one copy or as directed by the judge);

(2) Office of Environmental Review, EPA (five copies);

(3) EPA Regional Office, when applicable (five copies);

(4) Federal agencies having a special expertise or jurisdiction pertaining to any environmental impact involved (one copy);

(5) State and local agencies that have environmental jurisdiction (one copy or as agreed) or with their prior agreement, State and areawide clearinghouses under OMB Circular A-95 (Revised); and

(6) The Department of State, where the proposed action involves areas outside of the United States (one copy);

(7) Known national and local private environmental organizations (one copy each); and

(8) Any person participating in the proceeding (one copy each);

(e) Copies of the draft or final Environmental Impact Statement shall be provided upon request to any person, agency, or organization.

312.19 Use of environmental evaluation in Board decisionmaking.,

(a) All Environmental Impact Statements and Findings of No Significant Impact shall:

(1) Be filed in the docket of the proceeding;

(2) Be served upon parties and participants in the proceeding in accordance with the Board's procedural rules in 14 CFR Part 302 or as directed, and if applicable, submitted to the administrative law judge;

(3) Be made part of the record in formal rulemaking or adjudicatory proceedings;

(4) Accompany the proposal through the Board's internal review process; and

(5) Be made available to all parties at least 15 days before the environmental portion of any hearing in a formal proceeding.

(b) Whenever environmental documents include discussion of alternatives to the proposed action, the decision-maker shall consider the range of alternatives presented, and an evaluation of the alternatives shall be included in any action taken on the proposal.

§ 312.20 Board action after environmental review.

(a) All initial, recommended and final decisions in formal rulemaking and adjudicatory proceedings, and all final Board actions in any other proceeding, that included preparation of an environmental assessment or environmental impact statement shall include findings on the environmental impact of the action and its relationship to the decision.

(b) The responsible Board official shall notify the Environmental Protection Agency when a final decision is made in a proceeding for which an environmental impact statement was prepared.

(c) No final action shall be taken in any proceeding for which an environmental impact statement is prepared until at least 90 days after publication in the Federal Register of notice of the filing of a Draft Environmental Impact Statement, and at least 30 days after publication in the Federal Register of notice of filing of the Final Environmental Impact Statement, except when earlier action is required to comply with the Board's statutory mandates.

Appendix I

Noise and Screening Test

For purposes of the Civil Aeronautics Board's consideration of the environmental effects of its actions, the Board and all parties to its proceedings may rely on the following Noise Screening Methodology, or any functional equivalent thereof:

Noise Screening Procedures

Step 1. Determine (a) the total number of aircraft operations per day in the base period, (b) the number of those operations conducted during the daytime (0700–2200), and (c) the number of those operations conducted during the nighttime (2200–0700).

Step 2. Determine whether the percentage of operations by four-engine aircraft with low-bypass-ratio engines (*i.e.,* all series of the B–707, B–702, DC–8, CV–880/990, VC–10) during the base period is (a) less than 5% of total operations; (b) between 5% and less than 10% of total operations; (c) between 10% and less than 15% of total operations; (d) equal to or greater than 15% of total operations.

Step 3. Determine whether the percentage of operations involving short-haul flights of 1,000 miles or less is (a) 80% or greater; (b) between 50% and less than 80%; (c) below 50%.

Step 4. Calculate the area affected by utilizing the following formula:

$$A = 1.92 \cdot 10^{\frac{[10 \log N - 16 + C]}{15}}$$

where

A = area affected

N = total number of aircraft operations

N_d = number of daytime aircraft operations (0700–2200)

N_n = number of nighttime aircraft operations (2200–0700)

$C = C_1 C_2 C_3$

$$C_1 = 10 \log \left[\frac{N_d + 16.7 N_n}{N_d + N_n} \right] - 4.2$$

C_2 = −2.0 if 4-engine LBPR aircraft are less than 5 percent of operations

= −1.0 if 4-engine LBPR aircraft are between 5 percent and less than 10 percent of operations

= 0 if 4-engine LBPR aircraft are between 10 percent and less than 15 percent of operations

= 0.5 if 4-engine LBPR aircraft are equal to or greater than 15 percent of operations

C_3 = −1.0 if 80 percent or more of aircraft operations have a range of 1,000 miles or less

= −0.5 if between 50 percent and less than 80 percent of aircraft operations have a range of 1,000 miles or less

= 0 if less than 50 percent of aircraft operations have a range of 1,000 miles or less

Step 5. Repeat Steps 1 through 4, using the forecast-period rather than the base-period data.

Step 6. Subtract the area affected in the base period from the area affected in the forecast period, and express the difference as a percentage of the area affected during the base period. If the percentage is less than 17%, no further study is required. If the percentage exceeds 17% further study should be undertaken.

Note 1.—The data base to be used in Steps 1 through 5 may conservatively be limited to scheduled air carrier operations as shown in the Official Airline Guide (using nonstop arrivals doubled), without adding operations of other types of aircraft, inasmuch as this reduces the size of the base and thus magnifies the percentage impact of the new operations being screened for environmental significance. If the percentage difference is less than 17% when using this reduced base, than *a fortiori* no further study is required; if the percentage difference is 17% or more when using this reduced base, efforts should be made to determine the complete base and to recalculate the impact before concluding that further study is required.

Note 2.—Perform calculations with the maximum available accuracy and round off only when reporting. This process avoids error associated with rounding off during calculations.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-7226 Filed 3-11-80; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 385

[Organization Regulation Amendment No. 98 to Part 385, Docket 32602; Regulation OR-165]

Delegations and Review of Action Under Delegation; Nonhearing Procedures

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is delegating to its bureau and office directors the authority to waive procedural requirements, such as filing times and service procedures, in its environmental regulations. The reasons for this delegation are explained in PR–218, the reissuance of the Board's environmental regulation issued simultaneously.

DATES: Effective: April 26, 1980.
Adopted: February 28, 1980.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach, Environmental Counsel, 202–673–5858, or Arnold G. Konheim, Chief, Environmental Programs Division, 202–673–6089, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING PROCEDURES

For the reasons stated in PR–218, the Board amends 14 CFR 385.23 by adding new paragraphs (c) and (d) to read as follows:

§ 385.23 Delegation to heads of bureaus and offices.

* * * * *

(c) Grant waivers of the environmental procedures in Part 312 of this chapter and of procedures set by Board order in any proceeding or portion of a proceeding dealing with environmental matters governed by Part 312.

(d) Establish procedures on a case-by-case basis for proceedings under Part 312 to ensure compliance with that part.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 7 Stat. 836, 26 FR 5989, 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-7225 Filed 3-11-80; 8:45 am]

BILLING CODE 6320-01-M

federal register

Wednesday
March 12, 1980

Part IV

Department of Health, Education, and Welfare

Office of Education

Commissioner's Discretionary Program; Proposed Grant Regulations

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Part 161

Commissioner's Discretionary Program; Proposed Grant Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner proposes regulations to govern grants from funds reserved under the Education Amendments of 1978 for the Commissioner's Discretionary Program. This program assists in the development or demonstration of innovative techniques or approaches that contribute to the solution of educational problems. The proposed regulations include the criteria on which the Commissioner evaluates applications.

DATES: All comments must be received on or before May 12, 1980.

ADDRESSES: Comments should be addressed to Joyce D. Stern, Division of Planning and Budgeting, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Joyce D. Stern, telephone: (202) 245-3363.

SUPPLEMENTARY INFORMATION:

Background

The Commissioner's Discretionary Program is authorized under Section 303 (a) and (b) of Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Education Amendments of 1978. Section 303(d)(1) authorizes appropriations of "such sums as may be necessary" for awards under this program. These awards assist in the development or demonstration of innovative or experimental methods, techniques, or practices that contribute to the solution of educational problems.

In addition to authorizing these discretionary projects, Title III also authorizes a number of specific programs, most of which have separate authorizations of appropriations.

Section 303(d)(2) of the Act also authorizes the Commissioner to reserve for the discretionary projects up to ten percent of the funds appropriated for each of the programs under Title III with separate authorizations of appropriations. These are the Metric Education, Arts in Education, Youth Employment, Law-Related Education, Environmental Education, Health Education, Correction Education, and Biomedical Sciences programs.

These proposed regulations govern the evaluation of applications for discretionary funds appropriated by Congress for the purpose of Section 303(d)(1) including the program of mini-grants to teachers, administrators, other educational personnel, and parent organizations, under Section 303(b), as well as the discretionary funds that the Commissioner may reserve from ten percent of the funds appropriated for these other programs under Section 303(d)(2).

Under these proposed regulations, an applicant may submit an application to the Commissioner at any time unless the Commissioner publishes a closing date in the Federal Register for certain types of projects. If no closing date is published, the Commissioner reviews each application at the time the Commissioner receives it. Grants are designed to fund, at the discretion of the Commissioner, a broad range of activities that do not necessarily fit within existing Office of Education (OE) program priority areas.

The proposed regulations govern grant activities. Any contract activities will be announced by requests for proposals (RFPs) in Commerce Business Daily.

The proposed regulations establish broad criteria that are not specifically weighted in order to permit an appropriate evaluation of a variety of activities suggested by applicants. In applying the criteria, the Commissioner compares an application to other pending applications.

Because of the inclusion of the Commissioner's Discretionary Program in ESEA, local educational agencies (LEAs) must afford the public an opportunity to comment on their applications in accordance with Section 1006 of ESEA, as amended. In addition, LEAs and State educational agencies (SEAs) must meet the requirements in Title III of ESEA regarding the needs of students in nonprofit, private elementary and secondary schools.

These proposed regulations contain certain types of requirements derived from the Education Division's General Administrative Regulations (EDGAR). EDGAR, which applies to all OE programs, was published as a notice of proposed rulemaking in the Federal Register on May 4, 1979 (44 FR 26308) and will replace the General Provisions for Office of Education Programs Regulations.

The following items applicable to this program are among those covered generally in EDGAR:

How to apply for a grant.

How grants are made.

Certain conditions that must be met by a grantee.

The administrative responsibilities of a grantee.

The procedures the Office of Education uses to obtain compliance.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. In developing final regulations for this program the Commissioner will consider all comments received on or before the 60th day after publication of this document.

All written comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 4057, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Authority

The reader will find a citation of statutory or other legal authority in parentheses on the line following each substantive provision.

Dated: March 5, 1980.

William L. Smith,

U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.598, Commissioner's Discretionary Program)

The Commissioner proposes to add a new Part 161 to the Code of Federal Regulations as follows:

PART 161—COMMISSIONER'S DISCRETIONARY PROGRAM

Subpart A—General

Sec.
161.1 What is the Commissioner's Discretionary Program?
161.2 Who is eligible to apply for assistance?
161.3 What regulations apply to this program?
161.4 What definitions apply to this program?

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

161.5 What categories of activities does this program support?

Subpart C—How Does One Apply for a Grant?

161.7 Application requirements.

Subpart D—How Does the Commissioner Make a Grant?

161.8 How does the Commissioner evaluate an application?

Sec.
161.9 What selection criteria does the Commissioner use?

Subpart E—What Conditions Must Be Met by a Grantee?

161.10 State and local educational agencies must provide an opportunity for nonprofit private school students to participate.
161.11 Use of funds.

Authority: Sections 303(a), 303(b), and (d)(1); (d)(2) of the Elementary and Secondary Education Act, as amended (20 U.S.C. 2943 (a) and (d)(2)).

Subpart A—General

§ 161.1 What is the Commissioner's Discretionary Program?

(a) The Commissioner's Discretionary Program assists in the development or demonstration of innovative techniques that contribute to the solution of educational problems including mini-grants to teachers, administrators, other educational personnel and parent organizations under section 303(b).

(b) These regulations govern—

(1) Funds appropriated by Congress for purposes of section 303(d)(1); and

(2) Up to ten percent of the funds appropriated for the Metric Education, Arts in Education, Youth Employment, Law-Related Education, Environmental Education, Health Education, Correction Education, and Biomedical Sciences programs.

(20 U.S.C. 2942(a), 2943(b)(2))

§ 161.2 Who is eligible to apply for assistance?

(a) For grants to carry out innovative or experimental projects, eligible applicants include—

(1) State educational agencies (SEAs);

(2) Local educational agencies (LEAs);

(3) Other public agencies; or

(4) Nonprofit private agencies, organizations, or institutions.

(b) For mini-grants to assist in the development or demonstration of innovative methods or techniques, eligible applicants include—

(1) Teachers;

(2) Administrators or other educational personnel; or

(3) Parent organizations.

(20 U.S.C. 2942(a))

§ 161.3 What regulations apply to this program?

(a) *Regulations for grants.* The following regulations apply to grants with funds reserved under section 303(d) of the Act for the Commissioner's Discretionary Program:

(1) The Education Division General Administrative Regulations (EDGAR) in part 100a (Direct Grant Programs) and part 100c (Definitions) except that § 100a.217(a)(3) does not apply; §§ 100a.100 through 100a.102 do not apply unless a closing date for certain applications is used in the Federal Register.

(2) The regulations in this part.

(b) *Regulations for procurement contracts.* The Commissioner may, under certain conditions, issue contracts under the Commissioner's Discretionary Program. These contracts are subject to—

(1) Federal and HEW procurement regulations in 41 CFR Chapters 1 and 3; and

(2) Requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 1221e-3, 2943(a))

§ 161.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in these regulations are defined in part 100c:

Applicant
Application
Award
Budget
Commissioner
Institution of higher education
Local educational agency (LEA)
Nonprofit
Private
Project
Public
State educational agency (SEA)

(b) *Program specific definition.*

"Act" means Title III of the Elementary and Secondary Education Act of 1965, as amended.

"Mini-grant" means grants of $25,000 or less as authorized by section 303(b) of the Act.

(20 U.S.C. 1221e-3, 3001)

Subpart B—What Kinds of Projects Does the Office of Education Assist Under This Program?

§ 161.5 What categories of activities does this program support?

(a) The Commissioner funds two categories of projects—

(1) Projects to develop and demonstrate innovative techniques, methods, or approaches that contribute to the solution of educational problems.

(2) Mini-grant projects to develop or demonstrate innovative methods or techniques which would contribute to the solution of educational problems.

(b) Projects may address any area of education.

(20 U.S.C. 2943(a))

Subpart C—How Does One Apply for a Grant?

§ 161.7 Application requirements.

(a) The Commissioner considers making a grant to an eligible applicant—

(1) Submits an application; and

(2) Complies with all rules in EDGAR governing the submission of applications.

(b) An applicant may submit an application to the Commissioner at any time unless a closing date for certain types of projects is announced in the Federal Register.

(c) An application from an LEA must comply with the requirements in §§ 100a.138 through 100a.141 of EDGAR concerning an open meeting on the application.

(d) If an employee of an LEA applies for an individual grant, the application must contain assurances that—

(1) The LEA has had an opportunity to comment on the application; and

(2) The LEA will cooperate with the individual in carrying out the project.

(20 U.S.C. 1221e-3, 2943(a))

Subpart D—How Does the Commissioner Make a Grant?

§ 161.8 How does the Commissioner evaluate an application?

(a) The Commissioner evaluates an application on the basis of the criteria in § 161.9 below.

(b) The Commissioner uses unweighted criteria.

(c) Applying the evaluation criteria in this section, the Commissioner compares an application to any other pending applications.

(d) The Commissioner may decline to fund an application if it is eligible for funding under any other Office of Education (OE) program.

(20 U.S.C. 1221e-3, 2943(a))

§ 161.9 What selection criteria does the Commissioner use?

(a) *Plan of operation.* (1) The Commissioner reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Commissioner looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons;

(D) The elderly; and

(vi) For grants made after October 1, 1980; if the applicant is an LEA or SEA a clear description of how the applicant will provide an opportunity for participation of students enrolled in nonprofit private schools.

(b) *Quality of key personnel.* (1) The Commissioner reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Commissioner looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (2)(i) and (ii) plans to commit to the project;

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly; and

(3) To determine the qualifications of a person, the Commissioner considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (1) The Commissioner reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Commissioner looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (1) The Commissioner reviews each application for information that shows the quality of the evaluation plan for the project. (See § 100a.590—Evaluation by the grantee.)

(2) The Commissioner looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (1) The Commissioner reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Commissioner looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Problems addressed.* The Commissioner looks for information that shows the extent to which educational problems of national significance are addressed by the project.

(g) *Innovativeness.* The Commissioner looks for information that shows the extent to which the project involves techniques that are new nationally but that build on current knowledge and research.

(h) *Applicant's commitment and capacity.* The Commissioner looks for information that shows the extent to which the applicant demonstrates the commitment and capacity to successfully carry out the project's purposes.

(i) *Model or demonstration.* The Commissioner looks for information that shows the project's potential as a model or demonstration that will contribute to the solution of educational problems.

(20 U.S.C. 1221e-3(a)(1), 2943(a))

Subpart E—What Conditions Must be Met by a Grantee?

§ 161.10 State and local educational agencies must provide an opportunity for nonprofit private school students to participate.

If an SEA or LEA receives a grant under this program, the Act requires that agency to provide for participation by students enrolled in nonprofit private elementary and secondary schools. EDGAR establishes the rules for this participation (see EDGAR, § 100a.650).

(20 U.S.C. 2942(b))

§ 161.11 Use of funds.

Direct and indirect costs incurred by a grantee in carrying out an approved project are subject to—

(a) The limitations and applicable cost principles provided or referred to in §§ 100a.530 through 100a.537 of EDGAR; and

(b) The limitation that—

(1) A grantee may not use funds under this program for construction and other capital costs; and

(2) Equipment costs may not exceed five percent of the grant amount.

(20 U.S.C. 1221e-3)

[FR Doc. 80-7833 Filed 3-11-80; 8:45 am]

BILLING CODE 4110-02-M

federal register

Wednesday
March 12, 1980

Part V

Department of Agriculture

Agricultural Marketing Service

Warehouse Examination Policy; Request for Comments and Expressions of Interest in a Model Program

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Warehouse Examination Policy

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of request for comments and expressions of interest in a model program.

SUMMARY: The U.S. Department of Agriculture is issuing this notice (1) to request comments on the development of a policy whereby the Department may share its examination expertise and responsibilities under provisions of the U.S. Warehouse Act (7 U.S.C. 241) with States and (2) to determine interest of States to enter into model programs for such purposes.

DATES: Comments and/or expression of interest should be received on or before May 12, 1980.

ADDRESS: Comments and expressions of interest should be sent to the U.S. Department of Agriculture, AMS, Warehouse Division, Chief, Warehouse Development Branch, Washington, D.C. 20250. All responses to this notice will be available for examination at the above address between 8:00 a.m. and 4:30 p.m., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, AMS, Washington, D.C. 20250, 202-447-3821. Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday.

SUPPLEMENTAL INFORMATION: Under the U.S. Warehouse Act (7 U.S.C. 241) the Secretary is authorized "upon application to him by any person applying for a license to conduct a warehouse under this Act, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this Act; to determine whether warehouses for which licenses are applied for or have been issued under this act are suitable for the proper storage of any agricultural product or products." (7 U.S.C. 243.)

The Act is a permissive statute, applying only to those warehousemen storing agricultural products who voluntarily file an application with the Secretary of Agriculture for licensing; are found eligible and who furnish bond annually for continuation of their license. The Act was passed by Congress in 1916. The demand for the service has come primarily from grain and cotton warehouses. As of September 30, 1979, there were 243 cotton warehouses licensed with a total storage capacity of 10,349,000 bales and 1,796 grain warehouses with a total storage capacity of 2,947,709,000 bushels. Products stored in federally licensed warehouses are owned by hundreds of thousands of producers and others, many of whom have obtained loans from banks throughout the country using warehouse receipts as collateral or have pledged warehouse receipts with Commodity Credit Corporation for Price Support loans.

The Secretary in administering the Act has basic concerns that the licensed warehouseman can and will provide a safe storage place, gives care to the commodity while in storage, maintains the identical commodity in storage in the case of identity preserved goods and does not become insolvent. Consequently, a major thrust of administering the Act is the examination program: (1) The original examination to determine if an applicant meets standards for licensing and can and will operate his facilities to conform with requirements of the Act and regulations, (2) the amendment or modification examination to reflect changes in the operation or operating entity and (3) the subsequent, continuing periodic and unannounced examinations to determine if the warehouseman is fulfilling his obligations under the Act. These are the heart and backbone of the Federal system—the focal point of regulatory activities. To this time all such examinations have been made by Federal employees or Federal collaborators experienced and trained in all phases of the examination work. Administrators of the Act pioneered in the development of a reliable, expeditious system and procedure for such examinations.

A number of States have somewhat similar laws and make like examinations. Recently, some of these States have indicated an interest in assuming the examination function at warehouses licensed under the Act and located in their State. Other States are considering or have recently entered into the field of warehouseman and/or dealer regulation and have expressed an interest in sharing such responsibilities pursuant to development of a viable administrative and examining program.

I. Request for Comments

Where State examiners would replace Federal personnel in making examinations at warehouses licensed under the U.S. Warehouse Act, the Department must consider the propriety, advisability, and impact on the warehouse industry of entering into a program and the effect such a change in policy might have on present and prospective licensees, and acceptance of Federal receipts for trading and collateral purposes. Producers, Warehouse Act licensed and non-licensed warehouse operators, merchandisers, processors, exporters, importers, bankers, and other interested individuals and groups are invited to submit comments and views on this significant change in policy.

II. State Proposals for Model Program

The feasibility of sharing U.S. Warehouse Act examination functions with States is unknown. To test the applicability of such a policy the Department is seeking proposals from States who are interested in joining USDA in pilot projects. These could take the form of Federal-State marketing improvement projects. The Federal-State marketing improvement program is designed to improve the efficiency of marketing farm products through joint Federal-State efforts. Projects approved benefit the better marketing of farm products. The safety of producers in storing and selling their products is an important link in the orderly marketing process. If approved, warehouses now licensed or applying for license under the Act in some States would be examined by State personnel rather than Federal personnel. In other States Federal examiners would work with and train State personnel to make such examinations at both Federal and State licensed warehouses.

A. Some States have laws similar to the U.S. Warehouse Act and currently carry out similar examination functions. The U.S. Department of Agriculture invites States who would be interested in assuming the Federal examining function on a prototype basis to submit a statement of interest. While no set form is required, requests for consideration must be accompanied by facts and data which will demonstrate that such State:

(1) Now and has for an appreciable period administered a similar law;

(2) Will agree to have its staff cross-trained in requirements of the Federal law and regulations, Federal examining techniques and skills and use federally approved forms,

(3) Will agree that the Federal examination will suffice for all State purposes as well as Federal, and

(4) Will conform to operating procedures and Federal liaison and oversight as determined by the Secretary.

B. Some States have little or no experience in the field of warehouse regulations but are interested in improving or initiating a viable examination program. States desiring Federal assistance in developing a progressive program need only make a statement of interest and need defining their area of responsibility. Such statements should outline the States' objectives and indicate the nature and size of the anticipated program. In either case, (A or B), States should bear in mind that the Secretary cannot waive or impair the exclusive power, jurisdiction and authority over licensees conferred on him by the U.S. Warehouse Act and that warehousemen licensed under that Act can be required to perform only in accordance with that Act and regulations.

Dated: March 7, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-7664 Filed 3-11-80; 8:45 am]

BILLING CODE 3410-02-M

federal register

Wednesday
March 12, 1980

Part VI

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals, March 1, 1980

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 1980.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of March 1, 1980 of three rescission proposals and 47 deferrals contained in the first five special messages of fiscal year 1980. These messages were transmitted to the Congress on October 1, November 15, December 26, 1979, January 28, and February 20, 1980.

Rescissions (Table A and Attachment A)

Table A summarizes the status of rescissions proposed by the President as of March 1, 1980, while Attachment A shows the history and status of each rescission proposed during fiscal year 1980.

Deferrals (Table B and Attachment B)

As of March 1, 1980, $2,256.6 million in 1980 budget authority was being deferred from obligation and another $7.4 million in 1980 obligations was being deferred from expenditure. Table A summarizes the status of deferrals reported by the President as of March 1, 1980, while Attachment B shows the history and status of each deferral reported during fiscal year 1980.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Register of:

Friday, October 5, 1979 (Vol. 44, No. 195, Part IX)
Tuesday, November 20, 1979 (Vol. 44, No. 225, Part III)
Monday, December 31, 1979 (Vol. 44, No. 251, Part VII)
Thursday, January 31, 1980 (Vol. 45, No. 22, Part X)
Tuesday, February 26, 1980 (Vol. 45, No. 39, Part V)

James T. McIntyre, Jr.,
Director.

BILLING CODE 3110-01-M

Table A

STATUS OF 1980 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Rescissions proposed by the President	$115.9 a
Accepted by the Congress	-0-
Rejected by the Congress	-.1
Pending before the Congress	115.8

* *

Table B

STATUS OF 1980 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$3,253.3
Routine Executive releases (-$597.8 million) and adjustments (-$391.5 million) through March 1, 1980	-989.3
Overturned by the Congress	-0-
Currently before the Congress	2,264.0 b

a. This amount is net of a $6.4 million reduction proposed in a Department of Health, Education, and Welfare rescission (R80-2A).

b. This amount includes $7.4 million in outlays for a Department of the Treasury deferral (D80-23A).

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1980 AS OF 02/28/80 15:00

AS OF MAR. 1, 1980 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF HEALTH, EDUCATION AND WELFARE							
Health Resources Administration							
Health resources							
BA	R80- 2		104,218	1 28 80			
BA	R80- 2A		-6,450	2 20 80			
DEPARTMENT OF THE INTERIOR							
Geological Survey							
Exploration of natl petroleum reserve-Alaska							
BA	R80- 3		18,000	1 28 80			
OTHER INDEPENDENT AGENCIES							
International Communication Agency							
Special international exhibitions							
BA	R80- 1	114		10 1 79		114	11 15 79
TOTAL BA		114	115,768			114	

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 02/28/80 16:23

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	BA	D80- 1	100,000		10 1 79				100,000
DEPARTMENT OF AGRICULTURE									
Farmers Home Administration									
Mutual self-help housing	BA	D80-46	15,000		2 20 80				15,000
Forest Service									
Timber salvage sales	BA	D80- 2	9,298		10 1 79				9,298
Expenses, brush disposal	BA	D80- 3	32,060		10 1 79				32,060
Restoration of forest lands	BA	D80- 4	38		10 1 79	-4			34
DEPARTMENT OF AGRICULTURE TOTAL	BA		56,396			-4			56,392
DEPARTMENT OF COMMERCE									
National Oceanic and Atmospheric Administration									
Construction	BA	D80- 5	7,000		10 1 79				
	BA	D80- 5A		39,459	1 28 80				46,459
Coastal zone management	BA	D80- 6	20,000		10 1 79				
	BA	D80- 6A		a	11 15 79				20,000
Promote and develop fishery products and research	BA	D80- 7	2,400		10 1 79	-2,400			

PAGE 2 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 02/28/80 16:23

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
Fisheries loan fund									
	BA	D80- 8	5,300		10 1 79				
	BA	D80- 8A		b	1 28 80	-93			5,207
DEPARTMENT OF COMMERCE									
TOTAL	BA		34,700	39,459		-2,493			71,666
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy									
	BA	D80-41	997,500		1 28 80				997,500
Military Construction									
Military construction, all services									
	BA	D80- 9	31,386		10 1 79				
	BA	D80- 9A		355,780c	1 28 80	-74,370			312,796
Family Housing, Defense									
Family housing, Defense									
	BA	D80-42	18,651		1 28 80				18,651
DEPARTMENT OF DEFENSE-MILITARY									
TOTAL	BA		1,047,537	355,780		-74,370			1,328,947
DEPARTMENT OF DEFENSE-CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services									
	BA	D80-10	595		10 1 79				
	BA	D80-10A		114	12 26 79				709
DEPARTMENT OF ENERGY									
Energy Programs									

PAGE 3 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 02/28/80 16:23

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
Fossil energy construction	BA	D80-11	50,000		10 1 79				50,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Alcohol, Drug Abuse & Mental Health Administration									
Construction & renovation, St. Elizabeths Hospital	BA	D80-12	23,314		10 1 79				23,314
Office of Assistant Secretary for Health									
Special foreign currency program	BA	D80-43	10,000		1 28 80				10,000
Social Security Administration									
Limitation on administrative expenses	BA	D80-47	5,000		2 20 80				5,000
Human Development Services									
White House Conferences - Aging, Families, & Child	BA	D80-13	4,649		10 1 79				
	BA	D80-13A		d	2 20 80	-2,354		1,604	3,899
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE TOTAL	BA		42,963			-2,354		1,604	42,213
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Oregon and California grant lands	BA	D80-44	1,134		1 28 80				1,134
Heritage Conservation and Recreation Service									
Land and water conservation fund	BA	D80-14	30,000		10 1 79				30,000
Geological Survey									
Payments from proceeds, sale of water	BA	D80-15	39		10 1 79				39

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 02/28/80 16:23

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
Bureau of Mines									
Drainage of anthracite mines									
	BA	D80-16	1,137		10 1 79				
	BA	D80-16A		328	1 28 80				1,465
DEPARTMENT OF THE INTERIOR TOTAL	BA		32,310	328					32,638
DEPARTMENT OF JUSTICE									
Legal Activities									
Fees and expenses of witnesses									
	BA	D80-45	1,181		1 28 80				1,181
Federal Prison System									
Buildings and facilities									
	BA	D80-17	22,853		10 1 79				
	BA	D80-17A		14,888	11 15 79				
	BA	D80-17B		12,610	1 28 80				50,351
DEPARTMENT OF JUSTICE TOTAL	BA		24,034	27,498					51,532
DEPARTMENT OF STATE									
International Organizations and Conferences									
Contributions to intl peacekeeping activities									
	BA	D80-32	10,000		11 15 79				
	BA	D80-32A		2,000	1 28 80				12,000
Other									
Emergency refugee and migration assistance fund									
	BA	D80-18	5,650		10 1 79				
	BA	D80-18A		19,350e	1 28 80	-5,300e		e	19,700
DEPARTMENT OF STATE TOTAL	BA		15,650	21,350		-5,300			31,700

PAGE 5 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1980 AS OF 02/28/80 16:23

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Civil supersonic aircraft development termination	BA	D80-19	5,004		10 1 79	-5,000			4
Facilities & equip. (Airport & airway trust fund)	BA	D80-20	138,211		10 1 79				
	BA	D80-20A		166,081	1 28 80				304,292
Federal Highway Administration									
Federal aid highways	BA	D80-33	495,789		11 15 79	-495,789			
Urban Mass Transportation Administration									
Urban mass transportation fund	BA	D80-21	393,076		10 1 79			-393,076f	
DEPARTMENT OF TRANSPORTATION TOTAL	BA		1,032,080	166,081		-500,789		-393,076	304,296
DEPARTMENT OF THE TREASURY									
Office of the Secretary									
Investment in national consumer cooperative bank	BA	D80-38	12,550		12 26 79				12,550
Office of Revenue Sharing									
State and local government fiscal assistance fund	BA	D80-22	79,548		10 1 79				
	BA	D80-22A		34,245	12 26 79	-1,393			112,400
	O	D80-23	2,735		10 1 79				
	O	D80-23A		13,850g	2 20 80	-9,175			7,410
Bureau of the Mint									
Construction of mint facilities	BA	D80-24	3,230		10 1 79				
	BA	D80-24A		2,500	1 28 80				5,730

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AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
DEPARTMENT OF THE TREASURY									
TOTAL BA			95,328	36,745		-1,393			130,680
TOTAL O			2,735	13,850		-9,175			7,410
OTHER INDEPENDENT AGENCIES									
District of Columbia									
Loans for capital outlay	BA	D80-39	8,130		12 26 79				8,130
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization	BA	D80-25	80		10 1 79				80
Foreign Claims Settlement Commission									
Payment of Vietnam prisoner of war claims	BA	D80-26	1,800		10 1 79	-940			860
International Communication Agency									
Salaries & expenses	BA	D80-34	2,000		11 15 79				2,000
Special foreign currency program	BA	D80-35	1,600		11 15 79				1,600
Acquisition & construction of radio facilities	BA	D80-27	10,973		10 1 79				10,973
National Consumer Cooperative Bank									
Self-help development fund	BA	D80-40	8,000		12 26 79				8,000
Railroad Retirement Board									
Regional rail transportation protective account	BA	D80-36	1,000		11 15 79	-1,000			
National Alcohol Fuels Commission									
Salaries and expenses									

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 03-01-80
	BA	D80-28	250		10 1 79				
	BA	D80-28A		500	1 28 80				750
National Commission on Social Security									
Salaries and expenses									
	BA	D80-29	250		10 1 79				
	BA	D80-29A		145	12 26 79				395
Navajo & Hopi Indian Relocation Commission									
Salaries and expenses									
	BA	D80-30	5,300		10 1 79				5,300
President s Commission on Pension Policy									
Salaries and expenses									
	BA	D80-37	700		11 15 79				700
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D80-31	17,000		10 1 79				17,000
OTHER INDEPENDENT AGENCIES									
	TOTAL BA		57,083	645		-1,940			55,788
	TOTAL BA		2,588,676	648,000		-588,643		-391,472	2,256,561
	TOTAL O		2,735	13,850		-9,175			7,410

FOOTNOTES

a. This supplementary report was transmitted solely to expand the application of this deferral to include funds appropriated in FY 1980 as well as balances carried forward from previous years.

b. This supplementary report was transmitted solely to change the justification for deferring the funds.

c. This amount includes the effect of releases totalling $18,270 thousand made prior to the transmittal of the supplementary report.

d. This supplementary report was transmitted to expand the application of this deferral.

e. The supplementary report includes the effect of releases totalling $8,000 thousand and adjustments of $5,582 thousand made prior to the transmittal of the report.

f. Congressional action on the 1980 Transportation and Related Agencies Appropriation Bill (P.L.96-131) rescinded these funds.

g. This amount includes the effect of releases totalling $2,691 thousand made prior to the transmittal of the supplementary report.

END OF REPORT

[FR Doc. 80-7765 Filed 3-11-80; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register
Vol. 45, No. 50
Wednesday, March 12, 1980

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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
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

CIVIL AERONAUTICS BOARD

8955 2-11-80 / Free transportation of personal security guards by U.S. and foreign air carriers

Deadlines for Comments On Proposed Rules for the Week of 3-16 through 3-22-80

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

14049 3-4-80 / Milk in Upper Midwest marketing area; suspension of certain provisions of order; comments by 3-19-80

Animal and Plant Health Inspection Service—

4359 1-22-80 / Biological products; Pasturella multocida bacterin, avian isolate, type 4; purity, requirements; comments period extended from 12-18-79 to 3-16-80

[Originally published at 44 FR 60326, 10-19-79]

Rural Electrification Administration—

2848 1-15-80 / Electric borrowers; computer software costs; accounting interpretation; comments by 3-17-80

CIVIL AERONAUTICS BOARD

9747 2-13-80 / International air cargo rate changes; statements of general policy; comments extended to 3-20-80

[See also 45 FR 3594, 1-18-80]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

8030 2-6-80 / Atlantic Butterfish fishery management plan; comments by 3-21-80

3618 1-18-80 / Intercouncil boundaries between South Atlantic and Gulf of Mexico; comments by 3-21-80

COMMUNITY SERVICES ADMINISTRATION

11082 2-19-80 / Community Food and Nutrition Program funded under section 222(a)(1) of the Economic Opportunity Act of 1964; revision of policy statement; comments by 3-20-80

CONSUMER PRODUCT SAFETY COMMISSION

3762 1-18-80 / Safety standard requiring oxygen depletion safety shutoff systems for unvented gas-fired space heaters; comments by 3-18-80

DEFENSE DEPARTMENT

Office of the Secretary—

10377 2-15-80 / User charges; Schedules of fees and rates; comments by 3-17-80

ENVIRONMENTAL PROTECTION AGENCY

11140 2-20-80 / Air quality control regions, criteria, and control techniques; attainment status designations—Nevada; comments by 3-21-80

9952 2-14-80 / Approval of assistance to North Carolina implementation plan; comments by 3-17-80

10815 2-19-80 / New York State Implementation Plan; comments by 3-20-80

10817 2-19-80 / Utah nonattainment area plans; comments by 3-20-80

FEDERAL COMMUNICATIONS COMMISSION

6123 1-25-80 / FM broadcast station in Effingham, Ill.; channel assignment; comments by 3-17-80

5358 1-23-80 / Irving and Dallas, Tex.; assignment of UHF Television channel; comments by 3-17-80

6124 1-25-80 / Television broadcast stations in Butte, Bozeman, and Anaconda, Mont.; reassignment of channel; comments by 3-17-80

6126 1-25-80 / Television broadcast station in Portland, Ore.; channel assignments; comments by 3-17-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

7582 2-4-80 / Graduate and Professional Study and Institutional Grants, Public Service Education Program, and Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships; increase stipend amount; comments by 3-20-80

Food and Drug Administration—

3598 1-18-80 / Bentonite and clay (kaolin); proposed affirmation of GRAS status as direct and indirect human food ingredients; comments by 3-18-80

75666 12-21-79 / Exocrine pancreatic insufficiency drug products for over-the-counter human use; establishment of a monograph; comments by 3-20-80

66616 11-20-79 / Human embryo and fetus; procedures to minimize medical X-ray exposure; comments by 3-20-80

2850 1-15-80 / Platelet concentrate (human); additional standards; comments by 3-17-80

[Corrected at 45 FR 11854, 2-22-80]

2852 1-15-80 / Preparation of platelet concentrate (human) and single donor plasma (human), platelet rich in CPDA-1; removal of restriction; comments by 3-17-80

11840 2-22-80 / Proposed declaration that no prior sanction exists for nitrates and nitrites in poultry products; comments by 3-20-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

14608 3-6-80 / Endangered and threatened wildlife and plants; Illinois mud turtle; comments by 3-22-80

[See also 44 FR 70680, 12-7-79]

Water and Power Resources Service—

3115 1-16-80 / Draft instructions on public involvement in WPRS actions; comments by 3-17-80.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

10808 2-19-80 / Plans for implementing Space Transportation System insurance indemnification requirements; comments by 3-21-80

SECURITIES AND EXCHANGE COMMISSION

14595 3-6-80 / Review of guides for the preparation and filing of registration statements and reports; comments extended to 3-21-80

[See also 44 FR 72604, 12-5-79]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

13114 2-28-80 / General operating and flight rules; airplane tires; comments extended to 3-21-80

[Originally published at 44 FR 68759, 11-29-79]

Research and Special Programs Administration—

9960 2-14-80 / Update of reference to ASME Boiler and Pressure Vessel Code; comments by 3-17-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

2853 1-15-80 / Cider; definition; comments by 3-17-80

2853 1-15-80 / Cigars, cigarettes, and cigarette papers and tubes; interstate smuggling, curtailment, distribution records; comments by 3-17-80

75186 12-19-79 / Definition of phrase "engaged in the business"; comments by 3-18-80

Deadlines for Comments on Proposed Rules for the Week of 3-23 through 3-29-80

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

6115 1-25-80 / Disclosure of foreign investment in U.S. agricultural land; comments by 3-25-80

Commodity Credit Corporation—

12826 2-27-80 / Proposed 1980 price support level, grade loan rates, and program procedures—flue-cured tobacco; comments by 3-28-80

Rural Electrification Administration—

4358 1-22-80 / Design manual for high voltage transmission lines; revision; comments by 3-24-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

9303 2-12-80 / Public input on the Draft Environmental Impact Statement/Fishery Management Plan for Coastal Migratory Pelagic Resources (Mackerel); Comments by 3-24-80

DEFENSE DEPARTMENT

Army Department—

6566 1-29-80 / Military absentee and deserter apprehension; comments by 3-28-80

Office of the Secretary—

76303 12-28-79 / Vinson-Trammel Act: Excess profits on contracts for naval vessels on military aircraft; comments by 3-25-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

12444 2-26-80 / Resellers' and reseller-retailers' price rules for gasoline; comments by 3-28-80

[Originally published at 44 FR 69602, 12-3-79]

Federal Energy Regulatory Commission—

13414 2-28-80 / High-cost natural gas produced from tight formations; comments by 3-28-80

ENVIRONMENTAL PROTECTION AGENCY

9548 2-12-80 / Ocean discharge criteria; comments by 3-28-80

FEDERAL COMMUNICATIONS COMMISSION

3064 1-16-80 / Establishment of automated, interconnected maritime ship/shore communications system on Mississippi River system; comments by 3-24-80

[Corrected at 45 FR 13477, Feb. 29, 1980]

3941 1-21-80 / FM assignment to Paxton, Ill.; reply comments by 3-27-80

6970 1-31-80 / FM broadcast station in Boyce, La.; changes in table of assignments; comments by 3-24-80

6972 1-31-80 / FM broadcast station in Centralia, Mo.; changes in table of assignments; comments by 3-24-80

6633 1-29-80 / FM broadcast station in Commerce, Tex.; proposed changes in table of assignments; comments by 3-24-80

6968 1-31-80 / FM broadcast station in Mt. Vernon, Ohio; changes in table of assignments; comments by 3-24-80

6967 1-31-80 / FM broadcast station in Snowmass Village, Colo.; changes in table of assignments, comments by 3-24-80

12449 2-26-80 / FM table of assignments; Greenwood, Booneville, and Waldron, Ark.; reply comments by 3-27-80

[Originally published at 45 FR 1919, 12-19-80]

1924 1-9-80 / Granting of general exemption from certain radio-telegraph requirements of Part II to U.S. cargo vessels of 1600 gross tons and upwards navigated solely on domestic voyages along the east, west, or Gulf coasts of the U.S.; reply comments by 3-27-80

3941 1-21-80 / Noncommercial educational FM assignment to Lake Havasu City, Ariz.; reply comments by 3-27-80

3064 1-16-80 / Policy and rules on rates for competitive common carrier services and facilities authorizations; reply comments period extended to 3-28-80

[Originally published at 44 FR 67445, Nov. 26, 1979 and corrected at 44 FR 73130, Dec. 17, 1979]

3939 1-21-80 / TV assignment to La Grande Oreg.; reply comments by 3-27-80

FEDERAL HOME LOAN BANK BOARD

4361 1-22-80 / Restrictions on preferential loans; comments by 3-24-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

6120 1-25-80 / Biological products; labeling standards; position and prominence of proper name; comments by 3-25-80

[Corrected at 45 FR 11854, Feb. 22, 1980]

11846 2-22-80 / Category II classification of sweet spirits of nitre for over-the-counter human use; comments by 3-24-80

12414 2-26-80 / Reduced acid frozen concentrated orange juice; establishment of identity standard; objections by 3-27-80

6117 1-25-80 / Sodium dithionite; proposed affirmation of GRAS status; comments by 3-25-80

[Corrected at 45 FR 11846, Feb. 22, 1980]

Museum Services Institute—

5648 1-23-80 / Museum Service program provisions; comments by 3-24-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity—

12265 2-25-80 / Implementation of Title VIII, Civil Rights Act of 1968; comments by 3-25-80

Office of the Secretary—

76563 12-27-79 / Review of existing regulations; comments by 3-25-80

INTERIOR DEPARTMENT

Land Management Bureau—

6054 1-24-80 / Financial assistance, local governments payments in lieu of taxes; comments by 3-24-80

Surface Mining Reclamation and Enforcement Office—

6028 1-24-80 / Surface coal mining and reclamation operations permanent regulatory program; performance bonding; comments by 3-24-80

INTERNATIONAL TRADE COMMISSION

12835 2-27-80 / Imported steel wire rope, country-of-origin marking requirement; comments by 3-28-80

12833 2-27-80 / Regulatory impact; comments by 3-28-80

LABOR DEPARTMENT

Employment Standards Administration—

10375 2-15-80 / Labor standards for federally financed and assisted construction; comments by 3-27-80 [*See also* 44 FR 77080, 12-28-79]

10375 2-15-80 / Labor standards for Federal service contracts; comments by 3-27-80 [*See also* 44 FR 77036, 12-28-79]

10374 2-15-80 / Wage rates; predetermination procedures; comments by 3-27-80 [*See also* 44 FR 7026, 12-28-79]

Employment and Training Administration—

4918 1-22-80 / Labor certification process for the permanent employment of aliens in the United States; comments by 3-24-80

Federal Contract Compliance Programs Office—

11856 2-22-80 / Government contractors' affirmative action requirements; comment period extended to 3-24-80 [Originally published at 44 FR 77006, Dec. 28, 1980]

4954 1-22-80 / Payment of membership fees and other expenses to private organizations; comments by 3-24-80

NATIONAL CREDIT UNION ADMINISTRATION

12211 2-25-80 / Statement of policy—National Environmental Policy Act; comments by 3-26-80

NUCLEAR REGULATORY COMMISSION

5308 1-23-80 / Change in rules of practice; comments by 3-24-80

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

12780 2-27-80 / Planning and Design Objectives, Controls, and Standards on the east Section of Square 458; comments by 3-28-80

PERSONNEL MANAGEMENT OFFICE

6114 1-25-80 / Political participation by U.S. government employees in Shrewsbury Township, N.J.; comments by 3-25-80

POSTAL SERVICE

9011 2-11-80 / Inclusion of electronic meters in postage meter specifications; comments by 3-27-80

TRANSPORTATION DEPARTMENT

Urban Mass Transportation Administration—

00 Bus rehabilitation program policy and procedures; comments by 3-27-80

TREASURY DEPARTMENT

Internal Revenue Service—

12851 2-27-80 / Income tax credit for the elderly; comments by 3-28-80

Next Week's Meetings:

AGING, FEDERAL COUNCIL

12488 2-26-80 / Meeting, Washington, D.C. (open), 3-17 and 3-18-80

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

12462 2-26-80 / Equine piroplasmosis, College Park, Md. (open), 3-18 and 3-19-80

Equal Opportunity Office—

8688 2-8-80 / Citizens' Advisory Committee on Equal Opportunity, Columbia, Mo. (open), 3-20 and 3-21-80

Forest Service—

11859 2-22-80 / Modoc National Forest Grazing Advisory Board, Alturas, Calif. (open), 3-20-80

Rural Electrification Administration—

10389 2-15-80 / Rural Electrification Administration—Minnesota Environmental Quality Board, Clear Lake, Minn. (open), 3-17-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

12938 2-27-80 / Dance Panel (Grants to Dance Companies), Washington, D.C. (closed), 3-15 through 3-19-80

11965 2-22-80 / Humanities Panel, Washington, D.C. (closed), 3-17 through 3-21-80

10093 2-14-80 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 3-17 and 3-18-80

CIVIL RIGHTS COMMISSION

12465 2-26-80 / California Advisory Committee, Los Angeles, Calif. (open), 3-20-80

12464 2-26-80 / California Advisory Committee, Los Angeles, Calif. (open), 3-21-80

12465 2-26-80 / Massachusetts Advisory Committee, Boston, Mass. (open), 3-21-80

12465 2-26-80 / Missouri Advisory Committee, Kansas City, Mo. (open), 3-20-80

12465 2-26-80 / Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 3-20-80

13790 3-3-80 / Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 3-18-80

12466 2-26-80 / Rhode Island Advisory Committee, Providence, R.I. (open), 3-19-80

13790 3-3-80 / South Dakota Advisory Committee, Pierre, S. Dak. (open) 3-21-80

COMMERCE DEPARTMENT

International Trade Administration—

9055 2-11-80 / Exporters Textile Advisory Committee, New York, N.Y. (open), 3-20-80

6423 1-28-80 / Importers and Retailers Textile Advisory Committee, New York, N.Y. (open), 3-19-80

13791 3-3-80 / Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (partially open), 3-19-80

National Oceanic and Atmospheric Administration

12863 2-27-80 / Caribbean Fishery Management Council, Santurce, P.R. (open), 3-19 and 3-20-80

12863 2-27-80 / Operational land remote sensing satellite program, Chicago, Ill., 3-17-80

12863 2-27-80 / Operational land remote sensing satellite program, Tallahassee, Fla., 3-21-80

CONSUMER PRODUCT SAFETY COMMISSION

13499 2-29-80 / Toxicological Advisory Board, Bethesda, Md. (open), 3-17-80

DEFENSE DEPARTMENT

Air Force Department—

8332 2-7-80 / USAF Scientific Advisory Board, Eglin AFB, Florida (closed), 3-20 and 3-21-80

Office of the Secretary—

10841 2-19-80 / Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed), 3-17 and 3-18-80

13795 3-3-80 / DOD Advisory Group on Electron Devices, Working group D (mainly Laser Devices), Washington, D.C. (closed), 3-19 and 3-20-80

ENERGY DEPARTMENT

13795 3-3-80 / Federal Photovoltaic Utilization Program Advisory Committee, Washington, D.C. (open), 3-19-80

Economic Regulatory Administration—

13186 2-28-80 / Fuel Oil Marketing Advisory Committee, Miami Beach, Fla. (open), 3-20 and 3-21-80

Energy Research Office—

12427 3-5-80 / High Energy Physics Advisory Panel, Subpanel on Accelerator R. & D., Batavia, Ill. (open), 3-21 and 3-22-80

ENVIRONMENTAL PROTECTION AGENCY

13527 2-29-80 / Administrator's Toxic Substances Advisory Committee, Washington, D.C. (open), 3-19 and 3-20-80

12294 2-25-80 / National Drinking Water Advisory Council, Cincinnati, Ohio (open), 3-19-80

13191 2-28-80 / Science Advisory Board, Clean Air Scientific Advisory Committee, Washington, D.C. (open), 3-17 and 3-18-80

14139 3-4-80 / Science Advisory Board, Subcommittee on Health Effects Research Review, Research Triangle Park, N.C. (open), 3-20 and 3-21-80

FEDERAL COMMUNICATIONS COMMISSION

13816 3-3-80 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 3-18 and 3-19-80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

10408 2-15-80 / Meeting, Washington, D.C. (open), 3-20-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

1354 2-29-80 / Advisory Council on Developing Institutions, New Orleans, La. (open), 3-20 and 3-21-80

Food and Drug Administration—

10447 2-15-80 / Antimicrobial Panel (open), Rockville, Md., 3-21-80, Bethesda, Md., 3-22-80

Health Resources Administration—

10903 2-19-80 / Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 3-18 through 3-21-80

[Changed at 45 FR 12915, 2-27-80]

National Institutes of Health—

9120 2-11-80 / Aging Review Committee, Bethesda, Md. (partially open), 3-20 and 3-21-80

13821 3-3-80 / Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (partially open), 3-20 and 3-21-80

11194 2-20-80 / Bladder and Prostatic Cancer Review Committee, Bladder Subcommittee, Tuscon, Ariz. (partially open), 3-20 and 3-21-80

9119 2-11-80 / Clinical Cancer Program Project and Cancer Center Support Review Committee, Bethesda, Md. (partially open), 3-20 and 3-21-80

7010 1-31-80 / Endocrinology Study Section, San Diego, Calif. (partially open), 3-17 through 3-20-80

2399 1-11-80 / Endocrinology Study Section, San Diego, Calif. (open), 3-20 and 3-21-80

3974 1-21-80 / Endocrinology Study Section, Workshop on Cell Biology and Endocrinology, San Diego, Calif. (open), 3-20 and 3-21-80

11195 2-20-80 / General Research Support Review Committee, Bethesda, Md. (partially open), 3-20 and 3-21-80

9120 2-11-80 / Genetic Basis of Disease Review Committee, Bethesda, Md. (partially open), 3-18-80

9119 2-11-80 / Heart, Lung, and Blood Research Review Committee A, Bethesda, Md. (partially open), 3-21 and 3-22-80

9119 2-11-80 / Heart, Lung, and Blood Research Review Committee B, Bethesda, Md. (partially open), 3-21 and 3-22-80

7009 1-31-80 / Maternal and Child Health Research Committee, Bethesda, Md. (partially open), 3-17 and 3-18-80

Occupational Safety and Health, National Institute—

12560 2-26-80 / Vinyl chloride monomer, polyvinyl chloride and structural analogues; re-evaluation of toxicology, Bethesda, Md. (open), 3-20 and 3-21-80

Office of the Assistant Secretary for Health—

13199 2-28-80 / Health Care Technology Study Section, Hyattsville, Md. (partially open), 3-17 and 3-18-80

14251 3-5-80 / Secretary's Advisory Committee on the Rights and Responsibilities of Women, Washington, D.C., 3-21-80

Public Health Service—

12503 2-26-80 / Vital and Health Statistics National Committee, International Statistics Subcommittee, Washington, D.C., 3-17-80

INTERIOR DEPARTMENT

Land Management Bureau—

9800 2-13-80 / Arizona, Safford District Advisory Board, Safford, Ariz. (open), 3-21-80

[Corrected at 45 FR 14655, 3-6-80]

7013 1-31-80 / Arizona Strip District Grazing Advisory Board, St. George, Utah (open), 3-17-80

10460 2-15-80 / Cedar City District Grazing Advisory Board, St. George, Utah (open), 3-19-80

13541 2-29-80 / Federal coal management program briefings and planning workshops (open): Evansville, Indiana, 3-17-80; Wheeling, West Va., 3-19-80; Lexington, Ky., 3-21-80

8362 2-7-80 / Paradise-Denio Resource Area; Intent to prepare an environmental impact statement, Winnemucca, Nev., 3-19-80

11919 2-22-80 / Regional coal team for the Green River Hams Fork Federal Coal Production Region, Denver, Colo. (open), 3-21-80

National Park Service—

10908 2-19-80 / Blue Ridge Parkway, public meetings on land acquisition plan:

Buena Vista, Va., 3-18-80

Hillsville, Va., 3-19-80

Blowing Rock, N.C., 3-20-80

10908 2-19-80 / Cape Hatteras National Seashore and Fort Raleigh National Historic Site Land Acquisition Plans, Manteo, N.C. (open), 3-18-80

10909 2-19-80 / Castillo de San Marcos National Monument Land Acquisition Plan, St. Augustine, Fla. (open), 3-20-80

13543 2-29-80 / Indiana Dunes National Lakeshore Advisory Commission, Chesterton, Ind. (open), 3-21-80

JUSTICE DEPARTMENT

12938 2-27-80 / U.S. Circuit Judge Nominating Commission, Eighth Circuit Panel, St. Louis, Mo. (closed), 3-21-80

LABOR DEPARTMENT

Employment and Training Administration—

12560 2-26-80 / Unemployment Insurance, Federal Council, Washington, D.C. (open), 3-18 and 3-19-80

Occupational Safety and Health Administration—

12560 2-26-80 / Vinyl chloride monomer, polyvinyl chloride and structual analogues; re-evaluation of toxicology, Bethesda, Md. (open), 3-20 and 3-21-80

MINIMUM WAGE STUDY COMMISSION

13561 2-29-80 / Washington, D.C. (open), 3-18-80

[See 45 FR 11964, 2-22-80]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

13561 2-29-80 / NASA Advisory Council Aeronautics Advisory Committee, Hampton, Va. (open), 3-18 and 3-19-80

NATIONAL SCIENCE FOUNDATION

13849 3-3-80 / Behavioral and Neural Sciences Advisory Committee, Washington, D.C. (partially open), 3-20 and 3-21-80

SMALL BUSINESS ADMINISTRATION

10108 2-14-80 / Region IV Advisory Council, Miami, Fla. (open), 3-18-80

VETERANS ADMINISTRATION

11974 2-22-80 / Station Committee on Educational Allowances, Nashville, Tenn. (open), 3-17-80

72696 12-14-79 / Wage Committee, Washington, D.C. (closed), 3-20-80

WOMEN, PRESIDENT'S ADVISORY COMMITTEE

13570 2-29-80 / Washington, D.C. (closed), 3-17-80

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

14218 3-5-80 / Milk in the Tennessee Valley Marketing area; Proposed amendments to tentative Marketing agreement and order, Knoxville, Tenn., 3-20-80

[Originally published at 45 FR 1980, 2-14-80 and corrected at 45 FR 11503, 2-21-80]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

9303 2-12-80 / Fishery conservation and management; coastal migratory pelagic resources (Mackerel) plans:

3-17-80 Norfolk, Va.

3-18-80 Mobile, Ala. and New Orleans, La.

3-19-80 Biloxi, Miss. and Baton Rouge, La.

3-20-80 Houma, La.

[See also 45 FR 8327, 2-7-80]

12460 2-26-80 / Gulf of Mexico Fishery Management Council, Lake Charles, La., 3-19-80

[See also 45 FR 9303, 2-12-80]

DEFENSE DEPARTMENT

Navy Department—

65623 11-14-79 / Naval Discharge Review Board, Boston, Ma., Albany, NY, hearings, 3-17 through 3-22-80

[See also 45 FR 7279, 2-1-80]

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8462 2-7-80 / Standby Federal Emergency Energy Conservation Plan:

3-18-80 San Francisco, Calif.

3-20-80 Washington, D.C.

3-20-80 and if necessary,

3-21-80 Seattle Washington

[See also 45 FR 14235, 3-5-80]

ENVIRONMENTAL PROTECTION AGENCY

14231 3-5-80 / Ocean discharge criteria, Washington, D.C., 3-21-80

INTERIOR DEPARTMENT

Land Management Bureau—

6847 1-30-80 / Southern Appalachian Federal coal production region, Alabama subregion; coal leasing; Birmingham, Ala., 3-17-80

National Park Service—

12302 2-25-80 / Canaveral National Seashore Land Acquisition Plan: Public Forum, Turtle Mound, Fla., 3-20-80

11537 2-21-80 / Cumberland Island National Seashore Land Acquisition Plan, public forum, Dungeness, Ga. (open), 3-21-80

TENNESSEE VALLEY AUTHORITY

6225 1-25-80 / Consideration of ratemaking standards, Knoxville, Tenn., 3-18-80

[See also 44 FR 76611, 12-27-79]

TREASURY DEPARTMENT

Internal Revenue Service—

3602 1-18-80 / Continuity of business enterprise requirement for corporate reorganizations; Washington, D.C., 3-18-80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing March 10, 1980

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

13782 3-3-80 / CSA—Grant funds used as venture capital; policies; comments by 5-2-80

13902 3-3-80 / Justice/OJARS—Financial and administrative guide for grants; comments by 4-17-80

APPLICATIONS DEADLINES

13824 3-3-80 / HEW/OE—Metric Education Program; applications by 4-29-80

13822 3-3-80 / HEW/OE—Foreign Language and Area Studies Fellowship and International Studies Centers Programs; apply by 4-21-80

13823 3-3-80 / HEW/OE—Law School Clinical Experience Program; apply by 4-30-80

14822 3-6-80 / HUD/FHC—Congregate housing services program for the elderly and nonelderly handicapped, funds available for fiscal year 1980

[See document for application sequence]

14720 3-6-80 / Justice/NIJ—Analysis of role of bail bondsman; competitive research solicitation; submissions by 4-22-80

14720 3-6-80 / Justice/NIJ—Relationships between learning deficiencies and inmate education; solicitation of competitive research grant/cooperative agreement; submissions by 5-9-80

14154 3-4-80 / Justice/OJARS—Competitive research solicitation regarding analysis of issues involving Electronic Funds Transfer Systems and Electronic Mail Systems; apply by 4-1-80

14081 3-4-80 / USDA/FNS—Special Supplemental Food Program for Women, Infants and Children; apply by 5-23-80

MEETINGS

13821 3-3-80 / HEW/NIH—Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (partially open), 3-20 and 3-21-80

13822 3-3-80 / HEW/NIH—Vision Research Program Committee, Bethesda, Md. (partially open), 3-13 and 3-14-80

14167 3-4-80 / NFAH—Expansion Arts Panel (Instruction and Training), Washington, D.C. (closed), 5-5 and 5-7-80

14167 3-4-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 3-24 and 3-25-80

[Originally scheduled for 3-13 and 3-14-80]

14720 3-6-80 / NFAH—Music Panel (Opera-Musical Theatre; Challenge Grants), Washington, D.C. (closed), 3-28 and 3-29-80

14352 3-5-80 / NFAH—Music Panel (Policy Section), Washington, D.C. (partially open), 3-25 and 3-26-80

14979 3-7-80 / NFAH—Visual Arts Panel, Washington, D.C. (closed), 3-24 through 3-28-80 (2 documents)

14168 3-4-80 / NFAH—Visual Arts Panel (Photography Exhibitions), Washington, D.C. (closed), 3-3 through 3-5-80

14979 3-7-80 / NSF—Advisory Committee for Earth Sciences' Geology, Geochemistry and Geophysics subcommittees, Washington, D.C. (closed), 3-27 and 3-28-80

14980 3-7-80 / NSF—DOE/NSF Nuclear Science Advisory Committee, Washington, D.C. (closed), 3-26 through 3-28-80

14980 3-7-80 / NSF—Subcommittee on Biological Instrumentation of the Advisory Committee for Behavioral and Neural Science, Washington, D.C. (closed), 3-24 and 3-25-80

14981 3-7-80 / NSF—Subcommittee on Chemical and Process Engineering of the Advisory Committee for Engineering and Applied Science, Washington, D.C. (partially open), 3-24 and 3-25-80

14980 3-7-80 / NSF—Subcommittee on History and Philosophy of Science of the Advisory Committee for Social and Economic Science, Washington, D.C. (closed), 3-27 through 3-29-80

OTHER ITEMS OF INTEREST

13796 3-3-80 / DOE—Alternative fuels production financial assistance grants; availability of program solicitation for grant applications for feasibility studies

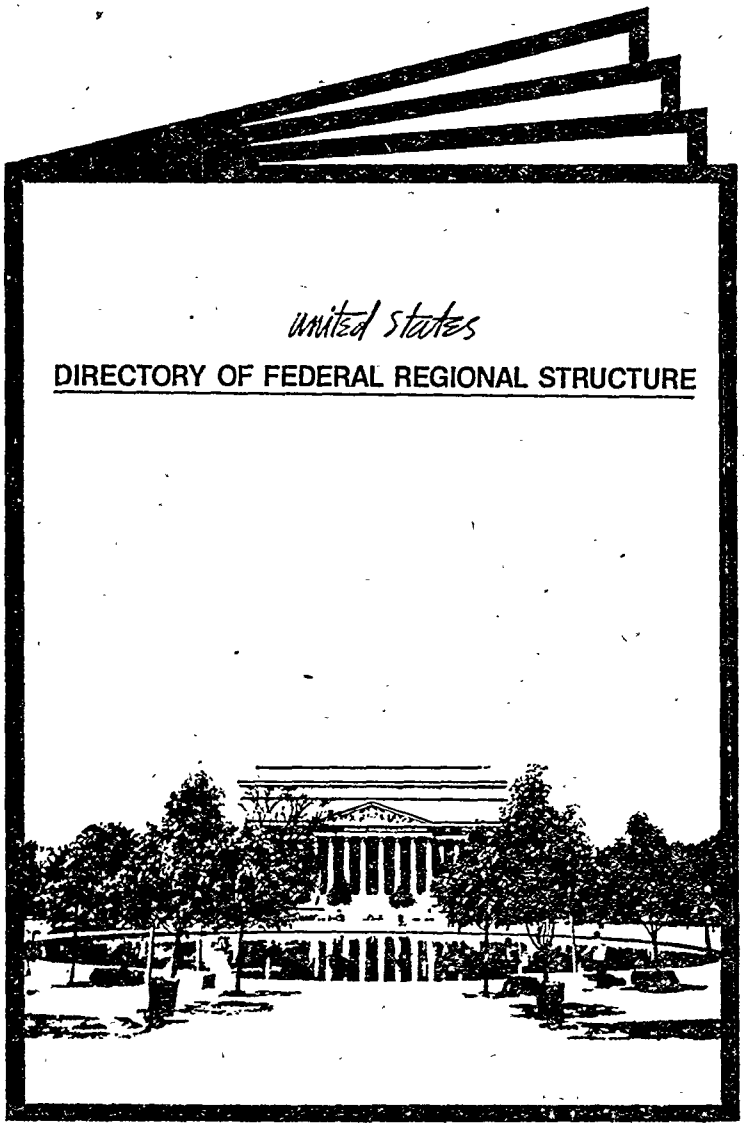
12427 3-5-80 / DOE/SOLAR—Energy Conservation; grant programs for schools and hospitals and buildings owned by units of local government and public care institutions

14774 3-6-80 / EPA and DOT—Urban air quality planning grants under Clean Air Act; availability of additional grants

14651 3-6-80 / HEW/OE—Women's Educational Equity Act Program; applicable regulations; correction

14651 3-6-80 / HEW/PHS—Allied health professions eligible for scholarship consideration under the health professions preparatory scholarship program for Indians and the Indian Health Scholarship Program

14978, 14979 3-7-80 / LSC—Announcement of submission of grant applications by two legal aid groups (2 documents)



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