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federal register

Wednesday
September 3, 1980

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58325 **Working Mothers' Day** Presidential proclamation

58327 **General Pulaski's Memorial Day** Presidential proclamation

58329 **Columbus Day** Presidential proclamation

58331 **United Nations Day** Presidential proclamation

58393 **Grant Program—Energy** DOE solicits grant applications by 9-9-80 from States located in Region I for funding of projects in support of the Energy Extension Service Program

58494-58500 **Pesticides** EPA proposes tolerances for certain chemicals used on agricultural commodities; comments by 9-18 and 10-3-80 (6 documents) (Part III of this issue)

58450 **National Capital Region—Citizen Participation** National Capital Planning Commission revises procedures for citizen participation in development plans and programs

58334 **Exports** Commerce/ITA revises and updates regulations to reflect procedures used for expediting the processing of applications in emergency situations; effective 9-3-80

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58392 **Grant Programs—Education** ED announces 10-21-80, as closing date for transmittal of grant applications to improve the interstate and intrastate coordination of migrant education activities

58362 **Grant Programs—Education** ED amends regulations that govern use of funds made available for instructional materials and school library resources

58339 **Pensions** PBGC amends regulation to provide for plan years beginning on or after 1-1-80, the Annual Report may be filed on the New Form 5500-R, when appropriate

58484 **Reader Aids** OFR publishes list of libraries that have announced availability of the Federal Register and Code of Federal Regulations

58339 **Grant Programs—Urban Park and Recreation Recovery** Interior/HCRS publishes interim rule changing the requirement for costs incurred prior to final approval of grant offers; effective 9-3-80; comments by 10-3-80

58409 **Drugs** HHS/HCFA publishes notice regarding maximum allowable cost limits for certain drugs

58383 **Inorganic Chemicals** EPA extends comment period in a proposal to limit effluent discharges to U.S. waters and introduction of pollutants into publicly owned treatment works from manufacturing facilities; comments by 10-22-80

58333 **Certain Dairy Products** USDA amends Import Regulation 1 which governs administration of import licensing system; effective 10-3-80

58459 **Tuna and Tuna Products from Canada** Treasury/Customs removes prohibition on importation

58368 **Electric Power** DOE/FERC proposes to exempt small hydroelectric power projects with a proposed installed capacity of 5 megawatts or less; comments by 9-29-80; hearing on 9-23-80

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Presidential Documents

Title 3—

The President

Proclamation 4786 of August 29, 1980

Working Mothers' Day, 1980

By the President of the United States of America

A Proclamation

In greater numbers than ever before, American mothers are taking on important job responsibilities outside the home. In workplaces across our Nation and in every occupation, more than 16 million employed mothers are contributing their valuable skills to the labor force. In fact, more than half of all the mothers in this country have taken on jobs outside the home, and it is estimated that by 1990, 75% of all two-parent families will have both parents in the work force.

On the job and in the home, working mothers are making a vital contribution to the national economy and to the strength of the American family. Working mothers do not shed homemaking and parental responsibilities; they merely add the demands of a job to those of wife and mother. As we recognize the hard work and dedication of these women, we also acknowledge the many special problems they confront in meeting their dual responsibilities. We have an obligation to reinforce and support them in their endeavors.

To give special recognition to working mothers for fulfilling their exceptional responsibilities in the home and in the world of commerce, the House of Representatives (House Joint Resolution 379) has requested that I designate August 31, 1980, as Working Mothers' Day. I fully support this Resolution.

NOW THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate August 31, 1980, as Working Mothers' Day and call upon families, individual citizens, labor and civic organizations, and the business community to recognize publicly the unique contributions of mothers currently in the work force, and to honor former generations of working mothers for their important role in building American society.

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

Jimmy Carter

[FR Doc. 80-27053
Filed 8-29-80; 4:15 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4787 of August 29, 1980

General Pulaski's Memorial Day, 1980

By the President of the United States of America

A Proclamation

Each year on the eleventh of October, the American people pay tribute to the memory of General Casimir Pulaski. In doing so they not only honor this great Polish champion of American freedom but also give recognition to the ties between our two nations, to the contributions of millions of other Polish-Americans to the birth and development of this country, and to the indivisibility of freedom everywhere.

By giving his life on the battlefield of our revolution, General Pulaski has provided inspiration to generations of his countrymen—in the United States and in Poland.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Saturday, October 11, 1980, as General Pulaski's Memorial Day, and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to honor the memory of General Pulaski by holding appropriate exercises and ceremonies in suitable places throughout our land.

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

Jimmy Carter

[FR Doc. 80-27054
Filed 8-29-80; 4:16 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4788 of August 29, 1980

Columbus Day, 1980

By the President of the United States of America

A Proclamation

On October 12, 1492, an Italian sea captain and his crew, having sailed into the western void in three fragile craft, touched land and revealed a New World to the astonished eyes of the old.

The Genoese Christopher Columbus, sailing for his royal Spanish patrons in search of fortune, glory and the validation of his dream, found these and more.

Today, almost five centuries later, we still honor Columbus for the stout heart and tenacity of purpose that sustained his exploits. He inspired an age of exploration and a continuing era of victory over the forces of complacency and ignorance.

As we prepare to commemorate the four hundred eighty-eighth anniversary of Columbus's historic landfall, we of the New World can pay no greater tribute to his memory than to keep alive that spark of hope and nerve that never failed him and has never failed us.

In tribute to the achievement of Columbus, the Congress of the United States of America, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Monday, October 13, 1980, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in his honor.

I also direct that the flag of the United States of America be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

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

Jimmy Carter

[FR Doc. 80-27055
Filed 8-29-80; 4:17 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4789 of August 29, 1980

United Nations Day, 1980

By the President of the United States of America

A Proclamation

This year marks the 35th Anniversary of the founding of the United Nations, an organization dedicated to maintaining international peace and security, developing friendly relations among nations, and achieving international cooperation in solving global problems. Today 153 nations work within the United Nations framework to resolve some of the most crucial problems of our time.

Never has the United Nations been more important to the United States and to the world than it is today. The past year has seen momentous international events. Many have not yet run their full course but have already changed the way we see the world around us. We have become more conscious of the risks of war and more aware of the urgent tasks of peace.

Today, peace is threatened in many ways. There are the visible threats like the invasion by a super power of an innocent, defenseless land. And, there are the more subtle threats of hunger, spiraling inflation, inadequate health care, and depleted natural and monetary resources. These threats have filled the United Nations with a strong sense of the urgency of creating an international system based on active and equitable, social and economic cooperation among the countries of the North and South.

The United Nations, through the work of its specialized agencies and programs, its regional organizations and international conferences, has become an indispensable frontline defense against the events and forces that threaten world stability. It has played a central role in setting the pace and direction for international cooperation in an interdependent world.

The United States has always been an active and dedicated supporter of the United Nations. As President, I have been proud to carry on and expand this tradition. My Administration continues to be firmly committed to a strong United Nations system.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, October 24, 1980, as United Nations Day. I urge all Americans to use this day as an opportunity to better acquaint themselves with the activities and accomplishments of the United Nations.

I have appointed Mr. Charles L. Brown to serve as 1980 United States National Chairman for United Nations Day, and the United Nations Association of the United States of America to work with him in celebrating this special day. I invite all the American people, and people everywhere, to join me in expressing sincere and steadfast support for the United Nations on its thirty-fifth anniversary. It is only through multilateral institutions like the United Nations that the solutions to our ever more urgent global problems will be found.

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

Jimmy Carter

[FR Doc. 80-27056
Filed 8-29-80; 4:18 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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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

Office of the Secretary

7 CFR Part 6

Section 22 Import Quotas; Certain Dairy Products

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends Import Regulation 1 which governs the administration of an import licensing system for certain dairy products subject to quota under the authority of Section 22 of the Agricultural Adjustment Act of 1933, as amended. The amendments in this final rule are designed to more fully effectuate the original intent of the Department with respect to those persons who should be precluded from obtaining a license as a result of a close relationship to another person eligible for a license, as well as those persons who should be entitled to receive certain matching supplementary license shares notwithstanding actual affiliation or association with another person eligible for a license.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Carol M. Harvey, Head, Dairy and Import Group, Dairy, Livestock and Poultry Division, CP, FAS, Room 6624, South Building, Department of Agriculture, Washington, D.C. 20250 (202) 447-5270. Actions of this kind were anticipated under the provision of 7 CFR Part 6—Subpart Section 22 Import Quotas, and were specifically considered in the Final Impact Statement describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Carol M. Harvey.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "not significant". The proposed rule amending Import Regulation I was published in the Federal Register. on May 20, 1980. A 60-day public comment period ended on July 21, 1980. A written comment was received from one entity.

Discussion of Comment

The comment received was supportive of the proposed amendments. The commentator agreed with our recognition and interpretation of managerial relationships and our correction of the rule to reflect its original intent with regard to affiliated or associated new historical licensees being permitted to apply for a matching supplementary share of the same article. Accordingly 7 CFR, Part 6—Subpart Section 22 Import Quotas, § 6.25 and § 6.26 are amended as follows:

§ 6.25 [Amended]

1. Section 6.25(b)(2)(i)(C) is amended by deleting the words "officer, member, partner," and ", or employee".

§ 6.26 [Amended]

2. Section 6.26(c)(1) is amended by inserting at the beginning of the first sentence the words "Except in cases involving persons with historical eligibility who are seeking matching supplementary shares authorized under paragraph (c)(1)(ii) of § 6.25".

(Sec. 3, Pub. L. 80-897, 62 Stat. 1248, as amended (7 U.S.C. 624); Secs. 701, 703, Pub. L. 96-39, 93 Stat. 268, 272 (19 U.S.C. 1202 note); Part 3 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202))

Signed this 12th of August, 1980.

Thomas R. Saylor,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 80-26818 Filed 9-2-80; 8:45 am]
BILLING CODE 3410-10-M

Commodity Credit Corporation

[CCC Grain Price Support Regulations, 1979 Crop Barley Supplement, Amdt. 1]

7 CFR Part 1421

1979 Crop Barley Loan and Purchase Program

Correction

In FR Doc. 80-25144, appearing on page 55141, in the issue of Tuesday, August 19, 1980, make the following correction.

On page 55143, first column, the thirteenth entry from the bottom now reading "cass" should have been "Cass". In the second column, the seventh entry from the top reading "McClean" should have read "McLean".

BILLING CODE 1505-01-M

7 CFR Part 1421

[CCC Grain Price Support Regulations, 1979 Crop Corn Supplement, Amdt. 1]

1979 Crop Corn Loan and Purchase Program

Correction

In FR Doc. 80-25141, appearing on page 55144, in the issue of Tuesday, August 19, 1980, make the following correction:

On page 55149, in the second column, the seventh entry reading "Trempealeu" should have read "Trempealeau".

BILLING CODE 1505-01-M

7 CFR Part 1421

[CCC Grain Price Support Regulations, 1979 Crop Sorghum Supplement, Amdt. 1]

1979 Crop Sorghum Loan and Purchase Program

Correction

In FR Doc. 80-25148, appearing on page 55149, make the following corrections: On page 55152, second column, the nineteenth entry reading "Pottawatmie" should have read

"Pottawatomie". In the third column, the twenty-eighth entry reading "Culbertson" should have read "Culberson".

BILLING CODE 1505-01-M

7 CFR Part 1421

[CCC Grain Price Support Regulations, 1979 Crop Oats Supplement, Amdt. 1]

1979 Crop Oats Loan and Purchase Program

Correction

In FR Doc. 80-25146 appearing on page 55153, in the issue of Tuesday, August 19, 1980 make the following corrections:

1. On page 55155, third column, under "Minnesota", the "Rate per bushel" for "Dodge" County should have read "1.04", and for "Douglas" County should have read "1.02".

2. On page 55156, second column, the fifth entry should have been spelled, "Lewis and Clark". In the third column, the eighteenth entry from the botton reading "Cavlier", should have read "Cavalier".

3. On page 55157, second column, the twenty-fifth entry reading "Dougla" should have read "Douglas".

4. On page 55158, first column, the thirteenth entry reading "Shawno", should have read "Shawano."

BILLING CODE 1505-01-M

7 CFR Part 1421

[CCC Grain Price Support Regulations, 1979 Crop Wheat Supplement, Amdt. 1]

1979 Crop Wheat Loan and Purchase Program

Correction

In FR Doc. 80-25147, appearing on page 55159, in the issue of Tuesday, August 19, 1980 make the following corrections:

1. On Page 55163, first column, the twenty-first entry from the bottom reading "Jeffeson" should have read "Jefferson".

2. On page 55164, third column, the first entry under "South Dakota" reading "Auroa" should have read "Aurora".

3. On page 55165, third column, the twenty-first entry from the bottom reading "Clallan" should have read "Clallam".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR PARTS 370, 372 and 377

Special Processing of License Applications, Amendments, and Reexport Requests

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

ACTION: Final rule.

SUMMARY: There are times when an exporter will have an emergency situation that will necessitate expedited processing of an export license application. This rule revises and updates the *Export Administration Regulations* to reflect the procedures used for expediting the processing of applications in emergency situations.

DATES: This rule becomes effective on September 3, 1980.

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

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

Section 13(a) of the Act exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because these regulations do not impose controls on exports. It has also been determined that these regulations are not "significant" within the meaning of Department of Commerce Administrative Order 218-7 (44 FR 2082, January 9, 1979) and International Trade Administration Administrative Instruction 1-6 (44 FR 2093, January 9, 1979) which implement Executive Order 12044 (43 FR 12661, March 23, 1978), "Improving Government Regulations." Therefore these regulations are issued in final form. Although there is no formal comment period, public comments on these regulations are welcome on a continuing basis.

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

§§ 370.11, 370.13 [Amended]

1. Sections 370.11(a) and 370.13 are amended by adding a footnote to the headings of those sections. The footnote reads as follows:

[1] See § 372.4(h) for procedures to expedite processing of an export license application in an emergency situation.

2. Section 372.4(h) is revised to read as follows:

§ 372.4 How to apply for a validated license.

* * * * *

(h) *Emergency clearance.*[1]

(1) When an exporter believes that an emergency situation necessitates expedited processing of an application he should contact the Exporters' Service Staff of the Office of Export Administration (Telephone: 202-377-4811; telex: 892536; telecopier: 202-377-4515) or a Department of Commerce District Office. Since a signed application must be submitted to the Office of Export Administration or to a District Office before any action can be taken, the following are the procedures for handling emergency requests:

(i) Submit the signed application directly to the Exporters' Service Staff, Office of Export Administration (Room 1623), U.S. Department of Commerce, Washington, D.C. 20230. Private courier services guarantee ovenight receipted delivery directly to the person designated. U.S. Postal Express Mail Service guarantees next day delivery by 10:00 a.m. to a Post Office in the receiving city and delivery by 3:00 p.m. to a designated mail drop, which in Commerce is the Central Mail Room. This delivery does not assure next day delivery directly to the Exporters' Service Staff.

(ii) Alternatively, submit the signed application to a Commerce Department District Office, which will telegraph the details of the application to the Office of Export Administration at the applicant's expense. The District Office may in its discretion authorize the applicant to send the wire directly after depositing the signed application with the District Office.

(2) If an application already has been submitted to the Office of Export Administration when an emergency arises, the applicant should contact the Exporters' Service Staff directly.

(3) The Exporters' Service Staff or the District Office, as appropriate, will evaluate the exporter's reasons and determine whether emergency handling is warranted. In certain cases the

[1] See § 377.1(c)(3) for Emergency Clearance of Short Supply Commodities

exporter may be required to submit copies of orders, communications, letters of credit, or other documentation that may be necessary to establish the existence of a valid emergency. Frequent emergency requests will be given particularly close scrutiny, since OEA will not permit this emergency procedure to become a substitute for timely filing of license applications by the exporter.

(4) When a license is approved on an emergency basis by the Office of Export Administration, the applicant will be notified of the license number by phone, wire or in person, in order that shipment can be made without waiting for the arrival of the license by mail. The validity period of a license issued under this emergency procedure will end no later than the last day of the calendar month following the month in which the license is issued unless a longer validity period can be justified.

2. § 377.1(c)(3) is redesignated paragraph (c)(4).

3. § 377.1 is amended to add a new paragraph (c)(3) to read as follows:

§ 377.1 General provisions: short supply controls.

* * * * *

(c) *Applications for Validated Licenses to Export Commodities Subject to Short Supply Controls.*

* * * * *

(3) *Emergency clearance.* Exporters seeking emergency clearance for export or reexport of commodities subject to short supply export limitations should contact the Short Supply Division of the Office of Export Administration (Room 1617A), U.S. Department of Commerce, 14th and E Sts. N.W., Washington, D.C. 20230 (Telephone: 202-377-3795) for instructions. Since many commodities under short supply control are subject to quantitative limitations, central control over their export is held by the Short Supply Division and neither the District Office nor the Exporters' Services Staff can provide detailed guidance in emergency situations.

(Secs. 7, 13, 15 and 21, Pub. L. 96-72, to be codified at 50 U.S.C. App. § 2401 *et seq.*; E.O. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); and International Trade Administration Organization and Function Order 41-1 (45 FR 11862, February 22, 1980))

Date: August 26, 1980.

Eric L. Hirschhorn,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 80-26835 Filed 9-2-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM79-64; Order 91-A]

Filing of Rate Schedules; Revised Requirements for Filing Changes in Electric Rate Schedules and for the Preparation and Submission of Supporting Data

Issued August 27, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying application for rehearing of Order No. 91.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is denying an application for rehearing filed by certain municipal electric systems with respect to a recently revised regulation governing the filing of changes in the electric rate schedules of public utilities under the Federal Power Act. The application raises no issues of fact or law that the Commission has not considered previously.

FOR FURTHER INFORMATION CONTACT: James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. (202) 357-9342.

On June 27, 1980, the Federal Energy Regulatory Commission (Commission) issued Order No. 91 [1] which revised the regulation governing the filing of changes in the electric rate schedules of public utilities under the Federal Power Act. The revised § 35.13 of the Commission's regulations require that rate schedule changes designed to implement major increases in rate levels be supported by cost data in 37 cost-of-service statements, much of which is supplied for both a historical (Period I) and an estimated (Period II) test year. Period I and Period II were redefined in Order No. 91 to provide utilities with greater flexibility in using calendar year data and to reduce the concentration of rate change filings at certain times of the year.

On July 28, 1980, the Commission received application for rehearing of Order No. 91 filed on behalf of several municipal wholesale electric customers and associations of electric customers identified as municipal electric systems (Systems). The application contends that the final rule in Order No. 91 errs by: (1) establishing too wide a gap between Period I and Period II; and (2) failing to adopt several proposals made by Systems or to explain the omissions.

Systems' applications states that the revised § 35.13 permits data for calendar year quarters of Period I to be as many as three years older than the data for corresponding calendar quarters included in Period II, thereby undermining the reliability of Period I as a check on Period II data. It is argued that the great flexibility to select among test periods that utilities are afforded by the rule will discourage use of calendar year data and allow utilities to use any test years that serve their own purposes.

Systems raise no new arguments with respect to Period I and Period II that were not considered by the Commission at the time it issued Order No. 91. Systems overestimate the significance of the possible gap between Period I and Period II data. Conceding that the gap between the periods may be as much as 22 months, the Commission believes that the redefined test periods permit meaningful comparison of the total annual data from each period. The benefits to be obtained by the new definitions of Period I and Period II, discussed at length in Order No. 91, outweigh any of the possible difficulties raised by Systems or other commenters.

Systems claim that there are five additional infirmities in Order No. 91 and propose changes in the rule. First, Systems contend that the rule does not specifically require updated information concerning actual or expected delays or advances in the commercial operation date of power supply facility operations included as plant-in-service for Period II. Section 35.13(d)(6)(i) lists examples of changes in the utility's financial condition that must be reported quarterly. These examples do not encompass a utility's entire obligation to report updated information. The rule requires information concerning changes in operations and this includes actual or expected delays or advances in in-service dates.

Secondly, Systems state that amortization of capitalized leases should be reported separately in each operation and maintenance account. The Commission believes that sufficient information is already required among the financial and cost of capital data in § 35.13(h)(22).

Third, Systems requests that Statement AJ, Depreciation and Amortization Expenses, be amended to

[1] 45 FR 46352, July 10, 1980.

require the plant amounts to which each depreciation rate is applied. The Commission points to the requirement in Statement AJ, § 35.13(h)(10)(i) which requests depreciation expenses and depreciable plant balances by major functional classification. Statement AJ therefore contains sufficient information from which to determine depreciation expenses in terms of the depreciable bases of such expenses.

Fourth, Systems state that Statement AH, Operation and Maintenance Expenses, should provide for estimated spent nuclear fuel disposal and storage costs. As Systems point out, the rate treatment to be afforded these expenses is yet unsettled. The spent nuclear fuel data that have been determined by the Commission to be necessary at this time are provided for in Statement AH. That statement requires that, if a utility's claimed nuclear fuel expense reflects a change in the estimated net salvage value of nuclear fuel, the utility must show the amounts involved and explain the relevant circumstances. Such changes in net salvage value will include changes in storage of disposal costs. Further nuclear fuel data are not presently needed.

Finally, Systems contend that a statement of interest coverage for debt capital for Period II is as necessary and desirable as that provided for Period I in Statement AV, Rate of Return. The Commission believes it is useful for the applicant to calculate explicitly its Period I interest coverage based on its indenture requirements. The Commission wishes to see how this calculation is performed and how the indenture requirements have historically affected the interest coverage. If a participant wants to know the interest coverage information for Period II, it may be computed for the cost of capital in that period by use of the illustrative computations for Period I.

In summary, Systems' objections to Order No. 91 do not require revision of the final rule. The Commission has previously considered and rejected most of the arguments raised and otherwise finds Systems' proposals unnecessary.

The Commission Orders:

For the reasons given above, the application for rehearing of Order No. 91 filed by Systems is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26994 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Community Development Corporation

24 CFR Part 700

[Docket No. R-80-865]

New Community Development Corporation; Bylaws

AGENCY: Department of Housing and Urban Development—New Community Development Corporation.

ACTION: Amendments to bylaws.

SUMMARY: Two amendments to the Bylaws of the New Community Development Corporation have been adopted. The first amendment changes the monthly meeting requirement to meetings every three months. The second provides for indemnification of Directors under certain circumstances when they are sued personally for activities performed in their capacity as Directors of the Corporation.

EFFECTIVE DATE: The amendment requiring one meeting every three months was effective October 19, 1977. The amendment providing for indemnification of Directors was effective March 17, 1980.

ADDRESS: Rules Docket Clerk, Department of Housing and Urban Development, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Grant E. Mitchell, Assistant General Counsel, New Communities Branch, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-5470. This is not a toll free number.

SUPPLEMENTARY INFORMATION: Although these amendments to the Corporation bylaws will be codified at 24 CFR Part 700, they are not rules or regulations. Therefore, they are not subject to deferred effective date requirements of section 7(o)(3) of the Department of HUD Act with respect to legislative review. The amendments were effective when adopted by the Corporation: October 19, 1977 for the amendment requiring one meeting every three months and March 17, 1980 for the amendment providing for indemnification of Directors. Therefore, this publication is only for information to the public.

These amendments are not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR Chapter VII is hereby amended as follows:

1. The table of contents for 24 CFR Part 700, Subchapter A, is revised to read as follows:

PART 700—BYLAWS

Subchapter A—General

Sec.
700.1 Bylaws of the Corporation.

Appendix

Authority: Secs. 726, 729 of the Housing and Urban Development Act of 1970, as amended; 42 U.S.C. 4527, 4532.

2. Section 700.1 is revised to read as follows:

§ 700.1 Bylaws of the Corporation.

The bylaws of the New Community Development Corporation, duly adopted March 3, 1971, and amended on May 7, 1971, February 6, 1975, October 19, 1977, and March 17, 1980, and hereby certified to, are set forth in the following appendix.

3. The Appendix is amended to read as follows:

Appendix

* * * * *

Article 3—The Board of Directors

* * * * *

Section 3.03 *Regular Meetings.* A Meeting of the Board will be held upon notice at least every three months at a time and place to be specified in the notice.

* * * * *

Article 7—Indemnification of Directors

Section 7.01. *General.* The Corporation shall indemnify any Director who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or in the right of the Corporation), by reason of the fact that he is or was a Director of the Corporation, against expenses (not including attorneys' fees, unless specifically authorized in advance by the Department of Justice), judgments, fines, and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if: (1) indemnificatio is required under Section 7.03, or (2) it is determined by the procedure described in Section 7.02 that he acted in good faith and in a manner he reasonably believed to be in the best interests of the Corporation and, with respect to any criminal action or proceeding, had no reasonable cause to believe that his conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement or conviction, or upon a plea of *nolo contendere* or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in the best interests of the Corporation or, with respect to any criminal action or proceeding, that the person had reasonable cause to believe that his conduct was unlawful.

Section 7.02 *Specific Authorization.* Unless required by Section 7.03, any indemnification under Section 7.01 shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the Director is proper in the circumstances because he or she has met the applicable standard of conduct set forth in Section 7.01.

Such determination shall be made: (1) by the Board by a majority vote of a quorum consisting of Directors eligible to vote who were not parties to such action, suit, or proceeding, or (2) if such quorum is not obtainable or, even if obtainable, a quorum of disinterested Directors so directs, by the General Counsel.

Section 7.03 *Mandatory Indemnification.* To the extent that a Director who may be indemnified under Section 7.01 has been successful on the merits or otherwise in the defense of any action, suit, or proceeding referred to in Section 7.01 or in the defense of any claim, issue, or matter therein, he shall be indemnified against expenses (not including attorney's fees, unless specifically authorized in advance by the Department of Justice) actually and reasonably incurred by him in connection therewith.

Section 7.04 *Advances.* Expenses incurred in defending any action, suit, or proceeding referred to in Section 7.01 may be paid by the Corporation in advance of the final disposition of such action, suit or proceeding as authorized by the Board in any case upon receipt of an undertaking by or on behalf of the Director to repay such amount, unless it shall ultimately be determined that he is entitled to be indemnified by the Corporation as authorized in this Article.

Section 7.05 *Other Rights Preserved.* The indemnification provided by this Article shall not be deemed exclusive of any other rights to which a person seeking indemnification may be entitled under any agreement, or vote of disinterested Directors or otherwise, and shall continue as to a person who has ceased to be a Director and shall inure to the benefit of the heirs, executors, and administrators of such a person.

Issued at Washington, D.C., August 21, 1980.

Moon Landrieu,

Chairman of the Board, New Community Development Corporation.

[FR Doc. 80-26820 Filed 9-2-80; 8:45 am]

BILLING CODE 4210-10-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-80-843]

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation, Philadelphia, Pa.

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Interim rule for effect.

SUMMARY: This rule amends the Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for rental projects for the Philadelphia, Pennsylvania market area, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Expeditious publication of this final rule is necessary to permit urgently needed rent increases for certain projects in this market area.

DATES:

Effective date: October 23, 1980.

Comments due: October 3, 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 5218, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the headings, and give reasons for any recommendation. Copies of all written comments will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. In order to expedite consideration of comments, an information copy of your comment should be forwarded to the Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Supervisory Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-5743. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Recent comments and data have been received from the Philadelphia Area Office indicating an immediate need to amend the Fair Market Rents for Section 8 Newly-Constructed and Substantially Rehabilitated Rental Projects. This amendment to the rent schedule relates to one through four bedroom units in semi-detached structures, zero through four bedroom units in walkup structures, and zero through two bedroom units in elevator structural categories.

The last Annual Revision of all Fair Market Rents was published at 45 FR 2534 of the January 11, 1980 publication of Title 24, Part 888.

Accordingly, it has been determined that publication of a proposed rule providing the usual 60 days for public comment will not serve the public interest. The Secretary therefore proposes to publish the revised Fair Market Rent Schedules as an Interim Rule and provide for a thirty (30) day comment period. Unless the comments received justify changing the published rent schedules, twenty (20) days following the close of the comment period the published rent schedules will, without further publication, become effective.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR, Part 888, Subpart A, Schedule A is being amended as set forth below.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C. July 24, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1981, for consistency with the current FMR schedule of which these rents will become a part.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

BILLING CODE 4210-01-M

AREA OFFICE PHILADELPHIA, PA REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED			-	-	-
	SEMI-DETACHED/ROW		389	510	585	631
	WALKUP	316	370	463	523	565
	ELEVATOR-2-4 Sty	338	391	491		
	5 + Sty	378	423	500		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[FR Doc. 80-26814 Filed 9-2-80; 8:45 am]
BILLING CODE 4210-01-C

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2606

Annual Report

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document amends the Pension Benefit Guaranty Corporation's Annual Report regulation to provide that the Annual Report may be filed on the new Form 5500-R, when appropriate. This amendment is necessitated by the recent adoption by the PBGC, Department of Labor, and Internal Revenue Service of the new Form 5500-R. The effect of this amendment is to provide that for plan years beginning on or after January 1, 1980, the Annual Report may be filed on Form 5500-R, as well as on Form 5500, 5500-C or 5500-K, whichever is appropriate.

EFFECTIVE DATE: This amendment applies to plan years beginning on or after January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Roger Lerner, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; 202-254-3010.

SUPPLEMENTARY INFORMATION: After notice and public comment thereon (including a public hearing), on August 1, 1980, the Pension Benefit Guaranty Corporation ("PBGC"), the Department of Labor and the Internal Revenue Service published in the Federal Register (45 FR 51448) forms adopted by the three agencies to implement triennial filing of the annual return/report for certain plans under the Employee Retirement Income Security Act of 1974 (the "Act"). These forms include revised Forms 5500-C and 5500-K, replacing the current 5500-C and 5500-K, and a new Form 5500-R, and they are effective for plan years beginning on or after January 1, 1980.

The PBGC's Annual Report regulation currently provides that the report, required under § 4065 of the Act, may be filed on Forms 5500, 5500-C or 5500-K, as appropriate. The purpose of this amendment is to include Form 5500-R as one of the forms plans may use to meet their reporting requirements under § 4065 of the Act. (For a discussion of when each of these forms should be filed, see the August 1, 1980 notice (45 FR 51448) and the instructions to the forms.)

The PBGC has determined that this amendment is not "significant" under the criteria contained in PBGC's Statement of Policy and Procedures implementing Executive Order 12044 (43 FR 58237, December 13, 1978), because it is not likely to create substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

Because the effect of this amendment is merely to reflect in the Annual Report regulation the adoption of the new Form 5500-R, which form was adopted after notice and opportunity for public comment, the PBGC finds that notice and opportunity for public comment on this amendment is unnecessary. Because the Annual Report is normally due seven months after the close of the plan year, this amendment, which applies to all plan years beginning on or after January 1, 1980, will first be effective with respect to Annual Reports due in late-1981 or early-1982.

In consideration of the foregoing, Section 2606.3 of Part 2606, Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended by revising paragraph (b) and adding a new paragraph (c) as follows:

§ 2606.3 Filing requirement.

* * * * *

(b) For plan years beginning on or after January 1, 1977 but before January 1, 1980, plan administrators shall file the Annual Report on IRS/DOL/PBGC Forms 5500, 5500-C, or 5500-K, as appropriate, in accordance with the instructions therein.

(c) For plan years beginning on or after January 1, 1980, plan administrators shall file the Annual Report on IRS/DOL/PBGC Forms 5500, 5500-C, 5500-K or 5500-R, as appropriate, in accordance with the instructions therein.

Effective date. This amendment applies to plan years beginning on or after January 1, 1980.

(Secs. 4002(b)(3), 4065, Pub. L. 93-406, 88 Stat. 1004, 1032; 29 U.S.C. 1302, 1365)

Issued in Washington, D.C. this 28th day of August, 1980.

Robert E. Naglo,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 80-26931 Filed 9-2-80; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1228

Urban Park and Recreation Recovery Program

AGENCY: Heritage Conservation and Recreation Service, Interior.

ACTION: Interim rule.

SUMMARY: This document is an amendment to the interim rule and is published to change the requirements for costs incurred prior to final approval of grant offers under the Urban Park and Recreation Recovery (UPARR) Program (Title X of the National Parks and Recreation Act of 1978, Pub. L. 95-625). The interim rule was originally published in the Federal Register August 9, 1979 (44 FR 47018).

EFFECTIVE DATE: This interim rule amendment is effective September 3, 1980. Comments on this amendment will be accepted and considered. Comments must be received in writing on or before October 3, 1980.

ADDRESS: Written comments should be addressed to the Chief, Division of Urban Programs, Heritage Conservation and Recreation Service, Box G, 440 G Street NW., Washington, D.C. 20243, (202) 343-5971.

FOR FURTHER INFORMATION CONTACT: Powell Allen, Division of Urban Programs, Heritage Conservation and Recreation Service, 440 G Street NW, Room 310, Washington, D.C. 20243, (202) 343-5971.

SUPPLEMENTARY INFORMATION: The proposed rescission of funds from the UPARR Program FY 1980 budget and uncertainty about funding in FY 1981, caused a great amount of confusion and delay on the part of communities participating in the FY 1980 second grant round competition. The proposed rescission had the effect of stopping implementation of the UPARR Program for a period of three months. The grant issuing process was suspended during the period of time that the rescission was under consideration. The decision of July 8, 1980 (Pub. L. 96-304), which resolved the rescission questions, allowed for continuation of the program.

When established, both Congress and the Administration expressed a commitment to rapid implementation of this program, recognizing the urgent need for the rehabilitation of urban parks and recreation areas and

facilities. Now that the decision has been made to proceed with this program, it is crucial, whenever reasonable, that barriers to rapid implementation of the program be removed.

Currently, the provisions of § 1228.53(c)(7) prohibit the incurring of costs by applicant jurisdictions before final approval of the project and signing of the grant contract by HCRS officials. This means that even after tentative grant offers are made by HCRS, any project costs incurred by the applicant during the final grant application process may not be reimbursed later with program funds. Therefore, applicant jurisdictions are unlikely to proceed with the tentatively approved project until the signing of the grant contract. This may, in some instances, mean a delay in the project of up to 120 days after the offer is tentatively approved.

Accordingly, because of the three month interruption in the UPARR Program discussed above, and because the construction season in many parts of the country will soon be over, it has been determined that a revision in the grant procedure regulations is required, to authorize the Director of HCRS to allow, in writing, an applicant jurisdiction to incur certain project costs following the tentative grant offer, but prior to signing the grant contract. No reimbursements will be made, however, prior to signing the contract, and such reimbursement for costs incurred prior to signing of the grant contract is predicated on signing of that contract. It has been determined that because of this emergency situation, it is impracticable and contrary to the public interest to publish this revision as a notice of proposed rulemaking, or to delay the effective date for this provision beyond the date of this publication.

Therefore, in accordance with the exception provided for in the Administrative Procedure Act in 5 U.S.C. § 553(b)(B) and d(3) and the Departmental regulations on rulemaking in 43 CFR 14.3(f), this amendment is published as an interim rule effective immediately. It has been determined that it is in the public interest to allow interested persons to submit written comments pertaining to this amendment. All revelant materials received on or before October 3, 1980 will be considered. Following the close of the comment period, the amendment will be revised as warranted by public comments received. It is intended that any revision of the amendment arising from these comments will be published again as a final rule within 30 days after the close of the comment period.

Authorship Statement: The primary authors of these regulations were Mr. Powell Allen and Mrs. Carol Jacobson of the Heritage Conservation and Recreation Service 202/343-5971.

Statement of Applicability: This amendment does not affect the existing A-95 review procedures for the UPARR Program as outlined in OMB Circular No. A-95, Administrative Note No. 10.

Statement of Significance: This document has been determined to be significant under Executive Order 12044 and 43 CFR Part 14 as an amendment to Interim Rules (44 FR 47018, August 9, 1979) previously determined to be significant. A Regulatory Analysis is being prepared on the final rules pertaining to the Urban Park and Recreation Recovery Program (36 CFR Part 1228). The draft Regulatory Analysis is now available for review. A final Regulatory Analysis will be prepared after the comment period on this amendment to the interim rule and will be available for review upon publication of the final Grant Procedure Regulations. A Grant Manual detailing program guidelines and policies for the administration of the Urban Park and Recreation Recovery Program will be available at a later date.

Dated: August 27, 1980.

Robert L. Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

(1) Effective immediately, in consideration of the foregoing, § 1228.44(b)(1) is amended as follows:

§ 1228.44 Fundable elements.

* * * * *

(b) * * *

(1) *Common fundable and matching elements.* An Applicant * * * under the UPARR program, *except as provided for in § 1228.53(c)(7).*

* * * * *

(2) Section 1228.53(c)(7) is amended as follows:

§ 1228.53 Preapplication process for rehabilitation and innovation grants.

* * * * *

(c) * * *

(7) Following review * * * contract by HCRS officials, *unless in the opinion of the Director an emergency exists and the applicant jurisdiction is authorized in writing by the Director to begin the project and incur costs following the tentative grant offer. Such incurred costs will only be reimbursed if the grant is approved by HCRS.*

(Catalog of Federal Domestic Assistance 15.417)

(Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 2501-2514)

[FR Doc. 80-26930 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-03-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[FRL 1562-6]

Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision of the Maryland State Implementation Plan (SIP) for Chalk Point Unit #3 of the Potomac Electric Power Company of Prince George's County, Maryland. The amendment relaxes the allowable particulate emissions to 0.05 gr./s.c.f.d. Visible emissions are relaxed to allow a maximum visible emission of 20% opacity. The particulate control equipment requirement is waived.

EFFECTIVE DATE: September 3, 1980.

ADDRESSES: Copies of the revision and accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Sheridan.

Air Quality Programs, State of Maryland, O'Connor Office Building, 201 West Preston St., Baltimore, MD 21201, ATTN: George Ferreri, Administrator.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Miss Patricia Sheridan, U.S. Environmental Protection Agency, Region III, 6th & Walnut Streets, Philadelphia, PA 19106, telephone number (215) 597-8176.

SUPPLEMENTARY INFORMATION:

I. Background

On August 13, 1979, the Administrator of Air Quality Programs for the State of Maryland submitted to EPA, Region III a proposed revision of the Maryland State Implementation Plan. The proposed revision consisted of a Secretarial Order for Chalk Point Unit #3 Generating Station of the Potomac Electric Power Company (PEPCO), Prince George's

County, Maryland. In the letter, the State of Maryland certified that the Order was adopted in accordance with the public hearing and notice requirements of 40 CFR, Part 51.4, and all relevant State procedural requirements and asked that EPA consider the Secretarial Order as a revision of the State Implementation Plan.

The Order relaxes the allowable particulate emissions to 0.05 gr./s.c.f.d. (0.10 lbs./10^6 Btu heat input), (COMAR 10.18.05.03B2). The present no visible emission limitation is relaxed to allow a maximum visible emission limitation of 20% opacity. (COMAR 10.18.05.02A). No particulate control equipment shall be required, thereby waiving COMAR 10.18.05.03B(1)(a).

II. Control Strategy Demonstration

Diffusion modeling indicates that air quality standards for both sulfur dioxide and particulate matter will not be violated nor will there be a significant impact on a non-attainment area, as a result of approving this revision.

Furthermore, the applicable PSD increments will not be exceeded.

III. Approvability of the Proposed Revision

Based upon an evaluation of the material submitted by the State of Maryland, the Agency believes that the proposed revision satisfies the applicable requirements of Section 110 of the Clean Air Act and EPA's regulations, 40 CFR Part 51. The revision will not exceed the PSD increments. Therefore, the Administrator approves the revisions to the Maryland State Implementation Plan, as represented by the Secretarial Order for Unit #3 Chalk Point Generating Station signed July 19, 1979.

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

(42 U.S.C. 7401)

Dated: August 27, 1980.

Barbara Blum,

Acting Administrator.

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

Subpart V—Maryland

1. In § 52.1070 *Identification of plans,* paragraph (c) is amended as follows:

§ 52.1070 Identification of plans.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(34) Amendment to Maryland regulations 10.18.05.03(B)(2), 10.18.05.02(A), and 10.18.05.03(B)(1)(a) relating to relaxation of particulate emissions, visible emissions and waiving of particulate control equipment requirement for the Chalk Point Generating Station Unit #3. The amendment, a Secretarial Order, was submitted on August 13, 1979 by the State of Maryland.

[FR Doc. 80-28836 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5A-1

[APD 2800.3 CHGE 9]

General

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: Chapter 5A, General Services Administration Procurement Regulations, is amended by deleting § 5A-1.206. This action is taken because the section is now obsolete, having been superseded by a new instruction in 41 CFR 5-1.206.

EFFECTIVE DATE: August 20, 1980.

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

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to delete § 5A-1.206 as follows:

5A-1.206 [Deleted]

Subpart 5A-1.2—Definition of Terms

§ 5A-1.206 [Deleted]

Section 5A-1.206 is deleted.

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

Dated: August 20, 1980.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-28944 Filed 9-2-80; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5892]

Identification and Mapping of Special Flood Hazard Areas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified based (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it adminstratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to section 206 of the Flood

Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 65.4 (Presently appearing at its former section 24 CFR Part 1915)).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

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

These elevations, together with the flood plain management measures required by 60.3 (presently appearing at its former § 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former section 24 CFR Part 1915.4):

State, county, and location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Illinois, Kankakee, village of Aroma Park	*The Daily Journal*, July 18 and July 25, 1980.	Honorable Louis Chluspa, Village of Aroma Park, Box 117, 108 West Front St., Aroma Park, Ill. 60910.	July 25, 1980	170740, 0001B
New Jersey, Union, township of Scotch Plains	*The Scotch Plains Times*, July 17 and July 24, 1980.	Mrs. Shirley Capone, Township Manager, Township of Scotch Plains, 430 Park Ave., Scotch Plains, N.J. 07076.	July 18, 1980	340474, 0005B
New York, Monroe, town of Wheatland	*The Scottsvile News*, July 17 and July 24, 1980.	Mr. Ronald J. Kenville, Supervisor, Town of Wheatland, 22 Main St., Scottsville, N.Y. 14546.	July 25, 1980	360438, 0005B, 0010C
Vermont, Addison, town of Shoreham	*The Addison Independent*, July 17 and July 24, 1980.	Mr. Donald Treadway, Chairman of the Selectmen, Town of Shoreham, Whiting, Vt. 05778.	July 25, 1980	500171, 0005B, 0010B, 0015A, 0020A
Florida, Volusia, city of Port Orange	*News Journal*, Aug. 8 and Aug. 15, 1980.	Honorable James R. Fisher, Mayor, City of Port Orange, P.O. Drawer 5, Port Orange, Fla. 32019.	July 30, 1980	66B

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

Issued August 20, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-26629 Filed 9-2-80; 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. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program; (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii call Toll Free (800) 424–9080), Washington, D.C. 20472.

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 Part 67. 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.

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)
Massachusetts	Amherst, Town, Hampshire County (Docket No. FI-4792).	Hop Brook	Boston & Maine Railroad	*159
			Station Road (Upstream)	*163
		Muddy Brook	Pomeroy Lane	*143
			West Street (Upstream)	*149
		Plum Brook	West Street	*143
			Pomeroy Court	*147
			Pomeroy Lane (Upstream)	*149
			Potwine Lane (Upstream)	*160

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fort River	Downstream Corporate Limits	*140
			West Street (Upstream)	*150
			Southeast Street (Upstream)	*158
			Route 9 (Upstream)	*168
			Pelham Road (Upstream)	*174
		Mill River	Downstream Corporate Limits	*148
			Meadow Street (Upstream)	*155
			Sunderland Road (Upstream)	*171
			Montague Road (Upstream)	*174
			Mill Street (Upstream)	*204
Maps available at the Office of the Town Clerk, Town Hall, Amherst, Massachusetts.				
Virginia	Henrico County (Docket No. FI-4136).	James River	Upstream County Boundary	*145
			Pitaway Creek at Richmond City Limits	*136
			Boshers Dam	*135
			Hugenot Bridge (Upstream)	*126
			County Boundary	*120
		Gillies Creek	South Laburnum Avenue	*105
			Interstate 64 (Upstream)	*88
			East Richmond Road (Upstream)	*62
			Downstream County Boundary	*46
		Stony Run	U.S. Route 33	*97
			Interstate 64—Upstream	*94
			Henrico County Boundary—Downstream	*77
		Upham Brook	U.S. Route 33	*175
			Bird Hill Road	*169
			U.S. Route 1	*118
			Interstate I-95	*113
			U.S. Route I-301	*109
			Wilkinson Road (Upstream)	*103
		North Run	Mountain Road	*185
			Confluence of Hungary Creek	*175
			Parham Road	*161
			Confluence of Rocky Branch	*151
			Confluence of Thorpe Branch	*143
			Lakeside Boulevard	*136
			Confluence with Upham Brook	*118
		Hungary Creek	Dam (Approximately 2,550 feet upstream from Staples Mill Road)	*225
			Staples Mill Road	*215
			Richmond, Fredericksburg and Potomac Railroad (Upstream side)	*206
			Purcell Road (Upstream side)	*199
			Woodman Road	*188
		Rocky Branch	U.S. Route 33	*201
			Hermitage Road (Upstream side)	*182
			Rocky Branch Lane	*152
			Confluence with North Run	*151
		Thorpe Branch	Pershing Avenue (Downstream side)	*189
			Norman Avenue (Upstream side)	*173
			Confluence with North Run	*143
		Tuckahoe Creek	Confluence of Little Tuckahoe Creek	*150
			Patterson Avenue	*145
			Chesse System Bridge	*144
		Deep Run	Interstate 64	*176
			Three Chopt Road	*172
			Confluence of Stoney Run	*155
			Pump Road (Upstream side)	*146
			Confluence of Tuckahoe Creek	*145
		Stoney Run	Church Road (Upstream side)	*202
			Falcon Bridge Drive	*155
			Confluence with Deep Run	*155
Maps available at the County Administration Building, Parham and Hungary Spring Road, Henrico County, Virginia.				
Washington	Chelan County, Unincorporated Areas (Docket No. FEMA-5734).	Wenatchee River	Burlington Northern Railroad (Rivermile 0.94) 100 feet downstream from centerline.	*629
			Irrigation Siphon (Rivermile 1.3) 210 feet upstream from centerline	*630
			Sleepy Hollow Road (Rivermile 3.28) 200 feet upstream from centerline.	*657
			Main Street (Rivermile 5.88) 25 feet downstream from centerline	*667
			Old Monitor Road (Rivermile 7.12) 75 feet downstream from centerline.	*717
			Cottage Avenue (Rivermile 9.65) 150 feet downstream from centerline	*758
			Cottage Avenue (Rivermile 9.65) 50 feet upstream from centerline	*761
			Division Street (Rivermile 10.43) at centerline	*771
			Goodwin Road (Rivermile 11.57) 100 feet upstream from centerline	*806
			Burlington Northern Railroad (Rivermile 13.96) 200 feet downstream from centerline.	*855
			Burlington Northern Railroad (Rivermile 13.96) 100 feet upstream from centerline.	*856
			Burlington Northern Railroad (Rivermile 13.96) 400 feet upstream from centerline.	*859
			U.S. Routes 2 and 97 (Rivermile 15.1) 180 feet downstream from centerline.	*880

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			U.S. Routes 2 and 97 (Rivermile 15.1) 400 feet upstream from centerline.	*885
			Main Street (Rivermile 16.68) 125 feet upstream from centerline	*924
			U.S. Routes 2 and 97 (Rivermile 16.84) 50 feet downstream from centerline.	*927
			U.S. Routes 2 and 97 (Rivermile 16.84) 80 feet upstream from centerline.	*930
			U.S. Routes 2 and 97 (Rivermile 17.44) 125 feet upstream from centerline.	*940
			Irrigation Diversion Dam (Centered at Rivermile 18.09) 490 feet downstream from centerline.	*960
			Irrigation Diversion Dam (Centered at Rivermile 18.09) 750 feet upstream from centerline.	*980
			Main Street (Rivermile 20.5) 75 feet downstream from centerline	*1,027
			Irrigation Siphon (Rivermile 23.49) at centerline	*1,064
			U.S. Routes 2 (Rivermile 24.71) 80 feet downstream from centerline	*1,097
			Icicle Road (Rivermile 27.27) 50 feet upstream from centerline	*1,117
			Burlington Northern Railroad (Rivermile 41.89) 150 feet upstream from centerline.	*1,763
			River Road (Rivermile 46.2) 50 feet downstream from centerline	*1,818
			River Road (Rivermile 46.2) 50 feet upstream from centerline	*1,820
			State Route 209 (Rivermile 46.42) 200 feet upstream from centerline	*1,823
			State Route 207 (Rivermile 54.06) at centerline	*1,877
		Mission Creek	Burlington Northern Railroad (Rivermile 0.151) 100 feet downstream from centerline.	*786
			Senset Avenue (Rivermile 0.20) at centerline	*787
			Mission Creek Road (Rivermile 0.92) 60 feet downstream from centerline.	*830
			Mission Creek Road (Rivermile 0.92) 60 feet upstream from centerline	*833
			Mission Creek Road (Rivermile 1.02) 50 feet downstream from centerline.	*839
			Mission Creek Road (Rivermile 1.02) 90 feet upstream from centerline	*843
			Mission Creek Road (Rivermile 1.21) 25 feet downstream from centerline.	*853
			Mission Creek Road (Rivermile 1.65) 50 feet downstream from centerline.	*882
			Mission Creek Road (Rivermile 1.65) 50 feet upstream from centerline	*889
			Private Drive (Rivermile 2.275) 25 feet upstream from centerline	*932
			Private Drive (Rivermile 2.404) 25 feet upstream from centerline	*942
			Private Drive (Rivermile 2.598) 25 feet downstream from centerline	*954
			Private Drive (Rivermile 3.005) 25 feet downstream from centerline	*983
			Private Drive (Rivermile 3.355) 20 feet upstream from centerline	*1,010
			Private Drive (Rivermile 3.583) 10 feet downstream from centerline	*1,029
			Private Drive (Rivermile 3.745) 10 feet upstream from centerline	*1,046
			Private Drive (Rivermile 3.862) at centerline	*1,055
			Mission Creek Road (Rivermile 4.38) 80 feet downstream from centerline.	*1,100
			Mission Creek Road (Rivermile 4.38) 80 feet upstream from centerline	*1,103
			Private Drive (Rivermile 4.708) 25 feet downstream from centerline	*1,123
			Private Drive (Rivermile 4.813) 20 feet downstream from centerline	*1,130
		Peshastin Creek	Saunders Road (Rivermile 0.39) at centerline	*1,011
			U.S. Routes 2 and 97 (Rivermile 0.66) 10 feet downstream from centerline.	*1,034
			Private Drive (Rivermile 1.52) 50 feet downstream from centerline	*1,095
			County Road 2997 (Rivermile 2.03) 75 feet upstream from centerline	*1,132
			Driveway (Rivermile 4.05) 25 feet downstream from centerline	*1,268
			U.S. Route 97 (Rivermile 5.19) 50 feet downstream from centerline	*1,379
			U.S. Route 97 (Rivermile 5.19) 50 feet upstream from centerline	*1,384
		Icicle Creek	East Leavenworth Road (Rivermile 2.485) 100 feet downstream from centerline.	*1,120
			East Leavenworth Road (Rivermile 2.485) 300 feet upstream from centerline.	*1,122
		Chumstick Creek	Burlington Northern Railroad (Rivermile 0.14) at centerline	*1,100
			North Road (Rivermile 0.30) 100 feet upstream from centerline	*1,122
			North Road (Rivermile 0.30) 160 feet upstream from centerline	*1,124
			Mottler Road (Rivermile 0.49) 50 feet downstream from centerline	*1,130
			Mottler Road (Rivermile 0.49) 100 feet upstream from centerline	*1,135
			Mottler Road (Rivermile 0.59) at centerline	*1,138
			Mottler Road (Rivermile 0.59) 100 feet upstream from centerline	*1,141
			Driveway (Rivermile 0.82) 90 feet downstream from centerline	*1,148
			Driveway (Rivermile 0.82) 300 feet upstream from centerline	*1,152
			Driveway (Rivermile 1.22) at centerline	*1,171
			Burlington Northern Railroad (Rivermile 1.85) 25 feet downstream from centerline.	*1,208
			Burlington Northern Railroad (Rivermile 1.85) 100 feet upstream from centerline.	*1,209
			Eagle Creek Road (Rivermile 2.225) 50 feet downstream from centerline.	*1,227
			Eagle Creek Road (Rivermile 2.225) 75 feet upstream from centerline.	*1,229
			Driveway (Rivermile 2.57) at centerline	*1,246
			Driveway (Rivermile 2.69) 25 feet upstream from centerline	*1,254
			Driveway (Rivermile 2.90) 100 feet downstream from centerline	*1,262
			Driveway (Rivermile 2.90) 40 feet upstream from centerline	*1,266
			Driveway (Rivermile 3.05) 30 feet downstream from centerline	*1,270
			Driveway (Rivermile 3.05) 50 feet upstream from centerline	*1,274
			State Route 209 (Rivermile 4.45) 120 feet downstream from centerline.	*1,340
			State Route 209 (Rivermile 4.45) 300 feet upstream from centerline	*1,343
			State Route 209 (Rivermile 4.97) 140 feet downstream from centerline.	*1,364

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			State Route 209 (Rivermile 4.97) 50 feet upstream from centerline	*1,368
			Driveway (Rivermile 5.72) at centerline	*1,404
			State Route 209 (Rivermile 5.78) at centerline	*1,410
			Driveway (Rivermile 6.01) 50 feet upstream from centerline	*1,418
			Driveway (Rivermile 6.05) 100 feet upstream from centerline	*1,419
			Driveway (Rivermile 6.2) 75 feet upstream from centerline	*1,427
			Sunitsch Canyon Road (Rivermile 6.58) 50 feet downstream from centerline.	*1,447
			Sunitsch Canyon Road (Rivermile 6.58) 50 feet upstream from centerline.	*1,452
			Driveway (Rivermile 6.82) 130 feet downstream from centerline	*1,461
			Driveway (Rivermile 6.82) 75 feet upstream from centerline	*1,465
			Irrigation Diversion (Rivermile 6.9) 40 feet downstream from centerline	*1,471
			Irrigation Diversion (Rivermile 6.9) 45 feet upstream from centerline	*1,473
			Burlington Northern Railroad (Rivermile 7.58) at centerline	*1,521
			State Highway 209 (Rivermile 8.02) 25 feet downstream from centerline.	*1,545
			Driveway (Rivermile 8.34) 110 feet downstream from centerline	*1,561
			Driveway (Rivermile 8.34) 25 feet upstream from centerline	*1,565
			State Route 209 (Rivermile 8.99) 25 feet downstream from centerline	*1,600
		Chiwawa River	County Road 22 (Rivermile 2.11) 115 feet upstream from centerline	*1,927
		Entiat River	U.S. Route 97 (Rivermile 0.02) at centerline	*712
			Private Road (Rivermile 1.25) 30 feet upstream from centerline	*745
			Entiat River Road (Rivermile 2.88) 10 feet downstream from centerline.	*820
			Entiat River Road (Rivermile 4.07) 50 feet upstream from centerline	*888
			Private Road (Rivermile 5.36) 25 feet upstream from centerline	*957
			Fish Hatchery Road (Rivermile 5.92) 75 feet upstream from centerline	*992
			Hatchery Dam (Rivermile 6.77) at centerline	*1,046
			Private Road (Rivermile 7.88) 50 feet upstream from centerline	*1,104
			Private Road (Rivermile 8.75) 20 feet upstream from centerline	*1,159
			Footbridge (Rivermile 9.64) 50 feet upstream from centerline	*1,204
			Private Road (Rivermile 10.0) 25 feet downstream from centerline	*1,220
			Mad River Road (Rivermile 10.67) at centerline	*1,248
			Private Road (Rivermile 11.84) 50 feet upstream from centerline	*1,303
			Private Road (Rivermile 12.08) at centerline	*1,313
			Private Road (Rivermile 13.08) 50 feet downstream from centerline	*1,366
			Private Road (Rivermile 13.88) at centerline	*1,396
			Private Road (Rivermile 14.08) 30 feet downstream from centerline	*1,417
			Private Road (Rivermile 18.85) 75 feet upstream from centerline	*1,572
		Mad River	Lumber Mill Road (Rivermile 0.26) 10 feet upstream from centerline	*1,265
			Private Road (Rivermile 0.57) 10 feet upstream from centerline	*1,288
		Stehekin River	Bridge (Rivermile 3.62) 175 feet upstream from centerline	*1,187
		Squilchuck Creek	Burlington Northern Railroad Yard (Rivermile 0.140) 30 feet downstream from centerline.	*637
			Burlington Northern Railroad (Rivermile 0.21) at centerline	*650
			Malaga Road (Rivermile 0.25) 10 feet upstream from centerline	*662
			Wenatchee Avenue (Rivermile 0.30) 110 feet upstream from centerline.	*682
			Squilchuck Road (Rivermile 3.825) 20 feet upstream from centerline	*1,539
		Dry Gulch	Intersection of South Miller Street and Gehr Street	#1
			Intersection of South Miller Street and Circle Street	#2
			Intersection of Fuller Street and Gehr Street	#1
			Intersection of Okanogan Avenue and Crawford Street	#1
			Intersection of Mission Street and Crawford Street	#1
		Canyon Number One	Intersection of Surrey Road and Lester Road	#1
			Intersection of 5th Street and Woodward Drive	#1
			Intersection of South Western Avenue and 5th Street	#1
			Intersection of Springwater Street and Poplar Row	*1
			Intersection of Pershing Street and Maple Street	*1
		Canyon Number Two	Intersection of Wellington Place and Grandview Avenue	*2
			Intersection of South Western Avenue and Cherry Street	*2
			Intersection of Number Two Canyon Road and Grandview Avenue	*2
			Intersection of Castlerock Road and South Western Avenue	*1
Maps available for inspection at Planning Office, Courthouse Annex, 415 Washington Street, Wenatchee, Washington.				
Washington	Wenatchee (City), Chelan County (Docket No. FEMA-5728).	Alluvial Fan Flooding from Dry Gulch, No. 1 and No. 2 Canyons.	Intersection of Red Apple Road and Okanogan Avenue	*1
			Intersection of Crawford Avenue and Methow Street	*1
			Intersection of Peachey Street and Okanogan Avenue	*1
			Intersection of Cherry Street and Miller Street	*1
			Intersection of Washington Street and Miller Street	*1
			Intersection of Washington Street and King Street	*1
			Intersection of Washington Street and Dana Avenue	*1
			Intersection of 5th Street and Elliott Avenue	*1
			Intersection of 5th Street and Sunset Avenue	*1
			Intersection of Springwater Street and Amherst Street	*1
Maps available for inspection at Community Development Office, 2 South Chelan Street, Wenatchee, Washington.				

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

Issued: August 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-26624 Filed 9-2-80; 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 either to 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.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska or Hawaii, call Toll Free (800) 424-9080), Federal Emergency, Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination 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 Part 67). 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. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

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

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

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City Hoover, Jefferson County (FEMA 5817).	Patton Creek	Just downstream of Kestwick Road	*491
			Just upstream of Southland Drive	*512
		Cahaba River	Intersection of Loch Ridge Trail, and East Heather Line	*433
Maps available for inspection at City Hall, 1631 Montgomery Highway, Hoover, Alabama 35120.				
Alabama	City of Irondale, Jefferson County (FEMA 5817).	Shades Creek	Just downstream of U.S. Highway 78	*709
			Just upstream of Hass McDavid Avenue	*715
			Just downstream of Commerce Blvd	*719
Maps available at City Hall, 101 South 20th Street, Irondale, Alabama 35210.				
Alabama	Unincorporated areas of Lauderdale County (FEMA 5818).	Wilson Creek	Just upstream of Old Jackson Highway (County Highway 47)	*570
		Huddon Creek	Just upstream of County Road 16	*557
		Anderson Creek	Just downstream of the Southern Corporate Limits of the Town of Anderson.	*652
			Just upstream ofthe Town of Anderson Northern Corporate Limits	*675
		East Fork Anderson Creek	Just upstream of Private Drive	*686
		Cypress Creek	Just upstream of Jackson Road	*488
			Just upstream of Rasch Road	*496
		Little Cypress Creek	Just upstream of Rasch Road	*497
		Shoal Creek	Confluence of Shoal Creek and Indiancamp Creek	*518
		Indiancamp Creek	Just downstream of County Road	*525
			Just upstream of County Road	*527
Maps available at Lauderdale County Courthouse, 200 Court Street, Florence, Alabama 35630.				
Alabama	City of Prichard, Mobile County (FEMA 5817).	Chickasaw Creek	Just upstream of Shelton Beach Road	*21
			Crystal Spring Road (Extended)	*25
		Branch "A"	Just upstream of St. Stephens Road (US Highway 45)	*47
		Crystal Spring Branch	Just downstream of Crystal Springs Road	*36
		Gum Tree Branch	Just downstream of North Wasson Avenue	*19
			Just upstream of Interstate Highway 65	*22
		Branch "G"	Just upstream of Warren Street	*20
			Just downstream of Illinois Central Gulf Railroad	*28
		Eight Mile Creek	Just upstream of Whistler Street	*23
			Just upstream of St. Stephens Road (US Highway 45)	*33
		Branch "C"	Just upstream of Shelton Beach Road	*30
			Just upstream of Love Avenue	*41
		Branch "D"	Just downstream of Myers Road	*54
		Branch "L"	Just upstream of Craft Highway	*25
			Just upstream of Smith Street	*27
		Branch "M"	Just upstream of Haig Street	*25
			Just upstream of Diaz Street	*25
		Toulmins Spring Branch	Just upstream of Craft Highway	*15
			Just upstream of West Prichard Avenue	*25
			Just upstream of South Thomas Avenue	*37
		Toulmins Spring Branch Tributary.	Just upstream of West Prichard Avenue	*22
			Just downstream of Max Street	*28
Maps available for inspection at City Hall, 216 E. Prichard Avenue, Prichard Alabama 36610.				
Alaska	Juneau, City/Borough (FEMA-5799).	Eagle River	1,400 feet downstream of Glacier Highway	*22
			Upstream of Glacier Highway	*27
			Downstream of confluence of Eagle River By-pass	*44
			Downstream of Inlet to Eagle River By-pass	*62

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			1,100 feet upstream of confluence of Eagle River By-pass	*65
		Eagle River By-pass	Upstream of confluence with Eagle River	*45
			3,400 feet upstream of confluence with Eagle River	*52
			Downstream of Inlet from Eagle River	*62
		Herbert River	1,300 feet downstream of Glacier Highway	*22
			Upstream of Glacier Highway	*26
			Downstream of confluence with Herbert River By-pass	*58
			Upstream of confluence with Herbert River By-pass	*60
			4,260 feet upstream of confluence with Herbert River By-pass	*66
			Inlet to Herbert River By-pass	*78
			Upstream of Inlet to Herbert River By-pass	*79
		Herbert River By-pass	Upstream of confluence with Herbert River	*60
			3,400 feet upstream of confluence with Herbert River	*72
		Tributary to Favorite Channel	Upstream of Access Road	*24
			3,925 feet upstream of Access Road	*28
			Downstream of Glacier Highway	*29
		Tributary to Favorite Channel By-pass.	Downstream of Dirt Road	*22
			Upstream of Dirt Road	*23
			1,800 feet upstream of Dirt Road	*26
			Inlet from Tributary to Favorite Channel	*28
		Peterson Creek	2,950 feet downstream of Glacier Highway	*20
			Upstream of Glacier Highway	*24
			1,430 feet upstream of Glacier Highway	*29
		Mendenhall River	3,975 feet downstream of Glacier Highway	*20
			Downstream of Glacier Highway	*21
			100 feet upstream of confluence of Montana Creek	*28
			Long Run Drive Extended	*33
			Lupine Lane Extended	*36
			Downstream of Mendenhall Loop Road	*51
			300 feet upstream of Mendenhall Loop Road	*54
			150 feet upstream of Private Road extended to Access Road	*63
		Montana Creek	Upstream of confluence with Mendenhall River	*28
			4,250 feet downstream of Mendenhall Loop Road	*36
			Upstream of Mendenhall Loop Road	*47
			1,250 feet upstream of Mendenhall Loop Road	*50
		Montana Creek Overbank Flow	Upstream of end of overbank flow from Montana Creek	*36
			At beginning of overbank flow from Montana Creek	*46
		Duck Creek	Downstream of Robertson Street	*20
			Upstream of Private Road to Shell Simmons Drive	*25
			Upstream of Berners Avenue	*26
			Upstream of Egan Drive	*30
			Upstream of Trail located between Trinity and Stephen Richards Memorial Drive.	*38
			Upstream of Aspen Avenue	*42
			300 feet upstream of Taku Boulevard	*48
		East Fork Duck Creek	Upstream of confluence with Duck Creek at Private Road to Mendenhall Loop Road.	*31
			Downstream of Trinity Drive	*38
			Upstream of Nugget Drive	*47
		Jordan Creek	400 feet downstream of Alpine Avenue	*20
			Cascade Street	*26
			Upstream of Egan Drive	*29
			Tongass Boulevard extended	*35
			Jennifer Drive extended	*44
			1,100 feet upstream of Amalga Street extended	*51
		Lemon Creek	1,355 feet downstream of Glacier Highway	*20
			Mountain Avenue extended	*30
			1,250 feet upstream of Mountain Avenue extended	*40
			4,500 feet upstream of Mountain Avenue extended	*83
		Salmon Creek	Upstream of Glacier Highway	*20
			1,345 feet upstream of Glacier Highway	*34
		Gastineau Channel	Juneau Bridge to Douglas Harbor	*23
			Douglas Harbor to Bullion Creek	*26
			Mendenhall River to Juneau Airport extended	*23
			Juneau Airport extended to Sunny Point	*24
		Auke Bay	Auke Cape to Spuhn Island	*22
		Stephens Passage	Point Lena to Auke Lake	*25
		Favorite Channel	Point Lena to Lena Cove	*31
			Lena Cove to Tee Harbor	*27
			Huffman Harbor to Eagle Harbor	*25
Maps available at the City and Borough Office.				
Arkansas	City of Searcy, White County, (FEMA 5817).	Little Red River	Just upstream of Arkansas Highway 367	*219
		Deener Creek	Just downstream of Maple Street	*221
			Just downstream of Ella Street	*232
		Gin Creek	Just upstream of Race Avenue (U.S. Highway 67)	*222
			Just upstream of Park Avenue	*225
			Just upstream of Main Street (U.S. Highway 67)	*238
			Just downstream of Ella Street	*260
		Iorio Creek	Just upstream of Arkansas Highway 267	*235
Maps available at City Hall, 300 West Arch Avenue, Searcy, Arkansas 72143.				
Arkansas	City of Tuckerman, Jackson County (FEMA 5817).	Tuckerman Ditch	Just downstream of Missouri-Pacific Railroad	*239
			At Estelle Street	*242
		Watson Ditch	At County Highway 145	*242
Maps available at City Hall, Courtroom, Main Street, Tuckerman, Arkansas 72473.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Menlo Park (City), San Mateo County (FEMA 5817).	San Francisco Bay	Intersection of Hamilton Avenue and Chilco Street	*7
			Intersection of Jefferson Drive and Chrysler Drive	*7
			Intersection of Haven Court and Haven Avenue	*7
			Intersection of Constitution Drive and Independence Drive	*7
			Intersection of Willow Road and Southern Pacific Railroad	*7
			Intersection of Ivy Drive and Madera Avenue	*7
			Intersection of Willow Road and bay shoreline	*7
Maps available for inspection at City Hall, Civic Center, Ravenswood & Laural Streets, Menlo Park, California.				
California	Pacifica (City), San Mateo County (FEMA 5817).	Calera Creek	At upstream of the culvert under San Mario Way	*18
			Intersection of Creek and quarry access road	*30
			At downstream opening of the culvert under State Highway 1	*66
		San Pedro Creek	Intersection of De Solo Drive and Arguello Boulevard	*11
Maps available for inspection at Department of Development and Community Services, 1800 Francisco Avenue, Pacifica, California.				
California	Ross (Town), Marin County (FEMA 5817).	Corte Madera Creek	Approximately 190 feet west of the intersection of Sir Francis Drake Boulevard and Aikens Lane.	*14
			Northwestern side of Lagunitas Road between Shady Lane and Sylvan Drive.	*20
			Approximately 150 feet west of the intersection of Winship Avenue and Wellington Avenue.	*36
			Intersection of Shady Lane and Fernhill Avenue	#2
			Intersection of Redwood Drive and Brookwood Lane	#3
			Ross Common	#3
		Kittle Creek	Confluence with Corte Madera Creek	*16
			Upstream side of Marin Art and Garden Center Drive over the channel.	*31
			Approximately 90 feet south of the intersection of Monte Allegro Road and Laurel Grove Avenue.	*48
		Sheetflow	Approximately 300 feet northwest along Sir Francis Drake Boulevard from its intersection with Aikens Lane.	#2
Maps available for inspection at town Hall, Ross, California.				
Connecticut	Waterford, Town, New London County (FEMA 5780).	Jordan Brook	Confluence w/Jordan Cove	*11
			Upstream side of Rope Ferry Road, State Route 156	*16
			Upstream side of footbridge downstream of U.S. Route 1	*26
			Upstream side of U.S. Route 1	*29
			Upstream side of footbridge downstream of Fog Plain Road	*30
			At collapsed bridge downstream of Breached Dam	*34
			2,310 feet upstream of collapsed bridge	*36
			4,170 feet upstream of collapsed bridge	*46
			Upstream side of driveway downstream of Waterford Parkway	*56
			Upstream side of Waterford Parkway southbound	*62
			2,980 feet upstream of Breached Dam upstream of Waterford Parkway.	*73
			4,160 feet upstream of Breached Dam upstream of Waterford Parkway.	*82
			1,960 feet downstream of downstream end of Cross Road	*92
			Upstream end of Cross Road	*109
			Downstream side of Douglas Lane	*119
			1,580 feet upstream of Douglas Lane	*123
		Nevins Brook	Confluence with Jordan Brook	*16
			Upstream side of U.S. Route 1 (Boston Post Road)	*22
			Downstream end of Fog Plain Road	*32
			Upstream end of gravel road, 2,740 feet upstream of Fog Plain Road	*41
			4,940 feet upstream of Fog Plain Road	*46
		Thames River	From downstream Corporate Limits to a point approximately 7,400 feet upstream.	*11
			From a point approximately 7,400 feet upstream from the downstream Corporate Limits to the upstream Corporate Limits.	*12
		Long Island Sound	Entire Shoreline	*11
Maps available at the Office of the Town Clerk and at the Department of Public Works, Waterford, Connecticut.				
Florida	City of Moore Haven, Glade County (FEMA 5817).	Caloosahatchee River	Just downstream of U.S. 27	*13
		Rainfall	All flooded areas west of Riverside Drive and First Street	*14
Maps available at City Hall, City Clerk's Office, 99 Riverside Drive, Moore Haven, Florida, 33471.				
Florida	Mulberry (City), Polk County (FEMA 5778).	North Prong Alafia River	100 feet west of the intersection of State Route 37 (North Church Avenue) and the City's southern corporate limit.	*100
		Ellis Branch	50 feet downstream from center of Southeast Third Street	*100
			200 feet upstream from center of Northeast Fifth Street	*107
		Pond 1	200 feet northwest of the intersection of Northwest 5th Avenue and Northwest 3rd Street.	*110
		Pond 2 Shallow Flooding	200 feet west of Northwest Northwest 6th Avenue	*107
Maps available at City Hall, P.O. Box 707, Mulberry, Florida 33860.				
Florida	Unincorporated Areas of Okeechobee County (FEMA 5817).	Popash Slough	Just downstream of Florida Highway 70	*28
		Tributaries Flowing to Pumping Station 133.	Northwest and Northeast of the intersection of Florida Highway 78 and U.S. Highway 441.	*17
		Tributaries Flowing to Pumpting Station 135.	East of Nubbin Slough between U.S. Highway 441 and Lake Okeechobee.	*18
Maps available for inspection at County Clerk's Office, Okeechobee County Courthouse, 304 N.W. Second Street, Okeechobee, Florida 33472.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Bensenville Du Page and Cook Counties (FI 5207).	Bensenville Ditch	At the downstream corporate limits	*662
			About 400 feet downstream of the Chicago and North Western Railroad.	*662
			Just upstream of the Chicago and North Western Railroad	*665
			Just downstream of Irving Park Road	*667
		Addison Creek	About 700 feet downstream of Diana Court	*656
			Just downstream of George Street	*656
		Addison Creek Tributary No. 1	Mouth at George Street Reservoir	*655
			Just downstream of Evergreen Street	*658
			Just downstream of Marion Street	*663
		Addison Creek Tributary No. 2	Mouth at George Street Reservoir	*657
			About 800 feet upstream of mouth	*663
			Just downstream of York Road	*663
			Just Upstream of Church Road	*679
		Addison Creek Tributary No. 3	At the confluence with Addison Creek Tributary No. 2	*663
			About 450 feet upstream of George Street	*663
			At the upstream corporate limits	*684
		Addison Creek Tributary No. 4	At the confluence with Addison Creek Tributary No. 2	*677
			About 800 feet upstream of Church Road	*678
		George Street Reservoir	Shoreline	*652
Maps available for inspection at Village Hall, Engineering Department, 700 West Irving Park Road, Bensenville, Illinois 60106.				
Illinois	(V), Bridgeview, Cook County (FEMA 5818).	Lucas Ditch Cutoff	Just upstream of 103rd Street	*594
			About 2,800 feet upstream of 103rd Street	*595
Maps available for inspection at the Village Clerk's Office, Village Hall, 7500 South Oketo Avenue, Bridgeview, Illinois 60455.				
Illinois	(V), Brussels, Calhoun County (FEMA 5817).	Pohlman Creek	Just downstream of Main Street	*455
			Just downstream of southern corporate limit	*462
Maps available for inspection at Village Hall, Fire House, Brussels, Illinois 62013.				
Illinois	(V), Dupo, St. Clair County (FEMA 5817).	Shallow flooding (local ponding)	Approximately 1,000 feet west of Missouri Pacific Railroad and east of the corporate limits.	*403
			About 1,000 feet southeast along Stone Street from the intersection of Second Street and Stone Street.	*404
			At the intersection of Columbia Rock Road and Columbia Dupo Road.	*404
			Approximately 800 feet west of Sugar Loaf Hill Drive and 500 feet east of Wheatly Road.	*404
			At south Dupo Station Building from Missouri Pacific Railroad to eastern corporate limit.	*404
			Area surrounded by corporate limits to the east of Fifth Street, approximately 400 feet northeast of the intersection of Fourth Street and E. Carondelet Road.	*404
			Area surrounded by Missouri Pacific Railroad, Waterloo Avenue and Wheatly Road.	*404
			At the intersection of Pattee Avenue and Holstatter Street	*406
Maps available for inspection at the Village President's Office, Village Hall, 100 N. 2nd Street, Dupo, Illinois 62239.				
Illinois	(C), Elmhurst, Du Page County (FEMA 5817).	Salt Creek	Just upstream Frontage Road	*663
			About 500 feet downstream Chicago and North Western Railroad (downstream of Saint Charles Road).	*667
			Just downstream Saint Charles Road	*669
			About 400 feet downstream Illinois Central Gulf Railroad	*672
			About 2,800 feet upstream of North Avenue	*675
		Sugar Creek	Mouth at Salt Creek	*664
			Upstream corporate limits	*665
Maps available for inspection at the City Clerk's Office, Municipal Building, 119 Chiller Street, Elmhurst, Illinois 60126.				
Illinois	(V), Hardin, Calhoun County (FEMA 5817).	Illinois River	Within corporate limits	*442
Maps available for inspection at Village Hall, Main and Water Streets, Hardin, Illinois 62047.				
Illinois	Joliet, City, Will County (FEMA 5800).	Des Plaines River	Downstream Corporate Limits	*541
			Downstream Case Street	*542
			Downstream Ruby Street	*543
			Upstream Corporate Limits	*544
		Hickory Creek	Upstream McKinley Street	*522
			Upstream Chicago Street	*529
			Downstream Interstate Route 80	*533
			Upstream New Richards Street	*537
			Upstream Fourth Avenue	*539
			Upstream Second Avenue	*543
			Upstream Washington Street	*548
			Downstream Court Street (Extended)	*563
			Upstream Corporate Limits	*565
		Illinois and Michigan Canal	Downstream Corporate Limits	*530
			Upstream Corporate Limits	*531
		Rock Run North	Upstream Mound Road	*547
			Upstream Interstate Route 80	*549
			Upstream Rock Run Road	*570
			Jefferson Street	*575
			Upstream Black Road	*576
			Upstream Theodore Street	*581
			Upstream Corporate Limits	*582

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Run South	Downstream Corporate Limits	*513
			Upstream Channahon Road	*516
			Upstream Corporate Limits	*521
		Rock Run Slough	Downstream Corporate Limits	*562
			Downstream Troy Road	*574
		Rock Run Tributary No. 2	Downstream Corporate Limits	*601
			Upstream Dam	*607
			Downstream Essington Road	*612
		Rock Run Tributary No. 3	Jefferson Street	*575
			Downstream Private Road	*598
			Upstream Essington Road	*601
			Upstream Rebecca Road	*612
			Downstream Fairlane Drive	*620
			Upstream Barney Drive	*627
			Downstream Elgin, Joliet and Eastern Railroad	*632
		Spring Creek	Confluence with Hickory Creek	*543
			Upstream Benton Avenue	*546
			Upstream Jackson Street	*547
			Upstream Clay Street	*548
			Upstream Ohio Street	*550
			Upstream Irving Street	*551
			Upstream Landman Street	*552
			Upstream Hugh Street	*555
			Downstream Access Road	*562
			Upstream Corporate Limits	*565
		Sunnyland Drain	Downstream Corporate Limits	*594
			Upstream Essington Road	*599
			Downstream U.S. Route 30	*604
		Sunnyland Drain Tributary	Confluence with Sunnyland Drain	*602
			Downstream U.S. Route 30	*604
		Thorne Creek	Downstream Corporate Limits	*578
			Upstream Interstate Route 80	*585
			Upstream West Park Front	*588
			Downstream Midland Avenue	*602
			Upstream Midland Avenue	*605
			Upstream Private Bridge (approximately 1,300 feet upstream of Midland Avenue).	*618
			Upstream Woodbridge Road	*634
	Maps available at the Planning Department, Joliet, Illinois.			
Illinois	(V), Kampsville, Calhoun County (FEMA 5818).	Illinois River	At northern corporate limits	*443
			About 1.1 miles downstream of State Route 108 ferry crossing	*443
	Maps available for inspection at Village Hall, Kampsville, Illinois 62053.			
Illinois	(V), Orland Park, Cook County (FEMA 5818).	Mill Creek	Just upstream of downstream corporate limits	*668
			Just downstream of Norfolk and Western Railway	*672
			Just upstream of 88th Avenue	*682
		Marley Creek	Just downstream of 108th Avenue	*688
			Just downstream of Norfolk and Western Railway	*690
			Just upstream of Norfolk and Western Railway	*692
			About 200 feet upstream 159th Avenue	*692
		South Fork Marley Creek	Mouth at Marley Creek	*688
			About 670 feet upstream of Norfolk and Western Railway	*691
			About 1,800 feet upstream of Norfolk and Western Railway	*692
		Tinley Creek	Just upstream of downstream corporate limits (at 82nd Avenue)	*665
			About 400 feet upstream of Silver Lake Country Club Road	*667
			About 800 feet upstream of Dam	*673
			About 150 feet downstream of 159th Street	*687
			About 300 feet upstream of 88th Avenue	*700
	Maps available for inspection at Village Hall, Administrator's Office, 14415 Beacon Avenue, Orland Park, Illinois 60462.			
Illinois	(V), Villa Park, Du Page County, (FEMA 5818).	Salt Creek	Downstream corporate limits (abou 800 feet upstream of confluence of Sugar Creek).	*665
			About 400 feet downstream of State Route 83	*668
			Just upstream Illinois Central Gulf Railroad	*673
			Upstream corporate limits (Lorraine Avenue extended)	*675
		Sugar Creek	Just downstream of State Route 83	*665
			Just downstream of Cross Street	*666
			Just upstream of Summit Avenue	*668
			Just upstream of Riordan Road	*687
			Upstream corporate limits	*691
		Sugar Creek Tributary A	At confluence with Sugar Creek	*688
			About 300 feet upstream Roosevelt Road	*705
	Maps available for inspection at the Village Engineer's Office, Village Hall, 20 South Ardmore, Villa Park, Illinois 60181.			

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V), Wadsworth, Lake County (FEMA 5818).	Des Plaines River	Downstream corporate limits	*666
			Upstream corporate limits	*668
		Mill Creek	About 250 feet downstream U.S. Highway 41	*667
			Upstream corporate limits	*670
Maps available for inspection at Village Hall, 38310 Chicago Avenue, Wadsworth, Illinois 60083				
Iowa	(C), Des Moines, Polk County (FEMA 5818).	Des Moines River	Just upstream of Second Avenue	*803
			Just upstream of Euclid Avenue	805
			Upstream corporate limits	*806
		Raccoon River	Just upstream of Fleur Drive	*801
			Just downstream of Chicago and North Western Railroad	*809
			Just downstream of Southwest 63rd Street	*813
		Fourmile Creek	Downstream corporate limits	*791
			Just upstream of Chicago, Rock Island and Pacific Railroad	*800
			Just downstream of Easton Boulevard	*814
			Just downstream of Hubbell Avenue	*821
			Upstream corporate limits	*828
		Fring Creek	Mouth at Raccoon River	*807
			Just upstream of Park Avenue	*813
			About 1,200 feet upstream of Park Avenue	*816
		Walnut Creek	Just upstream of Chicago, Rock Island and Pacific Railroad	*812
			About 900 feet downstream of Southwest 63rd Street	*820
			Upstream corporate limits (about 2,600 feet upstream of Southwest 63rd Street).	*824
		Shallow flooding	About 300 feet east of intersection of Dixon Street and East Sheridan Avenue.	#1
			About 800 feet east of intersection of East Euclid Avenue and East 14th Street.	#2
			About 300 feet southeast of intersection of Aurora Street and East 14th Street.	#2
			Intersection of Douglas Avenue and East 9th Street	#2
			Intersection of Shawnee Avenue and East 10th Street	#3
			Intersection of Dixon Street and East Hull Avenue	#3
			About 300 feet southeast of intersection of Aurora Street and East 16th Street.	#3
Maps available for inspection at City Hall, East 1st and Locust Street, Des Moines, Iowa 50307.				
Kentucky	City of Georgetown, Scott County (FEMA 5817).	North Elkhorn Creek	Just upstream of U.S. Highway 25 (North Broadway)	*799
			Just upstream of Paris Road (U.S. Highway 460)	*808
			Just downstream of Interstate Highway 75	*811
Maps available at City Hall, 141 South Broadway, Georgetown, Kentucky 40324.				
Louisiana	Village of Estherwood, Acadia Parish (FEMA 5817).	Estherwood Lateral	Entire area within The Village of Estherwood	*17
Maps available at City Hall, 124 North Le Blanc, Estherwood, Louisiana 70534.				
Maine	Auburn, City, Androscoggin County (FEMA 5688).	Androscoggin River	Downstream Corporate Limits	*127
			Maine Turnpike (Upstream)	*133
			North Bridge	*137
			Maine Central Railroad Bridge (Upstream)	*176
			Vietnam Veterans' Memorial Bridge	*179
			Deer Rips Dam (Downstream)	*197
			Deer Rips Dam (Upstream)	*213
			Gulf Island Dam (Downstream)	*215
			Gulf Island Dam (Upstream)	*263
			Upstream Corporate Limits (approximately 7,000 feet above Gulf Island Dam).	*263
		Little Androscoggin River	Barker Mills Dam (approximately 450 feet Downstream)	*136
			Barker Mills Dam (Upstream)	*174
			Breached Dam (Downstream side) located approximately 4,000 feet downstream of Maine Central Railroad Bridge.	*190
			Breached Dam (Upstream side) located approximately 4,000 feet downstream of Maine Central Railroad Bridge.	*195
			Maine Central Railroad Bridge	*200
			U.S. Route 202 Northbound	*205
			Breached Dam (Downstream) located approximately 4,000 feet upstream of Southbound U.S. Route 202.	*207
			Breached Dam (Upstream) located approximately 4,000 feet upstream of Southbound U.S. Route 202.	*212
			Old Hotel Road (Upstream)	*222
			Upstream Corporate Limits	*231
		Taylor Brook	Dead End Road and Dam (Downstream)	*240
			Approximately 400 feet upstream of Old Hotel Road	*247
		Lapham Brook	Approximately 2,850 feet downstream of Young's Corner Road	*247
			Approximately 3,150 feet upstream of Young's Corner Road	*256
Maps available at the Auburn Community Development Office, Auburn, Maine.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(Twp.), Flushing, Genesee County (FEMA 5815).	Flint River	Just upstream Mount Morris Road	*646
			Approximately 2 miles upstream Mount Morris Road	*658
			Downstream City of Flushing corporate limits	*668
			Upstream City of Flushing corporate limits	*683
			Just downstream Elms Road	*687
		Bowman Drain	At mouth	*701
			Just upstream Stanley Road	*705
			Just upstream Johnson Road	*712
			Just upstream Carpenter Road	*721
		Armstrong Creek	About 550 feet upstream Frances Road	*680
			Just upstream Mount Morris Road	*692
			Just upstream Stanley Road	*702
			At confluence of Cattail Swamp Drain	*705
		Cattail Swamp Drain	At confluence with Armstrong Creek	*705
			Upstream corporate limit (Just downstream of Elms Road)	*708
		Cole Creek	At City of Flushing corporate limit	*703
			Just upstream McKinley Road	*713
			Just downstream Potter Road	*715
		Mud Creek	Just downstream River Road	*683
			About 100 feet upstream River Road	*687
			At downstream City of Flushing corporate limit	*688
			At upstream City of Flushing corporate limit	*696
			Just upstream Morrish Road	*709
			Just downstream Potter Road	*721
Maps available for inspection at Township Hall, 6524 North Seymour Road, Flushing, Michigan 48423.				
Michigan	(Twp.), Lansing, Ingham County (FEMA 5817).	Grand River	Just upstream of Waverly Road (north of Interstate 496)	*818
			About 1 mile upstream of Waverly Road (north of Interstate 496)	*821
			About 1.4 miles downstream of Waverly Road (south of Interstate 496).	*836
			Just downstream of Waverly Road (south of Interstate 496)	*838
		Red Cedar River	About 700 feet downstream of eastbound Interstate 496	*836
			About 900 feet upstream of northbound U.S. Highway 127	*837
Maps available for inspection at Lansing Township Hall, 3209 W. Michigan Avenue, Lansing, Michigan 48917.				
Michigan	(Twp.), Macomb, Macomb County (FEMA 5817).	Middle Branch, Clinton River	Just upstream Hall Road	*594
			Just upstream Twenty Two Mile Road	*600
			Just upstream of Twenty Four Mile Road	*611
			Just downstream Hayes Road	*627
		North Branch, Clinton River	Just upstream Hall Road	*597
			About 2.2 miles upstream of Twenty One Mile Road	*601
		Miller Drain	Just upstream Hall Road	*594
			Just upstream Twenty One Mile Road	*599
			Just downstream of Twenty Two Mile Road	*602
		Crittenden Drain	Just upstream Hall Road	*593
			Just upstream Twenty One Mile Road	*596
			Just downstream Twenty Two Mile Road	*603
		Gloede Ditch	Just upstream Hall Road	*595
			Just upstream Twenty One Mile Road	*599
			Just downstream Twenty Two Mile Road	*606
		Lewis Drain	At confluence with Gloede Ditch	*598
			Just upstream Twenty One Mile Road	*599
			Just downstream of Hayes Road	*603
		Dunn Drain	At confluence with Lewis Drain	*599
			Just downstream of Hayes Road	*601
		Banister Drain	At confluence with Dunn Drain	*599
			Just downstream of Hayes Road	*601
Maps available for inspection at Macomb City Hall, 19925 23 Mile Road, Mt. Clemens, Michigan 48004.				
Michigan	(Twp), Mt. Morris, Genesee County (FEMA 5817).	Hartshorn Drain	Just upstream of Pasadena Avenue	*711
			Just upstream from Pierson Road	*726
			Just upstream from Linden Road	*737
			Just upstream from Jennings Road	*754
			Approximately 3,150 feet upstream from Jennings Road	*760
		Lake Drain	Downstream corporate limit	*719
			Just upstream from Mount Morris Road	*730
			Just upstream from Clio Road	*743
			Just upstream from Coldwater Road	*750
			Upstream corporate limit	*754
		Cattail Swamp Drain	Just upstream of Elms Road	*708
			Just upstream from Webster Road	*725
			Just downstream of Linden Road	*748
		Hughes Drain	At confluence with Lake Drain	*744
			Approximately 550 feet upstream from Detroit Street	*750
		Flint River	Northern corporate limit	*687
			Southern corporate limit	*690
		Mason Drain	From Frances Road to eastern corporate limit	#1
Maps available for inspection at Mt. Morris Township Office, G 3026 W. Coldwater Road, Mt. Morris, Michigan 48450.				
Minnesota	(C), Golden Valley, Hennepin County (FEMA 5817).	Bassett Creek, Sweeney Lake Branch.	Just upstream of Chicago and North Western Railroad	*838
			Just upstream of Minneapolis, Northfield and Southern Railway	*842
			Just upstream of Lilac Drive	*857
			Just upstream of Minneapolis, Northfield and Southern Railway (Upstream from Glenwood Avenue).	*869
		Bassett Creek	Just upstream of Golden Valley Road	*831

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 500 feet upstream of Bassett Creek Drive	*835
			About 300 feet downstream Noble Avenue	*840
			About 1,800 feet downstream West Brook Road	*850
			Just downstream West Brook Road	*859
			Just upstream West Brook Road	*863
			Just downstream of Minneapolis, Northfield and Southern Railway	*868
			Just upstream of Hampshire Avenue North	*873
			About 1,200 feet downstream of Pennsylvania Avenue North	*876
			About 200 feet downstream Pennsylvania Avenue North	*880
			Just upstream of Pennsylvania Avenue North	*884
			Just upstream of Winnetka Avenue	*887
			Downstream of Mendelsson Drive	*887
Maps available for inspection at City Hall, 7800 Golden Valley Road, Golden Valley, Minnesota 55427.				
Minnesota	(Uninc.), Kittson County (FEMA 5817).	Red River of the North	At Canada-United States International boundary	*792
			At downstream St. Vincent corporate limits	*793
			At upstream St. Vincent corporate limits	*734
			About 6.5 miles upstream Canada-United States International boundary	*795
			About 10.5 miles downstream of State Highway 11	*797
			About 5.9 miles upstream of State Highway 11	*800
		Two Rivers	Just upstream of Township Road about 5 miles downstream from U.S. Highway 75.	*802
			Just downstream of Burlington Northern Railroad	*807
			Just upstream of U.S. Highway 75	*809
			At the City of Hallock northern corporate limits	*811
		South Branch Two Rivers	At the City of Hallock southern corporate limits	*815
			Just downstream of Township Road about 2.25 miles downstream from County Highway 22.	*818
			Just downstream of County Highway 22	*821
		Middle Branch Two Rivers	At confluence with Two Rivers	*813
			Just downstream of Township Road about 4.9 miles upstream from confluence with Two Rivers.	*817
			Just upstream of Township Road about 4.9 miles upstream from confluence with Two Rivers.	*823
			About 1.3 miles downstream of State Highway 175 (downstream crossing).	*824
			Just upstream of State Highway 175 (downstream crossing)	*832
			Just upstream of State Highway 175 (upstream crossing)	*840
			Just downstream of Township Road about 4.0 miles downstream from County Highway 5.	*861
			Just upstream of Township Road about 4.0 miles downstream from County Highway 5.	*864
			Just downstream of Township Road about 1.9 miles downstream from County Highway 5.	*869
			Just upstream of Township Road about 1.9 miles downstream from County Highway 5.	*872
			Just downstream of County Highway 5	*886
Maps available for inspection at Kittson County Courthouse, P.O. Box 558, Hallock, Minnesota 56728.				
Minnesota	(Uninc.), McLeod County (FEMA 5818).	Campbell Lake	Shoreline	*1,045
		Otter Lake	Shoreline	*1,045
		Lake Addie	Shoreline	*1,018
		South Fork Crow River	Downstream county boundary	*966
			Just downstream County Road 9	*967
		Buffalo Creek	About 0.3 mile downstream County Road 1	*965
			At eastern Glencoe corporate limits	*969
			About 4,200 feet downstream Chicago, Milwaukee, St. Paul, and Pacific Railroad.	*1,016
			At County Road 25	*1,018
			About 9,050 feet upstream County Road 25	*1,018
Maps available for inspection at McLeod County Courthouse, Glencoe, Minnesota 53336.				
Minnesota	(Uninc.), Rice County, (FEMA 5818).	Cannon River	From County Road 13 to northern Faribault corporate limit	*982
		Cannon Lake	Shoreline, south of County Road 13	*982
		Wells Lake	Shoreline	*982
		Roberds Lake	Shoreline	*1,021
		French Lake	Shoreline	*1,053
		Mazaska Lake	Shoreline	*1,068
Maps available for inspection at County Planning and Zoning Administrator's Office, Rice County Highway Building, 610 N.W. 20th Street, Faribault, Minnesota 55021.				
Minnesota	(C), Rochester, Olmsted County (FEMA 5818).	South Fork Zumbro River	At the downstream corporate limits	*968
			Just upstream Elton Hills Drive	*979
			Just upstream Silver Lake Dam	*986
			Just upstream of East Center Street	*992
			About 100 feet upstream of the Chicago and North Western railroad	*996
			About 100 feet downstream of South Broadway	*1,001
			Just upstream of 18th Street SW	*1,010
			At the upstream corporate limits near Bamber Valley Road	*1,015
		Cascade Creek	At the confluence with South Fork Zumbro River	*963
			About 300 feet upstream of 14th Street NW	*968
			About 100 feet downstream of 11th Avenue NW	*998
			Just upstream of U.S. Highway 52	*1,006

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 400 feet upstream of confluence of North Run North Fork Cascade Creek.	*1,007
			About 3,000 feet downstream of County Highway 34	*1,012
			Just downstream of County Highway 34	*1,018
			About 200 feet upstream of County Highway 34	*1,023
			About 800 feet upstream of County Highway 34	*1,024
		North Run, North Fork Cascade Creek.	About 50 feet downstream of Chicago and North Western railroad	*1,007
			Just downstream of 7th Street NW	*1,013
			Just downstream of 19th Street NW	*1,024
			Just upstream of 19th Street NW	*1,027
			About 1,100 feet upstream of 19th Street NW	*1,029
		South Run, North Fork Cascade Creek.	Just upstream of 7th Street NW	*1,015
			About 100 feet upstream of U.S. Highway 14	*1,019
			About 100 feet upstream of the Chicago and North Western railroad	*1,023
			Just downstream of Field Road	*1,029
			Just upstream of Field Run	*1,034
		Silver Creek	At the confluence with South Fork Zumbro River	*988
			Just upstream of 11th Avenue NE	*990
			About 2,650 feet upstream of 11th Avenue NE	*995
			About 4,900 feet upstream of 11th Avenue NE	*1,011
			At the upstream (eastern) corporate limit	*1,016
		Bear Creek	At the confluence with South Fork Zumbro River	*993
			Just upstream of 6th Street SE	*999
			About 200 feet downstream of 12th Street SE	*1,008
			At the confluence of Willow Creek	*1,013
			About 1,600 feet upstream of the confluence of Willow Creek	*1,015
		Willow Creek	Just upstream of 11th Avenue SE	*1,015
			About 250 feet upstream of 11th Avenue SE	*1,019
			About 1.0 mile upstream of the confluence of the West Tributary to Willow Creek.	*1,022
			About 2100 feet downstream U.S. Highway 52	*1,032
			About 3,560 feet upstream U.S. Highway 52	*1,040
		West Tributary Willow Creek	At confluence with Willow Creek	*1,019
			About 600 feet downstream of Chicago and North Western railroad	*1,022
			About 2,200 feet upstream of the Chicago and North Western railroad	*1,042
		Shallow Flooding (Overflow from South Run North Fork Cascade Creek).	Area east of creek, north of U.S. Highway 14, south of Chicago and North Western Railroad and northwest of 7th Street NW.	#1
		Shallow Flooding (Overflow from North Run North Fork Cascade Creek).	Area west of creek at 7th Street NW bounded by northern corporate limit and Chicago and North Western railroad.	#2
		Shallow Flooding (Overflow from North Run North Fork Cascade Creek).	An area east of creek, south of 7th Street NW and north of corporate limits.	#2
			An area west of creek, south of Chicago and North Western railroad and north of U.S. Highway 14.	#3
		Shallow Flooding (Overflow from Cascade Creek).	Area north of 5th Street NW at 11th Avenue NW	#2
		Shallow Flooding (Overflow from Willow Creek).	Area at southern corporate limits between Willow Creek and West Tributary to Willow Creek.	#3
Maps available for inspection at the City Hall, Minnesota 55901.				
Missouri	(C), Florissant, St. Louis County (FEMA 5813).	Coldwater Creek	Downstream corporate limits	*504
			Just upstream of Charbonier Road	*514
			Upstream corporate limits	*516
		Fountain Creek	Just upstream St. Denis Street	*513
			Just upstream Graham Road	*515
			About 400 feet downstream of New Florissant Road	*520
			Just upstream New Florissant Road	*525
			Just downstream Dunn Road	*542
		Paddock Creek	About 660 feet downstream of corporate limits	*506
			Just downstream Paddock Drive	*513
			Upstream corporate limits	*527
		Daniel Boone Creek	Just upstream Patterson Road	*511
			Just downstream Loveland Drive	*520
			Just upstream Loveland Drive	*525
			Upstream corporate limits	*539
		Anthony Creek	Mouth at Fountain Creek	*525
			Just upstream St. Malachy Lane	*534
			Just upstream St. Anthony Lane	*536
			Just downstream Derhake Street	*544
		Missouri River	Entire length of community along Missouri River	*445
Maps available for inspection at the Office of City Planner, City Hall, 955 Rue Ste. Francois, Florissant, Missouri 63031.				
Missouri	(C), Kirksville, Adair County (FEMA 5813).	Bear Creek	About 490 feet downstream of Shepherd Avenue connection	*909
			Approximately 120 feet upstream of Shepherd Avenue connection	*913
			Just downstream of Halliburton Street	*916
			Just upstream of Halliburton Street	*918
			Just downstream of U.S. Highway 63 (Business) and Missouri Highway 6 (Business).	*925
			Just upstream of U.S. Highway 63 (Business) and Missouri Highway 6 (Business).	*927
			Just downstream of Grim Drive	*933
			Just upstream of Grim Drive	*936
			Just downstream of second crossing of U.S. Highway 63 (Business) and Missouri Highway 6 (Business).	*936

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of second crossing of U.S. Highway 63 (Business) and Missouri Highway 6 (Business).	*939
			Just downstream of Patterson Street	*939
		Ownbey Lake Tributary	At confluence with Bear Creek	*918
			About 1,400 feet upstream of confluence with Bear Creek	*919
			Just downstream of First Street	*925
		Steer Creek	At east central corporate limits	*911
			Just downstream of Baltimore Street	*921
			Just upsteam of Baltimore Street	*922
			Just upstream of New Street	*925
			Just upstream of Green Street	*935
			Just downstream of Elson Street	*935
			About 150 feet upstream of Elson Street	*940
			Just downstream of Osteopathy Street	*946
		Big Creek	Just upstream west central corporate limit	*861
			About 1,550 feet upstream of west central corporate limit	*880
			About 3,000 feet upstream of western corporate limit	*898
Maps available for inspection at City Hall, Kirksville, Missouri 63501.				
Missouri	(C), Mt. Vernon, Lawrence County (FEMA 5818).	Williams Creek	Downstream corporate limits	*1,156
			Just downstream Saint Louis-San Francisco Railway	*1,162
			Just upstream Saint Louis-San Francisco Railway	*1,165
			Approximately 1,150 feet upstream County Highway Y	*1,170
		Unnamed Tributary	Downstream corporate limits	*1,211
			Just downstream State Highway 39	*1,219
			Approximately 75 feet upstream Landrum Street	*1,228
			Approximately 50 feet downstream State Highway 39	*1,232
			Approximately 50 feet upstream State Highway 39	*1,237
Maps available for inspection at City Hall, Mount Vernon, Missouri 65712.				
Missouri	(C), Poplar Bluff, Butler County (FEMA 5818).	Black River	Downstream corporate limits	*336
			About 0.6 mile upstream of corporate limits	*342
		Hill Creek	Just upstream of Missouri Pacific Railroad	*340
			Just upstream of West Center Street	*340
		Hogg Creek	Confluence with Pike Creek	*339
			Just downstream Davis Street	*359
			Just upstream of Gray Street	*393
			Just upstream North 14th Street	*424
		Hogg Creek Tributary	Confluence with Hogg Creek	*349
			Just downstream of Highland Road	*360
		Park Creek	Just downstream 5th Street	*336
			Just upstream 8th Street	*340
			Just upstream Oakwood Drive	*346
		Pike Creek	Downstream corporate limits (near intersection of Cardinal Lane and Orchid Lane).	*330
			Just downstream Fair Street	*332
			Just upstream Missouri Pacific Railroad	*335
			Just downstream Rosie Road	*340
			About 350 feet upstream confluence of North Branch Pike Creek	*346
		Sunset Creek	Just downstream of Maud Street	*342
			About 2,000 feet upstream County Highway PP	*361
			About 350 feet downstream U.S. Highways 60 and 67	*385
		North Branch Pike Creek	Confluence with Pike Creek	*348
			Just upstream Crestwood Drive	*395
			Just upstream Oakgrove Road	*427
Maps available for inspection at the Building Inspector's Office, City Hall, 309 S. Broadway, Poplar Bluff, Missouri 63901.				
Nebraska	(Uninc.), Washington County (FEMA 5817.	Missouri River	Southeast county boundary	*995
			About 2,000 feet upstream of the divergence with Boyer Chute	*996
			About 3.6 miles downstream of the City of Blair Extraterritorial Limits	*1,001
			About 2.0 miles downstream of the City of Blair Extraterritorial Limits	*1,003
			At the downstream City of Blair Extraterritorial Limits	*1,006
			Just upstream of the upstream City of Blair Extraterritorial Limits	*1,011
			About 2.1 miles upstream City of Blair Extraterritorial Limits	*1,013
			About 4.15 miles upstream City of Blair Extraterritorial Limits	*1,015
			Northeast county boundary	*1,018
		Elkhorn River	Downstream county boundary	*1,146
			About 3.20 miles downstream U.S. Highway 30	*1,155
			About 7,900 feet upstream U.S. Highway 30	*1,167
			About 2.20 miles upstream U.S. Highway 30	*1,168
			About 4.9 miles downstream State Highway 91	*1,180
			About 3.9 miles downstream State Highway 91	*1,181
			About 3.4 miles downstream State Highway 91	*1,185
			Just downstream State Highway 91	*1,193
Maps available for inspection at the County Clerk's Office, Washington County Courthouse, Blair, Nebraska 68008.				
New Jersey	Milltown, Borough, Middlesex County (FEMA 5796).	Lawrence Brook	Confluence of Sawmill Brook	*27
			Upstream of Main Street	*29
			Confluence of Bog Brook	*30
			Confluence of Riva Avenue	*35
		Bog Brook	Confluence with Lawrence Brook	*30
			Culvert entrance 500 feet upstream of Kuhlthau Avenue	*37

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sawmill Brook	Confluence with Lawrence Brook	*27
			Ryders Lane Culvert	*27
		Sucker Brook	Bridget Ruins	*39
			Upstream of Utility Road Culvert	*48
			Retaining wall at Corporate Limits	*57
Maps available at the Clerk's Office, Municipal Building, Milltown, New Jersey 08850.				
New Jersey	Westwood (Borough), Bergen County (FEMA 5813).	Pascack Brook	150 feet upstream from center of Emerson Road	*32
			150 feet upstream from center of Demarest Avenue	*43
			50 feet upstream from center of Fairview Avenue	*54
		Musquapsink Brook	50 feet upstream from center of Old Hook Road	*41
			Intersection of Musquapsink Brook and center of Lafayette Avenue	*54
Maps available for inspection at Borough Hall, 51 Jefferson Avenue, Westwood, New Jersey.				
New Mexico	City of Artesia, Eddy County (FEMA 5813).	North Eagle Creek	Just upstream of 1st Street	*3,371
			Washington Avenue extended and Atchison, Topeka and Santa Fe Railroad.	*3,379
			Approximately 120 feet upstream of 7th Street	*3,385
			Just upstream of Main Street	*3,415
Maps available for inspection at City Hall, 511 West Texas, Artesia, New Mexico 88210.				
New Mexico	City of Clovis, Curry County (FEMA 5824).	Thomas Street Ditch	Approximately 90 feet downstream of West Seventh Street	*4,288
		West Second Street Drain	Just downstream of Tennessee Street	*4,235
			Just upstream of Maple Street	*4,247
			Just upstream of Mitchell Street	*4,263
			Approximately 30 feet upstream of Hull Street	*4,269
		Northeast Drainage	Just upstream of U.S. Hwy 60	*4,216
			At Fourteenth Street	*4,252
			Just downstream of Twenty-First Street	*4,269
		Northwest Drainage Channel	Approximately 50 feet upstream of Prince Street	*4,262
			Just upstream of Williams Avenue	*4,298
Maps available at City Hall, 321 Connolly Street, Clovis, New Mexico 88101.				
New Mexico	City of Fort Sumner, DeBaca County (FEMA 5824).	Pecos River	Just downstream of Highway 84 and 60	*4,018
		Las Truchas Creek	Approximately 100 feet upstream of Highways 84 and 60	*4,024
		Hitson Draw	Just downstream of Atchison Topeka and Santa Fe Railway	*4,052
Maps available for inspection at City Hall, 500 East Sumner Avenue, Fort Sumner, New Mexico 88119.				
New York	Dunkirk, City, Chautauqua County (FEMA 5813).	Lake Erie	Entire City Shoreline	*578
		Crooked Brook	At Lake Erie	*578
			Upstream side of Park Drive West	*580
			Downstream side of Lake Shore Drive	*583
			Upstream side of Lake Shore Drive	*586
			Confluence of Tributary of Crooked Brook	*587
			Downstream side of Conrail	*590
			Upstream side of Conrail	*593
			Downstream of culvert outlet beneath Brigham Road	*594
			Area of shallow flooding along culvert beneath West Sixth Street	#1
			Upstream of culvert inlet beneath Woodrow Avenue	*607
			Upstream side of Arch culvert approximately 1,300' downstream of West Sixth Street.	*619
			Downstream side of Lucas Avenue	*620
			Upstream side of Lucas Avenue	*627
			Upstream side of Norfolk and Western Railroad	*629
			Upstream side of Howard Avenue	*631
			Upstream side of Central Avenue	*633
		Tributary of Crooked Brook	Confluence with Crooked Brook	*587
			Downstream side of Conrail	*590
			Upstream side of Conrail	*594
			Upstream side of Norfolk and Western Railroad	*603
			Downstream side of Willow Road	*611
			Upstream side of Willow Road	*616
			Downstream of culvert outlet beneath Brigham Road	*616
			Upstream of culvert inlet beneath Brigham Road	*628
			Corporate Limits, approximately 250' upstream of Willowbrook Avenue	*632
			Corporate Limits approximately 2,450' upstream of Willowbrook Avenue.	*641
			Downstream of culvert outlet beneath Central Avenue	*652
			Upstream of culvert inlet beneath Central Avenue	*665
			Downstream of culvert outlet beneath New York State Thruway	*667
			Upstream of culvert inlet beneath New York State Thruway	*685
			Upstream Corporate Limits	*685
Maps available at the City Clerk's Office, Dunkirk City Hall, Dunkirk, New York 04048.				
New York	Liverpool, Village, Onondaga County (FEMA 5727).	Onondaga Lake	Intersection of Lake Parkway and Tulip Street	*372
		Bloody Brook	Intersection of Oswego Street and Salina Street	*374
			Intersection of Conrail and Corporate Limit	*372
Maps available at the Liverpool Village Hall, Second Street, Liverpool, New York 13088.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Lockport, City, Niagara County (FEMA 5824).	Eighteenmile Creek	40' upstream of Corporate Limits	*362
			1,130' downstream of Broken Dam	*372
			670' downstream of Broken Dam	*383
			470' downstream of Broken Dam	*392
			270' downstream of Broken Dam	*402
			Downstream side of Broken Dam	*415
			Upstream side of Broken Dam	*421
			320' upstream of Broken Dam	*430
			Upstream side of Downstream Conrail Bridge	*432
			Downstream side of Gooding Street	*439
			Upstream side of Gooding Street	*452
			70' downstream of William Street	*461
			40' upstream side of William Street	*466
			Downstream side of Dam	*475
			Upstream side of Dam	*485
			Downstream side of outlet end of Eighteenmile Creek Culvert	*486
			Inlet end of Eighteenmile Creek Culvert	*617
			Upstream Corporate Limits	*622
		Gulf Branch	Confluence with Eighteenmile Creek	*363
			50' downstream of Jackson Street	*373
			270' upstream of Jackson street	*383
			570' upstream of Jackson Street	*393
			850' upstream of Jackson Street	*403
			1,130' upstream of Jackson Street	*413
			1,610' upstream of Jackson Street	*423
			2,170' upstream of Jackson Street	*433
			2,810' downstream of Niagara Street	*453
			590' downstream of Niagara Street	*463
			Niagara Street	*469
			110' upstream of Niagara Street	*472
		Lincoln Avenue Branch	Downstream Corporate Limits	*631
			980' upstream of Corporate Limits	*633
Maps available at the Building Inspectors Office in the Municipal Building, Lockport, New York.				
Ohio	(V), Batavia, Clermont County (FEMA 5813).	East Fork, Little Miami River	At confluence of Unnamed Tributary (about 1.3 miles downstream of State Route 32).	*561
			Just downstream State Route 32	*567
			About 1,800 feet upstream State Route 32	*572
			Just downstream Main Street	*574
			Upstream corporate limit	*583
Maps available for inspection at Village Hall, 389 Main Street, Batavia, Ohio 45103.				
Ohio	(Uninc.), Lorain County (FEMA 5815).	West Branch, Black River	City of Elyria corporate limits (Just upstream of Chessie System)	*722
			Just upstream U.S. Route 20	*729
			Just upstream State Route 10	*739
			About 1,800 feet upstream of confluence of Plum Creek	*745
		East Branch, Black River	City of Elyria corporate limits (about 2,600 feet downstream of Fuller Road).	*719
			Just upstream of dam (dam is located about 3,000 feet upstream of Fuller Road).	*731
			About 2,900 feet upstream of Medina-Elyria Road	*747
			About 1,350 feet downstream of Village of Grafton corporate limits	*778
			Village of Grafton corporate limits	*781
			About 4,900 feet downstream State Route 303	*795
			Just upstream Vermont Street	*805
			Centerline of Webster Road extended	*814
		Willow Creek	Confluence with East Branch Black River	*742
			Just upstream of Durkee Road (about 350 feet south of intersection of Durkee Road and Giles Road).	*761
			Just upstream State Route 83	*785
			Just downstream Island Road	*792
		Plum Creek	Just downstream U.S. Route 20	*744
			Just upstream Wastewater Treatment Plant Service Road	*768
			Just downstream South Crosby Street	*781
		Vermilion River	Downstream county boundary	*585
			Just upstream State Route 2	*593
			About 930 feet upstream of City of Vermilion corporate limits	*600
		Beaver Creek	At City of Amherst corporate limit	*646
			Just upstream Middle Ridge Road	*670
			Just downstream Interstate 80	*679
		East Branch Beaver Creek	Just upstream North Ridge Road	*646
			City of Amherst corporate limits (about 1,100 feet downstream Park Avenue).	*669
		Tributary No. 1	City of Amherst corporate limits (about 2,400 feet downstream Middle Ridge Road).	*700
			About 1,200 feet upstream Middle Ridge Road	*731
		Shallow flooding (ponding on Plum Creek, Columbia Township).	Plum Creek at Jequay Road	*790
			Plum Creek at Osborne Road	*790
		Shallow flooding (overflow from Plum Creek, Columbia Township).	Plum Creek at upstream county boundary	#1
			Plum Creek at Elyria Twinsburg Road	#1
			Plum Creek at downstream county boundary	#1
Maps available for inspection at Lorain County Administration Building, Elyria, Ohio 44035.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C), Macedonia, Summit County (FEMA 5824).	Brandywine Creek	Downstream corporate limits	*965
			Upstream corporate limits	*967
		Indian Creek	Mouth at Brandywine Creek	*968
			Just upstream State Route 8	*972
			Just downstream Conrail	*986
			Just upstream Conrail	*992
			Just downstream Berkshire Drive	*992
			Just upstream Berkshire Drive	*1,001
			Just upstream Ledge Road	*1,014
			About 750 feet upstream of private drive (near Interstate 80)	*1,032
		Tributary No. 3	Mouth at Indian Creek	*1,011
			Just upstream Ledge Road	*1,013
			About 1,550 feet upstream of Ledge Road	*1,020
		Tributary No. 4	Mouth at Indian Creek	*978
			About 550 feet upstream of Bedford Road	*983
		Tributary No. 5	Mouth of Brandywine Creek	*967
			About 2,300 feet upstream of mouth at Brandywine Creek	*969
Maps available for inspection at Office of the Finance Director, 9699 Valley View road, Macedonia, Ohio 44056.				
Ohio	(V), Millville, Butler County (FEMA 5824).	Indian Creek	About 5,700 feet downstream of U.S. Route 27, at southern corporate limits.	*609
			About 500 feet downstream of U.S. Route 27	*621
			Just upstream of U.S. Route 27	*626
			About 3,200 feet upstream of U.S. Route 27	*631
		Beals Run	About 410 feet downstream of Ross Hanover Road	*620
			About 90 feet downstream of State Route 129	*626
			About 620 feet upstream of State Route 129	*627
		Beals Run Tributary	Mouth at Beals Run	*620
			About 600 feet upstream of State Route 129	*624
Maps available for inspection at Village Hall, Millvile, Ohio 45013.				
Ohio	(C), Solon, Cuyahoga County (FEMA 5824).	Hawthorne Creek	Just downstream of Aurora Road	997
			Just downstream Conrail	*1,008
			Just downstream Cannon Road	*1,019
			About 550 feet upstream Cannon Road	*1,020
		Tributary 1	3,100 feet downstream Carter Road	*1,005
			175 feet upstream Carter Road	*1,030
			Just downstream Solon Road	*1,036
			125 feet upstream Kroger Rail	*1,040
			Just upstream Aurora Road	*1,048
			Just downstream Old Harper road	*1,051
			Just downstream Conrail	*1,054
			Just upstream Conrail	*1,059
			Just downstream Cannon Road	*1,063
Maps available for inspection at City Hall, 6315 S.O.M. Center Road, Solon, Ohio 44139.				
Ohio	(V) Springboro, Warren County (FEMA 5824).	Clear Creek	Western corporate limits	*743
			Just upstream State Route 741	*747
			Eastern corporate limits	*750
		Twin Creek No. 2	At mouth	*743
			Just upstream Mill Street	*748
			Just upstream Factory Road	*763
			Just upstream State Route 73	*775
			Just upstream Pennyroyal Road	*876
			Northern corporate limits	*882
		Twin Creek No. 2 Tributary 2	At mouth	*743
			Just upstream Mill Street	*750
			Just upstream Factory Road	*764
			Just downstream Market Street	*774
			Just upstream Market Street	*781
			Just downstream State Route 73	*784
			Just upstream State Route 73	*790
			About 650 feet upstream State Route 73	*793
		Richards Run	At mouth	*748
			Just upstream Lower Springboro Road	*759
			Just upstream Concrete Plant Road	*766
			Just upstream State Route 73	*779
			About 750 feet upstream of confluence of Rapid Run	*798
Maps available for inspection at the Village Hall, 280 West Central Avenue, Springboro, Ohio 45066.				
Ohio	(C) Twinsburg, Summit County (FEMA 5824).	Tinkers Creek	Downstream county boundary	*951
			Just downstream Glenwood Drive	*954
			Approximately 5,300 feet upstream Glenwood Drive	*959
			Approximately 5,000 feet downstream Darrow Road	*964
			Just downstream Darrow Road	*971
			Just downstream Cannon Road	*973
			Approximately 2.7 miles upstream of Cannon Road	*978
Maps available for inspection at the Office of the City Clerk, 10075 Ravenna Road, Twinsburg, Ohio 44087.				
Ohio	(V), Williamsburg, Clermont County (FEMA 5824).	East Fork, Little Miami River	About 580 feet downstream Main Street	*804
			About 870 feet upstream 4th Street	*810
Maps available for inspection at the Village Hall, Williamsburg, Ohio 45176.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oklahoma	City of Okmulgee, Okmulgee County (FEMA 5813).	Cussetah Creek	Just Upstream of U.S. Highway 62	*640
		Stream "B"	Just Upstream of 36th Street	*642
			Just Upstream of Mission Road	*649
Maps available at City Hall, 114 E. Seventh Street, Okmulgee, Oklahoma 74447.				
Oklahoma	City of Tonkawa, Kay County (FEMA 5813).	Salt Fork, Arkansas River	Just downstream of extension of Main Street	*959
Maps available at City Hall, 117 South Seventh Street, Tonkawa, Oklahoma 74653.				
Pennsylvania	Antis, Township, Blair County (FEMA 5813).	Riggles Gap Run	Upstream First Conrail Bridge	*1,064
			Upstream Second Conrail Bridge	*1,073
			Upstream Second Private Road	*1,080
			Approximately 1,200' downstream of Legislative Route 07026	*1,105
			Upstream Legislative Route 07026	*1,120
			Upstream Third Private Road	*1,156
			Upstream Fourth Private Road	*1,172
			Upstream Asbury Road	*1,208
			Approximately 1,200' upstream of Asbury Road	*1,230
			Upstream of Fifth Private Road	*1,262
			Upstream of Sixth Private Road	*1,275
			Upstream of Seventh Private Road	*1,294
			Approximately 525' upstream of Private Road	*1,302
		Sugar Run	Upstream Conrail Bridge	*1,055
			Downstream Township Route 490	*1,068
			Downstream Becker Road	*1,109
			Approximately 1,500' upstream of Becker Road	*1,135
			Legislative Route 07026	*1,176
			Upstream Private Road approximately 1,250' upstream of Legislative Route 07026.	*1,214
			Approximately 1,300' upstream of Private Road	*1,251
			Upstream Private Road	*1,302
			Approximately 1,500' upstream of Private Road	*1,367
		Bells Gap Run	Downstream Township Route 490	*1,045
			Downstream Conrail	*1,049
			Upstream Conrail	*1,059
			Approximately 1,800' upstream of Conrail	*1,070
			Downstream Dam	*1,102
			Upstream Hunter Road	*1,146
			Downstream Legislative Route 07026	*1,186
			Approximately 800' downstream of First Private Road	*1,209
			Approximately 800' upstream of First Private Road	*1,234
		Tipton Run	Upstream River Road	*959
			Upstream Township Route 510	*979
			Upstream Conrail	*999
			Approximately 2,400' upstream of Legislative Route 07026	*1,029
			Approximately 4,000' upstream of Legislative Route 07026	*1,049
			Upstream Cedar Lane	*1,074
			Upstream Private Road	*1,108
			Approximately 2,800' upstream of Private Road	*1,150
			Approximately 350' downstream of confluence of Mulligan Hollow Run	*1,181
		Little Juniata River	Downstream Corporate Limits	*927
			Downstream Private Walkway	*934
			Approximately 3,800' downstream of U.S. Route 220	*950
			Upstream U.S. Route 220	*958
			Approximately 3,800' downstream of Private Road	*971
			Upstream Private Road	*983
			Downstream U.S. Route 220	*1,002
			Downstream next crossing of U.S. Route 220	*1,026
			Upstream Legislative Route 07027	*1,044
			Confluence of Sugar Run	*1,054
			Confluence of Riggles Gap Run	*1,062
			Upstream Corporate Limits	*1,081
Maps available at the Antis Township Building, 909 North 2nd Street, Bellwood, Pennsylvania.				
Pennsylvania	Bald Eagle, Township, Clinton County (FEMA 5824).	Bald Eagle Creek	Downstream Corporate Limits	*564
			Upstream of Conrail Bridge	*566
			Confluence of Fishing Creek	*567
			Upstream of Upstream crossing of U.S. Route 220	*569
			Upstream Corporate Limits	*571
		West Branch Susquehanna River.	Upstream of Conrail Bridge	*577
			Downstream Corporate Limits of Colebrood Township	*585
			Upstream Corporate Limits of Bald Eagle Township	*587
		Sugar Run	Downstream Corporate Limits	*622
			Upstream of first Private Drive crossing Sugar Run, 7,300' upstream of Corporate Limits.	*793
			Upstream of fourth Private Drive crossing Sugar Run, 8,750' above Corporate Limits.	*846
			2,250' upstream of fourth Private Drive crossing Sugar Run	*928
		Fishing Creek	Confluence with Bald Eagle Creek	*567
			Upstream of Country Club Bridge	*567
			Downstream of U.S. Route 220	*568
Maps available at the Bald Eagle Township Building, R.D. 2, Mill Hall, Pennsylvania.				
Pennsylvania	Irwin, Borough, Westmoreland County (FEMA 5813).	Brush Creek	Downstream Corporate Limits	*879
			Conrail Upstream	*885

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Corporate Limits	*889
		Tributary No. 1 to Tinkers Run	Fairwood Drive	*948
			Caruthers Lane Upstream	*966
			Upstream Corporate Limits	*973
Maps available at the Borough Hall, Irwin, Pennsylvania.				
Pennsylvania	North East, Borough, Erie County (FEMA 5824).	Sixteenmile Creek	Downstream Corporate Limits	*758
			South Lake Street Upstream	*792
			Upstream Corporate Limits	*810
		Baker Creek	Downstream Corporate Limits	*739
			North Mill Street Upstream	*772
			South Pearl Street Upstream	*790
			Vine Street Downstream	*798
			Upstream Corporate Limits	*817
Maps available at the Borough Office, 58 E. Main Street, North East, Pennsylvania.				
Pennsylvania	Penn, Borough, Westmoreland County (FEMA 5813).	Brush Creek	Downstream Corporate Limits	*958
			Abandoned Railroad Bridge (Upstream side)	*964
			Upstream Corporate Limits	*969
Maps available at the Penn Borough Hall, Penn, Pennsylvania.				
Pennsylvania	Strasburg, Township, Lancaster County (FEMA 5813).	Pequea Creek	Penn Grant Road Upstream	*311
			Edisonville Road (Extended)	*318
			State Route 741 Upstream	*319
			Upstream of Tributary B	*322
			Upstream of Strasburg Pike	*326
			Approximately 1.5 miles upstream of Strasburg Pike	*330
			Upstream of Hartman Bridge Road	*333
			Approximately 0.54 mile upstream of Hartman Bridge Road	*334
		Big Beaver Creek	Approximately 700' downstream of Private Lane	*353
			Private Lane Upstream	*355
			Approximately 2,000' upstream of Private Lane	*363
			Upstream of Main Street	*374
			White Oak Road (Extended) Upstream	*377
			Approximately 1,800' downstream of U.S. Route 222	*389
Maps available at the residence of Mr. Robert Weaver, Township Secretary, by appointment, Strasburg, Pennsylvania.				
Texas	City of Huntsville, Walker County (FEMA 5824).	Town Branch	Just upstream of Farm to Market Road 2821	*297
			Just upstream of Seventh Street	*324
			Just downstream of Avenue I	*359
		Tributary A	Just upstream of Tenth Street	*329
			Just upstream of U.S. Highway 30	*338
		Horse Branch	Approximately 100 feet upstream of Farm to Market Route 2821	*295
			Just upstream of Roan Ferry Road	*307
		Tributary B	Just downstream of Roan Ferry Road	*328
Maps available at City Hall, City Engineers Office, 1212 Avenue M, Huntsville, Texas 77340.				
Texas	City of Snyder, Scurry County (FEMA 5824).	Deep Creek	Just Upstream of 30th Street	*2,314
			Just Upstream of 25th Street (U.S. Highway 180)	*2,320
			Just downstream of 21st Street	*2,321
		Stream SN-2	Just Upstream of College Avenue (State Highway 350)	*2,316
		Dry Run	Just downstream of 25th Street (U.S. Highways 180 and 84)	*2,318
			Just Upstream of 13th Street	*2,331
		South Fork	Just Upstream of Avenue 2	*2,322
			Just Upstream of 25th Street (U.S. Highway 180)	*2,335
		Stream SN-1	Just Upstream of Dam	*2,313
			Just Upstream of College Avenue (State Highway 350)	*2,321
		Stream SN-4	Just Upstream of 37th Street	*2,321
			Just downstream of Panhandle and Santa Fe Railroad	*2,323
Maps available at City Hall, 1925 24th Street, Snyder, Texas 79549.				
Vermont	(T), Mt. Tabor, Rutland County (FEMA 5813).	Mill Brook	Just Upstream of Vermont Railway	*674
			Just Upstream of U.S. Route 7	*679
			About 530 feet upstream of U.S. Route 7	*687
		Otter Creek	About 2,850 feet downstream of downstream corporate limits	*644
			About 700 feet downstream of Vermont Railway (crossing north of National Forest Highway 10).	*655
Maps available for inspection at Town Clerk's Office, Mt. Tabor, Vermont 05739.				
Wisconsin	(C), Black River Falls, Jackson County (FEMA 5813).	Black River	At the downstream corporate limit	*756
			Just downstream of dam	*761
			Just Upstream of dam	*770
			At the upstream corporate limit	*771
Maps available for inspection at Office of the City Clerk, City Hall, Second and Filmore, Black River Falls, Wisconsin 54615.				
Wisconsin	(V), Chaseburg, Vernon County (FEMA 5813).	Coon Creek	Northern corporate limits	*678
			Just Upstream of convergence of divided channel	*682
			At Mill Street	*683
			Eastern corporate limits	*685
Maps available for inspection at Office of the Village Clerk, 212 Swain Street, Chaseburg, Wisconsin 54621.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V), Coon Valley, Vernon County (FEMA 5813).	Coon Creek	Just upstream Central Avenue	*727
			Approximately 100 feet upstream of western corporate limit	*728
			Approximately 900 feet downstream of gravel road	*735
			Approximately 250 feet downstream of corporate limit, near gravel road bridge.	*738
Maps available for inspection at Office of the Village Clerk, Village Hall, Coon Valley, Wisconsin 54623.				
Wisconsin	Douglas County, Unincorporated Areas (FI 5061).	Lake Superior	Confluence of Pearson Creek and shoreline	*605
			Confluence of Smith Creek and shoreline	*605
			Confluence of Amnicon River and shoreline	*605
			Confluence of Bardon Creek and shoreline	*605
		Minnesueing Creek	Intersection of the corporate limits of the Village of Lake Nebagamon and the channel.	*1,111
			Intersection of Trunk Highway P and channel	*1,116
		Lake Minnesueing	The Lake shoreline upstream of Trunk Highway P	*1,117
		St. Croix River	Intersection of the Soo Line Railroad and the channel	*1,020
			Intersection of Cranberry Bog Road and Chicago and Northwestern Railroad.	*1,020
			Intersection of Cut-A-Way Dam Road and the channel	*1,020
		Upper St. Croix Lake	Intersection of Zachau Road and the shoreline	*1,020
		Eau Claire Flowage	Upstream of Eau Claire River Dam to the Brule River State Forest Annex.	*1,047
Maps available for inspection at Douglas County Courthouse, 1313 Belknap Street, Superior, Wisconsin.				
Wisconsin	(Uninc.), Jackson County (FEMA 5813).	Black River	At western county boundary	*695
			About 4.0 miles upstream of County Highway V	*702
			About 4.5 miles downstream of State Highway 71	*708
			About 500 feet downstream of State Highway 71	*719
			Just upstream of State Highway 71	*721
			About 4.5 miles upstream of State Highway 71	*728
			About 9.0 miles upstream of State Highway 71	*736
			About 9.5 miles downstream of City of Black River Falls southern corporate limits.	*744
			At City of Black River Falls southern corporate limits	*756
			At City of Black River Falls southeastern corporate limits	*760
			At City of Black River Falls northeastern corporate limits	*771
			Just upstream of Chicago and North Western Railroad	*776
			At southern Black River State Forest boundary	*781
			At northwestern Black River State Forest boundary	*795
			About 2.3 miles downstream of Hatfield Dam	*818
			About 2.1 miles downstream of Hatfield Dam	*827
			Just downstream of County Highway K	*834
			About 1,000 feet downstream Hatfield Dam	*854
			Just upstream of Hatfield Dam	*885
			At northern county boundary	*885
		Trempealeau River	At western county boundary	*866
			Just upstream of County Highway P	*880
			Just upstream of Green Bay and Western Railroad (downstream crossing).	*890
			Just upstream of Green Bay and Western Railroad (upstream crossing).	*903
			At Village of Hixton western corporate limits	*916
			Just upstream of Interstate 94	*925
			About 250 feet upstream of North Branch Road	*933
			About 300 feet upstream of State Highway 95	*941
		North Fork, Buffalo River	At western county boundary	*990
			Just upstream of County Highway G	*1,010
			Just upstream of County Highway M	*1,026
			Just downstream of Moe Road	*1,044
			About 0.5 mile upstream of Moe Road	*1,051
Maps available for inspection at the Office of the Zoning Administrator, Jackson County Courthouse, Black River Falls, Wisconsin 54615.				
Wisconsin	(Uninc.), Winnebago County (FEMA 5824).	Arrowhead River	Approximately 1,000 feet upstream of County Highway M	*750
			Approximately 600 feet downstream of State Highway 110	*755
		Eight Mile Creek	Just downstream of Elo Road	*822
			Approximately 1,400 feet downstream of Burr Oaks Road	*824
			Just upstream of Chicago, Milwaukee, Saint Paul and Pacific Railroad.	*836
			Just upstream of Knott Road	*842
			About 1.0 mile upstream of Knott Road	*845
		Fox River	Just downstream of City of Omro eastern corporate limit	*751
			Just upstream of the City of Omro western corporate limit	*753
			Just downstream of the western county boundary	*756
		Mud Creek	Mouth at Little Lake Butte Des Morts	*743
			Just downstream of County Highway BB	*743
		Mud Creek Tributary	Just downstream of northern county boundary	*743
		Rat River	Mouth at Wolf River	*750
			Just downstream of County Highway MM	*753
		Rush Creek	Mouth at Fox River	*753
			Just upstream County Highway E	*755
			Approximately 2,800 feet upstream of Senn Road	*762
			Just downstream of State Highway 116	*776
		Sawyer Creek	Just upstream of State Highway 41	*758
			Approximately 1,500 feet upstream of State Highway 41	*759
			Just upstream of County Highway E	*767
			Just upstream 9th Street	*773
			Just upstream of Oakwood Road	*779
			Just upstream County Highway K	*800
			Approximately 6,300 feet upstream of County Highway K	*812

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Wolf River	Mouth at Lake Poygan	*750
			Just downstream of northern county boundary	*754
		Vandyne Creek	Mouth at Lake Winnebago	*749
			Just upstream Howlett Road	*757
			At upstream county boundary	*776
		Unnamed Tributary at Willow Harbor.	At mouth of Lake Winnebago	*749
			Just upstream of Koelpine Road	*750
			Just upstream of East Black Wolf Point Road	*761
		Unnamed Tributary on Little Lake Butte Des Morts.	Just downstream of U.S. Highway 41	*743
			Approximately 1,800 feet upstream of U.S. Highway 41	*747
			Just downstream of Cold Spring Road	*763
		Lake Winnebago	At the southern county boundary	*749
			At the eastern county boundary	*750
		Lake Winne Conne	Shoreline in Winnebago County	*750
		Lake Poygan	Shoreline in Winnebago County	*750
		Lake Butte Des Morts	Shoreline in Winnebago County	*750
		Battle Lake Butte Des Morts	Shoreline in Winnebago County	*743
		Neenah Slough	About 0.6 mile downstream of County Highway G	*745
			About 1.8 miles upstream of County Highway G	*746

Maps available for inspection at Winnebago County Courthouse, P.O. Box 2808, Oshkosh, Wisconsin 54901.

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

Issued: August 18, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-26625 Filed 9-2-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF EDUCATION

45 CFR Part 134

Grants to State Educational Agencies for Educational Improvement, Resources, and Support

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations that govern the use of funds made available for instructional materials and school library resources under Part B of Title IV of the Elementary and Secondary Education Act (ESEA) to prohibit local educational agencies (LEAs) from using these funds to acquire physical education equipment.

EFFECTIVE DATE: These final regulations are expected to take affect forty-five days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the Federal Register. The effective date is changed if the Congress takes certain adjournments. If you want to know the effective date of these final regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Louise V. Sutherland, School Media Resources Branch, 400 Maryland Avenue, S.W. (Room 3125–B, ROB–3) Washington, D.C. 20202, telephone: (202) 245–2488.

SUPPLEMENTARY INFORMATION: Under Part B of Title IV, ESEA, as authorized by the Education Amendments of 1978 (Pub. L. 95–561), the Department of Education awards grants to State educational agencies (SEAs). SEAs award subgrants to LEAs. An LEA may receive a subgrant of Part B funds from its SEA to acquire *"instructional equipment* * * * suitable for use in providing education *in academic subjects* for use by children and teachers in elementary and secondary schools which shall be used for instructional purposes only." (Section 421(2), Title IV, ESEA; 20 U.S.C. 3102(2); emphasis added). The Title IV statute does not define the term "instructional equipment." Therefore, the regulations that implement the Title IV, Part B program (published in the Federal Register on April 7, 1980, 45 FR 23602) provided the following definition in 45 CFR 134.4:

"Instructional equipment" means equipment that is appropriate for use in providing education in academic subjects in elementary and secondary schools and that is used to teach or learn an academic subject. The eligibility of instructional equipment is determined by its intended use and its direct relationship to instruction in an academic subject * * *.

The term does not include general purpose classroom or library furniture, shelving, stoves, refrigerators, bleacher seats, equipment for staff offices, or other equipment not directly related to instruction in academic subjects. The term, however, does include musical instruments and physical educational equipment if used for instructional purposes in music or physical education classes in the school's regular instructional program.

The treatment of physical education equipment and musical instruments was a matter of some controversy. The original notice of proposed rulemaking would have forbidden expenditures on these items (44 FR 28238, May 14, 1979). Public comment on the proposed regulations persuaded the Office of Education that a more liberal rule was appropriate. The result was a provision allowing the purchase of musical instruments and physical education equipment if used for instructional purposes in regular classes.

Since publication of the final rule, much criticism has been directed at this resolution of the issue. See, e.g., S. Con. Res. No. 91, (May 20, 1980). The Secretary has been persuaded that the final rule may not appropriately enforce the statutory intent to support only purchases for academic purposes. Unlike the arts, the academic nature of physical education is a subject of continuing controversy. See, for example, Cong. Rec. S4411–4412, (Daily ed. April 30, 1980). Moreover, physical education equipment may easily be diverted to noninstructional purposes.

Accordingly, the Secretary has decided to restore the treatment of physical education equipment presented in the notice of proposed rulemaking. Because full public comment on this treatment has already been received, further comment is unnecessary.

In addition, the existing confusion that surrounds the acquisition of physical education equipment makes it essential that this rule take effect as soon as possible. Therefore, the Secretary has concluded that it would not be practical or in the public interest to delay this rule for further public comment.

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: August 28, 1980.

Shirley M. Hufstedler,

Secretary of Education.

(Catalog of Federal Domestic Assistance Numbers 13.570, Instructional Materials and School Library Resources; 13.571, Improvement in Local Educational Practice Program; 13.571, Guidance, Counseling, and Testing Program. Part I of OMB Circular A–95 does not apply to this program.)

Accordingly, the Secretary amends 45 CFR Part 134 as follows:

Section 134.4 is amended by revising the final paragraph of the definition of "Instructional equipment" to read as follows:

§ 134.4 Definitions as used in this part.

* * * * *

"Instructional equipment" * * *

The term does not include general purpose classroom or library furniture, shelving, stoves, refrigerators, teacher seats, equipment for staff offices, physical education equipment, or other equipment not directly related to instruction in academic subjects. The term, however, does include musical instruments if used for instructional purposes in music classes in the school's regular instructional program.

(Sec. 421 of the Act; 20 U.S.C. 3101)

* * * * *

[FR Doc. 80-28823 Filed 9-2-80; 8:45 am]

BILLING CODE 4000-01-M

LEGAL SERVICES CORPORATION

45 CFR Part 1601

Bylaws of the Legal Services Corporation

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: On June 20, 1980, the Board of Directors of the Legal Services Corporation approved for final publication a series of previously adopted amendments to Part 1601—By-laws of the Legal Services Corporation as well as several non-substantive technical amendments to that same part. These amendments shall become effective immediately upon publication.

EFFECTIVE DATE: September 3, 1980.

ADDRESS: Legal Services Corporation, 733 Fifteenth Street, NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Linda E. Perle, 202–272–4010.

SUPPLEMENTARY INFORMATION: Part 1601 of the Legal Services Corporation regulations is hereby amended as follows:

1. In § 1601.3, paragraph (a) is amended to read as follows:

§ 1601.3 Definitions.

As used in these By-laws, except where the context otherwise requires—

(a) "Act" means the Legal Services Corporation Act, 42 U.S.C. § 2996–2996*l*, which was added to the Economic Opportunity Act of 1964 as Title X thereof by an Act of Congress cited as the Legal Services Corporation Act of 1974, Pub. L. 93–355, approved July 25, 1974, 88 Stat. 378, as amended.

2. Section 1601.14 is amended to read as follows:

§1601.14 Compensation.

Directors shall be entitled to received compensation at appropriate rates prescribed by the Board, not in excess of the per diem equivalent of the rate of level V of the Executive Schedule specified from time to time in Section 5316 of Title 5, United States Code, for their services as members of the Board or of any Committee thereof and reimbursement for travel, subsistence, and other expenses necessarily incurred in connection therewith. A Director shall not serve the Corporation in any other capacity or receive compensation for such services, except as authorized by the Board. In no event shall a Director receive compensation in more than one capacity.

3. Section 1601.15 paragraph (a) is amended to read as follows:

§ 1601.15 Regular meetings.

(a) Regular meetings of the Board shall be held at least four times a year, on the first Friday of March, June, October, and December, if not a legal holiday or, if a legal holiday then on the next business day following, at 10 a.m, or at such other date and time as shall be determined by a majority of the members of the Board. Such regular meetings shall held in the District of Columbia unless a majority of the members of the Board otherwise determine. Notice of the place of a regular meeting shall be mailed to each Director at least seven days before the date of the meeting unless a majority of the members determines that Corporation business requires a meeting

on fewer than seven days notice. In that event, notice shall be mailed at the earliest practicable time.

* * * * *

4. Section 1601.16 is amended to read as follows:

§ 1601.16 Special meetings.

Special meetings of the Board may be called by the Chairman of the Board or shall be called upon receipt by him of a written request from five or more members of the Board or from the President of the Corporation and four or more members of the Board. Notice of any such meeting shall be mailed to each Director at least seven days before the date on which the meeting is to be held, unless a majority of the members determines that Corporation business requires a meeting on fewer than seven days notice. In that event, notice shall be mailed at the earliest practicable time. Every such notice shall specify the place, day, and hour of the meeting.

5. Section 1601.18 is amended to read as follows:

§ 1601.18 Agenda.

For each regular and special meeting, the Chairman of the Board or the President of the Corporation shall cause to be prepared an agenda of matters to be discussed at the meeting, and shall mail the agenda which the Chairman of the Board or the President believes should be discussed in an executive session in accordance with § 1601.22 shall be so noted.

6. Section 1601.19 is revised to read as follows:

§ 1601.19 General notice.

(a) General notice of any meeting of the Board shall be given at least seven days before the meeting, unless a majority of the Directors determines by a recorded vote that Corporation business requires a meeting on fewer than seven days notice. In that event, general notice shall be given at the earliest practicable time.

(b) General notice shall include: (1) The time, place, and subject matter of the meeting; (2) whether the meeting or a portion thereof will be closed to public observation; and (3), the name and telephone number of a person designated to respond to requests for information about the meeting. Changes in the information contained in a general notice may be made pursuant to the Corporation's Regulations implementing 5 U.S.C. § 552b. Notice of such change shall be given in the manner prescribed by this Section and at the earliest practicable time.

(c) General notice shall be posted at the offices of the Corporation in an area to which the public has access and filed for publication in the Federal Register. Reasonable effort shall be made to send the notice to the Chairman of each State Advisory Council appointed pursuant to Section 1004(f) of the Act and to every recipient.

7. Section 1601.22 is revised to read as follows:

§ 1601.22 Public meetings; executive sessions.

All meetings of the Board shall be open to the public unless a majority of the members determines by a recorded vote that consideration of a specific matter should be closed to public observation pursuant to the Corporation's regulations implementing 5 U.S.C. § 552b. That part of the meeting closed to the public shall be known as an executive session. The Chairman of the meeting shall announce the subject of the executive session prior thereto.

8. Section 1601.23 is amended to read as follows:

§ 1601.23 Public participation.

The Board welcomes written and other communication from members of the public. Members of the public may address a meeting of the Board upon invitation of the Chairman of the meeting unless the Board otherwise directs.

9. Section 1601.26 is amended to read as follows:

§ 1601.26 Establishment and appointment of committees.

The Board may by resolution of a majority of the Directors in office establish (and thereafter dissolve) such executive, regular, standing, or temporary Committees as the Board may deem appropriate to perform such functions as it may from time to time designate. The authority of any such Committee shall expire at the time specified in such resolution, which shall be no later than two years after its establishment. The Board may appoint Directors to serve on such Committees including one to serve as the chairman, or may delegate to the Chairman of the Board the authority to make such appointments. A person appointed as a member of a Committee shall serve as such only at the pleasure of the Board. The Chairman of the Board shall be an ex officio non-voting member of each Committee.

10. Section 1601.27 is revised to read as follows:

§ 1601.27 Committee procedures.

(a) Except as otherwise provided in these By-laws or in the resolution establishing the Committee, a majority of the voting members thereof, or one-half of such members if their number is even, shall constitute a quorum; Provided, That if the Chairman of the Board is present, he may be counted in lieu of any absent voting members for quorum purposes. The vote of a majority of the voting members present at the time of a vote, if a quorum is present at such time, shall be the act of the Committee. Meetings of each Committee shall be called by the chairman of the Committee or any two members of the Committee with notice thereof provided to each Committee member including the Chairman of the Board.

(b) Notice of a Committee meeting shall be provided to members of the Committee in the manner required for notice of special meetings of the Board by §§ 1601.16 and 1601.17(a). Notice may be waived in the manner described in § 1601.17(b). The agenda for the meeting shall be prepared in accordance with § 1601.18, and general notice of the meeting shall be given in accordance with § 1601.19.

(c) All meetings of a Committee shall be open to the public unless a majority of the members of the Committee, determines by a recorded vote that consideration of specific matter shall be closed to the public pursuant to the Corporation's regulations implementing 5 U.S.C. 552b.

(d) Minutes shall be kept of each Committee meeting in the manner described in § 1601.24. The minutes shall be available for inspection by the public.

(e) Any Director and the President of the Corporation shall have access to the records of any Committee irrespective of whether he is a member of the Committee.

11. Section 1601.28 is amended to read as follows:

§ 1601.28 Officers.

The officers of the Corporation shall be a President, a Secretary, a Treasurer, a Comptroller, and such other officers as the Board determines to be necessary. The President of the Corporation shall be appointed by a majority of the Directors in office. Other officers shall be appointed by the President after consultation with the Board. The officers shall have such authority and perform such duties, consistent with the Act and these By-laws, as may from time to time be determined by the Board or, with respect to the other officers, by the President of the Corporation consistently with any such determination of the Board. The President of the Corporation shall provide supervision and direction to the other officers in the performance of their duties. Any officer may delegate whatever duties he deems appropriate

for delegation, consistent with determinations by the Board or, with respect to the other officers, by the President.

12. Section 1601.29 is amended to read as follows:

§ 1601.29 Election, term of office, and qualifications.

The President of the Corporation shall be appointed whenever a vacancy arises. The officers of the Corporation other than the President shall be appointed annually in September for the next ensuing fiscal year or whenever a vacancy arises. Each officer shall hold his office until his successor shall have been duly appointed or until he shall resign or shall have been removed in the manner provided in § 1601.30. Any two offices may be held by the same person, except the offices of the President of the Corporation and Secretary.

13. Section 1601.30 is amended to read as follows:

§ 1601.30 Removal.

The President of the Corporation may be removed by a majority of the Directors in office, and any other officer may be removed by the President after consultation with the Board, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

14. Section 1601.37 is revised to read as follows:

§ 1601.37 Compensation.

The compensation of the President shall be fixed from time to time by the Board, and the compensation of officers other than the President shall be fixed by the President after consultation with the Board. No officer of the Corporation may receive any salary or other compensation for services from any source other than the Corporation during his period of employment by the Corporation except as authorized by the Board.

Mario Lewis,

General Counsel, Legal Services Corporation.

[FR Doc. 80-26934 Filed 9-2-80; 8:45 am]

BILLING CODE 6820-35-M

Proposed Rules

Federal Register
Vol. 45, No. 172
Wednesday, September 3, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1139

[Docket No. AO-374-A6]

Milk in the Lake Mead Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rules.

SUMMARY: The hearing is being held at the request of a cooperative association to consider proposals to amend certain provisions of the Lake Mead milk marketing order. The major proposals would change the classification of milk used in ice cream and other frozen desserts and revise the basis of determining a partially regulated distributing plant's payment obligation under the order. Also, a proposal to use a single butterfat differential for adjusting the value of producer milk in all uses to the butterfat content of the milk will be considered, as well as a proposal that relates to a delivery requirement that a dairy farmer must meet during certain months in order to maintain continued producer status at a pool supply plant. Proponent contends that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: September 23, 1980.

ADDRESS: Showboat Hotel, 2800 East Fremont Street, Las Vegas, Nevada 89104.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, 202—447-7183.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Showboat Hotel, 2800 East Fremont Street, Las Vegas, Nevada, beginning at 9:30 a.m., on September 23, 1980, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Lake Mead marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal (Proposal No.10) relative to revising the basis for determining a partially regulated distributing plant's payment obligation brings under consideration the broader issue of the appropriate treatment to be accorded unregulated milk distributed in the Lake Mead Marketing area. Since consideration of this issue may result in the need for amending provisions other than those specified in Proposal No. 10, all provisions of the order that have a bearing on the issue are open for consideration at the hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Lake Mead Cooperative Association:

Proposal No. 1

Delete paragraph (b)(5) from § 1139.12.

Proposal No. 2

Delete paragraph (c) from § 1139.31.

Proposal No. 3

Revise paragraphs (b)(3) and (4) and paragraphs (c)(iv) through (viii) of § 1139.40 as follows:

§ 1139.40 Classes of utilization.

* * * * *

(b) * * *

(3) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese; and

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes.

(c) Class III milk. class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in any dry form;

(iv) Custards, puddings, and pancake mixes;

(v) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vi) Evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(vii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in paragraph (b)(1) of this section; and

(viii) Any product that is not a fluid milk product and that is not specified in paragraphs (b) or (c)(1)(i) through (vii) of this section;

* * * * *

Proposal No. 4

Revise § 1139.53 to read as follows:

§ 1139.53 Announcement of class prices.

The market administrator shall announce publicly on or before the 5th day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

Proposal No. 5

Delete § 1139.55.

Proposal No. 6

Revise paragraphs (a), (b), and (c) of § 1139.60 to read as follows:

§ 1139.60 Handler's value of milk for computing uniform price.

* * * * *

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1139.44 by the applicable class prices (adjusted pursuant to § 1139.52) and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1139.44(a)(14) and the corresponding step of § 1139.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1139.74, that are applicable at the location of the pool plant;

(c) Add the following:

(1) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant for the current month by the hundredweight of skim milk and butterfat substracted from Class I pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b); and

(2) The amount obtained from multiplying the difference between the Class III price for the preceding month and the Class II price for the current month by the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1139.44(a)(9) and the corresponding step of § 1139.44(b) for the current month; or

(ii) The hundredweight of skim milk and butterfat remaining in Class III after the computations pursuant to § 1139.44(a)(12) and the corresponding step of § 1139.44(b) for the preceding month, less the hundredweight of skim milk and butterfat specified in paragraph (c)(1) of this section.

* * * * *

Proposal No. 7

Revise § 1139.61 to read as follows:

§ 1139.61 Computation of uniform price.

* * * * *

(b) Add an amount equal to the total value of the location adjustments computed pursuant to § 1139.75;

(c) Add an amount equal to not less than one-half the unobligated balance in the producer-settlement fund;

(d) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1139.60(f); and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "uniform price."

Proposal No. 8

Revise § 1139.62 to read as follows:

§ 1139.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Proposal No. 9

Revise § 1139.74 to read as follows:

§ 1139.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

Proposal No. 10

Amend § 1139.76 to read as follows:

§ 1139.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount resulting from the following computations:

(a) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(b) Subtract the pounds of fluid milk products received at the partially regulated distributing plant;

(1) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(2) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(c) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(d) Multiply the remaining pounds by the difference between the Class I price and the uniform price, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price shall not be less than the Class III price); and

(e) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in (c) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 11

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Earl C. Born, 7 Parker Place, Suite 271, 2600 South Parker Road, Aurora, Colorado 80014, or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.

Office of the Administrator, Agricultural Marketing Service.

Office of the General Counsel.

Dairy Division, Agricultural Marketing Service (Washington office only).

Office of the Market Administrator, Lake Mead marketing area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: August 27, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-26945 Filed 9-2-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Civil Rights Division

Immigration and Naturalization Service

Parole Commission

8 CFR Ch. I

28 CFR Ch. I

Semiannual Regulatory Agenda; Deferral of Publication Date

AGENCY: Department of Justice.

ACTION: Deferral of publication date for Semiannual Regulatory Agenda.

SUMMARY: The Department of Justice is deferring publication of the semiannual Regulatory Agenda of three operating units of the Department.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Washington, D.C. 20530 ((202) 633-3452).

The Department of Justice announced at 44 FR 56520, October 1, 1979, that organizational units of the Department would publish their respective Semiannual Regulatory Agendas on July 31, 1980. The Agendas of the Land and Natural Resources Division and the Bureau of Prisons appeared in the Federal Register on July 31, 1980, and that of the Office of Justice Assistance, Research and Statistics on Aug. 1, 1980. The Department announced in the Federal Register at 45 FR 51832, August 5, 1980, the deferral of publication of the Agendas of the Civil Rights Division (CRD), the Drug Enforcement Administration (DEA), the Immigration and Naturalization Service (INS), and the United States Parole Commission (USPC) until on or before August 29, 1980. Subsequently, DEA published its Agenda at 45 FR 52397, August 7, 1980. However, the Department has not completed review of the Agendas of CRD, INS and USPC and, therefore, the final three Agendas for the Department will not be published until on or before September 30, 1980.

Dated: August 28, 1980.

Linda A. Donaghy,

Acting Administrative Counsel, Justice Management Division.

[FR Doc. 80-26791 Filed 9-2-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 375

[Docket No. RM80-65]

Exemption From All or Part of Part I of the Federal Power Act of Small Hydroelectric Power Projects With a Proposed Installed Capacity of 5 Megawatts or Less; Proposed Rulemaking and Public Hearing

Issued: August 28, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Proposed Rulemaking and Public Hearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to adopt a rule that would implement, in part, section 408 of the Energy Security Act of 1980. In section 408, the Congress provided the Commission with discretion to exempt certain small hydroelectric power projects from applicable provisions of the Federal Power Act (Act), either by means of case-by-case determinations or according to classes or categories of such projects. The proposed rule establishes procedures for case-by-case exemptions.

The Commission requests any interested party to comment on the proposed rule or to participate in a public hearing to be held on September 23, 1980. Hearing participants must notify the Secretary by September 19, 1980.

DATES: Written comments by September 29, 1980. Public Hearing at 10:00 a.m. on September 23, 1980.

ADDRESS: Location of Hearing: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Room to be posted.

FOR FURTHER INFORMATION CONTACT:

Ronald Corso, Director, Division of Hydropower Licensing, Office of Electric Power Regulation, Federal Energy Regulatory Commission. (202) 357-5321.

Howard Jack, Assistant General Counsel for Hydroelectric Licensing, Office of the General Counsel, Federal Energy Regulatory Commission. (202) 357-8448.

James Hoecker, Division of Regulatory Development, Office of the General Counsel, Federal Energy Regulatory Commission. (202) 357-9342.

The Federal Energy Regulatory Commission (Commission) proposes to establish procedures for exempting from all or part of Part I of the Federal Power Act (Act) certain small hydroelectric power projects (projects) having a proposed installed generating capacity of 5 megawatts or less. The rule would implement in part section 408 of the Energy Security Act of 1980 (ESA).[1] Under the rule as proposed, the Commission would provide such exemptions based on case-by-case determinations. The Commission will consider further rulemakings to exempt classes or categories of projects, as permitted by section 408(b) of the ESA.

I. Background

Title IV of the ESA, also known as the Renewable Energy Resource Act of 1980, contains a provision that amends the Public Utility Regulatory Policies Act of 1978 (PURPA) to authorize the Commission to exempt certain small hydroelectric power projects, on a case-by-case basis or by class or category of such projects, from all or part of Part I of the Act, including any licensing requirement.

Section 408 grants the Commission discretion to provide exemption under the following specified conditions. The proposed installed capacity of an exemptible project may not exceed 5 megawatts. To be exemptible, a project must utilize the water power potential of an existing dam, unless it is a project that will utilize a so-called "natural water feature" that does not require the creation of a dam or man-made impoundment. Such a natural water feature will commonly be an elevated lake or a waterway the topographical features of which permit diversion of some water for purposes of power generation. Finally, section 408 provides that certain environmental requirements apply to those projects that the Commission exempts from licensing. Those requirements include the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act and the consultation provisions in section 30 of the Federal Power Act that apply to exemption of small conduit hydroelectric facilities.

Prior to issuing this proposed rule, the Commission issued a Notice of the availability of a Draft rule and of Informal Conferences.[2] Pursuant to that notice, the Commission's staff took informal comments on the draft rule and related inquiries and held informal conferences on them in Washington,

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2708).

[2] 45 FR 49591, July 25, 1980.

D.C. on August 1, 1980 and August 12, 1980. In formulating this Notice, the Commission has considered the various comments received. Those comments, including transcripts of the two conferences, are available for inspection in the public files of the Commission. The proposed rule utilizes case-by-case determinations based on information provided by individual applicants to provide exemptions for small hydroelectric power projects.[3] The Commission proposes to exempt small hydroelectric power projects in much the same way it now exempts small conduit hydroelectric facilities.[4]

II. Summary of the Rule, With Questions for Comment

The proposed rule applies to applications for exemptions of small hydroelectric power projects having a proposed installed generating capacity of 5 megawatts or less. A small hydroelectric power project is defined as a project located on non-Federal lands [5] that uses the water power potential of an existing dam or a natural water feature without need for a dam or man-made impoundment.

The applicability provision specifically states that a small hydroelectric power project that is part of any licensed multidevelopment hydroelectric power project does not qualify for exemption. The Commission requests comment on the implications of so limiting the applicability of the rule. Under what circumstances would exemption of integral portions of licensed projects be appropriate? If exemption from licensing were prohibited for such projects, from which other provisions of the Federal Power Act might exemption be reasonable and feasible?

The proposed rule defines the term "project" more narrowly than does section (3)(11) of the Act. Neither the ESA nor PURPA defines "project." However, both statutes state that a small hydroelectric power project relate to *an* existing dam, thereby implying that such a project involves a single impoundment. Under the proposed rule, a project would include only those facilities directly associated with a single man-made impoundment or a natural lake. Under section (3)(11) of the Act, a "complete unit of development" might include more than one impoundment and a series of hydraulically coordinated dams. As stated above, a project, as defined by this rule, is not exemptible if it comprises part of such a multi-development licensed project, as the term "project" used in section (3)(11) of the act. Because the proposed definition of "project" is more circumscribed and therefore may include fewer generating units, eligibility for exemption will be greater than if "project" were construed to include all dams, impoundments, and powerhouses in a large coordinated unit of development. If there is no lake or impoundment, "project" is defined in the proposed rule to include the diversion structure and the facilities associated with it. The commission expects that the definitions in this rule will further the purposes of section 408 of the ESA to encourage small hydropower development.

The scope of the proposed definition of "project" is sufficiently broad to exclude from exemption any in a series of separately developed generation facilities that have an aggregate capacity in excess of 5 megawatts and that depend on the same impoundments. The National Alliance for Hydroelectric Energy has proposed [6] that such individual units be made exemptible. These developable sites could be distinguished from one another on the basis of separate ownership or historical use, the Alliance argues generally. The proposed rule does not accommodate this proposal because of the difficulties of establishing criteria for what constitutes such a separate "project" under separate ownership. The Commission acknowledges the Alliance's concern and asks for specific suggestions for resolving these difficulties. However, the Commission believes it is important that the rule not provide a means for subverting the 5 megawatt limitation on exemptible projects imposed by the Congress.

The statutory term "proposed installed capacity" is interpreted in the proposed rule to mean that an applicant must proposed to add some new generating capacity at a project in order for the project to qualify for an exemption. This would include proposals to install capacity where none existed previously, to replace or rehabilitate abandoned or inoperable existing capacity at a project, and to add capacity where there is existing operable capacity. This interpretation reflects the purpose of section 408 of the ESA to encourage development of hydropower. The proposed installed capacity will be computed as the sum of both newly developed capacity and existing capacity and may not exceed 5 megawatts in the aggregate.

Section 4.103 describes who may apply for an exemption and how such application will be treated in relation to other applications, permits, or licenses. Under the proposed rule only a person who has a property interest such as ownership in fee, a leasehold, easement, right-of-way, or an option to obtain such interest, sufficient to permit development of the project may apply for an exemption. This prevents a person who lacks the requisite property interest to develop the project from obtaining an exemption for another person's project.[7] The rule does not require that a person have such ownership interests in the entire project to be considered a "project owner." A person need only possess sufficient interest in the project to develop hydroelectric power at the site.

Section 4.103(b) of the proposed rule is designed to protect a person other than the project owner who has already applied for a permit or license, or who holds a permit, from being defeated by a project owner's untimely application for exemption from licensing. The Commission will accept an exemption application or a notice of intent to file such application only if it is filed during the protest and intervention period prescribed in the public notice for the permit or license application. With this exception, the Commission will not accept any applications for exemption from licensing if, on the date such application is submitted, a person other than the project owner has an unexpired preliminary permit or license, or the Commission has accepted a preliminary permit or license application from a person other than the project owner.

On the other hand, a project owner who has filed for or obtained an exemption from licensing would be protected from permit or license applicants that would seek to take and develop the project. The Commission will not accept an application for a preliminary permit or license from a person other than the project owner if, on the date the application is submitted, the project is exempt from licensing or

[3] The Commission will consider further rulemakings that implement the provision in section 408(b) allowing the Commission to exempt "classes or categories" of projects, thereby obviating any application procedure.

[4] *See*, Order No. 76, 45 FR 28085, April 19, 1980.

[5] This rule does not extend to projects located at United States dams or which are located wholly or in part on lands which the United States owns in fee. The Commission is still considering the legal and policy implications of exemptions for those kinds of projects before proposing any rules covering them.

[6] Transcript, In the Matter of Section 408 of the Energy Security Act of 1980, August 12, 1980, Central Files (Docket No. RM80-65), Federal Energy Regulatory commission, at 47-50.

[7] Under Part I of the Federal Power Act and Part 4 of the Commission's regulations, a person need not have sufficient property interest to develop power at a site in order to obtain a preliminary permit or a license.

the Commission has accepted an application for exemption submitted by the project owner.

A project owner may convert an application for license to an application for exemption at any time during the period for filing protests and petitions for intervention prescribed in the public notice for the license application. A project owner may also apply for a license even if the project has been exempted. However, such a license application would then be open to competition.

Paragraph (b)(1)(v) of proposed § 4.103 contains noteworthy provisions about Commission treatment of applications that propose to develop the same project. An exemption application submitted in competition with, and during the public notice period for, an application for a preliminary permit will be preferred to the permit application. Likewise, the Commission will favor an exemption application that competes with an accepted license application, unless the license applicant would significantly better develop the water power potential at the project.

Municipalities or other public entities that are not project owners and that apply for preliminary permits or licenses that compete with exemption applications will be governed by the same rules as other applicants that are not project owners and will not receive the preferential treatment provided in § 4.33.

The protections for project owners in the proposed rule are greater than the alternative protections in the draft rule and also greater than alternatives proposed by the American Public Power Association (APPA) in its comments on the draft rule. Under the provisions of the draft rule, the project owner could not file an exemption application if a preliminary permit or license application by a non-owner had previously been accepted. The project owner could, however, file a competing permit or license application. But the draft rule contained no preference for the project owner who later filed for a permit or license. Both the proposed rule and the draft rule would preclude permit or license applications by non-owners if an exemption application has been accepted. Under APPA's alternative,[8] any application for exemption from licensing filed by a project owner that is neither a State nor a municipality would be subject to the State/municipal preference in section 7(a) of the Federal Power Act, if the plans of a competing State or municipality that is not a project owner were at least as well adapted to conserve and utilize in the public interest the water resources of the region. APPA also proposed that the Commission accept competing preliminary permit or license applications by a non-owner at any time during the 120 days following notice that a project owner's application for exemption from licensing is accepted for filing. The Commission specfically requests comments on the comparative merits of the three basic alternatives presented in the proposed rule, the draft rule, and in APPA's proposals.

Section 4.104 of the proposed rule contains the procedures and timing provisions for Commission action on an application. Once an application is submitted, the Commission will allow only 45 days for correcting deficiencies. The Commission may on its own motion, or on the motion of any party in interest, order a hearing on an application for exemption. Interested agencies will have 60 days to comment on an application. if an agency does not comment within the 60 days, the agency will be presumed to have no objection to the exemption requested. If the Commission does not act within 120 days of the notice that an application is accepted, it is automatically granted on certain standard conditions.

The proposed rule specifies, in § 4.105, four standard conditions of every exemption. The installation of new capacity at the exempted project must begin within one year of the date of issuance of the exemption. Failure to begin development of the project on a timely basis may lead to revocation of the exemption. The Commission may also revoke an exemption for a project if construction or development of the exempted facilities is not completed within 4 years from the date of issuance of an exemption. These provisions are designed to prevent tying up the project site for an unreasonable time without development. The Commission believes that the periods allowed are reasonable to develop a project. Other standard conditions relate to the Commission's enforcement powers, compliance with conditions imposed by fish and wildlife agencies, and the navigation servitude of the United States to which all exempted projects on navigable waters remain subject.

The Commission may provide further (non-standard) conditons in each exemption based on the circumstances of the exemptible project, under § 4.104(f). For example, the Commission will be concerned about the safety of project works. If a project contains a dam that is 10 or more meters in height above streambed, impounds 2.5 million or more cubic feet of water, or is determined to have a high hazard potential, the Commission may require periodic inspection of the project by an independent consultant.[9]

The proposed rule describes the required format and contents of the application for exemption in § 4.106. The application includes an introductory statement, which identifies the applicant and the project, as well as Exhibits A, B, E, and G.

Exhibit A must include a description of the facility and the proposed mode of operation. Exhibit B is a general location map.

Exhibit E is an environmental report submitted to facilitate compliance with the National Environmental Policy Act. It also contains information to facilitate compliance with the National Historic Preservation Act, the Endangered Species Act, and the Fish and Wildlife Coordination Act. In granting exemptions, the Commission must comply with these statutes.

Exhibit G is a set of drawings showing structures and equipment. These drawings will permit the Commission to review the project structures, existing and proposed, in order to understand their environmental and dam safety implications.

Any applicant for exemption from selected parts of the Act other than the licensing requirements could request a waiver under § 1.7 of the Commission's regulations for those informational requirements in § 4.106 that were not relevant to the limited exemption sought.

This notice also proposes to delegate to the Director of the Office of Electric Power Regulation the limited authority to approve applications for exemptions from all or part of Part I of the Act, provided an environmental impact statement is not required, for small hydroelectric power projects or small conduit hydroelectric power projects.

III. Comment Procedure

Interested persons are invited to submit written views, comments, or suggestions in writing concerning all or part of the regulations proposed in this notice.

An original and 14 copies of all comments should be filed with the Secretary not later than September 29, 1980, at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Comments should indicate the name, title, mailing

[8] Transcript, *supra*, August 12, 1980, at 4.

[9] These criteria are in Subpart D of the Commission's proposed Regulations Governing the Safety of Water Power Projects and Project Works, issued June 16, 1980, 45 FR 41608, June 19, 1980 (docket No. RM80-31).

address, and telephone number of the person to whom communications concerning the proposal may be addressed. Comments should reference Docket No. RM80-65 on the outside of the envelope and on all documents submitted to the Commission. Written comments will be placed in the Commission's public files and will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington D.C. 20426 during regular business hours.

A public hearing concerning this proposed rule will be held at 825 North Capitol Street, N.E., Washington D.C. 20426 on September 23, 1980, beginning at 10 a.m. The room number will be posted on that day. Any person interested in this proceeding or representing a group with such an interest may make a presentation at the hearing, provided a written request to participate is submitted to the Secretary of the Commission by September 19, 1980. Requests to participate should refer to Docket No. RM80-65. Participants are asked to supply the panel and the reporter with written copies of their comments. The hearing will not be a judicial evidentiary-type hearing. There will be no cross-examination of participants but the panel may ask questions of those presenting their views. The hearing will be open to the public. A transcript of the proceeding will be made available to the public through the Commission's Division of Public Information.

(Energy Security Act of 1980, Pub. L. 96-294, 94 Stat. 611; Federal Power Act, as amended, 16 U.S.C. 792-8286; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645; and the Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 142 (1978))

By direction of the Commission.

Keneth F. Plumb,

Secretary.

1. Part 4 is amended in the Table of Contents by adding subpart K to read as follows:

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

Subpart K—Exemption of Small Hydroelectric Power Projects of 5 Megawatts or Less

Sec.
4.101 Purpose and applicability.
4.102 Definitions.
4.103 Filing exemption applications.
4.104 Action on exemption applications.
4.105 Standard terms and conditions of exemption.
4.106 Contents of application.

2. Part 4 is amended by adding Subpart K to read as follows:

Subpart K—Exemption of Small Hydroelectric Power Projects of 5 Megawatts or Less

§ 4.101 Purpose and applicability.

(a) This subpart implements the amendments to sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (PURPA) contained in Title IV of the Energy Security Act of 1980. The purpose of that title is to encourage development of renewable energy resources, including development of water resources for electric power generation. This subpart provides a procedure for obtaining exemption from all or part of Part I of the Federal Power Act (Act) for certain small hydroelectric power projects on a case-by-case basis, pending development of exemptions for classes or categories of such projects.

(b) This subpart applies to any small hydroelectric power project, as defined in this subpart, except any single impoundment and any associated dam and other facility that are part of a licensed project that contains two or more impoundments and associated dams and facilities.

§ 4.102 Definitions.

For the purposes of this subpart—

(a) "Dam" means any structure for impounding water.

(b) "Existing dam" has the meaning set forth in section 408(a)(6) of PURPA.

(c) "Fish and wildlife agencies" means the U.S. Fish and Wildlife Service, the National Marine Fisheries Service if anadromous or estuarine fish may be affected, and any state agency with administrative authority over fish and wildlife resources of the state or states in which the small hydroelectric power project is or will be located.

(d) "Non-Federal lands" means any lands except lands to which the United States holds fee title.

(e) "Project means:

(1) the impoundment and any associated dam, intake, water conveyance facility, power plant, primary transmission line, and other appurtenant facility, if a lake or similar natural impoundment or a man-made impoundment is used for power generation; or

(2) any diversion structure and any associated water conveyance facility, power plant, primary transmission line, and other appurtenant facility, if a natural water feature other than a lake or similar natural impoundment is used for power generation.

(f) "Project owner" means any citizen or association of citizens of the United States, state, municipality, or corporation incorporated under the laws of the United States or a state, that has real property interests, such as ownership in fee, easement, right-of-way, or leasehold, sufficient to permit development of the small hydroelectric power project, or an option to obtain such property interests.

(g) "Small hydroelectric power project" means any water prower project located on non-Federal lands in which capacity will be installed or increased after the date of application under this subpart and which will have a total installed capacity of not more than 5 megawatts and that:

(1) utilizes for electric power generation the water power potential of an existing dam that is not owned by the United Stats or operated by any instrumentality of the Federal Government, including the Tennessee Valley Authority; or

(2) utilizes or proposes to utilize a natural water feature for the generation of electricity, without the need for any dam or man-made impoundment.

§ 4.103 Filing exemption applications.

(a) *Who may apply.* Any project owner of a small hydroelectric power project may apply for exemption of that project from all or part of Part I of the Act, including licensing.

(b) *Relationship to other applications, permits, and licenses.* For purposes of this subpart, the Commission will treat preliminary permit and license applications, preliminary permits, licenses, and applications for exemption from licensing that are related to a small hydroelectric power project as follows:

(1) *Pending permit or license application or outstanding preliminary permit or license.* (i) Except as provided in clause (ii), the Commission will not accept for filing any application for exemption from licensing if there is on the date that application is submitted:

(A) an unexpired preliminary permit or license for the small hydroelectric power project held by a permittee or licensee other than the project owner; or

(B) an accepted preliminary permit or license application for the small hydroelectric power project submitted by an applicant other than the project owner.

(ii) (A) If an applicant other than the project owner has filed, and the Commission has accepted, an application for a preliminary permit or license for a small hydroelectric power project, the project owner may submit an application for exemption from licensing, or a notice of intent to file such an application, as described in this paragraph. Such application or notice

must be submitted not later than the last date for filing protests or petitions to intervene prescribed in the public notice issued under § 4.31(c)(3) for the preliminary permit or license application.

(B) Any project owner that files a conforming notice of intent under this paragraph must submit the application for exemption not later than 120 days after the last date for filing protests or petitions to intervene prescribed in the public notice of the preliminary permit or license application.

(C) Any notice of intent to submit an application for exemption from licensing must conform to the requirements of § 4.33(b) and contain a sworn statement that the prospective applicant is the project owner, as defined in § 4.102(f). The notice of intent and the subsequent application for exemption from licensing must be accompanied by proof of service of a copy of the notice or application on the person specified in § 4.33(d)(3).

(iii) If the project owner has filed, and the Commission has accepted, an application for license for a small hydroelectric power project, the project owner may convert that application to an application for exemption from licensing by so notifying the Commission in writing and submitting documentary evidence showing that the applicant is the project owner. Such notice and documentation must be submitted not later than the last date for filing protests or petitions to intervene prescribed in the public notice of the license application issued under § 4.31(c)(2) of this chapter.

(iv) Any accepted license or preliminary permit application submitted by a project owner that later applies for exemption of the small hydroelectric power project from licensing will retain its validity and priority under Subpart D of this part until the project owner withdraws the license or preliminary permit application or the small hydroelectric power project is exempted from licensing under this subpart.

(v) (A) If an accepted application for a preliminary permit and an accepted application for exemption from licensing propose to develop mutually exclusive small hydroelectric power projects, the Commission will favor the applicant for exemption.

(B) If an accepted application for a license and an accepted application for exemption from licensing propose to develop mutually exclusive small hydroelectric power projects, the Commission will favor the applicant for exemption unless the plans for the license applicant would significantly better develop the water power potential of the water resources at the project.

(2) *Pending exemption application or outstanding exemption.* (i) Except as permitted under clause (iii), the Commission will not accept a preliminary permit or license application for any small hydroelectric power project that is submitted by any applicant other than the project owner if, on the date of the application is submitted:

(A) such project is exempt from licensing, under this subpart; or

(B) the Commission has accepted an application submitted by the project owner for exemption of that project from licensing.

(ii) A project owner may at any time submit a preliminary permit or license application for its small hydroelectric power project, even if the project is exempt from licensing under this subpart or the project owner has submitted an application for exemption of that project from licensing. Any pending application for exemption from licensing of the small hydroelectric power project will be considered withdrawn as of the date that the Commission accepts for filing a preliminary permit or license application submitted by the project owner.

(iii) If the project owner submits a preliminary permit or license application for a small hydroelectric power project, competing preliminary permit or license applications may be submitted under § 4.33 of this part by applicants other than the project owner.

§ 4.104 Action on exemption applications.

(a) An application for exemption for a small hydroelectric power project will be processed in accordance with paragraphs (c) through (g) of § 4.31 of this part, except that notice will be published only once in a daily or weekly newspaper of general circulation in each county in which the project is or will be located. The additional time that may be allowed under § 4.31(d) of this part for correcting deficiencies in an application for exemption may not exceed 45 days.

(b) The Commission may order a hearing on an application for exemption either on its own motion or on the motion of any party in interest. Any hearing shall be limited to the issues prescribed by the order of the Commission.

(c) the Commission will circulate a notice of application for exemption to interested agencies at the time the applicant is notified that the application is accepted for filing. Fish and wildlife agencies will also receive copies of the application. If a particular agency does not comment within 60 days from the date of issuance of the notice, that agency will be presumed to have no comment on or objection to the exemption requested. A fish and wildlife agency that does not comment within that time will also be presumed to have determined that no terms or conditions of exemption are necessary to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act, except those terms or conditions that may be included in Exhibit E of the application of exemption.

(d) If the Commission has not taken one of the actions set forth in paragraph (e) of this section within 120 days after notifying the applicant that its application for exemption is accepted for filing, the requested exemption will be deemed to be found consistent with the public interest and the application will be considered granted as requested, on the standard terms and conditions set forth in § 4.105.

(e) Within 120 days after notifying an applicant that its application for exemption is accepted for filing, the Commission may take any of these affirmative actions:

(1) grant the exemption as requested;

(2) grant an exemption from provisions of Part I of the Federal Power Act (and the regulations issued under those provisions) other than those for which exemption was requested, upon finding that modification of the exemption requested is in the public interest;

(3) deny exemption if the granting of the exemption would be inconsistent with the public interest; or

(4) suspend the 120-day period for action under this paragraph, upon finding that additional time is necessary for gathering additional information, conducting additional proceedings, or deliberating on the issues raised by the application.

(f) In granting an exemption the Commission may prescribe terms or conditions in addition to those set forth in § 4.105 in order to:

(1) protect the quality or quantity of the related water supply;

(2) otherwise protect life, health, or property;

(3) avoid or mitigate adverse environmental impact; or

(4) better conserve, develop, or utilize in the public interest the water power resources of the region.

§ 4.105 Standard terms and conditions of exemption.

Any exemption granted under this subpart for a small hydroelectric power

project is subject to the following standard terms and conditions:

(a) *Article 1.* The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt project. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalities under Part III of the Federal Power Act.

(b) *Article 2.* The construction, operation, and maintenance of the exempt project must comply with any terms and conditions that any Federal or state fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the purposes of the Fish and Wildlife Coordination Act.

(c) *Article 3.* The Commission may revoke this exemption if the project owner has not begun actual construction or development of any proposed generating facilities within one year, or completed construction or development of such proposed facilities within four years, from the date on which the exemption was granted.

(d) *Article 4.* This exemption is subject to the navigation servitude of the United States if the project is located on navigable waters of the United States.

§ 4.106 Contents of application.

(a) *General requirements.* (1) An application for exemption under this subpart must contain the introductory statement and exhibits described in this section and an appendix containing documentary evidence showing that the applicant is the project owner. An application for exemption of a small hydroelectric power project must conform to the requirements set forth in §§ 1.5 and 1.14 through 1.17 of this chapter.

(2) An original and fourteen copies of the exemption application must be submitted to the Secretary of the Commission, and a copy must be served at the same time on the Commission's regional engineer for the region in which the project is located. Full-sized prints of all required maps and drawings must be filed with the application. Maps and drawings need not conform to the requirements of § 4.32 of this part, but must be of sufficient size, scale, and quality to permit easy reading and understanding. The Commission will request original drawings (microfilm) when it notifies the applicant that the application is accepted.

(b) *Introductory Statement.* The applicant must submit an introductory statement that conforms to the following format:

Before the Federal Energy Regulatory Commission

Application for Exemption of Small Hydroelectric Power Project

(1) [Name of applicant] applies to the Federal Energy Regulatory Commission for an exemption for [name of project], a small hydroelectric power project that is proposed to have an installed capacity of 5 megawatts or less, from certain provisions of the Federal Power Act. [If applicable: The project is currently licensed as FERC Project No. ———.]

(2) The location of the project is:

[State or territory] ———————
[County] ———————
[Township or nearby town] ———————
[Stream or body of water] ———————

(3) The exact name and business address of each applicant are:

———————
———————
———————

(4) The exact name and business address of each person authorized to act as agent for the applicant in this application are:

———————
———————
———————

(5) [Name of applicant] is [specify, as appropriate: a citizen of the United States; an association of citizens of the United States; a municipality; a state; or a corporation incorporated under the laws of (specify the United States or the state of incorporation, as appropriate)] and is the project owner.

(6) The provisions of Part I of the Federal Power Act for which exemption is requested are:

[List here all sections or subsections for which exemption is requested; or, if all, state "All".]

(c) *Exhibit A.* Exhibit A must describe the small hydroelectric power project and its proposed mode of operation. To the extent feasible, the information in this exhibit may be submitted in tabular form. The applicant must submit the following information:

(1) A brief description of any existing dam and impoundment proposed to be utilized by the small hydroelectric power project and any other existing or proposed project works and appurtenant facilities, including intake facilities, diversion structures, powerhouses, primary transmission lines, penstocks, pipelines, spillways, and other structures, and the sizes, capacities, and construction materials of such structures.

(2) The number of existing and proposed generating units at the project, including auxiliary units, the capacity of each unit, any provisions for future units, and a brief description of any plans for retirement or rehabilitation of existing generating units.

(3) The type of each hydraulic turbine.

(4) A description of how the power plant is to be operated, that is, run-of-river or peaking.

(5) A graph showing a flow duration curve for the project or, if flow data are not available from United States Geological Survey records, the estimated average annual stream flow in cubic feet per second.

(6) Estimations of:

(i) the average annual generation in kilowatt hours;

(ii) the average and design head of the power plant;

(iii) the hydraulic capacity of each turbine of the power plant (flow through the plant) in cubic feet per second;

(iv) the number of surface acres of the man-made or natural impoundment used, if any, at its normal maximum surface elevation and its net and gross storage capacities in acre-feet.

(7) The planned date for beginning and completing the proposed construction or development of generating facilities.

(8) A description of the nature and extent of any repair, reconstruction, or other modification of a dam that would occur in association with construction or development of the proposed small hydroelectric power project, including a statement of the normal maximum surface area and normal maximum surface elevation of any existing impoundment before and after construction.

(d) *Exhibit B.* Exhibit B is a general location map that must show the following information:

(1) The location of the existing and proposed physical structures of the small hydroelectric power project, including any dam or diversion structure, reservoir or impoundment, penstocks, pipelines, power plants, access roads, transmission lines, and other important features.

(2) The relationship of the project structures to the stream or other body of water on which the project is located and to the nearest town or any permanent monuments or objects, such as roads, transmission lines, or other structures, that can be readily recognized in the field.

(3) A description of who owns or has other property interests in any tract of land occupied by the project.

(e) *Exhibit E.* This exhibit is an environmental report that must include the following information, commensurate with the scope and environmental impact of the construction and operation of the small hydroelectric power project:

(1) A description of the environmental setting in the vicinity of the project, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational uses, socio-economic conditions, historical and archeological resources, and visual resources.

The report must give special attention to endangered or threatened plant and animal species, critical habitats, and sites eligible for or included on the National Register of Historic Places. The applicant may obtain assistance in the preparation of this information from state natural resources agencies, the state historic preservation officer, and from local offices of Federal natural resources agencies.

(2) A description of the expected environmental impacts resulting from any proposed construction or development and any changes in the operation of small hydroelectric power project with existing installed capacity, or from the proposed construction and operation of a small hydroelectric power project without any existing installed capacity, including a discussion of the specific measures proposed by the applicant, the agencies, and others to protect and enhance environmental resources and to mitigate adverse impacts of the project on them.

(3) Letters or other documentation showing that the applicant consulted or attempted to consult with fish and wildlife agencies before filing the application, including any terms or conditions of exemption that those agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act. If any fish or wildlife agency fails to provide the applicant with documentation of the consultation process within a reasonable time, in no case less than 30 days, after such documentation is requested, the applicant may submit a summary of the consultation and any determinations of the agency. Any exemption application that does not contain the information required in this subparagraph will be considered patently deficient and rejected pursuant to § 4.31(d) of this part.

(4) Any additional information the applicant considers important.

(f) *Exhibit G.* Exhibit G is a set of drawings showing the structures and equipment, that is, the proposed and existing project works, of the small hydroelectric power project. The drawings must include plan, elevation, profile, and section views of the power plant and any other principal structure and of any existing dam.

PART 375—THE COMMISSION

3. Section 375.308 is amended by adding a new paragraph (ll) to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulations.

The Commission authorizes the Director of the Office of Electric Power Regulation, or in the Director's absence, the Director's designee to:

* * * * *

(ll) Grant or grant with modifications, but not to suspend the time for action on or to deny, any uncontested application submitted under Subparts J or K of Part 4 of this Chapter for exemption from all or part of Part I of the Federal Power Act, if an environmental impact statement is not required.

[FR Doc. 80-26946 Filed 9-2-80; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 272

[Docket No. RM79-44]

Petition for Proposed Rulemaking Involving High-Cost Natural Gas; Extension of Time for Comments

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Extension of Time for Comments.

SUMMARY: On June 30, 1980, the Commission issued a Notice of Petition for Proposed Rulemaking involving high-cost natural gas described in Section 107 (b) and (c) of the Natural Gas Policy act (NGPA) in Docket No. RM79-44 (45 FR 45597, July 7, 1980). The Commission's notice prescribed a comment period ending August 15, 1980. This document extends the comment period.

DATE: The comment period is hereby extended to September 14, 1980.

FOR FURTHER INFORMATION CONTACT: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. (202) 357-8400.

August 25, 1980.

On August 18, 1980, Kerr-McGee Corporation filed a request for an extension of time to file comments on the Commission's Notice of Petition for Rulemaking issued June 30, 1980, in the above-docketed proceeding. The motion states that additional time is required because of the company's current involvement in other Commission proceedings.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including September 14, 1980.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-26963 Filed 9-2-80; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-80-845]

Proposed Revision of Use of Materials Bulletin No. 78 for Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly (Vinyl Chloride) (PVC) and Polybutylene (PB) Plastic Piping for Domestic Cold Water Service

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

ACTION: Proposed Rule.

SUMMARY: This Proposed Rule revises HUD Use of Materials Bulletin No. 78 (UM 78) dated April 25, 1978. At the request of industry, the proposed revision incorporates into UM 78 the following two existing American Society of Testing and Materials (ASTM) national standards:

American Society for Testing and Materials Standard No. D 2662—78 Standard Specification for Polybutylene (PB) Plastic Pipe (SDR-PR)

American Society for Testing and Materials Standard No. D 2666—75 Standard Specification for Polybutylene (PB) Plastic Tubing.

DATE: Comment due date: November 3, 1980.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include name and address, refer to the document by the docket number

indicated by the headings, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above. The proposal may be changed in the light of comments received.

FOR FURTHER INFORMATION CONTACT: Lynford K. Snell, Materials Acceptance Division, Office of Architecture and Engineering Standards, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone: (202) 755-5929. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: HUD Use of Materials Bulletin No. 78 (UM 78) was published on April 25, 1978 as an update and consolidation of earlier HUD Use of Materials Bulletins No. 31e, 41a and 43, covering plastic materials for domestic cold water service. UM 78 sets forth the requirements and conditions for HUD Field Office acceptance of a number of plastic piping materials used in domestic cold water service. Included were references for the acceptance, design and installation of Polybutylene (PB) piping.

After publication of UM 78, two manufacturers of PB pipe and tubing noted that two appropriate national standards of the American Society for Testing and Materials (ASTM) had been omitted and should be included. They requested HUD to revise UM 78 to include the two references identified above. After a review by a nationally known HUD consultant, Use of Materials Bulletin No. 78 was revised and is herewith proposed for promulgation as HUD Use of Materials Bulletin No. 78a.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, 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.

A copy each of UM 78 and of proposed revised UM 78a are available for review during regular business hours in the Office of Architecture and Engineering Standards, Room 6178, or in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of Housing and Urban Development Act of 1965, 79 Stat. 670; 42 U.S.C. 3535(d); Sec. 211, 52 stat. 23; 12 U.S.C. 1715b and 81 Stat. 54; 5 U.S.C. 552(a))

Issued at Washington, D.C. on July 24, 1980.

Clyde McHenry,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-26815 Filed 9-2-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 888

[Docket No. R-80-851]

Fair Market Rents for New Construction and Substantial Rehabilitation Section 8 Projects; Battle Creek, Mich.

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This Proposed Rule will amend the Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the Battle Creek, Michigan Market Area by adding a new structural classification. This classification relates to two, three, and four bedroom units in detached structures that are either new or substantially rehabilitated.

DATE: Comment Due Date: Comments are due on or before September 18, 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development, 451—7th Street, S.W., Washington, D.C. 20410, (202) 755-7603. This is not a toll-free number. Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the heading, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk, at the address listed above. In order to expedite consideration of comments, an information copy of your comment should be forwarded to the Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Supervisory Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451—7th Street, S.W., Washington, D.C. 20410, (202) 755-5743. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Recent comments and data have been received from the Grand Rapids Service Office indicating an immediate need to amend the Fair Market Rents for Section 8 Newly-Constructed and Substantially Rehabilitated Projects in order to include a new structural classification. This classification relates to two, three, and four bedroom units in detached structures for Battle Creek, Michigan. The last Annual Revision of all Fair Market Rents (see 24 CFR, Part 888, Schedule A) was published at 45 FR 2534 on January 11, 1980 in the Federal Register.

It has been determined that because of the immediate need to provide amended Fair Market Rents, a 15-day comment period is reasonable and in the public interest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This Special Revision is not included in the Agenda of Significant Rules published in accordance with Executive Order 12044.

It is therefore proposed that Schedule A of Subpart A Part 888 be amended as set forth below.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))).

Issued at Washington, D.C. on July 25, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1981 to allow time for processing new construction and substantial rehabilitation rental projects.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, and (3) single room occupancy dwelling units are those for zero bedroom units of the same type.

BILLING CODE 4210-01-M

AREA OFFICE GRAND RAPIDS, MICH. REGION. V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BATTLE CREEK	DETACHED			445	510	560
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[FR Doc. 80-26829 Filed 9-2-80; 8:45 am]
BILLING CODE 4210-01-C

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program State-Federal Cooperative Agreements; Montana

AGENCY: Department of the Interior, Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice of Intent to Propose Rulemaking.

SUMMARY: The Office of Surface Mining and Reclamation and Enforcement (OSM) intends to commence rulemaking to enter into a cooperative agreement between the Department of the Interior and the State of Montana for the regulation of surface coal mining and reclamation operations on Federal lands in Montana under the permanent regulatory program.

This agreement will replace the copperative agreement between the Department and the State of Montana found at 30 CFR 211.77(e) and 44 FR 33640–47, June 11, 1979. The cooperative agreement was promulgated pursuant to the Surface Mining Control and Reclamation Act of 1977, and relates to State regulation of Federal lands under OSM's interim regulatory program. This notice announces OSM's intent to enter into a cooperative agreement for the purpose of establishing Montana's role in the administration of the permanent regulatory program on Federal lands.

DATES: Comments must be received on or before November 3, 1980, at the Office listed below under "Address" by no later than 5 p.m.

Representatives of OSM will be available to meet with interested persons upon request between September 3, 1980 and November 3, 1980. A supplemental notice will announce the date and location for a public hearing.

ADDRESS: Written comments must be mailed or hand delivered to the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202. Comments received will also be available for inspection at this address.

Copies of the proposed agreement and of the related information required under 30 CFR 745 are available for inspection at Montana Department of State Lands, 1625 11th Avenue, Helena, Montana, 59601; Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Region V, Office of Surface Mining, U.S. Department of the Interior, Brooks Tower, 15th Street, Denver, Colorado 80202, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

FOR FURTHER INFORMATION CONTACT: Donald Crane, Regional Director, Region V, Office of Surface Mining, U.S. Department of the Interior, Brooks Tower, 1020 15th Street, Denver, Colorado 80202, (303) 837–5421.

SUPPLEMENTARY INFORMATION: Rulemaking Under 30 CFR 745 and 43 CFR 14. The regulations for the development, approval, administration and enforcement of permanent program cooperative agreements appear at 30 CFR 745. On June 4, 1980, the State of Montana submitted a proposed permanent program cooperative agreement and the related information required by 30 CFR 745.11(b). On August 11, 1980, representatives of the State of Montana and the Office of Surface Mining agreed to certain revisions of the proposed cooperative agreement submitted on June 4. The revised proposal is the basis for this Notice. The information submitted by the State of Montana on June 4, 1980, is available for inspection at the locations listed above under the heading "Address."

This notice of itent to proposed rulemaking is issued pursuant to 30 CFR 745.11(c) and 43 CFR 14.5(b)(2). (The latter regulations are the Department of the Interior's rulemaking procedures.)

Pursuant to 30 CFR 745.11(c)(3), this notice specifies that the public comment period within which representatives of the public may submit written comments on the proposed permanent program cooperative agreement with the State of Montana will be 60 days. OSM intends to publish a Notice of Proposed Rulemaking and Notice of Public Hearing in the near future. See 30 CFR 745.11(c) and (d) and 43 CFR 14.5(b)(3).

Background

Consistent with congress' intent that implementation of the Surface Mining Act be accomplished in two phases, Section 523(c) of that Act provides for two kinds of State-Federal cooperative agreements. The second sentence of Section 523(c) provides that "[S]tates with cooperative agreements existing on the date of enactment of this Act, may elect to continue regulation on Federal lands within the State, prior to approval by the Secretary of their State program, or imposition of a Federal program, provided that such existing cooperative agreement is modified to fully comply with the initial regulatory procedures set forth in Section 502 of this Act." 30 U.S.C. 1273(c). Six States had cooperative agreements with the Department of the Interior prior to August 3, 1977. (Wyoming, Utah, New Mexico, North Dakota, Montana and Colorado.) On June 11, 1979, Montana's pre-August 3, 1977, cooperative agreement was modified to fully comply with the initial program regulations promulgated pursuant to Section 502 of the Surface Mining Act. 44 FR 33640–47, June 11, 1979. 30 CFR 211.77(e).

The first sentence of Section 523(c) of the Surface Mining Act provides that "[a]ny State *with an approved State program* may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provisions of this Act." 30 U.S.C. 1273(c) (emphasis added). For purposes of this notice, such agreements are called "permanent program cooperative agreements." The procedures for States to elect to enter into permanent program cooperative agreements are found in 30 CFR 745.

By letter of June 4, 1980, the Governor of the State of Montana submitted a request for a cooperative agreement between the State of Montana and the Department of the Interior pursuant to 30 CFR 745.11. This request for a permanent program cooperative agreement follows the conditional approval by the Secretary of the Interior of the Montana State program, pursuant to Section 503 of the Surface Mining Act and 30 CFR 732. 45 FR 21560–80, April 1, 1980. The request for a permanent program cooperative agreement was accompanied by the proposed text of the agreement and all other information required by 30 CFR 745.11(b).

On August 11, 1980, representatives of the State of Montana, Department of State Lands, and of the Office of Surface Mining and Office of the Solicitor met in Helena, Montana, to review the proposed permanent program cooperative agreement. During this meeting, numerous changes to the June 4, 1980, proposal were accepted and it was further agreed that the August 11 revision would serve as a basis for this Notice of Intent and for the Notice of Proposed Rules which is anticipated in the near future. The Office of Surface Mining emphasizes that the proposed coopertive agreement published with

this Notice is subject to further change because of public comments which are now requested or as a result of further discussions with the State of Montana.

Persons interested in the changes accepted on August 11 may review the record of the meeting at the locations listed under the heading "Address." In general, changes were made throughout the proposed cooperative agreement for clarity and to shorten the text by cross-referencing appropriate Sections of 30 CFR Chapter VII. Substantive changes were made in the following Articles:

ARTICLE V: Revisions were made to reflect proposed new procedures for substantive review of all or major portions of mine plan and permit applications by the Department of State Lands on behalf of OSM. These procedures include (1) early agreement between the Department of State Lands and OSM on any areas requiring special attention during the review by the State or OSM and on the work plan for the review; (2) designation of an application manager by OSM to maintain cognizance over the review process and assure that unnecessay duplication of analysis does not occur; (3) joint conduct of environmental analyses by the State and OSM as authorized by 40 CFR 1506.2; and (4) preparation of decision documents by the State which, after careful review by OSM, may be used as a basis for decision on the mine plan permit application by the Department of the Interior.

ARTICLE VI and ARTICLE VII: Revisions were made to clarify the intent of having the Department of State Lands perform primary inspection and enforcement activities on Federal lands with respect to matters covered by the cooperative agreement. The Secretary will reserve his right to conduct inspections and take enforcement actions under the Surface Mining Act for purposes of monitoring the State Program and enforcement and administration of the cooperative agreement, and in response to citizen complaints. The Secretary may also inspect and take enforcement actions, as necessary, to carry out his responsibilities under other Federal laws.

ARTICLE IX: Revisions were made to clarify the intent of the State and the Secretary to coordinate during the review of petitions for designation of lands as unsuitable for mining while preserving the independence of the Secretary's decision on petitions to designate Federal lands as required by Section 522 of the Surface Mining Act.

The Department intends to follow the "Guidelines for Contracts With Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 54444–45, September 19, 1979, during this rulemaking. The guidelines will apply from the date of this notice until the signing of the agreement by the Governor and the Secretary of the Interior.

This notice begins the process of review and comment of the proposed Montana permanent program coopertive agreement. The full text of the permanent program cooperative agreement, as proposed by Montana, appears at the end of this notice.

REQUEST FOR COMMENTS: The public is invited to comment on the following issues as they relate to Montana's proposed permanent program cooperative agreement, as well as those issues discussed above with respect to the August 11, 1980, meeting:

1. Does the proposal meet the requirements of 30 CFR 745.12 relating to the content of a permanent program cooperative agreement?
2. Does the State have the legal authority to administer the proposed permanent program cooperative agreement? See 30 CFR 745.11(f)(3).
3. Does the State have sufficient budget, equipment and personnel as required by 30 CFR 745.11(f)(2)?
4. Should the proposal include terms for compliance with a variety of Federal statutes and executive orders which are not reserved to the Secretary under 30 CFR 745.13 (e.g., National Historic Preservation Act, 16 U.S.C. 470 *et seq.*; Floodplain Management, Executive Order 11988 (May 24, 1977); Protection of Wetlands, Executive Order 11990 (May 24, 1977))?

Additional information relating to the above questions may be found in Montana's State program submission and in the June 4, 1980, request for a cooperative agreement by the Governor of the State of Montana. These documents are available at the locations listed under the heading "Address."

As this list is not intended to be an exhaustive summary of issues or considerations, the public is further invited to comment on any articles of the proposed permanent program cooperative agreement and any other issues or areas pertaining to the proposed permanent program cooperative agreement.

PRINCIPAL AUTHORS: Paul L. Reeves, Deputy Director, and Donald T. Maurer, Chief Division of Federal Programs, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–5335.

STATEMENT OF SIGNIFICANCE AND OF ENVIRONMENTAL IMPACT: In a "Determination of Significance" document prepared on December 31, 1979, and approved by the Assistant Secretary, Energy and Minerals on January 7, 1980, the Office of Surface Mining determined that the "promulgation of proposed or final rules for entering into a cooperative agreement with a State pursuant to 30 USC 1273 for State regulation of surface coal mining and reclamation operations on Federal lands is not a significant action and will not require a regulatory analysis."

Pursuant to Executive Order 12044 (March 23, 1978) and 43 CFR Part 14, OSM has reexamined the "Determination of Significance" as it applies to the specific proposal from Montana and concluded that the Montana proposal includes no issues or factors not covered by the blanket determination and that it is therefore not a significant rule. The rulemaking involved in promulgating the permanent program cooperative agreement between the State of Montana and the Department does not incorporate any changes or revisions which would impose a major social, economic, or recordkeeping burden on any level of Federal, State, or local government or industry.

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to Section 523 of the Surface Mining Act. Such proceedings are therefore exempted under Section 702(d) of the Surface Mining Act from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C).

Dated: August 25, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

Cooperative Agreement

The State of Montana and the Department of the Interior enter into a State/Federal Cooperative Agreement to read as follows:

This is a Cooperative Agreement between the State of Montana, acting by and through the Governor (referred to as the "Governor") and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the "Secrtary").

Article I. Introduction and Purpose

A. This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), Pub. L. 95–87, 30 U.S.C. § 1273, which allows a State with a permanent

regulatory program approved under 30 U.S.C. § 1253 to elect to enter into an agreement for the regulation and control of surface coal mining on Federal lands, and by the Montana Strip and Underground Mine Reclamation Act, Part 2, Chapter 4, Title 82, Montana Code Annotated (hereinafter "State Act"). This agreement provides for State Regulation of surface coal mining and reclamation operations on Federal lands consistent with the State and Federal acts and the Federal lands program.

B. The purpose of the Agreement is to (1) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (2) eliminate unnecessary intergovernmental overlap and duplication; and (3) provide uniform and effective application of the State and Federal lands programs in Montana.

Article II. Effective Date

This Cooperative Agreement is effective following signing by the Secretary and the Governor, and upon final publication as rulemaking in the Federal Register. This Agreement shall remain in effect until terminated as provided in Article XI.

Article III. Scope

This Agreement makes the laws, regulations, terms, and conditions of Montana's permanent State program conditionally approved effective April 1, 1980, as amended, 30 CFR 926 (State program) for the administration of the Federal Act, applicable to Federal lands within Montana except as otherwise stated in this Agreement, the Federal Act, 30 CFR 745.13, or other applicable laws.

Article IV. Requirements for Cooperative Agreement

The Governor and the Secretary affirm that they will comply with all of the provisions of this agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Montana Department of State lands (State lands) is, and shall continue to be, the sole agency responsible for administering this Agreement on behalf of the Governor on Federal lands throughout the State. The Office of Surface Mining Reclamation and Enforcement (OSM) shall administer this Agreement on behalf of the Secretary, in accordance with the regulations in 30 CFR Chapter-VII.

B. *Authority of State Agency.* State Lands has and shall continue to have authority under State law to carry out this Agreement.

C. *Funds.* The State will devote adequate funds to the administration and enforcement on Federal lands in Montana of the requirements contained in the State program. If the State complies with terms of this Agreement, and if necessary funds have been appropriated, OSM shall reimburse the State as provided in Section 705(c) of the Federal Act and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement.

D. *Reports and Records.* State Lands shall make reports to the OSM Regional Director, Region V (Regional Director), containing information respecting its compliance with the terms of this Agreement as the Regional Director shall from time to time require pursuant to 30 CFR § 745.12(c). State Lands and the Secretary shall exchange, upon request, information developed under this Agreement. The Secretary shall provide State Lands with a copy of any approved evaluation report prepared concerning State administration and enforcement of this Agreement.

E. *Personnel.* State Lands shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal and State Acts and the State Program.

F. *Equipment and Laboratories.* State Lands shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed and which are necessary to carry out the requirements of this Agreement.

Article V. Policies and Procedures: Mine Plan Review

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree and hereby require that an operator on Federal lands shall submit an identical mining and reclamation plan and permit application in an appropriate number of copies to State Lands and the Regional Director. The plan and permit application shall be in the form required by State Land and include any supplemental forms required by the Secretary. The plan and application shall include the information required by, or necessary for, State Lands and the Secretary to make a determination of compliance with:

(1) Section 82-4-222 MCA;
(2) Title 26, Chapter 4, Subchapter 3, Administrative Rules of Montana;
(3) Applicable terms and conditions of the Federal coal lease; and
(4) Applicable requirements of other Federal laws and the State Program.
(5) A permit applicant on Federal lands in Montana shall satisfy the requirement of 30 CFR 741.12(b)(1), and 30 CFR 741.13(c) by submitting the information required by Montana.

B. *Mine Plan Review Procedures.*

1. State Lands shall assume primary responsibility for the analysis and review of applications required by 30 CFR 741.13 for surface coal mining reclamation permits on Federal lands in Montana. The Secretary shall, as requested, assist the State through the Regional Director in this analysis and review. The Secretary shall, in addition, evaluate the State's analysis and conclusions as necessary to independently determine whether the Secretary concurs in the State's decision.

2. State Lands will be the primary point of contact for operators regarding the approval of the permit application. State Lands will be responsible for informing the applicant of all joint State-Federal determinations. State Lands shall send all correspondence with the applicant which may have a bearing on decisions regarding the mine plan to the Regional Director. OSM will not independently initiate contacts with applicants regarding completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of State Lands. The Secretary reserves the right to act independently of the State to carry out his responsibilities under laws other than the Federal Act and in instances of disagreement under the Federal Act. A copy of all independent correspondence with the applicant shall be sent to the State.

3. The Regional Director is responsible to ensure that any information OSM receives from an applicant is sent to State Lands. The Regional Director and State Lands shall regularly coordinate with each other during the permit review process as needed.

4. The Regional Director shall be responsible for obtaining timely the views of all agencies in the Interior Department with jurisdiction or responsibility over a mine plan and permit application on Federal lands in Montana and for making these views known to State Lands. State Lands shall keep the Regional Director informed of findings during the review which bear on the responsibilities of other Federal agencies. The Regional Director shall take appropriate steps to facilitate discussions between State Lands and the concerned agencies wherever desirable to resolve issues or problems identified in the review.

5. Upon receipt of a permit application, the Regional Director shall begin a review of apparent completeness of the application. The Regional Director shall identify a person

as the OSM application manager. The OSM application manager shall serve as the primary point of contact between OSM and State Lands throughout the review process and shall be responsible for assuring that avoidable duplication of review and analysis is eliminated. Not later than 90 days after an application has been received, the Regional Director and State Lands shall meet to discuss the application and agree upon a work plan and schedule for the review of the application. The Regional Director shall also inform State Lands of any specific or general areas of concern which require special handling or analysis. State Lands shall inform the Regional Director where OSM assistance will be needed to perform any specific or general analysis or prepare any studies or similar work.

6. Compliance with Montana ARM 26.4 .401 through .411 replaces the requirements of 30 CFR 741 .18 and .21 except that all public meetings and hearings during the period prior to the initial permit decision shall be announced and conducted jointly.

7. Except as otherwise agreed for a specific mine plan and permit application, all environmental assessments and analyses to comply with NEPA and MEPA shall be conducted as authorized by 40 CFR 1506.2. To the extent allowed by Federal law and regulation, State Lands and OSM will cooperate to the fullest extent possible so that one Environmental Impact Statement and/or Environmental Assessment will be produced to comply with MEPA and NEPA for a proposed mining and reclamation plan. Such document will be prepared by State Lands if the Secretary provides the State with any necessary funding to complete the statement. The Secretary shall independently evaluate and approve the final document.

8. Unless the work plan provides otherwise, State Lands shall prepare a technical analysis, environmental analysis, and proposed written decision on the permit. Copies of drafts of these documents shall be sent to the Regional Director for his review and comment. The Regional Director shall independently evaluate the and documents and inform State Lands within 30 days of any changes that should be made. State Lands shall consider the comments of the Regional Director and send a final technical analysis, environmental analysis, and proposed decision to the Regional Director for his written concurrence. If no further changes are required, the Regional Director shall proceed in accordance with 30 CFR 741.21, and inform State Lands of his action. If the Regional Director fails to act within 30 days or if the requested changes are not agreeable to State Lands, the areas of disagreement or delay may be referred to the Governor and Secretary for resolution. This duty may not be redelegated except by mutual agreement.

9. Nothing in this agreement shall be construed to limit the Secretary's authority in 30 CFR 741.16, .17 and .21.

Article VI. Inspections

A. State Lands shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with the approved State Program.

B. State Lands shall, within 15 days of conducting any inspection on Federal lands, file with the Regional Director, an inspection report describing (1) the general conditions of the lands under the lease, permit, or license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

C. State Lands will be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this Agreement, except as described in this Agreement and the Secretary's regulation. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement.

D. The Department may conduct any inspections necessary to comply with 30 CFR Parts 743 and 842 and its obligation under laws other than the Act.

E. The Regional Director shall give the State Regulatory Authority reasonable notice of this intent to conduct an inspection in order to provide State inspectors with an opportunity to join in the inspection. When Interior is responding to a citizen complaint of an imminent environmental danger or a threat to human health, pursuant to 30 CFR 842.11(b)(ii)(c), it will contact the State no less than 24 hours if practicable, prior to the Federal inspection to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to State Lands if necessary to carry out his responsibilities under the Federal Act.

F. Personnel of the State and Interior shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII. Enforcement

A. State Lands shall take enforcement action on Federal lands in accordance with the State Program and this Agreement.

B. During any joint inspection by Interior and State Lands, State Lands shall take enforcement action, including issuance of orders of cessation and notices of violation. Interior and State Lands shall consult prior to issuance of any decision to suspend or revoke a permit.

C. State Lands and OSM shall promptly notify each other of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

D. This Agreement does not limit the Secretary's authority to enforce violations of Federal law or condition of a permit except as specifically stated.

Article VIII. Bonds

A. State Lands and the Regional Director shall require all operators on Federal lands to submit a single bond to cover the operator's responsibilities under the Federal Act and the State Program, payable to both the United States and State Lands. The bond shall be of sufficient amount of comply with the requirements of both State and Federal law and release of the bond shall be conditioned upon compliance with all applicable requirements.

B. Prior to releasing the operator from an obligation required under the State Program under the bond for any Federal lands, State Lands shall obtain the consent of Regional Director. State Lands shall also advise Regional Director of adjustments to the bond.

Article IX. Designation of Lands as Unsuitable

A. State Lands and the Regional Director shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition which could impact adjacent Federal or non-Federal lands, respectively, the agency shall (1) notify the other of its receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

B. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative. Petitions for designation shall be filed with the Regional Director and processed in

accordance with 30 CFR 769 and the Administrative Procedures Act, 5 U.S.C. 500 et seq.

Article X. Termination of Cooperative Agreement

A. This Agreement may be terminated by the State or the Secretary under the provisions of 30 CFR 745.15.

Article XI. Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or in part it may be reinstated under the provisions of 30 CFR 745.16.

Article XII. Amendments of Cooperative Agreement

This Agreement may be amended by mutual agreement of Governor and Secretary in accordance with 30 CFR 745.14.

Article XIII. Changes in State or Federal Standards

A. Interior or the State may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. Interior and the State shall immediately inform each other of any proposed or final changes in their respective laws or regulations as provided in 30 CFR 732.17. Each party shall, if it determines it to be necessary to keep this Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes, unless mutually extended. For changes which require legislative authorization, the State shall have until the close of its next regular legislative session in which to make the changes.

B. The State and Interior shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and adminstration of this Agreement.

Article Article XIV. Changes in Personnel and Organization

The State and Interior shall, consistent with 30 CFR 745, advise each other of changes in the organization, structure, functions, duties, and funds of the offices, departments, divisions, and persons within their organizations which could affect administration and enforcement of this Agreement. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The State and Interior shall advise each other in writing of changes in the location of offices, addresses, telephone numbers, and changes in the names, location, and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV. Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement, that the State or the Secretary may have under the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy and Management Act, the Constitution of the United States, the Constitution of the State, or State laws.

Article XVI. Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700 and 701 shall be given the meanings set forth in said definitions.

Thomas L. Judge,
Governor of Montana.
Cecil D. Andrus,
Secretary of the Interior.

[FR Doc. 80-26606 Filed 9-2-80; 8:45 am]
BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 55

[FRL 1581-1; Docket No. DCO-78-6]

State Implementation Plan Requirements; Proposed Amendment to Delayed Compliance Order for Florida Power Corp.—Crystal River Plant Near Red Level, Fla.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to grant an Amendment to the Delayed Compliance Order (DCO) issued on November 21, 1978, for Unit No. 2 at Florida Power Corporations's (FPC) Crystal River Plant, near Red Level, Florida. FPC received a Federal Energy Administration (now Department of Energy) Prohibition Order on June 30, 1975, prohibiting the further utilization of natural gas or petroleum products as its primary fuel at the Crystal River Plant. FPC converted Crystal River Boiler Unit No. 2 to burn coal as its primary fuel. The DCO issued by EPA on November 21, 1978, requires Florida Power Corporation to complete construction of particulate emission control equipment by July 30, 1980, and to bring Unit No. 2 into compliance with certain regulations contained in the Federally-approved Florida State Implementation Plan (SIP) by September 30, 1980. FPC has requested a three (3) month extension in the completion of construction and final compliance dates. The proposed Amendment would establish an expeditious schedule requiring final compliance by December 30, 1980. During this three (3) month period extension, FPC will be required to operate Unit 2 at a reduced load in compliance with the SIP regulations. If issued by EPA, the Amendment to the DCO would alter the rights of persons to bring judicial actions against the source as long as FPC complied with the requirements of the amended DCO during the three (3) month period extension.

DATE: Written comments and requests for a public hearing must be received on or before October 3, 1980. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If necessary, a hearing will be held and the public will be notified thirty days in advance.

ADDRESSES: Comments and requests for a public hearing should be submitted to the Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Georgia 30365. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Wayne J. Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365. Telephone number 404/881-4253.

SUPPLEMENTARY INFORMATION: On November 21, 1978, the Administrator of EPA issued Delayed Compliance Order (DCO) Docket No. DCO-78-6, pursuant to Section 113(d)(5) of the Clean Air Act (the Act), as amended, 432 U.S.C. 7413(d)(5) of the Clean Air act (the Act), as amended, 42 U.S.C. 7413(d)(5), to Florida Power Corporation for the abatement of particulate emissions at the corporation's Crystal River Plant Unit 2, near Red Level, Florida. The DCO was published in the November 21, 1978, Federal Register beginning at page 54248 (43 FR 54248).

By letter dated June 24, 1980, Florida Power Corporation requested a 3 month extension of time for the completion of Milestones 4 and 5 of Appendix A contained in DCO-78-6, dealing with the installation of particulate emission control equipment, shakedown operations, performance tests, and certification of final compliance. The reasons for the request were presented to EPA by representatives of Florida Power Corporation at an informal meeting held on June 12, 1980, in Atlanta, Georgia and are described herein.

In order for Florida Power Corporation to meet the July 30, 1980, completion of construction milestone, Unit 2 would have to be taken off line on July 13, 1980, and this would remove approximately 303 megawatts (MW) of capacity from the system for about three weeks. The summer peak in power demand extends from June to September, and this three week outage would occur at a critical time during the peak demand season.

Based upon projected load demand forecasts provided by Florida Power Corporation, if Unit 2 were taken off line for the three week period to tie in a rehabilitated existing electrostatic precipitator, there would be a shortfall in generation capacity of approximately 441 MW during July. If the outage of Unit 2 is delayed for three months until the summer peak has passed, the projected shortfall in generation capacity for July would be only 138 MW.

July is the only month when Florida Power Corporation projects a shortfall in power generation capability. However, the company wants to postpone the Unit 2 outage until October, 1980, not only because of the projected shortfall during July, but also because of other factors described in the following paragraphs.

On February 26, 1980, Unit 3 at the Crystal River Plant was taken off line due to electrical and mechanical problems. Unit 3 is a nuclear unit which has the capability to generate 704 MW. The originally projected date for bringing Unit 3 back on line was May 18, 1980. However, this projection has been extended because of additional problems with Unit 3 which had to be corrected during this outage. The current projected date for bringing Unit 3 back on line is July 20, 1980. The projected load demand forecasts which were supplied by Florida Power Corporation to EPA assume that Unit 3 will be operating at 704 MW by August 1, 1980, but the company is not confident about this assumption because of the two month slippage in the Unit 3 restart which has already occurred. In addition, the projected load demand forecasts assume that there will be no new, unanticipated outages on the other Florida Power Corporation units during the summer peak period.

The projected shortfall during July would have to be made up by the purchase of power from other utilities and/or the use of gas turbines. Both of these alternatives, according to Florida Power Corporation, would cost more for power generation than the generation of power by Unit 2 while burning coal. Therefore, the greater the July shortfall is the greater will be the cost to the power consumers. According to Florida Power Corporation, if the entire shortfall could not be made up, there could be the possibility of power brownouts.

Unit 2 is currently operating at a derated level of approximately 303 MW with a new electrostatic precipitator. When the rehabilitated existing precipitator is tied into the unit, an additional 152 MW will be generated by Unit 2. During May of this year, a particulate emission test was conducted on Unit 2 while operating at the derated level on the new precipitator. The measured emission rate was 0.02 pounds per million BTU's of heat input which is well below the allowable emission limit in the Florida SIP of 0.10 pound per million BTU's. Therefore, Unit 2 is currently operating at emission levels in compliance with the allowable SIP limit and the proposed Amendment to the DCO will require Florida Power Corporation to maintain compliance with an interim limit of 0.10 pound per million BTU's during the three (3) month extension.

The proposed Amendment to the Delayed Compliance Order satisfies the applicable requirement of Section 113(d)(5) of the Act. If the Amendment to the Federal Delayed Compliance Order is issued, source compliance with the terms of the amended Order would preclude further EPA enforcement action under Section 113 of the Act against this source during the period the amended Delayed Compliance Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would also be barred. In the event of an emergency air pollution episode, the source would have to comply with all of the provisions of Section 303 of the Act. Comments received by the date specified above will be considered in determining whether EPA should issue the Amendment to the Delayed Compliance Order. Testimony given at any public hearing concerning the Amendment to the Delayed Compliance Order will also be considered. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the Federal Register the Agency's final action on the Amendment to the Delayed Compliance Order in 40 CFR Part 55.

(42 U.S.C. 7413(d) *et. seq)*

Dated: July 21, 1980.

Rebecca W. Hanmer,

Regional Administrator, Region IV.

In consideration of the foregoing, it is proposed to amend 40 CFR Part 55 of Chapter I, Title 40, Code of Federal Regulations as follows:

In § 55.230, paragraphs (f)(1)-(3) and (k) (4) and (5) are revised to read as follows:

Subpart K—Florida

§ 55.230 Federal delayed compliance orders issued under section 113(d)(5) of the Act.

* * * * *

(f) * * *

(1) Particulate emissions from Crystal River Unit 2 shall not exceed 0.10 pound per million BTU heat input, maximum 2-hour average.

(2)[Reserved.]

(3) FPC as part of the control strategy shall operate, calibrate, and maintain an instrument to continuously monitor and record visible emissions from Crystal River Unit 2. Visible emissions from Crystal River Unit 2 shall be limited to 20% opacity averaged over a six-minute period recorded by the continuous opacity monitor. In the event of a malfunction of the continuous opacity monitor, opacity shall be determined in accordance with EPA Reference Method 9 averaged over a six-minute period. The continuous opacity monitor strip charts shall be maintained by the Company and be subject to EPA review when requested.

* * * * *

(k) * * *

(4) October 30, 1980—Complete on-site construction or installation of particulate emission control equipment.

(5) December 30, 1980—Complete shakedown operations and performance tests for particulate emissions in accordance with EPA reference methods as contained in 40 CFR Part 60, Appendix A on the emission control equipment; also, achieve compliance with the Florida Air Pollution Rules, Chapter 17-2 and certify such compliance to the Director of the Enforcement Division, Region IV.

As amended, Delayed Compliance Order Docket No. DCO-78-6 issued on November 21, 1978, shall remain in full

force and effect until termination by EPA.

[FR Doc. 80-26806 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 415

[FRL 1594-6]

Inorganic Chemicals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period; notice of availability of treatability study; and corrections to the proposed regulations.

SUMMARY: On July 24, 1980 the EPA proposed regulations under the Clean Water Act to limit the discharge of effluents to waters of the United States and the introduction of pollutants into publicy owned treatment works from inorganic chemicals manufacturing facilities (45 FR 49450).

EPA is extending the period for comments on the proposed regulations from September 22, 1980 to October 22, 1980.

The document "Treatability Studies for the Inorganic Chemicals Manufacturing Point source Category" is available from EPA on request.

Corrections to the proposed regulation are enumerated below.

DATE: Comments on the proposed regulation for the inorganic chemicals manufacturing industry must be submitted to EPA by October 22, 1980.

ADDRESS: Send comments to Mr. Elwood E. Martin, Effluent Guidelines Division (WH-552), Environmental Agency, 401 M St. S.W., Washington, D.C. 20460, Attention: Inorganic Chemicals Manufacturing Rules. The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library). The EPA public information regulation (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. Elwood E. Martin, at the address listed above, or call (202)426-2582. The economic analysis may be obtained from Ms. Renee Rico, Water Economics Branch (WH-586), Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, or call (202)426-2617.

Corrections

1. Page 49451, column 3, line 41, "AZ" is corrected to read "AX".
2. Page 49458, column 3, line 26, "retailed" is corrected to read "retained".
3. Page 49458, column 3, last line, "changes" is corrected to read "changed".
4. Page 49463, column 2, line 39, "required" is corrected to read "requiring".
5. Page 49471, column 1, line 13, the "Note" is corrected to read, "The items marked with an asterisk contain technical amendments which do not change the substance or applicability of the regulations and EPA is not inviting comment on the substantive provisons of these items."
6. Page 49479, column 1, Section 415.67, the table is corrected to read as follows:

Subpart F—Chlor-Alkali Diaphragm Cells BCT Effluent Limitations

[kg/kkg (or lb/1,000 lb) of product]

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days
Tss	0.20	0.10
Ph	(1)	(1)

[1] Within the range 8.0 to 9.0.

7. Page 49484, column 3, § 415.203 is changed and §§ 415.204, 415.205 and 415.206 are added to read as follows:

§ 415.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30-.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

(a) Subject to the provisions of paragraph (b) of this section there shall be no discharge of process wastewater pollutants into navigable waters.

(b) A process wastewater impoundment which is designed, constructed, and operated so as to contain the precipitation from the 25-year, 24-hour rainfall event as established by the National Climatic Center, National Oceanic and Atmospheric Administration for the area in which such impoundment is located may discharge that volume of precipitation that falls within the impoundment in excess of that attributable to the 25-year, 24-hour rainfall event, when such event occurs.

§ 415.204 [Reserved]

§ 415.205 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS): There shall be no discharge of process wastewater pollutants to navigable waters.

§ 415.206 Pretreatment standards for new sources (PSNS).

Except as provided in § 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS). The limitations are the same as the new source performance standards specified in § 415.205.

Dated August 28, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-26806 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 415

[FRL 1594-7]

Inorganic Chemicals Manufacturing Point Source Category

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment regulations proposed in the Federal Register (July 24, 1980, (45 FR 49450) Inorganic Chemicals Manufacturing).

DATES: A public hearing has been scheduled for the following date and place: October 15, 1980—Washington, D.C.

ADDRESS: The public hearing will be held at the following address: Hall of States, Skyline Inn, South Capital and I Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Harold B. Coughlin, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; telephone 202-426-2560.

Anyone wishing to make an oral statement and submit written testimony at the hearing should indicate so in writing to the above address.

SUPPLEMENTARY INFORMATION: Registration for the Hearing will be held from 8:30 to 9:00 a.m. Oral testimony will be presented as follows: 9:30 to 11:30 a.m.; 1:00 to 3:00 p.m. Following the registration period there will be a brief presentation by an EPA official covering the development of effluent limitations and standards under the Clean Water Act of 1977. Also, opportunity will be given through the day for audience participants to submit written questions to the Presiding Officer. These questions will be addressed during a thirty minute question and answer session which will following the presentation of oral testimony.

A court recorder will be present at the public hearing. Official transcripts will be available upon request.

Dated: August 28, 1980.

Eckardt C. Beck,

Assistant Administrator for Water and Waste Management.

[FR Doc. 80-26999 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 717

[FRL 1595-4; OPTS-00016]

Allegations of Significant Adverse Reactions; Public Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of Meetings Related to Proposed Rule.

SUMMARY: EPA will sponsor two public meetings on the proposed rule implementing section 8(c) of the Toxic Substances Control Act, 45 FR 47008 (July 11, 1980). Section 8(c) requires that "any person who manufactures, processes, or distributes in commerce any chemical substance or mixture" must keep "records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture." Section 8(c) requires that allegations relating to employees be kept for 30 years, and that all other allegations be kept for five years.

DATES: The first public meeting will be held in Newark, New Jersey on Monday, September 15, 1980 and will consist of two sessions, 10:30 a.m. to 5 p.m. and 7 p.m. to 11 p.m.

The second public meeting will be held in Houston, Texas on Thursday, September 18, 1980 and Friday, September 19, 1980, and will be in three sessions: September 18 from 1 p.m. to 5 p.m., and 7 p.m. to 11 p.m.; and September 19 from 9 a.m. to 1 p.m.

ADDRESSES: The first public meeting will be held in the Essex Room at the Downtowner-Hilton Gateway in Newark, New Jersey, 07102. The hotel is on Raymond Boulevard and McCarter Highway directly across from the Pennsylvania train station. The telephone number is 201/622-5000.

The second public meeting will be in the Mariner Conference Center, 6th floor of the Holiday Inn, 801 Calhoun Street, Houston, Texas 77001. The telephone number is 713/659-2222.

These meetings are in addition to request meetings being held in Washington, D.C. as discussed in the notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Toll-free: (800-424-9065) in Washington, D.C.: (554-1404).

Arrangements for presentation of prepared statements should be made with:

Newark, New Jersey meeting:

Ms. Jacqueline Kalanski, Public Participation Assistant, EPA Region II, Program and Toxic Integration Board, 26 Federal Plaza, Rm. 930, New York, N.Y. 10007 (212-264-1925).

Houston, Texas meeting:

Dr. Norman Dyer, Chief, Pesticides and Hazardous Materials, EPA Region VI, 1201 Elm St., Dallas, Texas 75207 (214-767-2734).

SUPPLEMENTARY INFORMATION: The purpose of each meeting is to inform the public about the section 8(c) proposed rule, to provide an opportunity for clarification, and to solicit opinions, suggestions and information from members of the public: labor, environmental groups, industry, consumers, and residents located near chemical plants.

In each city, EPA will conduct daytime and evening sessions. Part of each session will be devoted to an explanation of the rule by EPA staff, with an opportunity for questions and answers. The latter part of each session will be devoted to listening to prepared statements and additional comments. Those persons offering comments will be limited to 10 minutes, although longer prepared texts will be accepted for the record. All comments will be placed in the public record and will be considered in developing the final rule.

Copies of the proposed rule are available from the OPTS Industry Assistance Office by calling toll free, 800-424-9065. The following is a brief explanation of the rule:

Allegations of Significant Adverse Reactions

1. *Description.* The proposal requires manufacturers, processors, and distributors of chemical substances and mixtures to maintain records of significant adverse reactions alleged to have been caused by the substance or mixture. Allegations relating to employees are to be kept for 30 years; all others for five years.

2. *Purpose.* a. the records will establish an historical record of adverse reactions and related information which will be available for examination whenever a substance is assessed for risks.

b. Records of allegations, filed according to the implicated cause and separately from medical records, will provide a means to reveal patterns of adverse effect which might otherwise go unnoticed or undetected for long periods of time.

c. Automatic reporting of specified records to EPA would provide a means to identify previously unknown chemical hazards.

3. *Coverage.* a. Manufacturers of chemical substances or mixtures.

b. Processors of chemical substances or mixtures. the TSCA definition of processor covers anyone who prepares a chemical substance (including a natural substance) or mixture, after its manufacture, for distribution in commerce. for example, TSCA processors may include manufacturers of automobiles, paper products, or electronic components. Analysis indicates that approximately 600,000 establishments employing about 20 million employees could be subject to this rule.

c. Distributors, except for retail distributors, may send allegations they receive to the appropriate manufacturer, processors, or supplier, if a separate log is kept which describes the allegations.

d. No small bsinesses, other than retail distributors, are excluded from any provision of the rule.

4. *Key provisions*—a. *"Allegation"* is defined as a statement made without formal proof or regard for evidence. An allegation is different from a section 8(e) Substantial Risk Notification, which is accompanied by information which reasonably supports the seriousness of the effect or the probability of its occurrence.

b. *"Significant adverse reaction"* is

defined as a reaction that may indicate the possibility of long-lasting or irreversible damage. Significant health effects are those that occur repeatedly upon exposure, persist beyond the period of exposure, or occur after cessation of exposure. Environmental effects are defined as gradual or sudden changes in the composition of plant and animal life in an area.

c. *Recordkeeping.* Companies must keep at both the plant site and at company headquarters, a written or oral allegation (not anonymous) that implicates a substance. Companies will file the allegation according to the most specific of the following:

(1) A chemical substance identify;

(2) A mixture identify, if the implicated substance cannot be identified; or

(3) Identity of the article, company process or operation, or site discharge (including waste disposal sites), if the implicated substance cannot be identified.

d. *EPA form 7710-29.* This one-page, optional recordkeeping form must be completed when an allegation is reported to EPA. Submission may be required by a letter signed by the Assistant Administrator of OPTS or his designee.

e. *Automatic reporting and pilot test.* The proposal states that the final rule will include a means for EPA to learn of allegations and describes several alternatives. We are concerned that the automatic reporting be designed to result in reporting of allegations than can be reasonably analyzed. It is likely that EPA will conduct a pilot test before finalizing any automatic reporting provision. The following approaches are being considered.

(1) Three allegations about the same cause are received in a 12-month period. The "Reports Impact Analysis", available from the EPA Industry Assistance Office, examines this option. Companies would have 15 days to submit the reports on the EPA standard form. The time-frame for the threshold could be extended to a period a long as five years and the appropriate trigger number is up for comment.

(2) Immediate reporting of one, or a combination of the following.

(i) Any allegations of carcinogenic, mutagenic, teratogenic or reproductive effects.

(ii) Any allegation involving a new chemical substance under TSCA section 5, an Inventory Testing Committee recommended substance, or a substance subject to a proposed or final rule under TSCA section 4, 5 or 6.

(iii) Any allegation that involves a substance which had been the subject of a previous section 8(c) report.

(3) An annual statistical report to summarize the kinds and numbers of allegations received by the company.

f. *Alternative compliance and other Federal laws.* Any reporting requirement will be waived if the allegation has been reported to EPA under section 8(e) as a substantial risk notification or to CPSC under section 15(b) as a substantial hazard notification.

(1) *Occupational Safety and Health Administration (OSHA).* OSHA requires that employers record illnesses and injuries in a log if the employer determines that the case is the result of a work accident or from an exposure in the work environment. Companies with ten or fewer employees are exempted from recordkeeping. Conversely, under section 8(c), the employer must record *allegations.*

(2) *Consumer Product Safety Commission (CPSC).* CPSC has twice proposed a recordkeeping requirement under section 16(b) of the Consumer Product Safety Act, to require industry to keep consumer complaints. This proposal states that such consumer complaints be filed according to the chemical or article identity, and retained for the same length of time as section 8(c) records. There is no CPSC schedule for promulgating the rule.

All written comments, a transcript of the public meetings and copies of all documents presented at the meetings will be available for public inspection in the OPTS Reading Room, Room 447 East Tower, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except holidays.

The Agency invites specific comments and any information on the following topics and other topics of concern.

1. Who should be subject to the rule?

2. What should be the definition of "significant adverse reaction"?

3. What constitutes a recordable allegation?

4. How many and what types of allegations are currently made or received?

5. How should allegations be reported to EPA and under what conditions?

Dated: August 28, 1980.

Walter W. Kovalick, Jr.,

Acting Deputy Assistant Administrator for Program Integration and Information.

[FR Doc. 80-26941 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[Docket No. 80-56]

Temporary Tariff Filing Regulations Applicable to Carriers and Conferences of Such Carriers in the Foreign Commerce of the United States; Consideration of Petitions by Several Conferences

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission proposes to promulgate rules which would clarify and amend its regulations contained in its General Order 13, 46 CFR 536.10(c), governing the privilege of filing temporary tariff amendments by common carriers and conferences of such carriers operating in the foreign commerce of the United States. The Commission also proposes to cancel its present regulations contained in 46 CFR 536.10(c) as to carriers subject to the filing requirements of section 18(c), Shipping Act, 1916, (46 U.S.C. 817(c)), thereby discontinuing the privilege of permitting tariff amendments by the temporary filing method for such carriers. Alternatively, the Commission proposes to discontinue the privilege of permitting tariff amendments by the temporary filing method for all carriers and conferences subject to either section (18(b) S.A. 1916 (46 U.S.C. 817 (b) or (c)) (46 U.S.C. 817(c)).

DATE: Comments due on or before November 3, 1980.

ADDRESSES: Comments (Original and 15 copies) to: Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573.

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

SUPPLEMENTARY INFORMATION: The Commission has, since 1965, allowed common carriers and conferences of such carriers the privilege of facilitating rate changes in their tariffs by the use of temporary tariff filing methods such as telegrams, cable, or mail (in the form of letters, rate circulars). These regulations were promulgated pursuant to a rulemaking proceeding in Docket No. 964, General Order 13. Minor modifications were implemented on January 1, 1979, pursuant to the rulemaking proceeding in Docket No. 72-19, General Order 13—Revised.

On March 27, 1979, the Commission received a petition for a rulemaking

proceeding filed by the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference [1] requesting that the present Commission regulations 46 CFR 536.10(c) be expanded to allow carriers and conferences located outside the continental United States to file any type of amendment to an existing tariff via international telex or cable.

Additionally on May 3, 1979, the Commission received a petition for a rulemaking proceeding filed by the Iberian/U.S. North Atlantic Westbound Freight Conference, et al.,[2] requesting that the Commission's present temporary tariff filing regulations be amended to permit the filing of surcharges by a temporary method.

Petitioners have alleged that the present regulations are not extensive enought to allow for certain amending tariff provisions which seem to require immediate notice and that the present restrictions are harsh and burdensome.

Although petitioners acknowledge the Commission's established procedures for the consideration of a waiver of any of the tariff filing requirements, including statutory notice provisions of the Shipping Act, 1916, they allege that the Commission's procedures are not stream-lined enough to permit immediate implemention of certain tariff material. The Commission, however, is of the opinion that the petitioners have not demonstrated that the special permission procedure is inadequate to facilitate a tariff amendment which is critical to the operations or economics of either carrier(s) or shippers(s).

The Commission does not at this stage endorse or support the position advanced by the petitioning tariff filing entities who request the expansion of the temporary tariff filing privilege. Rather the Commission believes that the rationale, purpose and justification for temporary tariff filings does not appear to support the filing of any temporary tariff amendments, except possibly those amendments which will reduce the level of a specific commodity rate or the level of a class rate when filed under section 18(b), (46 U.S.C. 817(b)).

In the instance of rate amendments filed by carriers subject to section 18(c), (46 U.S.C. 817(c)), however no temporary tariff amendments should be permitted. This proposed exclusion is necessary to ensure the proper administration of the Commission's function to analyze the level of proposed rates and where necessary issue suspension orders on such rates which appear to violate section 18(c). The temporary tariff filing method is a form of tariff filing which does not facilitate the rapid and explicit comparison of rates which comparison is necessary for the shipping industry and the Commission's staff in order to react properly within the time constraint of 30 days.

It appears that consideration of possible alternative methods of transmitting tariff material is long overdue and should appropriately be considered in this rulemaking. The Commission's long-term objectives are expeditious tariff filing systems utilizing the latest technology to facilitate the needs of carriers, shippers and the Government, and produce a high quality product.

Currently, the Commisison is reviewing the applications of electronic data processing (EDP) and will soon have the opportunity to evaluate the utilization of state-of-the-art technology to electronically transmit permanent tariff filings.

In consideration of the above, it is the opinion of the Commission, that the concept of permitting the continued use of the temporary tariff filing method now requires a thorough and comprehensive review in order to determine whether the present regulations should be allowed to remain in effect at or whether the present regulations should be modified as proposed herewith.

The petitions of the several conferences, except to the extent that the proposed rule reflects the promulgation of certain temporary tariff filing privileges, are in all other respects denied.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533), and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b)), 821 and 841(a)), the Commission proposes to consider the amendment of its present regulations (46 CFR 536.10(c)) concerning temporary tariff filings wherein it will seek to adopt the following rule:

§ 536.10 Amendments to tariffs.

* * * * *

(c) Temporary Tariff Amendment. In order to facilitate the filing of reductions in established commodity or class rate levels as quickly as possible without the delay incurred by the preparation and filing of permanent revised pages as otherwise required, temporary filings received by hand, delivered telegram, or received over the Commission's telegraphic equipment will be permitted subject to the following conditions:

(1) The information received is clear, legible and contains an explanation of all abbreviations and reference marks used in the temporary filing; and additionally contains the following information:

(i) The operating name of the carrier or conference as it appears on the tariff being amended;

(ii) The FMC number of the tariff being amended;

(iii) The number of the previously issued page where the effective rate(s) is located;

(iv) An exact description of the commodities upon which rates are being reduced, or the commodity or class rate item number if the rate reduction applies to all commodities contained in a tariff using item numbers;

(v) the rate reduction which is being implemented;

(vi) The effective date of the rate reduction.

(2) If the temporary filing is submitted pursuant to special permission authority already granted, reference must be made to the permission number.

(3) Temporary amendments accepted for filing cannot be amended by another temporary tariff filing, nor can they be withdrawn or rescinded in any manner.

(4) Temporary filings must be simultaneously transmitted to all tariff

[1] The petition of the Trans-Pacific Freight Conference of Japan/Korea—Japan/Korea-Atlantic and Gulf Freight Conference is now joined in support by a petition filed collectively by Japan/Korea-Atlantic and Gulf Freight Conference, Japan-Puerto Rico and Virgin Islands Freight Conference, Deli/Pacific Rate Agreement, Deli/New York Rate Agreement, Java/Pacific Rate Agreement, Java/New York Rate Agreement, Trans-Pacific Freight Conference of Japan/Korea, New York Freight Bureau, Trans Pacific Freight Conference (Hong Kong), Straits/New York Conference, Philippines North America Conference, Thailand/Pacific Freight Conference, Thailand/U.S. Atlantic and Gulf Conference, and Agreement Nos. 10107 and 10108. Also, the South Atlantic-North Europe Rate Agreement, North Atlantic United Kingdom Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, Gulf/United Kingdom Conference, Continental-U.S. Gulf Freight Association, U.K./U.S.A. Gulf Westbound Rate Agreement, North Atlantic Westbound Freight Association, Continental North Atlantic Westbound Freight Conference, "Trans-Atlantic Conferences" have filed a joint petition supporting the petition of the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference. The Trans-Atlantic Conferences further support that the conferences domiciled in the United States be afforded the relief sought by foreign based conferences. Further, on April 28, 1980, the Commission received a petition filed by North Europe—U.S. Pacific Freight Conference in support of the Trans-Pacific Freight Conference of Japan/Korea, et. al. petition.

[2] Petition filed collectively with: Marseilles North Atlantic U.S.A. Freight Conference, the Med-Gulf Conference, the New Zealand Rate Agreement, the North Atlantic Mediterranean Freight Conference, the Spanish Eastbound Freight Conference, the U.S. South Atlantic/Spanish, Portuguese, Moroccan and Mediterranean Rate Agreement and the West Coast of Italy/Sicilian and Adriatic Ports North Atlantic Range Conference and the U.S. Atlantic & Gulf/Australia-New Zealand Conference, except insofar as Seatrain International, S.A., is a member of petitioning conferences.

subscribers via class mail, postage prepaid at the same time that they are transmitted to the Commission.

(5) Temporary tariff filings may not be utilized to file:

(i) Increases of any nature;

(ii) Rule changes;

(iii) Surcharges, arbitraries or amendments thereto;

(iv) Amendments to tariffs of controlled carriers;

(v) Changes in commodity descriptions or new commodity descriptions;

(vi) Changes in the basis of assessing freight charges, e.g., Measurement to Weight;

(vii) Temporary tariff filings may not contain an expiration date.

(6) All temporary filings shall be followed by the filing of a permanent revised page covering the same tariff changes which fully complies with § 536.10(b). Such permanent filing shall state the method by which the temporary filing was submitted and the date it was submitted. Such permanent amendments must be filed within 15 days after receipt of the temporary filing.

(7) A permanent filing is unnecessary where a temporary filing is rejected; however, all tariff subscribers must be notified that the temporary filing has been rejected.

(8) Temporary tariff is a privilege which shall be used only when commercial emergency exists and not for routine amendments. The privilege of filing temporary amendments may be withdrawn or suspended by the Commission upon a demonstration of any infractions of these rule requirements. Thereafter, said carrier or conference shall amend its tariff only by filing permanent amendments until further notice by the Commission. Notification of abuse of the temporary tariff filing privilege will be transmitted in writing to the tariff filing entity by a designated Commission official. Only such notification will be made. Appeals of any action of withdrawal or suspension of the temporary tariff filing privilege are to be made in accordance with 46 CFR Part 502.

Alternatively, the Commission also request comments for the purpose of considering the deletion of the present tariff filing privilege and the relative conditions thereto. Therefore, it is herewith proposed that 46 CFR 536.10(c) is to be considered withdrawn.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 80-26800 Filed 9-2-80; 8:45 am]

BILLING CODE 6730-03-M

Notices

Federal Register
Vol. 45, No. 172
Wednesday, September 3, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Emergency Meeting

An emergency meeting of the Flue-Cured Tobacco Advisory Committee is scheduled to be held on Friday, September 5, 1980, at 1 p.m., in the Tobacco Division, Agricultural Marketing Service, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605.

The purpose of the meeting is to discuss policies relating to penalties for warehouses which violate sales schedules and other matters relating to orderly marketing of flue-cured tobacco. Items for consideration are contained in grower designation regulations as specified in 7 CFR Part 29.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, 300 12th Street, SW., Washington, D.C. 20250 (202) 447-2567. Written statements shuld be submitted prior to or at the meeting.

Dated: August 29, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-26956 Filed 9-2-80; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

South Kaibab Grazing Advisory Board; Meeting

The South Kaibab Grazing Advisory Board will meet at 1:00 P.M., Wednesday, October 8, 1980, at the Ramada Inn Conference Room, Williams, Arizona.

The purpose of this meeting is:

1. Election of officers.
2. Adoption of bylaws.
3. Development of Allotment Management Plans.
4. Utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify:

Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046, Telephone: (602) 635-2681.

Those attending may express their views when recognized by the chairman.

Leonard A. Lindquist,

Forest Supervisor.

August 25, 1980.

[FR Doc. 80-26887 Filed 9-2-80; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

NAME: Executive Committee of the Joint Council on Food and Agricultural Sciences.

DATE: September 9-10, 1980.

TIME AND PLACE: Sept. 9—1:00-4:00 p.m.; Sept. 10—8:30 a.m.-4:00 p.m. Rm. 3109, South Building, USDA, Washington, D.C.

TYPE OF MEETING: Open to the public. Persons may participate in the meeting as time and space permit.

COMMENTS: The public may file written comments before or after the meeting with the contact person below.

PURPOSE: Hear updates on the 1980 Annual Report of the Joint Council and the Research Facilities Study; review a draft of the report, "New Initiatives in Home Economics."

CONTACT PERSON: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 15th day of August 1980.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 80-26873 filed 9-2-80; 8:45 am]

BILLING CODE 3410-03-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 162]

Approval for Expansion of Foreign-Trade Zone No. 35, Philadelphia, Pa.

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Philadelphia Port Corporation, Grantee of Foreign-Trade Zone No. 35, located in Philadelphia, Pennsylvania, has applied to the Board for authority to expand its zone to include an 82-acre parcel within the Eastwick Industrial Park portion of the Philadelphia Interport Business Complex near the Philadelphia International Airport;

Whereas, the application was accepted for filing on May 27, 1980, and notice inviting public comment was given in the Federal Register on June 2, 1980 (45 FR 37249);

Whereas, the additional site is requested in order to provide zone facilities for light industrial users and distributors;

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's Regulations are satisfied, and that the approval of the application is in the public interest;

Now, Therefore, the Board hereby orders that the Grantee is authorized to expand Foreign-Trade Zone No. 35, in conformity with the application filed on May 27, 1980. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the new zone site. The authority given in this Order is subject to settlement

locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 21st day of August 1980.

Philip W. Klutznick,

Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[FR Doc. 80-28933 Filed 9-2-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

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: The Marineland of New Zealand.

b. Address: Marine Parade, Napier, New Zealand.

2. Type of Permit: Public display.

3. Name and Number of animals: California sea lions, *Zalophus Californianus.*

4. Type of Take: Transfer of captive sea lions.

5. Location of Activity: Sea Life Park, Waimanalo, Hawaii.

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, on or before October 3, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statments 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.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. A certification from such appropriate government agency verifying the information set forth in the application;

ii. A certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. A statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Government of New Zealand have been found appropriate and sufficient to allow consideration of this permit application.

Documents submitted in connection 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 Regional Director, National Marine Fisheries Service, Southwest Region, 300 S. Ferry Street, Terminal Island, California 90731.

Dated: August 27, 1980.

Richard B. Roe,

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

[FR Doc. 80-28898 Filed 9-2-80; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Levels for Certain Cotton Textile Products From Taiwan

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing to 539,567 dozen the import level established for cotton knit shirts and blouses in Category 338/339, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1980, and reducing the levels for man-made fiber knit shirts and blouses in Category 638 to 1,499,589 dozen and for Category 639, to 5,003,879 dozen during the same twelve-month period.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463)).

SUMMARY: The bilateral agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products exported from Taiwan provides for administrative arrangements or adjustments to resolve minor problems arising in the implementation of the agreement. Pursuant to the terms of the bilateral agreement, the import levels for Categories 338/339, 638 and 639 are being adjusted for the twelve-month period which began on January 1, 1980 and extends through December 31, 1980.

EFFECTIVE DATE: September 3, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 28, 1979, there was published in the Federal Register (44 FR 76839) a letter dated December 21, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Categories 338/339, 638 and 639, produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level of restraint established for cotton textile products in Category 338/339 and reduce the levels

for Categories 638 and 639 during that period.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 28, 1980.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 21, 1979, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in certain specific categories, produced or manufactured in Taiwan and exported to the United States during the agreement year which began on January 1, 1980, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products exported from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on September 3, 1980, the levels of restraint established in the directive of December 21, 1979, for Categories 338/339, 638 and 639 to the following:

Category	Amended 12-mo. level of restraint [2] (dozen)
338/339	539,567
638	1,499,589
639	5,003,879

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

The actions taken with respect to Taiwan, and with respect to imports of cotton and man-made fiber textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 8, 1978, as amended, concerning cotton, wool and man-made fiber textile products from Taiwan which provide, in part, that: (1) Within the aggregate and group limits, specific ceilings may be exceeded by designated percentages; (2) these same levels may be increased for carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[FR Doc. 80-26907 Filed 9-2-80; 8:45 am]
BILLING CODE 3510-25-M

Adjusting Import Restraint Levels for Certain Cotton Textile Products From Pakistan

August 28, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Adjusting the level of restraint established for women's, girls' and infants' cotton knit shirts and blouses in Category 339 pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671), deducting prior overshipments and carryforward used in 1979 in the combined total amount of 12,107 dozen; and (2) adjusting the level for women's, girls' and infants' woven cotton blouses in Category 341 by deducting carryforward used last year in the amount of 947 dozen; and (3) adjusting the level for women's, girls' and infants' cotton trousers in Category 348 by deducting prior overshipments of 3,622 dozen. All of the aforementioned adjustments are applicable to the agreement period which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463)).

SUMMARY: The Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan provides for the borrowing of yardage in certain categories from the levels of the following year (carryforward) and for the deduction in the following year of the amounts used. Under the terms of the amended bilateral agreement, the U.S. Government is adjusting the levels of restraint for Categories 339 pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671) and 341 for carryforward used last year and is also deducting overshipments in Categories 339 pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671) and 348, all during the agreement period that began on January 1, 1980 and extends through December 31, 1980.

EFFECTIVE DATE: September 3, 1980.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 27, 1979, there was published in the Federal Register (44 FR 76572) a letter dated December 20, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Categories 341 and 348, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the 12-month period which began on January 1, 1980 and extends through December 31, 1980. On May 6, 1980, a further letter dated April 30, 1980 was published in the Federal Register (45 FR 29877) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established a level of restraint for Category 339, including a sublimit for T.S.U.S.A. numbers 382.0669 and 382.0671 within the overall category limit. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the previously established levels of restraint for cotton textile products in Categories 339 pt. (only T.S.U.S.A. numbers 382.0669 and 382.0671), 341 and 348.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

August 28, 1980.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 20, 1979, the Chairman, Committee for the Implementation of Textile Agreements directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption during the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, of cotton textile products in certain specified categories, in excess of designated levels of restraint. The Chairman further advised you

that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on September 3, 1980 and for the the twelve-month period which began on January 1, 1980 and extends through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 339pt., 341 and 348, produced or manufactured in Pakistan, in excess of the following adjusted levels of restraint:

Category	Adjusted 12-mo level of restraint (dozen) [1]
339 pt.[2]	127,666
341	146,639
348	35,704

[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.
[2] In Category 339, only T.S.U.S.A. numbers 382.0669 and 382.0671.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-26906 Filed 9-2-80; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of January 4 and 9, 1978, as amended, between the Governments of the United States and Pakistan, which provide that: (1) within the aggregate and group limits, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward with the amount of carryforward used deducted from the level of the following year; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session October 9–10, 1980 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

A meeting of the Board has been scheduled for October 9–10, 1980 to discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with 5 U.S.C. App. I § 10(d) (1976), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

August 27, 1980.

[FR Doc. 80-26917 Filed 9-2-80; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education; Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Advisory Council on Vocational Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: September 24–26, 1980

ADDRESS: Howard Johnson's North, 4800 Merle Hay Road, Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Virginia Solt, NACVE Staff, 425 13th Street NW., Suite 412, Washington, D.C. (Tel: 202-376-8873).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the Council is open to the public, and the proposed agenda includes:

An Overview of the Status and Issues Relating to Vocational Education in a Rural State

Visit to Schools

Joint Meeting of National and Central States SACVEs: The future of Vocational Education; Forum on Vocational Education in Rural America; National Institute of Education Study of Education in Rural America; Final Comments on Vocational Education in Rural America

NACVE Business Meeting: Executive Director's Report; Committee Reports: Executive, Special Populations, Legislative

Report of the National Coordinating Committee of Student Volunteer Organizations on Reauthorization of the VEA

Status Report on Council's FY '81–'82 Priorities and Work Plan

Report on Open Forum on Vocational Education in Rural America and Implementation for Council Action.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education, 425 13th Street NW., Suite 412, Washington, D.C. 20004.

Signed at Washington, D.C., on August 27, 1980.

Raymond C. Parrott,

Executive Director.

[FR Doc. 80-26930 Filed 9-2-80; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Grants To State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Program Activities; Closing Date for Transmittal of Applications for Fiscal Year 1981

Applications are invited for grants to improve the interstate and intrastate coordination of migrant education activities under the Title I, Elementary and Secondary Education Act (ESEA), Migrant Education Program.

The authority for these grants is contained in section 143 of Title I, ESEA, as amended by Pub. L. 95-561. Funds are appropriated through a set-aside from the total Title I Migrant Education Program appropriation.

(20 U.S.C. 2761, 2762, 2763)

Eligible applicants are State educational agencies (SEAs).

The purpose of this program is to provide grants to SEAs (that may apply individually or cooperatively) to plan and implement special projects designed to improve the interstate and intrastate coordination of migrant education activities.

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a grant must be mailed or hand delivered to the Department of Education by October 21, 1980.

Applications Delivered by Mail: An application sent by mail must be addressed to: Department of Education, Application Control Center, Attention: 13.429, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(a) A legibly-dated U.S. Postal Service postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(a) A private metered postmark.

(b) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or, at least, first class mail. A late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 9:00 a.m., and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Grants under section 143 of Title I, ESEA, are made to SEAs to explore, design, and develop special projects to improve the interstate and intrastate coordination of migrant education activities.

The Secretary has identified nine broad areas of project activities as priorities for funding in fiscal year 1981. Six of these areas were developed as a result of a meeting, in September 1978, of representatives of the Department of Education and participating SEAs. These areas are now listed (as a suggested and non-exhaustive list) in 45 CFR 116d.24 of the Migrant Education Program final regulations. These six areas are as follows:

(a) *Parental involvement.* This type of project might include activities such as—

(1) Designing and establishing interstate (i.e., regional) parent advisory councils;

(2) Conducting research and development activities with respect to effective designs of parental involvement and the training of parent advisory council members; and

(3) Providing technical assistance to SEAs and LEAs in working with and training parent advisory council members.

(b) *Resource center.* This type of project might include activites such as—

(1) Evaluating the effectiveness and applicability of materials (such as instruments and procedures for needs assessment surveys, student assessment instruments, curricular materials, and evaluation methods and materials) developed for the Migrant Education Program;

(2) Disseminating the most appropriate of these materials; and

(3) Disseminating information about the availability of experts and other resources in the field of migrant education.

(c) *Identification and recruitment of children.* This type of project might include activities such as—

(1) Evaluating State identification and recruitment strategies;

(2) Developing a coordinated national program for the identification and recruitment of migratory children, including the design of model strategies and instruments; and

(3) Providing technical assistance to SEAs in the design and implementation of effective child identification and recruitment strategies.

(d) *Secondary school services.* This type of project might include activities such as—

(1) Assessing the needs of secondary school-level migratory children and the degree to which these needs are currently being met;

(2) Evaluating project designs and materials from Migrant Education Program secondary school projects, such as career education, vocational instruction, and dropout prevention projects, and the transfer of school credits; and

(3) Providing technical assistance to SEAs and LEAs in the design and implementation of secondary school projects for migratory children.

(e) *Information and dissemination center.* This type of project might include activities such as—

(1) Conducting a national awareness project for the Migrant Education Program—directed to the parents of eligible children, other parents and adults, the general education and educational research communities, and other family and child service agencies; and

(2) Developing and disseminating national Migrant Education Program informational materials.

(f) *Staff development services.* This type of project might include activities such as designing, developing, and implementing interstate training strategies for Migrant Education Program staff members.

In addition to these six areas of activity, three additional areas were developed as a result of a formal meeting, held in March 1980, with all SEAs. These three areas are as follows:

(a) *Interagency coordination.* This type of project might include activities such as—

(1) Designing and implementing model interstate (i.e., regional) strategies of interagency coordination of services to migratory children; and

(2) Providing technical assistance to SEAs in implementing these strategies.

(b) *Record transfer system uses.* This type of project might include activities such as exploring and designing

strategies of additional uses for the existing migrant student record transfer system (e.g., program management information, instructional information refinements, skills information transmittal.)

(c) *Project evaluation.* This type of project might include activities such as exploring and designing special evaluation strategies for local migrant education projects (e.g., strategies for short-term projects; strategies for use in the migrant student record transfer system in evaluation and assessment).

These nine areas of project activities (six developed from the September 1978 meeting and now listed in 45 CFR 116d.24 of the Migrant Education Program final regulations; three developed from the March 1980 meeting) are the Secretary's priorities for fiscal year 1981 funding under section 143 of Title I, ESEA. Although both the statute and program regulations authorize other types of interstate and intrastate coordination project activities to be funded, project proposals that address one of the nine identified areas and that receive the highest evaluation—according to the project selection criteria—will receive priority consideration. If sufficient funds are available, project proposals that address other areas of interstate and intrastate coordination and that also receive the highest evaluation—according to the project selection criteria—may be funded. However, it is quite possible that no projects that do not address the priorities will be funded.

Grant applications will be evaluated according to the selection criteria listed in 45 CFR 100a.202 through 100a.206 of the Education Division General Administrative Regulations (EDGAR). However, in deciding which project proposals to select for funding, the Secretary will also take into consideration the extent to which the proposed project includes activities in the priority areas of consideration listed and described in this notice. The selection criteria for the evaluation of project proposals are as follows:

(a) Plan of operation.
(b) Quality of key personnel.
(c) Budget and cost effectiveness.
(d) Evaluation plan.
(e) Adequacy of resources.

Each criterion will be weighted equally.

Available Funds: The Secretary expects that $2.6 million will be available for fiscal year 1981. The Secretary estimates that these funds will support 30–40 projects. These estimates, however, do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and instructions will be mailed to all eligible SEAs. Additional forms and instructions may be obtained by writing to the Department of Education, Office of Elementary and Secondary Education, Office of Migrant Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the grant application package.

Applicable Regulations: The regulations that apply to this program include the following:

(a) The Migrant Education Program Regulations (45 CFR Part 116d) published in the Federal Register on April 3, 1980 (45 FR 22660).

(b) The Title I General Provisions Regulations (45 CFR Part 116).

(c) The Education Division General Administrative Regulations (45 CFR Parts 100a and 100c).

Waiver of Proposed Rulemaking Procedures for Establishing Funding Priorities: In accordance with section 431(b)(2)(A) of the General Education Provisions Act (GEPA) (20 U.S.C. 1332(b)(2)(A)), it is the procedure of the Department of Education to offer interested persons the opportunity to comment on proposed regulations, including the funding priorities to be used in discretionary grant programs such as "Grants to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities." However, based upon the documents that the Department of Health, Education, and Welfare submitted to the Congress during the budget deliberations, we believe that when the Congress appropriated funds for fiscal year 1981 discretionary grants under this program, it was expected that the grants would be made for roughly the same period as the Title I, ESEA, Migrant Education Program formula grants to SEA's—that is, for the 1980–81 school year. Therefore, these discretionary grants must be awarded as close to the beginning of the 1980–81 school year as possible.

Under section 431 of GEPA (20 U.S.C. 1332), no proposed regulations for the administration of such programs may take effect until after a period for public comment and a subsequent 45 day period following transmittal to the Congress. Clearly, it would be impossible to now follow that public rulemaking procedure with respect to the funding priorities for these discretionary grants if they are to be awarded close to the beginning of the 1980–81 school year.

For the reasons discussed above, the Department has determined that it would be impracticable and contrary to the public interest, under 5 U.S.C. 553(b), to delay the awarding of these fiscal year 1981 grants until after the Department has followed the public rulemaking procedures to establish funding priorities. Consequently, this application notice describes the funding priorities for fiscal year 1981 grants. However, specific program regulations for "Grants to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities" are being developed and will soon be published in the Federal Register for public comment. Those regulations will fully describe the funding priorities and will be published in final form prior to the submission of applications for fiscal year 1982 grants.

Further Information: For further information, contact Dr. Walter E. Steidle, Office of Migrant Education, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Avenue, S.W. (ROB–3, Room 3608), Washington, D.C. 20202. Telephone (202) 245–2222.

(20 U.S.C. 2761, 2762, 2763).

(Catalog of Federal Domestic Assistance No. 13.429; Educationally Deprived Children-Migrants)

Dated: August 26, 1980.

Steven A. Minter,

Acting Secretary of Education.

[FR Doc. 80-26915 Filed 9-2-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Extension Service: Availability of Funding

AGENCY: Department of Energy, Region I.

ACTION: Notice of the Availability of Funding.

SUMMARY: This document announces the issuance of a Program Solicitation by the Department of Energy, Region I. The Solicitation invites grant applications from States located in Region I for funding of projects in support of the Energy Extension Service Program.

DATE: Grant applications must be received no later than 4:00 p.m., September 9, 1980 to: Department of Energy, Region I, 150 Causeway Street, Boston, MA 02114.

FOR FURTHER INFORMATION CONTACT: C. G. McGowan, Office of Program Operations, (617) 223–5207 Louise S. Urgo, Office of Management and Support, (617) 223–5207.

SUPPLEMENTARY INFORMATION:

I. Backgound

The Department of Energy, Region I is making financial assistance available to the States located in the Region to support the ongoing Energy Extension Service (EES) program. Grants are to be issued to fund certain eligible projects that will enhance the capability of the States to implement the EES program.

II. Eligible Grantees

Eligible grantees are the States located in the Department of Energy, Region I.

III. Eligible Activities

Grants issued pursuant to this notice are limited to the following projects:

a. Production of public service television and/or radio announcements for energy-related consumer information.
b. Preparation of an energy resource directory.
c. Assistance in improving State Energy Office library facilities.
d. Preparation of consumer guidebook for evaluation of energy conservation and alternate energy products.

IV. Application Procedures

The Program Solicitation and Grant Applications have been provided to each State in Region I. Application content and evaluation criteria are set forth in the Program Solicitation. Grant awards will be issued prior to September 30, 1980.

Dated: August 27, 1980.

Joseph P. Capello,

Director, Procurement Operations Office.

[FR Doc. 80-26905 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement Between United States and European Atomic Energy Community (EURATOM)

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 for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Norway Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer of special nuclear material of United States origin from Norway to the United Kingdom. The nuclear material consists of 12 irradiated fuel rods containing 3.923 kilograms of uranium, enriched to 10.117% in U-235, and 7.8 grams of produced plutonium. This material was originally shipped from the United States to Norway for irradiation, and is to be retransferred to the United Kingdom for post-irradiation examination. After examination and storage, the material is to be returned to the United States for ultimate disposition.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this retransfer, designated as RTD/EU (NO)-31 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than September 18, 1980.

Dated: August 28, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80-26826 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement Between United States and European Atomic Energy Community (EURATOM)

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 for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the sale of 20 milligrams of plutonium enriched to 88.62% in Pu-244 to the Federal Republic of Germany to be used for basic research in nuclear physics concerning cross section studies of Pu-244.

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 under Contract S-EU-657 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: August 28, 1980.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs International Nuclear and Technical Programs.

[FR Doc. 80-26827 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Record of Decision To Construct Electrical Transimission Facilities, Okanogan Area of Northeastern Washington

Decision

The decision has been made to construct transmission facilities required to satisfy electrical power and reliability needs in the Okanogan area of northeastern Washington. A 55-mile 230-kV transmission line will be constructed between Bonneville Power Administration's (Bonneville's) Chief Joseph and Tonasket Substations. The route of this transmission line is identified as Alternative B within the supplement to Bonneville's Final Proposed Fiscal Year 1976 Program Environmental Impact Statement (DOE/EIS-0048-FS-1, January 1980). A new substation referred to as East Omak Substation (Coleman Butte Substation in the EIS) will also be constructed. The site selected is located north and east of Omak, Washington, in section 24, T. 34N, R. 26E, and is identified as Bonneville's proposal within the EIS supplement.

Background

The Bonneville Power Administration (Bonneville), operating in accordance with legislated authorities, has conducted power marketing and power flow studies of the Okanogan area. Bonneville customers in the area are the Okanogan County Public Utility District (PUD), the Douglas County PUD, and the Okanogan Electric Cooperative. Electrical service to the area is presently provided by Bonneville over two 115-kV lines. Studies conducted jointly by Bonneville and its customers in 1973 indicated that additions to the power transmission system were required by 1975, in order to serve growing loads and to improve system reliability. Bonneville's Final Fiscal Year 1976 Program EIS described transmission system additions which would satisfy these requirements. The proposed transmission line required a right-of-way across Colville Tribal lands. However, Bonneville was not able to

reach an agreement with the Tribal Council regarding an easement.

Since 1975, the project has been held in abeyance pending resolution of issues with the Colville Tribal Council. During this period, Bonneville was forced to deviate from its reliability criteria while electrical loads have continued to increase. Bonneville could no longer defer the transmission project so a new transmission proposal was developed. This new proposal involved 230-kV construction on a line route which avoided the Colville Tribal lands. In June 1979, this proposal was described in a draft supplement to Bonneville's Final 1976 Program EIS.

Since issuance of the draft EIS supplement, Bonneville successfully negotiated a settlement with the Confederated Colville Tribes which allows the transmission line to cross the reservation. Bonneville has, therefore, reverted to the original proposal which has less environmental impact, is less expensive, and is more desirable from an engineering standpoint. A Final Facility Location Supplement—which identifies this change in circumstances—was filed in March 1980 (DOE/EIS-0048-FS-1).

Description of Action

The action involves construction of a 55-mile (88 km) double-circuit 230-kV transmission line, construction of an East Omak Substation, and modifications to Bonneville's Chief Joseph and Tonasket Substations.

The route to be utilized by the transmission line is identified in the EIS as Alternative B. It begins at the Chief Joseph Substation, crosses the Columbia River just upstream from Chief Joseph Dam, and proceed north across the Colville Indian Reservation, past Soap Lake. The route bypasses the town of Okanogan en route to the East Omak Substation located north and east of Omak. Initially, one side of this 230-kV line will be operated at 115-kV with a connection to Grand Coulee-Foster Creek 115kV line. From East Omak Substation, the new line would generally follow the existing Okanogan-Tonasket 115-kV line into Tonasket Substation. The existing 20 miles of 115-kV single-circuit line between Omak and Tonasket would be removed after the new circuits are energized. The proposal will utilize some new rights-of-way in order to mitigate impacts to visual, residential, and agricultural (orchard) resources.

The new East Omak Substation will serve the function of distributing power to the Omak and Okanogan areas and serve as a connection to the northern Okanogan Valley and Tonasket, Washington. Four acres (2 ha) of land will be initially developed. Approximately 15 acres (6 ha) would eventually be required for ultimate substation development.

Description of Alternatives

The alternatives considered by Bonneville in reaching its decision were:

1. Nonconstructive Alternatives
a. No action
b. Limiting consumption of electricity
2. Construction alternatives
a. Provide transmission support from Grand Coulee Dam
b. Transmission line route alternatives
c. Underground transmission
d. Local generation

Basis of Decision

Bonneville presently provides services to the Okanogan County PUD, the Douglas County PUD, the Okanogan Electric Cooperative, and the Nespelem Valley Electric Cooperative. The present transmission system by which these Bonneville customers are served is not capable of providing reliable service. This system will also not be capable of serving forecasted loads beginning in 1982. Additional transmission systems are required to rectify this situation.

The nonconstruction alternatives will not correct these problems. In a sense, the no-action alternative has been in effect since 1975, pending resolution of transmission routing issues with the Colville Tribal Council. Electrical service problems have become more serious during this period and Bonneville has departed from its normal service standards. Bonneville's customers have requested that action be taken to provide a standard of service comparable with that routinely afforded other customers. Comparable service standards may only be achieved through construction of transmission system improvements.

From among the various construction alternatives considered, the action decided upon is the most favorable. On the basis of capital cost, the selected alternative is approximately two million dollars less expensive than the next lowest cost alternative. On the basis of engineering suitability, the action decided upon presents fewer engineering obstacles than any of the other options.

With respect to environmental suitability, the alternatives were comparatively evaluated, and the alternative selected is environmentally preferred. The EIS for the project (DOE/EIS-0048-FS-1) provided data on public opinion regarding the various alternatives. Public comments on this EIS revealed support for the alternative selected. Comments indicating concern over environmental impacts were largely directed at other alternatives.

The concerns of the Confederated Colville Tribes, which previously delayed implementation of the project in 1975, have also been satisfactorily resolved.

Considering these factors, Bonneville believes that it has made a decision which best meets engineering, economic, social, and environmental restraints.

Discussion of Environmentally Preferred Alternatives

As indicated in the basis for the decision, the action to be taken is the environmentally preferred alternative. It has few land use and natural resource conflicts. Impacts to soils, due primarily to 20 miles of access road construction on moderate slopes, are less then one-half of Alternative A (the ranking alternative), which would require 45 miles of road construction, much on steep slopes. Most of the access road construction will not be visible to the traveling public as it is remote from view. Effects upon water resources from siltation and increased turbidity are expected to be temporary, very minor, and probably not measurable.

Clearing will be necessary through about 3 miles of light pine forest as opposed to 8 miles on Alternative A. The impacts to nesting and drumming grounds for grouse and upland birds are expected to be minor, with construction being restricted in drumming areas during critical periods as per consultation with local wildlife experts.

The impact to deer wintering grounds is expected to be minor as browse will be disturbed only at tower sites and for some access road construction. Construction activities will not take place during the winter season. The propsal (Route B) avoids heavily used waterfowl flyways and the bald eagle flyways along Route A. Route B also avoids the Chilowist Wildlife Recreation Area. Location of Route B was closely coordinated with local wildlife experts to minimize impacts to all types of wildlife.

The proposal has been located to avoid orchards where possible. A total of approximately 3,000 feet of orchard is crossed, most of which is spanned with two towers within the orchard. One tower will be located in dryland wheatfields.

The proposed centerline has been located east of Okanogan Airfield and will not be visible from the city of Okanogan. It will be visible from some rural residences. The line will occasionally intrude on scenic vistas in the Okanogan Valley north of East Omak Substation. The centerline was

located to cause minimal interference with future land development through coordination with land-owners and county planners.

Considerations in Implementation of the Decision

All practicable means to avoid or minimize environmental harm from the alternative selected have been adopted. As described in the final EIS, these mitigation measures have been adopted: (1) Slash burning will be coordinated with the Columbia Basin Air Pollution Control District and will be restricted near population centers during periods of poor dispersion; (2) access roads will avoid steep slopes as much as possible and when not possible water bars will be installed and exposed areas will be seeded; (3) structures located within floodplains will be designed to withstand any flooding which might occur; (4) water bars and sediment traps will be built whenever stream sedimentation may be a problem; (5) herbicides will not be applied near water bodies; (6) seeding programs on rangeland will be carried out in coordination with local agencies; (7) BPA will cooperate with local weed control districts and landowners to prevent the spread of noxious weeds and poisonous plants; (8) BPA will work in conjunction with the Washington State Department of Fish and Game and the Nature Conservancy to avoid adverse impacts to the bitterbrush/Idaho fescue shrub-steppe ecosystem near Davis Canyon and the bitterbrush/needle and thread grass ecosystem near Riverside; (9) orchards will be avoided whenever possible but when crossed tower heights will be sufficient not to interfere with tree growth and no access roads will be built in the orchards; (10) farmlands will be avoided whenever possible through selective tower placement; (11) brush and low-growing shrubs in the rights-of-way will not be cleared except at tower sites and along access roads and will provide a diversity of habitat for wildlife; (12) if residents suspect television and/or AM radio interference, mitigation in accordance with BPA policy will be undertaken to restore reception; (13) visual impacts will be minimized by placing towers in screened areas and minimizing clearing the land; and (14) should any archaeological resources suitable for nomination to the National Register of Historic Places be identified during project development, excavation will not be undertaken without first following established Bonneville rules on protection of these resources. There are no practicable means to avoid or minimize environmental harm described in the final EIS for which mitigation measures have not been adopted.

No monitoring and enforcement program is applicable for the mitigation measures. The mitigation measures which have been adopted are self-executing through standard operation procedures, construction contract specifications, and existing environmental protection procedures instituted through the BPA Manual.

Dated at Portland, Oregon, this 25th day of August 1980.

Ray Foleen,

Acting Administrator.

[FR Doc. 80-26903 Filed 9-2-80; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. IE-80-1, ERA Docket No. IE-77-6]

Niagara Mohawk Power Corp. and New York Power Pool; Supplemental Order Authorizing Transmission of Electric Energy to Canada and Accepting for Filing Export Rate Schedule

August 26, 1980.

Niagara Mohawk Power Corporation (Niagara Mohawk), a member of the New York Power Pool (NYPP), filed an application with the Economic Regulatory Administration (ERA) on January 25, 1980, for a supplemental order amending its authorization to export electric energy to Ontario Hydro in the Province of Ontario, Canada. Specifically, Niagara Mohawk requested that ERA include in the export authorization the remaining members of the New York Power Pool (Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Long Island Lighting Company; New York State Electric & Gas Corporation; Orange & Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation). As is explained below, the amendment of the export authorization by substituting the New York Power Pool for Niagara Mohawk will not result in an increased amount of electric energy being exported to Canada.

In 1955, the Federal Power Commission authorized Niagara Mohawk, pursuant to section 202(e) of the Federal Power Act, to transmit electric energy to Ontario Hydro (Docket No. IT-5637). In 1966, Niagara Mohawk's authorization was supplemented to authorize an increased level of interchange activity (Docket No. E-6797).

On October 3, 1977, the New York Power Pool/Ontario Hydro Interconnection Agreement was filed with the Federal Energy Regulatory Commission. That application sought approval of an agreement establishing a rate schedule for exports from the NYPP to Ontario Hydro and requested a waiver of the Commission's notice requirements pursuant to 18 CFR 35.11 to allow for an effective date of April 4, 1977. The application later was transferred to the Department of Energy pursuant to section 402(f) of the Department of Energy Organization Act. Upon review, ERA noted that the NYPP did not have authority under section 202(e) of the Federal Power Act to export electricity. Accordingly, ERA notified the NYPP that Niagara Mohawk would have to file an application to amend its export authority by substituting the NYPP as the exporter of electric energy. After issuance of such an amendment, ERA would consider the application by the NYPP for approval of the agreement establishing the new rate schedule. It is that application which is being considered now in connection with the application to amend the export authorization.

The authorization requested will not impair the sufficiency of the electric supply within the United States, or within New York State in particular, and will not impede or tend to impede the coordination in the public interest of facilities subject of the jurisdiction of ERA because no additional exports, over the amounts which Niagara Mohawk itself is authorized to export, have been requested. Furthermore, the fundamental premise of the proposed Interconnection Agreement between NYPP and Ontario Hydro, which will govern the contractual arrangement between the parties, is that each participating utility is responsible for first supplying the needs of its own system; therefore, the transmission of energy to Ontario Hydro will be made only when consistent with the safe and proper operation of each participant's system, and with its ability to furnish economical and dependable service to its own customers and to meet its obligations to other U.S. customers with whom it is interconnected.

The Interconnection Agreement permits the purchase of substantial amounts of less expensive energy from Ontario Hydro for the benefit of the NYPP members. In order to acquire this benefit, the Interconnection Agreement provides that each of the various types of services contemplated will be rendered on a reciprocal basis. The electric energy to be exported will be produced in generating stations owned and operated by members of the NYPP.

Notice of the application to amend the export authorization was given by publication in the Federal Register on March 24, 1980 (45 FR 19023), stating that any person desiring to be heard or to make any protest with reference to the application should on or before April 30, 1980, file with the Economic Regulatory Administration, Washington, D.C. 20461, petitions to intervene or protests in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10). Notice of the October 3, 1977, application by the New York Power Pool was given on October 20, 1977 (42 FR 55919). No petition or protest or request to be heard in opposition to the granting of the applications was received by ERA.

ERA Finds

(1) The proposed transmission of electric energy from the United States to Canada as limited herein and as hereinafter authorized will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of ERA, since the NYPP will be exporting energy which is surplus to each member of the NYPP, after having served its own customer needs.

(2) The periods of public notice given in this matter are reasonable.

(3) The request by the NYPP for a waiver of the 30-day notice period, pursuant to 18 CFR 35.11, to allow the Interconnection Agreement to become effective as of April 4, 1977, should be granted. Niagara Mohawk and Ontario Hydro have conducted all billing arrangements between the two parties pursuant to this Agreement since that date, and to deny the waiver would cause a significant economic disruption.

ERA Orders

(A) NYPP is hereby authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application to amend the export authorization issued to Niagara Mohawk and in the application dated October 3, 1977, filing the New York Power Pool/Ontario Hydro Interconnection Agreement, and subject to the provisions of this order.

(B) The New York Power Pool/Ontario Hydro Interconnection Agreement dated October 3, 1977, is accepted for filing as the agreement governing any exports from the New York Power Pool to Ontario Hydro. Such agreement shall be effective as of April 4, 1977, pursuant to 18 CFR 35.11.

(C) The electric energy which NYPP is hereby authorized to transmit from the United States to Canada shall be transmitted over facilities authorized by the Administrator of ERA or the Federal Power Commission and owned and operated by Niagara Mohawk, pursuant to Executive Order 10485, as amended.

(D) The authorization herein granted may be modified from time to time or terminated by further order of ERA, but in no event shall such authorization extend beyond the date of termination or expiration of any necessary Presidential Permits issued to Niagara Mohawk or to NYPP by the Administrator of ERA or the Federal Power Commission.

(E) NYPP shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations or orders adopted or issued by ERA.

(F) NYPP shall provide for the installations and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted over its interconnections with Ontario Hydro; and shall make, keep and preserve full and complete records with respect to the movement of such energy.

(G) This authorization to transmit electric energy from the United States to Canada shall not be transferable or assignable except in the event of an involuntary transfer by operation of law. In such a situation, this authorization shall continue in effect provided a new application for export authority is received by the ERA within 30 days of the transfer. This temporary authorization, unless officially rescinded, will remain effective pending a decision on the new application.

Issued in Washington, D.C., August 26, 1980.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 80-26628 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-01-M

Shenandoah Oil Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: August 20, 1980.

COMMENTS BY: October 3, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, Phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On August 20, 1980, the Office of Enforcement of the ERA executed a Consent Order with Shenandoah Oil Corporation of Fort Worth, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

Because the DOE and Shenandoah Oil Corporation wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Shenandoah Oil Corporation effective as of the date of its execution by the DOE and Shenandoah Oil Corporation.

I. Consent Order

Shenandoah Oil Corporation with its home office in Fort Worth, Texas is a firm engaged in the production and sale of crude oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, part 210, 211, 212. The Office of Enforcement of the Economic Regulatory Administration (ERA) and Shenandoah Oil Corporation entered into a Consent Order to resolve certain civil actions which could be brought be ERA as a result of its audit of the crude oil sales by Shenandoah Oil Corporation. This Consent Order settles those matters relative to Shenandoah Oil Corporation's production and sale of crude during the period September 1, 1973 through November 1966.

The significant terms of the Consent Order with Shenandoah Oil Corporation are as follows:

1. Shenandoah Oil Corporation (Shenandoah) misapplied the provisions of 10 CFR 212.73 and its predecessor, 6 CFR 150.354 when determining the prices to be charged for certain domestic crude oil.

2. Shenandoah understands and agrees to refund $115,500.00 to the DOE

by certified check. This amount is in full settlement of any and all civil liability within the jurisdiction of the DOE in regard to actions that might be brought by the DOE arising out of the specified transactions for the following properties:

Bel Estate No. 1, 2 and 5
Stribling, Jr. A No. 1, 2, 3 and 4

3. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

Refunded overcharges as described in 2. above will be made in one payment of $115,500.00. Delivery of such payment shall be to the Assistant Administrator for Enforcement, Economic Regulatory Administration, in the form of a certified check made payable to the United States Department of Energy.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "person" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected person, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

Potential Claimants: Interested persons who believe that they ahve a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established.

Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214-767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Shenandoah Oil Corporation's Consent Order." We will consider all comments we receive by 4:30 p.m., local time, October 3, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 20th day of August 1980.

Herbert F. Buchanan,

Deputy District Manager of Enforcement, Southwest District Office, Economic Regulatory Administration.

[FR Doc. 80-26825 Filed 9-2-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER80-685]

Central Kansas Power Co.; Filing

August 27, 1980.

The filing Company submits the following:

Take notice that the Central Kansas Power Company (CKP), on August 21, 1980, tendered for filing proposed changes in its FERC Electric Service Rate Schedule No. 1. The proposed changes would reduce the number of points at which metering is conducted.

The changes are being filed to reflect an agreement reached between the company and Sunflower Electric Cooperative, the customer under CKP's Rate Schedule.

The company also request a waiver of the notice requirement, pursuant to Section 35.11, to allow for an effective date of June 1, 1980 for the tariff change.

Copies of the filing were served upon the Sunflower Electric Cooperative and the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 and 1.10). All such petitions or protests should be filed on or before September 17, 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. 80-26837 Filed 9-2-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-487]

Chattanooga Gas Co., a Division of Jupiter Industries, Inc.; Application

August 27, 1980.

Take notice that on August 7, 1980, Chattanooga Gas Company, a Division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP80-487 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the provision of a liquefaction of natural gas service for Austell Natural Gas System of Austell, Georgia (Austell), and United Cites Gas Company (United Cities), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to liquefy up to 750 Mcf of natural gas per day, less fuel consumed in liquefaction, for Austell and a like amount for United Cities. It is stated that Southern Natural Gas Company (Southern) would deliver gas for the account of Austell to Applicant's LNG facility and East Tennessee Natural Gas Company (East Tennessee) would deliver the gas to be liquefied for United Cities. Applicant states that after liquefying the gas, it would transport it to its LNG plant liquid load-out delivery point. It is stated that Austell and United Cities would then arrange for the transportation by an appropriate carrier of the LNG to their respective LNG storage facilities for storage until it is needed for meeting their high priority requirements during the heating season.

Southern, Austell and Applicant have entered into a transportation agreement dated June 17, 1980, it is stated. Applicant indicated that under this

agreement, Southern would perform the transportation service for Austell pursuant to the terms of Section 311(a) of the Natural Gas Policy Act of 1978. The agreement, it is stated, would become effective on the date of initial delivery and would continue in effect for two consecutive years subject to extensions of two-year terms by written agreement of all the parties thereto. It is stated that the transportation agreement among East Tennessee, United Cities and Applicant would be similar and that a contract for the arrangement is currently being negotiated.

Applicant's liquefaction service would be on a best-efforts basis. Applicant proposes to charge $1.00 per Mcf of gas for this service.

Any persons desiring to be heard or to make any protest with reference to said application should on or before September 16, 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. 80-26844 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-605]

Cincinnati Gas & Electric Co.; Filing

August 26, 1980.

Take notice that on August 13, 1980, Cincinnati Gas & Electric Company (CGE) tendered for filing Modification No. 5 to the Interconnection Agreement between itself and Louisville Gas & Electric Company (FERC Tariff Schedule No. 33) and the Sixth Supplement Agreement to the Interconnection Agreement between itself and Public Service Company of Indiana, Inc. (Tariff Schedule No. 34).

CGE indicates that this filing is in response to Commission Order No. 84, issued May 7, 1980, in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26853 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-3-32]

Colorado Interstate Gas Co.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

August 26, 1980.

Take notice that Colorado Interstate Gas Company (CIG) on August 15, 1980, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1980. The increased jurisdictional cost to CIG of purchased gas proposed to be recovered by the filing amounts to approximately $271.4 million. Such amount reflects the increased jurisdictional cost of gas in this application over the amount contained in CIG's previously effective rates and is offset by a $.9 million annual reduction in CIG's Base Tariff Rates as required by Subsection 7.5(b) of the "Stipulation and Agreement of Settlement" approved by the Commission in CIG's Docket No. RP79-59 on March 5, 1980. The net annual jurisdictional rate increase proposed is $270.5 million. Due to the absence of any projected maximum surcharge absorption capability on CIG's system, no reduction in CIG's Estimated Actual Cost of Purchased Gas for incremental pricing purposes is reflected in the filing.

CIG also requests in the filing waiver of the provisions of Section 23 of its FERC Gas Tariff, Original Volume No. 1 in order that it might make cash refunds of certain Supplier Refunds Subject to Flow-Through received by it instead of crediting the same to its unrecovered cost of purchased gas account.

Copies of CIG's 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 Sept. 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26854 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP74-82, et al.; RP74-20 and RP74-83; RP74-20, et al. (Interest Reimbursement)]

Columbia Gas Transmission Corp., et al.; Order Denying Application for Rehearing and Clarifying Prior Order

Issued: August 27, 1980.

On July 28, 1980, United Gas Pipe Line Company (United), applied for rehearing of the Commission's order in *Columbia Gas Transmission Corp., et al.*, Docket Nos. RP74-82, *et al.*, issued June 26, 1980. United also requests clarification of the effect of the order on United's pending rate cases.

United requests a rehearing of the Commission's determination that United's interest reimbursement proceeding is subject to the jurisdiction of the D.C. Court of Appeals and the guidelines of *Tennessee Gas Pipelines*

Co. v. *FERC*, 606 F. 2d 1094 (D.C. Cir. 1979). No facts or arguments have been presented by United which would justify rehearing. Accordingly the application for rehearing is denied.

United also seeks clarification of the effect of the order on United's pending rate proceedings. In Ordering Paragraph (E) of the June 26 order, the Commission terminated United's refund liability with respect to the Order No. 465 advance payments in Docket Nos. RP74-20 and RP74-83. United requests that the Commission modify that paragraph to make it clear that United's refund liability with respect to those advances has also been terminated for rate periods subsequent to those dockets. United States that the advances in the subsequent dockets are the same advances which the court, in *United Gas Pipe Line Co.* v. *FERC*, 597 F. 2d 581 (5th Cir. 1979), ruled must be included in United's rate base.

The requested modification is in line with the determination of our order that "judgement for the Order No. 465 advances will * * * be entered for United * * *." Accordingly, United's request for clarification is granted and the June 26 order shall be modified accordingly.

Finally, United requests clarification of the Commission's statement that United's remanded Order No. 499 advances will be governed by its respective court order, but with *Tennessee* looked to for guidance as appropriate. United argues that insofar as the Commission's understanding or interpretation of the guidelines provided for by *Tennessee* are inconsistent with the approach used by the Fifth Circuit in *United*, the *United case must control. This argument states a proposition which we believe is self-evident and requires no clarification.*

The Commission orders: (A) United Gas Pipe Line Company's application for rehearing is denied.

(B) Ordering Paragraph (E) of the Commission's order of June 26, 1980, is modified to read as follows:

(E) United Gas Pipe Line Company's refund liability with respect to Order No. 465 advances in Docket Nos. RP74-20 and RP74-83, and subsequent dockets involving those advances, is terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26843 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-67]

Consumers Power Co.; Application

August 26, 1980.

Take notice that Consumers Power Company (Applicant) on August 6, 1980, filed an application for authorization, pursuant to Section 204 of the Federal Power Act, to enter into certain installment sales contracts with the Charter Township of Hampton, Bay County, Michigan ($4 million) and the City of Muskegon, Muskegon County Michigan ($7 million) in connection with the issuance of aggregate of $11 million of Pollution Control Revenue Bonds for certain pollution control facilities.

In general, the Installment Sales Contracts will provide for the conveyance of the Pollution Control Equipment from the Applicant to the Municipalities, with an immediate transfer of the Pollution Control Equipment back to the Applicant, wherein the Municipalities retain a security interest in the Pollution Control Equipment. The Installment Sales Contracts will also require the Applicant to make payments to the trustees in amounts sufficient to pay principal, premium (if any) and interest on the Pollution Control Revenue Bonds as may be due in accordance with the terms of the Trust Indentures. In addition, the Installment Sales Contracts will contain, among other things, a number of convenants relative to the operation and maintenance of the project, insurance and remedies upon default.

Any person desiring to be heard or to make any protest with reference to the application should on or before September 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with Section 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26838 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-658]

Commonwealth Edison Co.; Filing

August 26, 1980.

Take notice that on August 13, 1980, Commonwealth Edison Company (Commonwealth) tendered for filing a Supplement to FERC Rate Schedules 2, 7, 9, 10, 14, 15, 16, 17 and 18. Commonwealth states that this Supplement is being filed unilaterally and applies to all of Commonwealth's Interconnection Agreements with its interconnected neighbors except that with Illinois Power Company.

Commonwealth indicates that this filing is in response to Commission Order No. 84, issued May 7, 1980, in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26855 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-679]

Consumers Power Co., Proposed Tariff Change

August 26, 1980.

The filing Company submits the following:

Take notice that Consumers Power Company (Consumers Power) on August 20, 1980, tendered for filing Amendment No. 1 to the Operating Agreement dated May 1, 1979 among Consumers Power Company, The Detroit Edison Company and Northern Indiana Public Service Company. The May 1, 1979 Operating Agreement has previously been designated Consumers Power Company Rate Schedule FERC No. 45.

Consumers Power states that Amendment No. 1 modifies Service Schedule B (Short-Term Capacity and Energy) of the May 1, 1979 Operating Agreement as follows:

	Former rates	New rates
Short-Term Demand Charge (Weekly basis)	$0.70 per kW per week	$0.85 per kW per week.
Short-Term Energy Charge (When purchased from 3rd party—transmission service).	Energy charge paid to 3rd party, plus 10%.	Energy charge paid to 3rd party, plus 1 mill per kwh.
Short-Term Capacity Charge (When purchased from 3rd party—transmission service).	$0.175 per kW per week	$0.24 per kW per week.
Short-Term Demand Charge (Hourly or daily basis).	$0.01 per kW per hour not to exceed a maximum of $.12 times greatest kW demand of the day.	$0.01 per kW per hour not to exceed a maximum of $0.14 times greatest kW demand of the day.

Consumers Power states that copies of the filing were served on Detroit Edison, Northern Indiana Public Service Company and the Public Service Commissions of Michigan and Indiana.

Any person desiring to be heard or to protest said amendment should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before September 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. And person wishing to become a party must file a petition to intervene. Copies of Amendment No. 1 are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26856 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-687]

Duke Power Co.; Supplement to Electric Power Contract

August 27, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on August 21, 1980 a supplement to the Company's Electric Power Contract with Crescent Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 248.

Duke Power further states that the Company's contract supplement, make at the request of the customer and with agreement obtained from the customer, provides for a new point of delivery as follows: Delivery Point No. 17 with 5,000 KW designated demand.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of October 20, 1980.

According to Duke Power copies of this filing were mailed to Crescent Electric Membership Corporation and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants a party 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. 80-26840 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-686]

Duke Power Co.; Supplement to Electric Power Contract

August 27, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on August 21, 1980 a supplement to the Company's Electric Power Contract with Blue Ridge Electric Cooperative. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 142.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for a new point of delivery as follows: Delivery Point No. 16 with 1,500 KW designated demand.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of October 20, 1980.

According to Duke Power copies of this filing were mailed to Blue Ridge Electric Cooperative and the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 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. 80-26838 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-683]

Florida Power Corp.; Filing

August 26, 1980.

The filing Company submits the following:

Take notice that on August 20, 1980 Florida Power Corporation (Florida Power) tendered for filing an executed transmission service agreement with the Fort Pierce Utilities Authority. Florida Power states that the form of service agreement was provided in its transmission tariff on file with the Federal Energy Regulatory Commission. Florida Power requests that the sixty (60) day notice requirement be waived so that the agreement may be permitted to become effective on July 15, 1980, the day on which it was executed by the Fort Pierce Utilities Authority. Florida Power states that copies of the filing have been served on the Fort Pierce Utilities Authority, and the Florida Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 September 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26857 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-73]

Gulf States Utilities Co.; Application

August 26, 1980.

Take notice that on August 25, 1980, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission seeking an order pursuant to Section 204 of the Federal Power Act, disclaiming jurisdiction or in the alternative, ascertaining jurisdiction over and approving the entry into a Leasing Agreement for the lease of certain new and used vehicles, computers, construction and related equipment, communication equipment, and new and used aircraft. The aggregate amortized value of equipment to be leased by the Company shall not exceed $30 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 5, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26841 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-681]

Kansas Power & Light Co.; Filing

August 26, 1980.

The filing Company submits the following:

Take notice that on August 20, 1980, Kansas Power and Light Company (KPL) tendered for filing Amendment No. 1 to Service Schedule D, System Participation Power Service, to rate schedule FPC No. 83 between KPL and the Kansas City Power and Light Company (KCPL). The proposed effective date is August 10, 1980, and KPL requests that the Commission waive the notice requirements as allowed in Section 35.11 of its Regulations. In addition, KPL states that copies of the Amendment have been mailed to KCPL and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street 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 September 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26858 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-93]

State of Louisiana Department of Natural Resources; Final Finding on Well Category Determination

Issued: August 26, 1980.

Before Commissioners: Charles B. Curtis, Chairman; Georgiana Sheldon, and George R. Hall.

In the matter of State of Louisiana, Section 103 NGPA Determination, Conoco, Inc., T. Ortego A SU, L. L. Welch A No. 17 Well, Louisiana Docket NGPA No. 79-3006, F.E.R.C. JD No. 80-10659.

On December 28, 1979, the State of Louisiana, Department of Natural Resources, Office of Conservation (Louisiana) submitted to the Commission a notice of determination that the T. Ortego A SU; L. L. Welch A No. 17 Well (Ortego *et al.* No. 17 well), operated by Conoco, Inc., is a new, onshore production well pursuant to section 103 of the Natural Gas Policy Act of 1978, 15 U.S.C. § 3301 *et seq.* The Commission published a notice of Louisiana's determination in the Federal Register on January 22, 1980.

On May 1, 1980, the Commission issued a "Notice of Preliminary Finding" that the determination by Louisiana did not appear to be supported by substantial evidence in the record on which the determination was based.[1]

To qualify as a new, onshore production well under section 103 of the NGPA, a well, among other requirements, generally must not be a second well located within an existing proration unit. However, under § 271.305 of the Commission's regulations, a well may be a second well in an existing "State law proration unit" and still qualify as a new, onshore production well, if the jurisdictional agency finds, based on appropriate geological and engineering data, that "the well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit." State law proration unit is defined in § 271.305(a)(2) as "a proration unit, drilling unit or similar unit expressly designated in accordance with State law or Federal law (other than the NGPA)."

On review of the record supporting Louisiana's determination, the Commission, on May 1, 1980, preliminarily found that the subject well was a second well on a State law proration unit, and that Louisiana had not made the requisite effective and efficient drainage finding required under § 271.305.

The subject well is one of several wells within a so-called reservoir-wide unit established by Louisiana Order No. 127-R (issued October 31, 1968). Under that order, the Ortego "A" sand reservoir is operated as a single unit—any number of wells can be drilled within the unit, and the wells are not subject to Louisiana's well spacing requirements under Order No. 29-E (issued July 15, 1967), which would otherwise be applicable. Under Order No. 29-E, wells drilled in search of oil, like the subject well, must be spaced at least 900 feet from all other oil wells producing in the same reservoir. The subject well is within 900 feet of another oil well completed in the same reservoir.

In the May 1, 1980 Notice (*mimeo.*, p. 2), the Commission preliminarily determined that because the numberr of wells drilled in a reservoir-wide unit is not limited by an spacing requirement, it appeared that in creating the subject reservoir-wide unit, Louisiana did not redesignate the proration unit established by Order No. 29-E on the basis that the reservoir-wide unit can be effectively and efficiently drained by a

[1] Pursuant to 18 CFR 275.202(b), the 45 day review period was extended on February 11, 1980, by a letter from the Commission Staff to Louisiana. The 45-day review period thus commenced on March 17, 1980, the date Louisiana responded to the February 11, 1980, letter.

single new well. Thus, the Commission found that the effective and efficient drainage finding under § 271.305 would be required for any second well drilled within the boundaries created by the spacing requirements of Louisiana Order No. 29-E. In so ruling, the Commission followed its finding in *Laterre Co., Inc.*, Docket No. GP79-5, "Final Order on Well Category Determination," issued September 7, 1979. In that docket, the Commission found that circular areas designated by Louisiana Order No. 29-E constituted defacto proration units, in the absence of other applicable spacing requirements. Thus, if Louisiana permits a second well to be drilled within such an area, the second well may qualify as a new, onshore production well, only if Louisiana makes the effective and efficient drainage finding required under § 271.305.

Pursuant to § 275.202(f), the Commission Staff on July 23, 1980, conducted an informal conference with respresentatives from Louisiana and Conoco, Inc. At the conference, Louisiana agreed to make a formal effective and efficient drainage finding for the subject well. On August 4, 1980, Louisiana formally submitted to the Commission such a finding with respect to the Ortego *et al.* No. 17 well.

The Commission maintains its view expressed in the May 1, 1980 notice. A second well in a Louisiana reservoir-wide unit my qualify as a new, onshore production well only if it complies with the spacing requirements of Louisiana Order No. 29-E, or Louisiana explicitly makes the effective and efficient drainage finding required under §271.305.

As for the instant case, based on the review of the record of Louisiana's determination, the Commission finds that substantial geological evidence exists in the record to support Louisiana's finding that the Ortego *et al.* No. 17 well is necessary for the effective and efficient drainage of the reservoir-wide unit. Thus, since the well was spudded after February 18, 1977, substantial evidence exists in the record of this case to support Louisiana's determination that the well qualifies as a new, onshore production well under section 103 of the NGPA. Accordingly, Louisiana's determination is affirmed.

The Commission Finds: Pursuant to § 275.202(g) of our regulations, the Commission finds that the State of Louisiana Department of Natural Resources, Office of Conservation Determination, that the T. Ortego A SU L. L. Welch No. 17 well qualifies as a new onshore production well under section 103 of the NGPA, is supported by substantial evidence in the record. Accordingly, under section 502(b) of the NGPA, the determination by Louisiana is affirmed.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26849 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-273]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

August 27, 1980.

Take notice that on July 31, 1980, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST80-273 an application pursuant to Section 284.123 of the Commission's Regulations for approval of rates for gathering, treating, processing, transporting, and delivering natural gas to Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement with TETCO dated January 8, 1980, to sell TETCO up to 75,000 Mcf of natural gas per day. According to Applicant, this sales agreement was amended on July 3, 1980, to provide for a 20-cent per million Btu fee for gathering, treating, processing, transporting, and delivering the natural gas sold by Applicant to TETCO. The term of the sale would be for two years from the date of initial deliveries, it is stated.

Applicant asserts that the Commissioner of the Office of Conservation of the State of Louisiana has approved the transportation of natural gas by Applicant for TETCO and the construction of an interconnection to perform such service.

Applicant states that it has previously filed and supported with the Commission a rate of 20 cents per million Btu for performing comparable services. These rates, it is stated, were approved by the Commission under Docket Nos. ST79-22 through ST79-25.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 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 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26845 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-69]

Missouri Edison Co.; Application

August 26, 1980.

Take notice that on August 15, 1980, Missouri Edison Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to $15 million of short-term unsecured promissory notes, with final maturities not later than December 31, 1982. The Applicant is a Missouri Corporation with its principal business office at Louisiana, Missouri and is engaged in the electric utility business in Missouri.

The proceeds will be used to finance, in part, Applicant's contruction program, which calls for expenditures of approximately $16,815,000 for 1980, 1981 and 1982.

Any person desiring to be heard or to make any protest with reference to the application should on or before September 15, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26850 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-131]

Natural Gas Pipeline Co. of America; Proposed Change in FERC Gas Tariff

August 27, 1980.

Take notice that Natural Gas Pipeline Company of America (Natural) tendered for filing on August 18, 1980, proposed change in its FERC Gas Tariff, Third Revised Volume No. 1, Second Revised Sheet No. 8, proposed to become effective on December 1, 1980.

The purpose of this revised sheet is to change the minimum bill provision in

Natural's tariff. Presently, the other major pipeline companies who serve Natural's large volume customers have minimum bill provisions which consist of a monthly demand charge plus a minimum commodity charge based on 75% use of contract demand. Natural's current minimum bill, however, is simply the demand charge for the month.

Because of the difference in the minimum bill provisions, Natural is losing and will continue to lose substantial sales to competing pipelines. Natural's customers are forced to purchase gas from their other pipeline suppliers' minimum commodity charge provisions. Inasmuch as Natural does not have a volumetric minimum bill, Natural's customers have and may continue to cut back purchases from Natural. By further reducing demand, the loss of sales seriously aggravates Natural's current excess deliverability.

Copies of the filing were served upon the company's jurisdictional customers and to interested state regulatory agencies.

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 rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26846 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-482]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

August 27, 1980.

Take notice that on August 4, 1980, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-482 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 three new delivery points and the modification of two existing delivery points to accommodate natural gas deliveries to certain of its utility customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new or modified points of delivery for its utility customers:

(1) Peoples Natural Gas Company, Division of InterNorth, Inc., 1 tap for commercial service, 2 modifications of existing delivery points, 1 for industrial service, 1 for commercial service; Estimated annual usage of 84,640 Mcf.

(2) Iowa Electric Light and Power Company, 1 tap for industrial service; Estimated annual usage of 11,200 Mcf.

(3) Iowa Public Service Company, 1 tap for industrial service; Estimated annual usage of 26,000 Mcf.

Applicant states it has proposed the new or expanded facilities in response to requests from its above referenced utility customers for expansion of service to their customers. It is stated that additional volumes to be delivered to the utilities are within the present entitlements of the utilities.

Applicant estimates the cost of the proposed facilities to be $274,935 for which it would be reimbursed by the appropriate utilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 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. 80-26847 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA 81-1-37 (DCA 81-1)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

August 26, 1980.

Take notice that Northwest Pipeline Corporation ("Northwest"), on August 15, 1980 tendered for filing proposed changes in its FERC Gas Tariff, first Revised Volume No. 1, filed pursuant to the Commission's Order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DS-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff and change in rates pursuant to the advance payments tracking provision contained in Article VIII (Advance Payments) of the Stipulation and Agreement in Settlement of Rate Proceeding at Docket No. RP79-57. All three rate adjustments are reflected on the tendered First Revised Sheet No. 10 which is proposed to become effective October 1, 1980.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 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 Sept. 19, 1980. Protests will be considered by the Commission in determining the appropriate actions 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. 80-26860 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-484]

Panhandle Eastern Pipe Line Co.; Application

August 27, 1980.

Take notice that on August 5, 1980, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP80-484 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 pipeline, compression, and related facilities in Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it purchases from Phillips Petroleum Company (Phillips) gas which is delivered to Applicant's Alva-Kingfisher system at the tailgate of Phillips' natural gas processing plant in Kingfisher County, Oklahoma. An amendment to the original gas purchase and sales agreement has provided for additional dedication of gas from Phillips to Applicant, it is stated. Applicant also states that it plans to purchase increased volumes behind or at the tailgate of four other processing plants presently connected to the Alva-Kingfisher system in Major County, Kingfisher County, and Alfalfa County, Oklahoma. It is stated that Applicant expects to obtain 278,900,000 Mcf from these five plants and without the proposed additions to the Alva-Kingfisher system there would be insufficient capacity to enable Applicant to purchase and transport these reserves. Moreover, Applicant asserts that it may also secure other sources of natural gas situated in Kingfisher and other nearby counties.

Specifically, Applicant requests authorization to construct and operate the following pipeline, compressors and related facilities:

(1) The addition of approximately 8,000 horsepower of compression at the Cashion Compressor Station located in Kingfisher County, Oklahoma.

(2) The addition of approximately 12,000 horsepower of compression at the Alva Compressor Station in Woods County, Oklahoma.

(3) 66.3 miles of 20-inch pipeline and related facilities to be constructed in Woods, Alfalfa, Major, Garfield, and Kingfisher Counties, Oklahoma.

Applicant states that the proposed facilities were designed to meet peak day operation because all the gas purchased is casinghead gas for which Applicant has no control over the volumes delivered.

Applicant estimates the cost of the proposed facilities to be $41,444,000 which would be financed from internally generated funds and short-term bank borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 16, 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. 80-26846 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-671]

Public Service Co. of Oklahoma; Filing

August 26, 1980.

Take notice that on August 13, 1980, Public Service Company of Oklahoma (PSCo) tendered for filing a letter requesting approval of the basic data for adder applicable to PSCo's sale of resale energy by the Company.

PSCo states that this filing is made in response to Order No. 84, issued by the Commission on May 7, 1980, in Docket No. RM79-29.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26861 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-684]

South Carolina Electric & Gas Co.; Filing

August 27, 1980.

The filing Company submits the following:

Take notice that South Carolina Electric & Gas Company on August 20, 1980, tendered for filing a proposed change in its 1973 service contract with rural electric cooperatives. Under the proposed change, all rights held under the contract by Berkeley Electric Cooperative, Inc., are assigned to Central Electric Cooperatives, Inc. (Central)

The proposed change arises from an agreement between Berkeley and Central assigning the above contract rights. The agreement has been approved by the Administrator of the Rural Electrification Administration. The proposed effective date is January 21, 1980, and South Carolina Electric & Gas Company requests a waiver, under

Section 35.11 of the Commission's notice requirements. South Carolina Electric & Gas Company notes that neither rates nor terms and conditions of service will be affected by the proposed change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 September 16, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26842 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-495]

The Superior Oil Co.; Petition for Declaratory Order

August 27, 1980.

Take notice that on August 8, 1980, The Superior Oil Company (Petitioner), P.O. Box 1521, Houston, Texas 77001, filed in Docket No. CP80-495 a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order disclaiming jurisdiction over the construction and operation of certain facilities linking offshore drilling platforms, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it is the operator of and owns a 75 percent working interest in a Federal oil and gas lease covering Outer Continental Shelf (OCS) Block 9, Sabine Pass Area, offshore Louisiana, and that it is planning to initiate a development program for OCS Block 9 in which several wells would be drilled from four platforms that would be constructed. Gas from these wells would be sold to Natural Gas Pipeline Company of America (NGPL) at Petitioner's existing platform No. 2 in the adjacent State Pooled Unit Block 14L, located in the Sabine Pass Area, Jefferson County, Texas. In order to transport OCS Block 9 gas to platform 14L-2, Petitioner states, it intends to construct and operate four wet-gas transfer lines connecting the four drilling platforms in OCS Block 9 to separation and dehydration facilities located on platform 14L-2. Following treatment on platform 14L-2, the gas sold to NGPL would be transported onshore to a point on NGPL's line through an existing 14-inch interstate pipeline facility owned and operated by Texas Sea Rim Pipeline, Inc., a wholly-owned subsidiary of Petitioner.

Petitioner states that the proposed inter-platform facilities would in each case consist of three lines, a 2-inch, a 4-inch, and a 6-inch line. The 2-inch lines would be opposite-direction-flow lines for fuel and instrument supply use, the 4-inch lines would be used to test the liquid content of each well, and the 6-inch lines would be the primary transmission lines. Each 6-inch line would have a capacity of 80,000 Mcf per day, it is said.

It is contemplated by Petitioner that NGPL would take delivery of Petitioner's OCS Block 9 production at the outlet side of the separation and dehydration facilities located on platform 14L-2. Assuming the facilities are held to be non-jurisdictional, Petitioner states, it would apply for authority to collect a gathering fee consistent with the Commission's Regulations implementing Section 110 of the Natural Gas Policy Act of 1978. Petitioner further states that in addition to gathering its own gas from OCS Block 9, its gathering lines would transport the gas owned by Texoma Production Company which gas would also be sold to NGPL at platform 14L-2. Petitioner asserts that it would likewise seek authority to collect a gathering charge for this service.

Petitioner believes that its proposed activities in connection with the aforementioned proposal constitute the gathering of natural gas rather than the transportation of natural gas in interstate commerce within the meaning of Section 1(b) of the Natural Gas Act. Petitioner, therefore, requests a declaratory order disclaiming jurisdiction over the construction and operation of the proposed facilities.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 16, 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. 80-26850 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-17]

Transwestern Pipeline Co.; Petition To Amend

August 27, 1980.

Take notice that on August 12, 1980, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-17 a petition to amend the order of October 17, 1974,[1] as amended, issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of one additional tap to be used for the direct sale of natural gas to the successor in interest of one of Petitioner's right-of-way grantors, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order of October 17, 1974, as amended, it was authorized to construct and operate facilities for the direct-sale of natural gas to nineteen right-of-way grantors of Petitioner. The natural gas is delivered to such right-of-way grantors for agricultural and domestic use, it is said.

Applicant now seeks authorization to construct and operate a one-inch tap, meter and related equipment in Roberts County, Texas, for the delivery of natural gas to Mr. Eldon Flowers.

Petitioner states that the annual quantity limitation for said service would be 2,000 Mcf. Petitioner further states that the total estimated cost of the proposed facility would be approximately $4,990. It is asserted that Petitioner would own the tap and related equipment on its line and would be partially reimbursed by the customer for the cost of the tap and all connections.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 16, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance

[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.

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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-26852 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-496]

Town of Winstonville, Miss., Applicant; Texas Gas Transmission Corp., Respondent Application

August 27, 1980.

Take notice that on August 12, 1980, the Town of Winstonville, Mississippi (Applicant), Town Hall, Winstonville, Mississippi 28781, filed in Docket No. CP80-496 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Respondent) to establish physical connection of its transportation facilities with the proposed facilities of and sell natural gas to Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Respondent has two 18-inch pipelines at the northwest corner of Applicant's corporate limits and requests connection to either of these lines. This connection, together with the proposed distribution system, would consist of approximately 3 miles of pipeline, it is stated.

Applicant asserts that this connection is necessary to provide its citizens and businesses with natural gas. The peak day and residential annual natural gas requirements for the first three years of operation are estimated to be as follows:

	Total peak day (Mcf) 1,000 ft³	Residential amount
1981	152.5	12,819
1982	175.0	14,865
1983	181.5	15,200

Applicant estimates that the proposed gas system would cost $150,000 which would be financed through bonds sold to the Farmers Home Administration.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 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 156.9). 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. 80-26851 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-85-M

Western Area Power Administration

Colorado River Storage Project; Extension of Time To Submit Written Comments on the Proposed Rate Order

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Notice of an extension of time to submit written comments—Colorado River Storage Project.

SUMMARY: The notice of a proposed rate and opportunity for public comment on the proposed power rate increase for the Colorado River Storage Project issued by the Assistant Secretary for Resource Applications on August 1, 1980, and published at 45 FR 52900 on August 8, 1980, stated interested persons will be given until September 8, 1980, to submit comments in writing to the Assistant Secretary for Resource Applications. This notice extends the time that written comments can be submitted until September 19, 1980.

DATE: Written comments from interested persons must be submitted to the Assistant Secretary for Resource Applications by September 19, 1980.

ADDRESSES: All written comments (three copies required) should be submitted to:

Dr. Ruth M. Davis, Assistant Secretary for Resource Applications, U.S. Department of Energy, Mail Station 3344, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Three copies of the written comments should also be sent to:

Mr. Robert L. McPhail, Administrator, Western Area Power Administration, U.S. Department of Energy, P.O. Box 3402, Golden, CO 80401.

Mr. A. M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box 11606, Salt Lake City, UT 84147.

FOR FURTHER INFORMATION CONTACT:

Mr. A. M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, U.S. Department of Energy, P.O. Box 11606, Salt Lake City, UT 84147. (801) 524-5493.

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Power Administration, U.S. Department of Energy, P.O. Box 3402, Golden, CO 80401. (303) 231-1535.

Ms. Marlene A. Moody, Office of Power Marketing Coordination, U.S. Department of Energy, Mail Station 3344, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. (202) 633-8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis.

Rate adjustments on the Colorado River Storage Project are being conducted consistent with procedural rules applicable to Western Area Power Administration. Final procedures for public participation in general adjustments were published in the Federal Register on March 23, 1978 (43 FR 12076), April 5, 1978 (43 FR 14359), and February 7, 1979 (44 FR 7796).

The procedures provide an opportunity for interested parties to submit comments in writing. The Notice of a Proposed Rate Order and Opportunity for Public Comment published on August 8, 1980, stated interested persons will be given until September 8, 1980, to submit comments in writing to the Assistant Secretary for Resource Applications. This notice extends the time that written comments can be submitted until September 19, 1980.

Issued in Washington, D.C. August 27, 1980.

Ruth M. Davis,

Assistant Secretary for Resource Applications.

[FR Doc. 80-26824 Filed 9-2-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1594-8]

Assessment of Civil Penalty for Violation of Fuels and Fuel Additives Regulations: Region VII

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of final agency action.

SUMMARY: On June 4, 1980, the Regional Administrator for Region VII issued a final order assessing a civil penalty against Derby Refining Company for a violation of 40 CFR 80.22(a) and 80.21. Said sections prohibit the selling or offering for sale of unleaded gasoline containing more than .05 gram of lead per gallon.

ADDRESS: Copies of the order are available for public inspection, upon request, at the following location: Environmental Protection Agency, Region VII, Office of Regional Counsel, 16th Floor, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: John H. Morse, Office of Regional Counsel, Environmental Protection Agency, Room 1616, 324 East 11th Street, Kansas City, Missouri 64106. (816-374-2069).

SUPPLEMENTARY INFORMATION: Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of September 3, 1980. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Dated: August 25, 1980.

Kathleen Q. Camin,

Regional Administrator.

[FR Doc. 80-26932 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1608]

Donarc Foreign Freight Forwarding, Arthur Robert Clark, Jr., d.b.a.; Order of Revocation

On August 21, 1980, Donarc Foreign Freight Forwarding, Arthur Robert Clark, Jr., d.b.a., P.O. Box 245, Dumfries, VA, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1608 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 1608 issued to Donarc Foreign Freight Forwarding, Arthur Robert Clark, Jr., d.b.a., be and is hereby revoked effective August 21, 1980, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Donarc Foreign Freight Forwarding, Arthur Robert Clark, Jr., d.b.a.

Robert M. Skall,

Deputy Director, Bureau of Certification and Licensing.

[FR Doc. 80-26883 Filed 9-2-80; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Empress Shipping Co., (Marcos H. Eddi, d.b.a.), 1765 E. 7th St., Brooklyn, NY 11223.

Jose E. Smith, d.b.a. Jars International, 1440 Palancia Avenue, Coral Gables, FL 33146.

Miami Freight & Shipping Company, 7300 Biscayne Blvd., #344, Miami, FL 33138, Officers: Charles Johnston, President, Grace Foster, Secretary/Treasurer, Reggie Kirkconnell, Director.

Kanical Aero-Marine Services, Inc., 171 Connemara Way, Sunnyvale, CA 94087, Officers: Michael Kahn, Director/Chairman, Paul Kahn, Director/President, James Liang, Vice President, Caroline Liang, Director/Secretary, Jane Kahn, Treasurer/Assistant Secretary.

Jorge Mateo Espinosa, 2503 SW, 89th Avenue, Miami, FL 33165.

Samuel S. Gambino, 3400 Kent Avenue, #D-302, Metairie, LA 70002.

Express Forwarding Far East Ltd., 19 Rector Street, New York, NY 10006, Officers: Leonard Tarloff, President/Director, Murray Kadin, Secretary/Treasurer/Director.

Century Moving & Storage Inc., d.b.a. Century International, 18420 So. Santa Fe Avenue, P.O. Box 923, Long Beach, CA 90801, Officers: John H. Tillotson, President/Treasurer/Director, Marshall Lundgren, Vice President/Director, Haydee Tillotson, Vice President/Secretary/Director, Duncan S. Kimball, Executive Vice President.

By the Federal Maritime Commission.

Dated: August 28, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-26882 Filed 9-2-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

First Chicago International; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act Establishment of U.S. Branch of a Corporation to Be Organized Under Section 25(a)

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as First Chicago International, Chicago, Illinois. First Chicago International would operate as a subsidiary of The First National Bank of Chicago, Chicago, Illinois. The proposed corporation has also applied for the Board's approval under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)) to establish branches in Los Angeles and San Francisco, California; Boston, Massachusetts; Houston, Texas; and Miami, Florida. The factors that are considered in acting on the application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of

Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than September 26, 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, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 27, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26891 Filed 9-2-80; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Temple Bank, National Association, Temple, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than September 26, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, August 27, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-26892 Filed 9-2-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Maximum Allowable Cost Program; Intent to Set MAC Limits

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: The Pharmaceutical Reimbursement Board is considering setting maximum allowable cost (MAC) limits for the drug products specified in this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Spalding, Acting Executive Secretary, Pharmaceutical Reimbursement Board, 1-C-5 East Low Rise, 6401 Security Boulevard, Baltimore, MD 21235.

SUPPLEMENTARY INFORMATION: In accordance with 45 CFR 19.4, the Pharmaceutical Reimbursement Board has identified the following multiple-source drugs as drugs for which significant amounts of Federal funds are expended and for which there are significantly different prices:

Allopurinol, 100 and 300 mg oral tablets
Butabarbital Sodium, 30 mg oral tablets
Caffeine & Ergotamine Tartrate, 100 mg/1 mg oral tablets
Chlorothiazide, 250 and 500 mg oral tablets
Cyproheptadine HCl, 4 mg oral tablets
Dicyclomine HCl w/Phenobarbital, 10 mg/5 mg oral capsules and 20 mg/15 mg oral tablets
Lithium Carbonate, 300 mg oral capsules and 300 mg oral tablets
Methanamine Mandelate, 0.05 and 1 Gm oral tablets
Methylphenidate HCl, 10 mg oral tablets
Nystatin, 100,000 units/ml oral powder for reconstitution; 100,000 units vaginal tablets; 500,000 units oral tablets and 100,000 units/Gm topical cream
Potassium Gluconate, 20 mEq/15 ml and 4.68 Gm/15 ml oral liquid (Elixir)
Promethazine HCl, 25 and 50 mg oral tablets
Pseudoephedrine HCl, 60 mg oral tablets and 30 mg/5 cc oral syrup
Sulfamethoxazole, 500 mg and 1 Gm oral tablets
Thyroid, 500 mg, 1 Gm and 2 Gm oral tablets
Warfarin Sodium, 2, 2.5, 5 and 7.5 mg oral tablets

The Board has submitted these drugs to FDA for review.

The Board may also reconsider the MAC limits which have already been set for:

Acetaminophen w/Codeine, 300 mg/30 mg oral tablets and 300 mg/60 mg oral tablets
Ampicillin, 250 mg oral capsules and 125 mg/5 ml oral suspension
Methocarbamol, 500 mg and 750 mg oral tablets
Penicillin VK, 125 mg/5 ml and 250 mg/5 ml oral suspension and 250 mg and 500 mg oral tablets
Tetracycline HCl, 500 mg oral capsules.

We are publishing this Notice in order that all interested parties will be advised of the Board's action at the same time and will have ample opportunity to make their views known to the Board. Proposed MAC limits and the dates of any public hearing will be published at a later date.

Dated: August 27, 1980.

Charles S. Spalding,

Acting Executive Secretary, Pharmaceutical Reimbursement Board.

[FR Doc. 80-26904 Filed 9-2-80; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-80-614]

Director, Office of Regional Fair Housing and Equal Opportunity, Boston Regional Office; Redelegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Redelegation of Authority with Respect to Fair Housing.

SUMMARY: This document redelegates the authority to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619).

SUPPLEMENTAL INFORMATION: Section A. *Authority with respect to fair housing.* The Director, Office of Regional Fair Housing and Equal Opportunity for Region I is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3609) except the authority to:

1. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

2. Issue rules and regulations.

Section B. *Authority to redelegate.* The Director, Office of Regional Fair Housing and Equal Opportunity is further authorized to redelegate any of the authority redelegated under section A to subordinate employees except the authority to issue a subpoena or interrogatories under section 811 of the Act. (42 U.S.C. 3611).

Authority: Redelegation of Authority by Assistant Secretary for Fair Housing and Equal Opportunity effective April 2, 1976, 41 F.R. 14208, April 2, 1976 and redelegation of authority by Acting Secretary of Housing and Urban Development effective April 2, 1976, 41 F.R. 14209, April 2, 1976.

Section C. *Supersedure.* This redelegation of authority supersedes the redelegation published at 41 F.R. 27861, July 7, 1976.

EFFECTIVE DATE: This redelegation of authority is effective September 3, 1980.

Issued at Boston, Massachusetts, July 14, 1980.

Shelly Friedman,

Regional Administrator, Region I (Boston).

[FR Doc. 80-26819 Filed 9-2-80; 8:45 am]

BILLING CODE 4210-01-M

Government National Mortgage Association

[Docket No. N-80-1017]

Guaranty of Mortgage-Backed Securities; Forms of Letters of Credit To Be Used in Mortgage-Backed Securities Program

AGENCY: Government National Mortgage Association, HUD.

ACTION: Notice.

SUMMARY: The Government National Mortgage Association, "GNMA," has established forms of letters of credit to be used in its Mortgage-Backed Securities Program. Only letters of credit in the prescribed forms are acceptable to GNMA as (1) collateral in GNMA's mark to market requirements and (2) collateral in GNMA's Construction Loan Securities Program.

FOR FURTHER INFORMATION CONTACT: Warren Lasko, Government National Mortgage Association, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-8772. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On June 13, 1980, The Government National Mortgage Association issued a Final Rule, published in the Federal Register at 45 Fed. Reg. 40556, amending regulations relating to the Mortgage-Backed Securities Program (24 CFR Part 390). The amendment, intended to reduce opportunities for abuses that have occurred in the trading of mortgage-backed securities, established rules governing the securities marketing and trading practices of issuers of securities guaranteed by GNMA.

One requirement of the Final Rule is that issuers of GNMA-guaranteed securities, with respect to certain forward market transactions, enter only into contracts which provide for at least weekly mark to market deposits of collateral with an independent financial institution. The marking to market of delayed delivery contracts involves the deposit of collateral by the party suffering an unrealized loss, when the current market price is measured against the contract price, in the amount of the unrealized loss. In response to comments received, GNMA expanded the list of eligible collateral to include irrevocable, unconditional letters of credit in a form acceptable to GNMA, and issued by a banking institution supervised by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Federal Reserve Board.

By this publication, notice is given as to the forms of letters of credit acceptable to GNMA as collateral in its mark to market requirements, and in the Construction Loan Securities Program.

The prescribed forms, and instructions for their completion, will appear as Appendix 56 to the *GNMA Mortgage-Backed Securities Guide,* GNMA Handbook 5500.1. The Mortgage-Backed Securities Guide is available through GNMA's office in Washington, D.C.

The prescribed letters of credit are irrevocable, unconditional and, in the mark to market case, nontransferable. Letters of credit which do not follow the prescribed forms precisely are not acceptable to GNMA and use of a nonconforming letter of credit will constitute a failure to comply with GNMA requirements.

Incorporation by reference of the Uniform Customs and Practices for Documentary Credits will not be acceptable.

The forms of letters of credit and instructions for their completion follow:

Forms of Letters of Credit To Be Used in Mortgage-Backed Securities Program

This appendix provides the forms of letter of credit that must be used in the two situations in which letters of credit are permissible. The two situations are:

A. Use of letter of credit as collateral in mark to market requirements.

B. Use of letter of credit as collateral in the Construction Loan Securities Program.

The two forms are provided, respectively, in the following pages.

Parties using the letters of credit in connection with the GNMA Mortgage-Backed Securities Program must follow the prescribed form without deviation. Nonconforming letters of credit are not acceptable. GNMA will not accept any letter of credit that departs in any manner from the prescribed form and use of such a letter of credit would constitute a failure to comply with GNMA requirements. In using a letter of credit the parties agree that the Uniform Customs and Practices for Documentary Credits (UCP) shall not apply thereto.

Instructions for Completing Forms

These instructions relate to the entry to be made in the corresponding numbered space in the form.

1. Identifies the Beneficiary, i.e., the party entitled to draw on the letter of credit. The letter of credit in the mark to market case is nontransferable in that the Beneficiary's right to draw on the letter cannot be assigned to a third party. In the Construction Loan Securities Program, the Beneficiary always is GNMA.

2. A letter of credit number is assigned by the issuing bank. In order to draw on the letter of credit, the Beneficiary must identify the letter by its assigned number.

3. An issuance date is assigned by the issuing bank. This is the date on which the letter of credit becomes effective.

4. Identified the party in whose name the account is established. In the mark to market situation, the Account Party is that party obligated to make a deposit of collateral by virtue of having suffered an unrealized loss (when the market price is measured against the contract's price). In the Construction Loan Securities Program situation, the Account Party always is the GNMA issuer.

5. Shows the amount of the letter of credit, as specified by the Account Party, in accordance with applicable GNMA regulations and Guide requirements.

6. Expiration date of the letter of credit. The Account Party is responsible for renewing the letter credit (or, in the mark to market situation, arranging other eligible collateral) if it has obligations to the Beneficiary to maintain collateral still outstanding as of the expiration date of the letter of credit.

7. The office at which drafts drawn under the letter of credit may be presented and will be honored.

Note: In the mark to market collateral situation, the terms and conditions under which draws may be made on the letter of credit are to be negotiated by the parties and stated in their trading contract. Presentation of a draft under the letter of credit shall constitute a representation by the Beneficiary of its compliance with the contract's terms.

8. Type in the name of the issuing bank.

9. Signature of the authorized agent and/or officer of the issuing bank.

10. Typed name of the authorized agent and/or officer who signs the letter of credit.

11. Title of the authorized agent and/or officer who signs the letter of credit.

12. Construction Loan Securities Program only: enter the case number assigned by FHA to the project being financed by the securities issuance.

13. Construction Loan Securities Program only: enter the GNMA pool number associated with the subject securities issuance.

BILLING CODE 4210-01-M

A. Form of Letter of Credit For Use as Collateral in Mark to Market Requirements

(Issuing Bank's Letterhead)

IRREVOCABLE UNCONDITIONAL LETTER OF CREDIT

Beneficiary: _____(1)_____ Letter of Credit No. : __(2)__

Date : __(3)__

Gentlemen:

For the account of _____(4)_____, we hereby authorize you to draw on us at sight up to an aggregate amount of ____(5)____ dollars ($ _____).

This letter of credit is irrevocable, unconditional, and nontransferable.

Drafts drawn under this letter of credit must specify the letter of credit number and be presented at the office identified below not later than _____(6)_____.

This letter of credit sets forth in full the terms of our obligations to you, and such undertaking shall not in any way be modified or amplified by any agreement in which this letter is referred to or to which this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any agreement.

We engage with you that sight drafts drawn under, and in compliance with, the terms of this letter of credit will be duly honored at _____(7)_____.

Yours very truly,

(8) [Issuing Bank]

By _____(9)_____
[(10)]

[(11)]

B. Form of Letter of Credit
For Use As Collateral in the
Construction Loan Securities Program

(Issuing Bank's Letterhead)

IRREVOCABLE UNCONDITIONAL LETTER OF CREDIT

(1) To: Government National Mortgage Association 451 Seventh St., S.W. Washington, D.C. 20410	Letter of Credit No.	(2)
	Date	(3)
	FHA Project No.	(12)
	GNMA Pool No.	(13)

Gentlemen:

For the account of _____(4)_____, we hereby authorize you to draw on us at sight up to an aggregate amount of _____(5)_____ dollars ($ _____).

This letter of credit is irrevocable and unconditional.

Drafts drawn under this letter of credit must specify the letter of credit number and be presented at the office identified below not later than _____(6)_____.

This letter of credit sets forth in full the terms of our obligations to you, and such undertaking shall not in any way be modified or amplified by any agreement in which this letter is referred to or to which this letter of credit relates, and any such reference shall not be deemed to incorporate herein by reference any agreement.

We engage with you that sight drafts drawn under, and in compliance with, the terms of this letter of credit will be duly honored at _____(7)_____.

Yours very truly,

(8) [Issuing Bank]

By _____(9)_____
[(10)]

[(11)]

BILLING CODE 4210-01-C

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Ronald P. Laurent,

President, Government National Mortgage Association.

[FR Doc. 80-26821 Filed 9-2-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary, Land and Water Resources

Oil Shale Environmental Advisory Panel; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held September 18, 1980, at the Denver Marina Hotel, 303 West Colfax Avenue in Denver, Colorado. The meeting will begin at 8:30 a.m. on Thursday, September 18, in the Big Horn Room and conclude at 4:30 p.m.

The Panel was established to assist the Department of the Interior in the performance of its functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The purpose of this meeting is for the Panel to be briefed on the progress and status of the Interior Department's new oil shale initiatives announced by the Under secretary on May 27, 1980, to reviw the status of the three Federal Oil Shale Lease Projects and proposed Development Plan changes, to receive reports from Interior officials, and consider any other matters that have come before the Panel. The Panel will be briefed on the new oil shale activities during the morning session.

This Panel meeting has been scheduled to precede a Public Meeting on the Colorado Joint Review Process which will be held in the same room during the morning of September 19. The Colorado Joint Review Process is to be employed in the permitting of two facilities in the oil shale region of Colorado. The Panel meeting is scheduled in conjunction with the State meeting to facilitate coordination and information transfer between all concerned agencies and individuals.

The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the meeting in addition to the Panel members. Interested persons may make brief presentations to the Panel on Thursday afternoon, September 18, or file written statements with the Chairman. Requests to speak to the Panel should be made to Mr. Henry O. Ash, Chairman, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 690, Building 67, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3275.

Further information concerning this meeting may be obtained from the Panel office. Minutes of the Oil Shale Panel sessions will be available for public inspection 30 days after the meeting at the Panel office.

Daniel P. Beard,

Acting Assistant Secretary, Land and Water Resources.

August 29, 1980.

[FR Doc. 80-26993 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

[Serial Nos. 1-1639 and 1-2834]

Idaho; Partial Termination of Classification For Multiple Use Management

Correction

In FR Doc. 80-22931 appearing at page 50940 in the issue of Thursday, July 31, 1980, second column, the legal description for Sec. 18, "W¼SE¼SE¼" should be corrected to read "W½SE¼SE¼".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Third Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service publishes a notice of proposed negotiating positions with regard to certain provisional agenda items for the third regular meeting of the Conference of the Parties and announces a public meeting to receive information and comments on such items.

ADDRESSES: Information and comments should be sent to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Appointments to speak at the public meeting may be made with the Federal Wildlife Permit Office (703/235-2418). Information and comments are open to public inspection during normal working hours at the Federal Wildlife Permit Office, Room 616, 1000 N. Glebe Road, Arlington, Virginia.

DATES: The Service will consider information and comments concerning the three proposed negotiating positions received by September 19, 1980.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235-2418.

SUPPLEMENTARY INFORMATION: This is the third in a series of Federal Register notices designed to solicit public participation in the development of a United States position for the third regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES or the Convention), and international agreement designed to control international trade in certain animal and plant species which are or may become threatened with extinction.

The first notice set forth the time, place and provisional agenda for the third regular meeting and solicited information and comments thereon both in writing and at a public meeting (45 FR 31000).

The second notice announced the acceptance of some suggestions for the addition of several items to the provisional agenda and the nonacceptance of certain others (45 FR 53238).

This notice is the first of several notices of proposed negotiating positions which the Service will publish as it establishes its proposed positions on the various items of the provisional agenda. It was originally the intention of the Service to publish the first notice of proposed negotiating positions on or about November 26, 1980. However, the CITES Secretariat, in its announcement of the third regular meeting, set a September 5, 1980 deadline as a guideline for submission of papers dealing with provisional agenda items in order to provide sufficient time for circulation to the parties prior to the third regular meeting in February 1981.

On May 20, 1980, the Service published a proposed amendment (Subpart D) to 50 CFR Part 23 that would set out procedures for public participation in the development of negotiating positions for meetings of the Conference of the Parties (45 FR 33842). Although it has not yet published a final rule, the Service has indicated that it would follow its proposed procedures for public participation in the development of negotiating positions for CITES meetings. Accordingly, the

Service seeks public consultation and advice on the matters outlined below it goes forward to comply with the request of the CITES Secretariat.

The Service has determined in consultation with its Management Authority Contacts that papers on the following provisional agenda items should be submitted to the Secretariat for circulation to the Parties:

X. Financing of the Secretariat and of the meetings of the Conference of the Parties—1. Budget.

XIV. Study and project reports—1. Guidelines for transportation of live specimens.

XV. Interpretation and Implementation of the Convention—4. Parts and derivatives of animal species listed on Appendix III and of plant species listed on Appendix II or III.

Summary of Proposed Negotiating Positions

Financing the Secretariat and the meetings of the Conference of the Parties—Budget.

The Service wishes to make the following propositions in its paper on financing the Secretariat:

1. The treaty, as originally negotiated and signed, provided for funding of the CITES Secretariat and of meetings of the Parties by the United Nations Environment Programme (UNEP). At the second meeting of the Conference of the Parties, the Parties adopted interim financial Terms of Reference, pending the entry into force of a financial amendment to the treaty which would substitute Party funding for UNEP funding. It is unlikely that enough countries will have ratified the financial amendment to CITES to permit it to come into force by the time of the Third Conference. Consequently, it will be necessary for the Parties at New Delhi to extend the current Terms of Reference for a further period—probably for two more years until the fourth meeting of the Conference of the Parties.

2. Because Party financing is crucial to the effective operation of the CITES, and because the Parties' contributions under the current Terms of Reference are coming in very slowly, Parties should be urged to make their contributions as soon as possible.

3. The Secretary-General of CITES should seek additional sources of income for the administration of the treaty. For example, he should seek contributions from non-government organizations.

4. The Parties should approve a carry-over provision which would enable funds unexpended in the 1980–1981 financial period to be expended in the 1982–1983 period. Some flexibility should exist to transfer money between items in the budget.

5. The Secretary-General should be asked to provide the Parties with detailed budget information on Secretariat programs as well as expenses. The Secretary-General's budget plan should be projected forward for four years—to enable sound planning.

6. Financial reports should be submitted quarterly to the CITES Standing Committee, just as they are now submitted to the UNEP. The Standing Committee should provide fiscal guidance to the Secretariat on a quarterly basis.

7. To reflect the increasing share of Party funding (and the decreasing role of UNEP), the revised Terms of Reference should clarify and strengthen the Secretary-General's authority over the budget (under the guidance of the Standing Committee).

Study and Project Reports—Guidelines for Transportation of Live Specimens

The second regular meeting of the Conference of the Parties adopted a set of guidelines for the shipment of live specimens. Feedback is essential to the effective implementation and evaluation of these guidelines. On importation, inspection of live specimens may be made under various laws (conservation, duties, public health, agricultural and environmental protection). Where inspection would disclose that any such shipment was unduly stressed, the inspector could fill out and mail a short report form associated with the shipment or its documents, addressed to the Management Authority of the last country of export or re-export issuing CITES documents. Upon receipt of such form the Management Authority could seek information and explanations from the shipper, carrier, handler and consignee. Based on its investigation the Management Authority would be better informed to judge future applications for export or re-export documents and through time could judge the overall effectiveness of the guidelines.

nterpretation and Implementation of the Convention—Parts and Derivatives of Animal Species Listed on Appendix III and of Plants Listed on Appendix II or III

The second regular meeting recommended that when proposing amendments to Appendix III for animal species and when proposing amendments to Appendix II or III for plant species, it be accepted that all readily recognizable parts and derivatives are to be regulated unless particular parts or derivatives are specified as being exempt. The third regular meeting will decide whether this approach should be applied to such species listed as of the second regular meeting.

In preparing a recent list, the Secretariat found that the decision of the second regular meeting was difficult to implement in practical terms. It has therefore proposed an alternative scheme for Appendix II listings of plants. A criticism of the Secretariat's approach is that it does not adequately protect species for which specific parts and derivatives have been identified. The Service proposes to support the approach recommended by the second regular meeting, but in recognition of the complexities of this issue and the possible pitfalls with this so called "reverse listing" approach, proposes to send an option paper to the Secretariat for circulation to the Parties in the interests of a full and fair discussion.

Request for Information and Comments

The Service invites information and comments on the proposed negotiating positions summarized above which should contain sufficient detail where appropriate to enable proper evaluation. See headings "Addresses" and "Dates" for place to submit information and comments and for time limitation on such submissions.

Announcement of Public Meeting Concerning Three Proposed Negotiating Positions

The Service announces that it will hold a public meeting on Monday, September 15, 1980 from 1:00–4:00 p.m. in rooms 7000–A and 7000–B of the main building of the Department of the Interior, 18th and C Streets, NW, Washington, D.C. for the purpose of receiving information and comments on three proposed negotiating positions (see Summary of Proposed Negotiating Positions, above). Other items on the provisional agenda may be discussed. Written statements may be submitted to the Service before or at the meeting. Appointments to speak may be made with the Federal Wildlife Permit Office, Washington, D.C. 20240 (703/235–2418). Participants without prior appointments will be given an opportunity to speak to the extent time allows following speakers with appointments.

Observers

The Service requests that all organizations intending to be represented at the third regular meeting of the Conference of the Parties consider limiting, on a voluntary basis, the

number of observers attending the meeting so that the U.S. presence may be numerically considerably more limited than it has been in the past.

For procedures concerning acquisition of observer status, see the first notice of this series in the May 9, 1980 Federal Register (45 FR 31004).

This notice was prepared by Arthur Lazarowitz and Joan Anthony, Federal Wildlife Permit Office.

Dated: August 28, 1980.

Joan C. Anthony,

Chief, Management Operations Branch, Federal Wildlife Permit Office.

[FR Doc. 80-26810 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

National Mapping Division; New Organization

Notice is hereby given of the establishment of a new organization in the Geological Survey—the National Mapping Division. The new organization reflects a consolidation into one division of the responsibilities and functions formerly carried out by three separate components: the Topographic Division, the Publications Division, and the Geography Program of the Land Information and Analysis Office.

The new National Mapping Division is composed of a headquarters structure located at the Geological Survey National Center at Reston, Virginia, and a field structure consisting of four mapping centers and one printing and distribution center. The mapping centers are located at Reston, Virginia; Rolla, Missouri; Denver, Colorado; and Menlo Park, California; and the printing and distribution center is located at Reston, Virginia.

In support of the Geological Survey's mandate to provide information about the Earth and its natural resources, the new Division has the following major responsibilities:

(a) To collect, compile, analyze, and document information about natural and manmade features on the Earth's surface.

(b) To produce and maintain several series of accurate and up-to-date general purpose base maps and thematic maps such as land use and land cover maps.

(c) To develop and maintain a digital geographic-cartographic data base for multi-purpose needs and to assist other Federal and State agencies in developing and applying spatial data.

(d) To conduct geographic, cartographic, and reproduction research utilizing modern technology and equipment.

(e) To provide thematic mapping support to other Federal agencies.

(f) To print topographic, geologic, hydrologic, land use, and other thematic maps.

(g) To operate information and technical assistance centers which gather, index, analyze, and catalog geographic and cartographic information.

(h) To coordinate Federal mapping activities.

The new, consolidated National Division employs approximately 2,260 people or about 18 percent of the total work force of the Geological Survey, and administers a $90 million budget or about 14.5 percent of the total budget of the Geological Survey.

Dated: August 25, 1980.

R. B. Southard,

Chief, National Mapping Division, Geological Survey.

[FR Doc. 80-26809 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Floyd Bennett Field Development Concept Plan, Environmental Assessment, Gateway National Recreation Area; Public Meetings to Discuss Development Concepts and Environmental Impacts

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior is preparing an Environmental Assessment on alternative concepts for the development of Floyd Bennett Field, Gateway National Recreation Area. The Environmental Assessment will consider development alternatives in light of the physical, aesthetic, and socio-economic impacts. This Environmental Assessment follows the approved General Management Plan and Final Environmental Impact Statement for all of Gateway completed in 1979. Later on a Development Concept Plan will be derived from the alternatives analyzed in the Environmental Assessment and public review commentaries on the assessment. Public meetings are to be held now for the presentation and discussion of preliminary alternatives. Environmental Impacts of these alternatives will be discussed so that all public concerns can be known and considered in the completion of the Environmental Assessment document which will be distributed at a later date for formal comment.

The dates and places for the rediscussion meetings are: Tuesday, September 16th, at 5:00 p.m., at City University of New York, Room 207, 33 West 42nd Street, New York, New York; Wednesday, September 17th, 7:30 p.m., at Brooklyn Borough Hall, 2nd floor; 209 Joralemon Street, Brooklyn, New York; Thursday, September 18th; 7:30 p.m.; conference room, Building #272, Floyd Bennett Field, Brooklyn, New York.

A special supplement of the Gateway Outlook, containing a summary of the information to be presented at the meetings, is available by writing to Superintendent Herbert S. Cables, Jr., Gateway National Recreation Area, Headquarters, Building #69, Floyd Bennett Field, Brooklyn, New York 11234.

Dated: August 20, 1980.

James Shelton,

Acting Regional Director, North Atlantic Region.

[FR Doc. 80-26860 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Leases Nos. D-044240 and C-076713]

Northern Coal Co.—Rienau No. 2 Mine, Rio Blanco and Moffat Counties, Colo., Pending Decision To Approve Major Modification to Mining and Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of pending decision to approve major modification to underground coal mining and reclamation plan for operation of loadout facility.

SUMMARY: Pursuant to § 1506.6 of Title 40 and § 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Region V Office of Surface Mining Reclamation and Enforcement (OSM) has completed a technical and environmental review of Northern Coal Company's Wilson Loadout operation and reclamation plan and has recommended to the Department that the plan be approved with stipulations. Notice of availability of Northern Coal Company's application was published in the Federal Register on April 9, 1980, 45 FR No. 70, p. 24256.

Location of lands to be affected by mining

Applicant: Northern Coal Company

Mine name: Rienau No. 2

State: Colorado

Counties: Rio Blanco and Moffat

Township, range, section: T. 6 N., R. 91 W., sections 29 and 30.

Office of Surface Mining Reference No. CO-0008b

The Rienau No. 2 Mine is located about 40 miles south of Craig, Colorado. Production at the mine is about 150,000 tons per year and mining is by room and pillar methods.

The proposed modification involves operation of an existing loadout facility, the Wilson Loudy Loadout, for a period of 1-3 years. Northern Coal Company is leasing the 27.3 acre facility from Colowyo Coal Company and will be responsible for reclaiming the area. Additional facilities and equipment which will be added to the existing facility include a portable office and tool shed, a fuel tank, a portable loading conveyor, and a portable crushing and screening plant. Most of the permitting area (15.2 acres) has been disturbed; one additional acre would be disturbed during reclamation. The loadout could accommodate over 500,000 tons of coal per year with a stockpile capacity of about 100,000 tons.

The loadout is located about 7 miles southwest of Craig and 37 miles northeast of the Rienau No. 2 Mine, adjacent to State Highway 13/789. Coal would be trucked from the mine to the loadout over this highway. Use of this facility eliminates truck haulage through the town of Craig which is where the previously used loadout and rail yard are located.

The Bureau of Land Management evaluated impacts of the Wilson Loadout facility (Part of W. R. Grace and Company's mining and reclamation plan) in the final regional and site-specific environmental impact statement (EIS), *Northwest Colorado Coal* (January 1977).

Based on the modification to the mining and reclamation plan submitted to OSM to fulfill the requirements of the Surface Mining Control and Reclamation Act of 1977, OSM has prepared a technical analysis and environmental assessment. From its analysis, OSM has determined that no significant impacts would occur to the human environment. In addition, the stipulations identified in the technical analysis and environmental assessment would mitigate the impacts to surface water which are the principle impacts from the continued operation of the loadout.

The purpose of this notice is to inform the public that, based on OSM staff analysis of the mining and reclamation plan and the reviews of other State and Federal agencies, the Regional Director, Region V, OSM is recommending approval with stipulations of the major modification to Northern Coal Company's mining and reclamation plan for the Rienau No. 2 Mine. Any person having an interest that may be adversely affected by the recommended approval may request, in writing, a public meeting on the proposed decision.

Recent amendments to 30 CFR 701.11 and 741.11 postpone the effective date for implementation of the permanent regulatory program for Federal lands until the date of approval of a State program or until implementation of a Federal program for a State (see 44 FR 77440-47, December 31, 1979). Departmental action on Northern Coal Company's modification to its mining and reclamation plan at this time would not relieve the applicant of the obligation to file a new permit application no later than two months after the effective date of the Colorado State program approval or an equivalent Federal Program for that State. Upon receipt of that application, OSM will review the application pursuant to 30 CFR Chapter VII.

The Assistant Secretary for Energy and Mineral's decision will be based on the recommendations of OSM, the Bureau of Land Management, the U.S. Geological Survey, the Colorado Mined Lands Reclamation Division and any public comments received on or before September 23, 1980.

DATES: All requests for a public meeting must be made on or before September 23, 1980. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The technical analysis, environmental assessment, and proposed stipulations are available on request from the Office of Surface Mining, Region V. Any comments on the proposed approval should be submitted to the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Vern Maldanado or John Hardaway, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, Colorado 80202. Telephone: (303) 837-4072 or FTS 327-4072.

Walter N. Heine,

Director.

[FR Doc. 80-26895 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-05-M

[Federal Lease No. C-27931]

Pending Decision To Approve Coal Mining and Reclamation Plan for a Surface Coal Mine Proposed by Wyoming Fuel Co., for the Canadian Strip Mine, Jackson County, Colo.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice of Pending Decision to Approve Surface Coal Mining and Reclamation Plan with Stipulations.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement announces the Regional Director's recommended decision on Wyoming Fuel Company's Canadian Strip Mine in Jackson County, Colorado.

FOR FURTHER INFORMATION CONTACT: Dana Bickley or John Hardaway, Office of Surface Mining Reclamation and Enforcement, Brooks Towers, 1020 15th Street, Denver, Colorado 80202. Phone (303) 837-4072.

SUPPLEMENTARY INFORMATION: Pursuant to Section 1506.6 of Title 40 and Section 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Region V Office of Surface Mining Reclamation and Enforcement (OSM) has completed a technical analysis and environmental review of Wyoming Fuel Company's Canadian Strip mining and reclamation plan and has recommended to the Department that the plan be approved with stipulations. Notice of availability of Wyoming Fuel Company's application was published in the Federal Register on June 2, 1980, 45 FR No. 107, p. 37306.

The location of the lands to be affected by mining is as follows:

Applicant: Wyoming Fuel Company
Mine Name: Canadian
State: Colorado
County: Jackson
Township, Range, Section: T.8n., R. 78 W., 6th P.M., Section 2: SW ¼, 10: NE ¼, 11: W ½, NW ¼

Office of Surface Mining Reference No. CO 0017.

The proposed mine is a reopening and extension of an existing operation located about 12 miles east of the town of Walden, Colorado. The operation involves mining and associated disturbance to 13.4 acres of federal land and the reclamation of approximately 62 acres currently disturbed by previous mining. The proposed operation will extract 150,000 tons of coal over 1 and ½ years from the Suddeth coal seam. The coal will be transported via county roads to a loading facility in Walden, Colorado.

The U.S. Bureau of Land Management evaluated the impacts that could occur from the proposed Canadian Mine in its environmental assessment for an emergency Federal lease (No. CO-010-9-183). Based on the mining and reclamation plan submitted to OSM to fulfill the requirements of the Surface Mining Control and Reclamation Act of 1977, OSM has prepared a technical analysis and an environmental assessment. From these analyses, OSM has determined that no significant impacts would occur from the proposed Federal action.

The purpose of this notice is to inform the public that based on OSM staff analysis of the mining and reclamation plan and the reviews of other State and Federal agencies, the Regional Director, Region V, OSM, is recommending approval with stipulations of Wyoming Fuel Company's mining and reclamation plan for the Canadian Mine. Any persons having an interest that may be adversely affected by the recommended approval may request, in writing, a public meeting on the proposed decision.

Amendments to 30 CFR 701.11 and 741.11 postpone the effective date for implementation of the Permanent Regulatory Program for Federal lands until the date of approval of a State program or until implementation of a Federal program for a State (See 44 FR 77440-47, December 31, 1979). Departmental action on Wyoming Fuel Company's mining and reclamation plan at this time would not relieve the applicant of the obligation to file a new permit application not later than 2 months after the effective date of the Colorado State program approval or an equivalent Federal program for that State. Upon receipt of that application, OSM will review the application pursuant to 30 CFR Chapter VII.

The Secretary's decision will be based on the recommendations of OSM, the Bureau of Land Management, the U.S. Geological Survey, and any public comments received on or before September 23, 1980.

DATES: All requests for a public meeting must be made within 20 days following the date of this notice. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The technical analysis, environmental assessment, and proposed stipulations are available on request from the Office of Surface Mining, Region V. Any comments on the proposed approval and requests for public meetings should be submitted to the Regional Director, Region V, Office of Surface Mining, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

Walter N. Heine,

Director.

[FR Doc. 80-26789 Filed 9-2-80; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Long- and Short-Haul Application for Relief; Formerly Fourth Section Application

August 28, 1980.

This application for long- and short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. on or before September 18, 1980.

No. 43857, Southwestern Freight Bureau, Agent (No. B-90), reduced rates on ethylene glycol, in tank carloads, from stations in Louisiana and Texas, to Celriver, SC, as published in Supplement 56 to its Tariff ICC SWFB 4615, to become effective September 24, 1980. Grounds for relief—market competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-26802 Filed 9-2-80; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP4[023]

Permanent Authority Decision-Notice

Decided: August 21, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's rules of practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Application may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate status and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdicational questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirments of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before October 20, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 547 (Sub-5F), filed August 18, 1980. Applicant: WALL TRUCK LINE, INC., 105 N. Olive, Holden, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 21866 (Sub-177F), filed August 15, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except used

household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 34027 (Sub-16F), filed August 15, 1980. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 59617 (Sub-6F), filed August 14, 1980. Applicant: WARES' VAN & STORAGE, INC., 1344 Northwest Blvd., Vinland, NJ 08360. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 103066 (Sub-78F), filed August 11, 1980. Applicant: STONE TRUCKING COMPANY, a Corporation, P.O. Box 2014, Tulsa, OK 74101. Representative: Van D. Stone (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 123407 (Sub-647F), filed August 15, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Rt. 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 143776 (Sub-3F), filed August 8, 1980. Applicant: C.D.B., INCORPORATED, 155 Spaulding, SE., Grand Rapids, MI 49506. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 145557 (Sub-11F), filed August 18, 1980. Applicant: LIBERTY TRANSPORT, INC., P.O. Box 9182, Kansas City, MO 64168. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151546F, filed August 13, 1980. Applicant: CASCADE TRANSPORT, INC., P.O. Box 1128, Bend, OR 97701. Representative: David C. White, 2400 SW 4th Ave., Portland, OR 97201. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 151547F, filed August 13, 1980. Applicant: NEIL WOLFF, d.b.a. WOLFF TRUCKING, Haynes, ND 58637. Representative: David C. Britton, 1425 Cottonwood St., Grand Forks, ND 58201. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 151556F, filed August 13, 1980. Applicant: ALLSTATE TRANSPORTATION CORPORATION, 10700 Lyndale Ave., South, Minneapolis, MN 55440. Representative: George L. Hirschbach, 920 West 21st St., South Sioux City, NE 68776. Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S. and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. Condition: Person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) of the Interstate Commerce Act, or submit an affidavit indicating why such approval is unnecessary.

[FR Doc. 80-26805 Filed 9-2-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions Vol. No. OP4-022

Permanent Authority Decision-Notice

Decided: August 21, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's rules of practice, see 49 CFR 1100.247. Special rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before October 20, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 5227 (Sub-72F), filed August 15, 1980. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: A. J. Swanson, 226 N.

Phillips Ave., Sioux Falls, SD 57101. Transporting *beverages*, and *such commodities* as are used in the manufacture and distributing of beverages, between points in Rock County, WI, on the one hand, and, on the other, points in MN, ND, and SD.

MC 13547 (Sub-12F), filed August 15, 1980. Applicant: LEONARD BROTHERS TRANSPORT COMPANY, INC., 1528 West 9th St., Kansas City, MO 64101. Representative: Joe M. Lock, (same address as applicant). Transporting *paper, paper products, and wallboard*, between Kansas City, MO, on the one hand, and, on the other, points in KS, AR, MO, and OK, restricted to traffic having a prior movement by rail.

MC 42487 (Sub-999F), filed August 14, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S.

MC 99737 (Sub-2F), filed August 15, 1980. Applicant: SUPERLINE TRANSPORTATION CO., INC., 111 Braley Rd., East Freetown, MA 02717. Representative: John DeGrazia (same address as applicant). Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods as defined by the Commission), between points in CT, MA, and RI.

MC 105566 (Sub-227F), filed August 12, 1980. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *wearing apparel*, and *materials, equipment and supplies* used in the manufacture, distribution, and sale of wearing apparel, between points in Boone County, KY, and Ventura County, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 107576 (Sub-31F), filed August 15, 1980. Applicant: SILVER WHEEL FREIGHTLINES, INC., 1321 SE., Water Ave., Portland, OR 97214. Representative: Ronald D. Browning (same address as applicant). Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Boise, ID, and Denver, CO: From Boise over Interstate Hwy 84 to junction Interstate Hwy 15 near Tremonton, UT, then over Interstate Hwy 15 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Cheyenne, WY, and then over Interstate Hwy 25 to Denver, and return over the same route, serving intermediate and off-route points on or within 10 miles of Interstate Hwy 15 between Ogden and Salt Lake City, UT, restricted against traffic both originating at and destined to points in CO and UT, and (2) Between Ogden, UT, and Denver, CO: From Ogden over Interstate Hwy 80N to Echo, UT, then over Interstate Hwy 80 to Laramie, WY, and then over U.S. Hwy 287 to Denver, and return over the same route, as an alternate route for operating convenience only.

Note.—Applicant proposes to tack this authority with its existing regular route authority.

MC 112627 (Sub-35F), filed August 18, 1980. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting (1) *alcoholic beverages*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of alcoholic beverages, between the facilities of Hiram Walker, Inc., at (a) Louisville and Bardstown, KY, (b) Plainfield, IL, (c) Detroit, MI, and (d) Scobeyville, NY, on the one hand, and, on the other, points in CT, DE, IL, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, and DC.

MC 116947 (Sub-87F), filed August 18, 1980. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with Jos. Schlitz Brewing Company, of Milwaukee, WI.

MC 123476 (Sub-56F), filed August 14, 1980. Applicant: CURTIS TRANSPORT, INC. #23 Grandview Industrial Ct., Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). Transporting (1) *charcoal briquets and paper bags*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of charcoal briquets, between the facilities of Cupples Company, Manufacturers, in the U.S., on the one hand, and, on the other, those points in the U.S. on and east of U.S. Hwy 85.

MC 136277 (Sub-5F), filed August 18, 1980. Applicant: PRIORITY FREIGHT SYSTEMS, INC., P.O. Box 7098, Akron OH 44306. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in SC and NC, and Chatham and Richmond Counties, GA, on the one hand, and, on the other, points in OH, Kanawha and Wood Counties, WV, and those in WV on, north, and west of a line beginning at the OH-WV State line and extending along U.S. Hwy 35 to junction WV Hwy 2, then along WV Hwy 2 to junction U.S. Hwy 33, then along U.S. Hwy 33 to Buckhannon, WV, and then along U.S. Hwy 119 to the WV-PA State line and those in PA on and west of a line beginning at the WV-PA State line and extending along U.S. Hwy 119 to Greensburg, PA, then along PA Hwy 66 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction Interstate Hwy 76 (Pennsylvania Turnpike), then along Interstate Hwy 76 to junction PA Hwy 8, then along PA Hwy 8 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 79, and then along Interstate Hwy 79 to Erie, PA.

MC 143436 (Sub-43F), filed August 18, 1980. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 8328 Hill Gail Rd., P.O. Box 41228, Indianapolis, IN 46241. Representative: Stephen M. Gentry, 1502 Main St., Speedway, IN 46224. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between points in Hamilton County, OH, on the one hand, and, on the other, points in IN and KY.

MC 144616 (Sub-11F), filed August 14, 1980. Applicant: TRUCKS, INC., P.O. Box 79113, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, from points in Dallas County, TX, to points in LA, AR, OK, and NM.

MC 146167 (Sub-19F), filed August 13, 1980. Applicant: THE TEN WHEELERS, INC., Rt. 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank II, P.O. Box 1004, 805 So. Garden St. Columbia, TN 38401. Transporting *canned foodstuffs* from the facilities of Joan of Arc Company, at Hoopeston, Peoria, and Princeville, IL, to points in

AR, AL, FL, GA, LA, MS, NC, SC, TN, and TX.

MC 146187 (Sub-20F), filed August 13, 1980. Applicant: THE TEN WHEELERS, INC., Rt. 2, Gregory Rd., Greenback, TN 37742. Representative: Edward C. Blank II, P.O. Box 1004, 805 So. Garden St., Columbia, TN 38401. Transporting *liquors and alcoholic beverages,* from points in KY, IN, and OH, to the facilities of Jordano's Wholesale Wine & Liquors, Inc., at Santa Barbara, CA, restricted to traffic originating at the named origins and destined to the named destination.

MC 146927 (Sub-13F), filed August 13, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cans, between Bartow, FL, Spartanburg and Cheraw, SC, and Abilene, Fort Worth, and Houston, TX, on the one hand, and, on the other, points in TX, OK, AR, LA, TN, MS, AL, FL, GA, NC, and SC.

MC 146927 (Sub-14F), filed August 14, 1980. Applicant: DIXIE TRANSPORT, INC., P.O. Box 1126, Hattiesburg, MS 39401. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Transporting *sugar,* (1) from points in St. James and St. John the Baptist Parishes, LA, to points in MO, OK, TX, KY, NC, SC, GA, and AR, and (2) from points in Jefferson Parish, LA, to points in MS, TN, AL, MO, OK, TX, KY, NC, SC, GA, and AR.

MC 148127 (Sub-12F), filed August 14, 1980. Applicant: LINEHAUL EXPRESS CORPORATION, P.O. Box 5078, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). Transporting (1) *footwear,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of footwear, from points in NH and VT, to points in the U.S. restricted to traffic originating at the indicated origins.

MC 148576 (Sub-3F), filed August 15, 1980. Applicant: DOTSON TRUCKING CO., INC., 1220 Murphy Ave. S.W., Atlanta, GA 30310. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. Transporting (1) *paper and paper products, plastic and plastic products,* and *woodpulp,* and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at or destined to the facilities of International Paper Co.

MC 149227 (Sub-1F), filed August 14, 1980. Applicant: LONG TRANSPORTATION, INC., 212 Depo St., Goodlettsville, TN 37072. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *general commodities* (except articles of unusual value, household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with King Metals Company, of Nashville, TN.

MC 149507F, filed August 14, 1980. Applicant: STEVE'S GAS SUPPLY, INC., 46 River Rd., Essex Junction, VT 05452. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting (1) *brick,* and *clay products,* and (2) *materials, equipment,* and *supplies* used in the manufacture and distribution of the commodities in (1) above, from points in Albany County, NY, Hartford County, CT, Plymouth County, MA, Stark County, OH, and Grafton County, NH, to points in VT and NH.

MC 150776 (Sub-1F), filed August 12, 1980. Applicant: ALFRED DANIELS, INC., Rt. 1, P.O. Box 272-I, Jackson, OH 45640. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *steel shelving and bins, unassembled pallet racks, storage racks, screws, and storage cabinets,* and (2) *accessories* for the commodities in (1) above, between points in the U.S. under continuing contract(s) with Frick & Gallagher Manufacturing Company, of Wellston, OH.

MC 150786 (Sub-1F), filed August 11, 1980. Applicant: BOBBY BARNES & CHARLES FITZPATRICK, d.b.a. B & F TRUCKING COMPANY, 3240 Sangamon St., Steger, IL 60475. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Transporting *pasta products,* between points in the U.S., under continuing contract(s) with D'Amico Foods Company, of Steger, IL.

MC 150797 (Sub-1F), filed August 14, 1980. Applicant: CARPENTER'S MOTOR TRANSPORT, INC., 35 King St., Box 817, Burlington, VT 05402. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *such commodities* as are dealt in or used by hardware and appliance stores and service stations, and *petroleum products,* (except commodities in bulk), between points in the U.S. under continuing contract(s) with Vermont Hardware Co., Inc., of Burlington, VT.

MC 150887 (Sub-1F), filed August 18, 1980. Applicant: CLOVER LANE TRANSPORTATION, INC., 1544 Irving St., Rahway, NJ 07065. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with Hoffmann La-Roche, Inc., of Nutley, NJ.

MC 151256 (Sub-1F), filed August 13, 1980. Applicant: ODYSSEY TRANSPORTATION, INC., 3826 Depot Rd., Hayward, CA 94544. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. Transporting *chemicals or allied products* as described in item 28 of the Standard Transportation Commodity Code Tariff, between points in the U.S., under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 151486 (Sub-1F), filed August 11, 1980. Applicant: RICH-HIL TRANSPORTATION, INC., R.D. 5, Box 64, Flemington, NJ 08822. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *fuel,* in bulk, between points in the U.S., under continuing contract(s) with Tenneco Chemicals, Inc., of Paramus, NJ.

MC 151506 (Sub-1F), filed August 13, 1980. Applicant: LEE-ANN CORP., 420 W. Ryan St., Brillion, WI 54110. Representative: Linda Heller Kamm, 1775 Pennsylvania Ave., NW., Washington, DC 20006. Transporting *sand and sand additives,* between points in the U.S., under continuing contract(s) with Brillion Iron Works Division Beatrice Foods Co., of Brillion, WI.

MC 151557F, filed August 13, 1980. Applicant: BLAZER TRUCK LINES, INC., 23845 Ecorse Rd., Taylor, MI 48180. Representative: Robert E. McFarland, 2855 Coolidge, Troy, MI 48084. Transporting *automobile parts,* and *materials, equipment, and supplies* used in the manufacture of motor vehicles, between points in MI, OH, IN, and IL, restricted to traffic originating at or destined to the facilities of the Chrysler Corporation.

[FR Doc. 80-26804 Filed 9-2-80; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's

Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(1) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the peitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which peitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after September 3, 1980.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act.)

In the absence of legally sufficient petitions for intervention, filed on or before October 3, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

[Volume No. 322]

Decided August 2, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 124714 (Sub-174F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *iron and steel articles,* from points in IN, MI, and WI, to Hastings and Omaha, NE, Joplin, MO, and Searcy, AR.

MC 124714 (Sub-175F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (1)(a) *casings and collagen,* and (b) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1)(a); between Eagle Pass and San Antonio, TX, Odebolt, IA, Chicago, IL, and Portalles, NM, on the one hand, and, on the other, points in the U.S. (except AK and HI); (2) *containers,* between Omaha, Ne, and Council Bluffs, IA, on the one hand, and, on the other, points in MN, SD, IA, and NE; and (3) *antimony and antimony oxide,* from Laredo, TX, to points in the U.S. (except AK and HI.)

MC 124714 (Sub-176F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting (1) *hides and chromes,* and (2) *tannery byproducts, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between points in the U.S. (except HI.)

MC 124714 (Sub-177F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *iron and steel articles,* from New York, NY, and points in PA and NJ, to points in AR, CO, KS, IA, MO, MN, ND, OK, SD, TX, WI, UT, WY and NE.

MC 124714 (Sub-178F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). Transporting *fabricated metal products,* from the facilities of U.S. Gypsum Co., at Pinckneyville, IL and Boyles Galvanizer at St. Louis, MO, to points in AR, AZ, CO, IA, KS, LA, MN, MO, MT, NE, NM, ND, OK, SD, TX, WI, and WY.

MC 124174 (Sub-179F), filed June 27, 1980. Applicant: MOMSEN TRUCKING CO., a Corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same as address as applicant). Transporting (1) *iron and steel articles,* from Newport and Wilder, KY, to points in AR, CO, IA, KS, MN, MO, MT, NE NM, NE, OK, SD, TX, WI, and WY; and (2) *iron and steel pipe,* (a) from Eagle Pass, Laredo, Roma, Uvalde, and Hidalgo, TX, to points in AZ, CA, ID, MT, NV, OR, UT, and WA, and (b) from Uvalde and Roma, TX, to those points in the U.S. in and east of ND, SD, NE, CO, and NM (except TX).

MC 128484 (Sub-3F), filed June 20, 1980, previously noticed in the Federal Register issue of August 7, 1980. Applicant: BOWEIL STORAGE & TRANSIT CO., a Corporation, 5850 Center Hill, Cincinnati, OH 45232. Representative: Richard D. Mathias, 1100 Connecticut Ave., NW., Washington, DC 20036. Transporting *household goods* as defined by the Commission, (1) between points in Dayton, KY, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IN, IA, KS, MD, MA, MI, MN, MO, NJ, NY, NC, PA, RI, SC, VA, WI, and DC; (2) between points in Hamilton County, OH, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IA, KS, KY, MD, MA, MI, MN, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC; and (3) between points in KY (except Dayton), points in OH (except Hamilton County), and points in IN, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, MI, MN, MO, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC.

Note.—This republication modifies the territorial description.

MC 148355 (Sub-1F), filed June 20, 1980. Applicant: A-1 DISPOSAL CORPORATION, P.O. Box 301, 400 Broad St., Plainwell, MI 49080. Representative: George A. Pendleton, P.O. Box 51, 5116 Brookgate, NW., Comstock Park, MI 49321. Transporting *toxic and hazardous materials* (except nuclear wastes or classes A and B explosives), between points in MI, IN, IL, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MI, MS, MO, NY, NC, OH, PA, SC, TN, and WI.

Condition.—The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 149034 (Sub-2F), filed June 23, 1980. Applicant: VERNON R. HODGE, d.b.a. DIXIE TRANSPORTATION AIDES, 11501 Allecingle Parkway, Richmond, VA 23235. Representative: Richard Lee, 3122 700 Bldg—700 E. Main St., Richmond, VA 23219. *Contract carrier,* transporting (1) *chimney assemblies, doors, wall sections,* and *insulation,* and (2) *materials, supplies, and equipment* used in the manufacture, distribution, and installation of the commodities in (1) between the facilities of General Products Company, Inc., at Fredericksburg, VA, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with General Products Company, Inc., of Fredericksburg, VA.

MC 150464 (Sub-2F), filed June 9, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Highway 280 East, Americus, GA 31709. Representative: Carl E. Melton (same address as applicant). Transporting (1) *electrical lighting fixtures and equipment,* and (2) *parts and accessories* for the commodities in (1) above, (a) from the facilities of Gibson-Metalux Corporation, at or near Americus, GA, to points in AL, FL, SC, TN, VA, KY, MS, LA, NC, and AR, and (3) *materials and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, (a) from Americus, GA, to Cordele, Columbus, and Macon, GA, and (b) from points in AL, FL, SC, TN, VA, KY, MS, LA, NC, and AR, to Americus, GA, restricted to traffic having a prior or subsequent movement by rail.

MC 150464 (Sub-3F), filed June 9, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Highway 280 East, Americus, GA 31709. Representative: Carl E. Melton (same address as appliant). Transporting (1) *artificial trees and florist supplies,* (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from Americus, GA, to points in AL, AR, FL, GA, KY, LA, NC, SC, TN, MS, and VA, and (3) *materials and supplies* used in the manufacture of the commodities in (1) above, (a) from Americus, GA, to Cordele, Columbus, and Macon, GA, and (b) from points in AL, AR, FL, GA, KY, LA, NC, SC, TN, MS, and VA, to Americus, GA.

MC 138304 (Sub-21F), filed April 9, 1980, previously published in the FR issue of July 10, 1980. Applicant: NATIONAL PACKERS EXPRESS, INC., 1600 Clinton Street, Hoboken, NJ 07030. Representative: Craig B. Sherman, Barnett Bank Building, 1108 Kane Concourse, Bay Harbor Islands, FL 33154. Transporting *wire, wire rod, fasteners, nuts, bolts, and screws,* between points in GA, MA, FL, OH, NC, SC, TN, MI, MN, IL, CT, PA, NJ, and NY, restricted to the transportation of traffic originating at or destined to facilities used by Brighton Best Socket Screw Mfg. Co., of Teterboro, NJ. (Hearing site: New York, NY, Washington, DC, or Chicago, IL.)

Note.—This republication correctly states the territorial description.

[Volume No. 325]

Decided: August 26, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 13134 (Sub-87F), filed February 14, 1980, previously published in the FR issue of May 8, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *refractories, refractory products, and insulating materials,* and (2) *materials* used in the manufacture and distribution of refractory products, between the facilities of A. P. Green Refractories Co., Inc., at or near (a) Fulton and Mexico, MO, (b) Pryor, OK, (c) Thermo, TX, (d) Pueblo, CO, (e) Kimberly, Bessemer, and White Oak, AL, (f) Macon, GA, (g) Troy, ID, (h) Berger, AR, (i) Goose Lake, IL, (j) East Greenville, Jackson, and Oak Hill, OH, (k) Philadelphia, Climax, and Tarentum, PA, and (1) Woodbridge, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

Note.—This republication correctly states the commodity and territorial description.

MC 133655 (Sub-220F), filed May 22, 1980, previously noticed in the FR issue of July 17, 1980. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Warren L. Troupe, P.O. Box 2298, Green Bay, WI 54306. Transporting *such commodities as are dealt in, or used by, manufacturers and distributors of paper and paper*

products, between Dallas, TX, on the one hand, and, on the other, points in AL, FL, GA, NC, OK, SC, and LA. (Hearing site: Atlanta, GA.)

Note.—This republication modifies the territory.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-26801 Filed 9-2-80; 8:45 am]
BILLING CODE 7035-01-M

[Vol. No. 27]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 921 (Subs 7 and 21) (M1F) (Notice of filing of petition to modify certificates) filed June 26, 1980. Petitioner: DEAN TRUCK LINE, INC., P.O. Drawer 631, Fulton Drive, Corinth, MS 38834. Representative: Warren A. Goff, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Petitioner holds motor *common carrier* certificates in MC-921 Subs 7 and 21, issued April 28, 1965 and May 15, 1975, respectively. MC-921 Sub 7 authorizes transportation, over regular routes, of *general commodities,* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Selmer, and Nashville, TN, serving no intermediate points, and serving Selmer for purposes of joinder only, from Selmer over U.S. Hwy 45 to Henderon, Henderson, TN, then over TN Hwy 100 to Nashville, and return over the same route, restricted against the transportation of freight between Nashville, TN, on the one hand, and, on the other, any points in TN. MC-921 Sub 21 authorizes transportation, over regular routes, of *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special handling, between Tupelo, MS, and Pensacola, FL, serving Columbus, MS, for joinder only, serving all intermediate points in AL (except Tuscaloosa) and FL, and serving the off-route points in Escambia and Santa Rose Counties, FL, from Tupelo over Alternate US Hwy 45 to junction US Hwy 82 near Mayhew, MS, then over US Hwy 82 to Tuscaloosa, AL, then over US Hwy 43 to Demopolis, AL, then over US Hwy 80 to Montgomery, AL, then over US Hwy 31 (and also over Interstate Hwy 65) to Evergreen, AL, then over US Hwy 31 to Brewton, AL, then over US Hwy 29 to Pensacola, and return over the same route, alternate routes for operating convenience only: *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special handling, (1) between Columbus, MS, and Eutaw, AL, serving no intermediate points, but serving Columbus for joinder only, from Columbus over MS Hwy 69 to the MS-AL State line, then over AL Hwy 14 to Eutaw, and return over the same route, (2) between Demopolis, AL, and Meridian, MS, serving no intermediate points, but serving Meridian for joinder only, from Demopolis over US Hwy 80 to Kewanee, MS, then over Interstate Hwy 20-59 to Meridian; and return over the same route, (3) between Pensacola, FL, and Hattiesburg, MS, serving Hattiesburg and the intermediate points of New Augusta, MS, and Mobile, AL, for joinder only, from Pensacola over US Hwy 90 to Mobile, then over US Hwy 98 to Hattiesburg, and return over the same route, (4) between Evergreen, AL and Laurel, MS, serving Laurel for joinder only, and to Alternate route (6) herein, over U.S. Hwy 84, (5) between Pensacola, FL, and Meridian, MS, serving Meridian and the intermediate point of Mobile, AL, for joinder only, from Pensacola over US Hwy 29 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, and then over US Hwy 45 to Meridian, and return over the same route, (6) between Grove Hill, and Demopolis, AL, serving no intermediate points, but serving Grove Hill for joinder to alternate route (4) above only, over US Hwy 43, and (7) between New Augusta and Ellisville, MS, serving no intermediate points, but serving New Augusta for joinder to alternate route (3) above only, over MS Hwy 29. Restriction: All operating rights in this certificate are restricted against the transportation of traffic moving by the carrier between points in AL, on the one hand, and, on the other, Meridian, MS, points in Escambia and Santa Rose Counties, FL, and points in AL.

By the instant petition, petitioner seeks to modify the above authorities by (1) deleting the restriction in Sub 7, and (2) deleting the exception of Tuscaloosa in the first portion of Sub 21, and (3) delete the final restriction in Sub 21.

MC 8973 (Sub-52) (M2F) and (Sub-44) (M1F) (Correction), (Notice of filing of petition to modify certificates), filed August 8, 1979, published in the Federal Register, issue of April 15, 1980, and republished in part as corrected, this

issue. Petitioner: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, NJ 07047. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. (1) *plastic articles and materials, equipment, and supplies* used in the manufacture or distribution of plastic articles (except commodities in bulk), between points in CT, NJ, and those in NY, located on or east of U.S. Hwy 11 and on or south of U.S. Hwy 20, on the one hand, and, on the other, points in the U.S. (except AK and HI)

Note.—The purpose of this partial republication is to correct NY to NJ in first line of territorial description. The remainder of this petition remains as previously published.

MC 17051 (Sub-19F) (M1F) (Notice of filing of the petition to modify the certificate) filed April 21, 1980. Petitioner: BARNET'S EXPRESS, INC., 758 lidgerwood Avenue, Elizabeth, NJ 07202. Representative: IRVING KLEIN, 371 Seventh Avenue, New York, NY 10001. Petitioner holds *common carrier* authority in MC 17051-Sub. 19F vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *equipment, materials, and supplies* used in the manufacture and distribution of wearing apparel, (except commodities in bulk) (a) from the facilities of Ideal Outerwear, Inc. and Almax Sportswear, at (i) East Newark, NJ, and (ii) New York, NY, to points in Tennessee, (b) from the facilities of Cooper Sportswear Manufacturing Company, Inc. at (i) Carteret, Newark, Perth Amboy, and Trenton, NJ, and (ii) Johnstown, NY, to points in GA, MS, and TN. (2) *wearing apparel on hangers,* (a) from points in TN to the facilities of Ideal Outerwear, Inc., and Almax Sportswear, at (i) East Newark, NJ, and (ii) New York, NY, and (b) from points in GA, MS and TN to the facilities of Cooper Sportswear Manufacturing Company, Inc., at (i) Carteret, Newark, Perth Amboy, and Trenton, NJ, and (ii) Johnstown, NY. By the instant petition, petitioner seeks to modify the above authority to read: To operate as a common carrier in interstate or foreign commerce over irregular routes transporting: 1. *Equipment, materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk) from New York, NY, Newark, and Trenton, NJ and Johnstown, NY to points in GA, MS, and TN, and 2. *Wearing apparel* from points in GA, MS, and TN to New York, NY, Newark and Trenton, NJ and Johnstown, NY.

MC 20841 (Subs-1, 2, 3, 4, 7, and 10) (M1F) (Notice of filing of petition to modify certificates) filed November 29, 1979. Petitioner: MARATHON FREIGHT LINES, INC., 340 South Styles St., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds motor *common carrier* certificates in MC 20841 (Subs-1, 2, 3, 4, 7, and 10), issued March 31, 1964, August 29, 1967, December 16, 1968, June 18, 1969, March 31, 1964, March 16, 1973, and November 27, 1974, respectively. MC 20841 (Sub-1) authorizes transportation, in summary, as pertinent, of I. *regular routes, general commodities,* with exceptions, between Carteret, NJ, and New York, NY, serving the intermediate points of Newark, and Jersey City, NJ, and the off-route point of Liberty, NY, over specified routes, II. *Over irregular routes,* (A) *general commodities* with exceptions, between points in New York, NY Commercial Zone as defined by the Commission in 1 M.C.C. 665 on the one hand, and, on the other, points in specified NJ Counties, and Westchester County, NY, (B) *general commodities,* with exceptions, from New York, NY, to points on Long Island, NY. MC 209841 (Sub-2) authorizes foodstuffs (except in bulk), from the facilities of the General Warehouse Corporation at North Bergen, NJ, to points in CT. MC 20841 (Sub-3) authorizes in summary, *such commodities* as are used by or sold in grocery or department stores (with exceptions) covering the same territory as Sub 2 above. MC 20841 (Sub-4) authorizes in summary, *same commodities* as (Sub-3) above, with different exceptions, from the same origin as (Sub-2 and 3), to points in Rockland and Orange Counties, NY. MC 20841 (Sub-7) authorizes (A) *such commodities* as are dealt in by grocery or department stores, with exceptions, from the facilities of Summit Warehouse Corporation at Edgewater, NJ, to destination (Sub-4), and (B) *returned shipments* of (A) above, from points in Rockland, Orange, Nassau, and Suffolk Counties, NY, and points in CT, to origins in (Subs-2 and (7)A) above. MC 20841 (Sub-10) authorizes transportation of *such commodities* as are used or sold by (a) grocery, discount, department, or drug stores, and (b) candy or tobacco distributors, with exceptions, between the facilities of Atlantic Distribution Center, Inc. aat or near Jersey City, NJ on the one hand, and, on the other, New York, NY, specified NY Counties, points in CT, and NJ, with facility restriction. By the instant petition, petitioner seeks to modify the above authorities as follows: (Sub-1)—Add Wallkill, NY as an off-route point in I above; Modify the radial portion in II(A) above to include all points in NJ; Modify the territorial description in II(B) to read between New York, NY, on the one hand, and, on the other, points on Long Island, NY. (Subs-2, 3, 4, and 10)—add Linden, NJ to the origin portion of the territorial description, and in (Sub-7) part (B) add Linden, NJ as a destination point.

MC 38921 (M1F) (Notice of filing of petition to modify certificate), filed March 4, 1980. Petitioner: KMA LEASING, INC., 1342 North Howard St., Philadelphia, PA 19122. Representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Petitioner holds motor *common carrier* authority certificated in MC-38921, issued October 31, 1979, authorizing transportation, as summarized, and as pertinent, over regular routes, of (A) *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 Camden, NJ and Atlantic City, NJ over specified routes; (2) between Camden, NJ and junction NJ Secondary Hwy 561 and US Hwy 322, over specified routes; (3) between Camden, NJ and junction US Hwy 130 and NJ Secondary Hwy 545, over specified routes; (4) between Bordentown, NJ and junction US Hwys 206 and 30, over specified routes; (5) between junction NJ Hwy 73 and US Hwy 130 and junction NJ Hwy 73 and US Hwy 30, over specified routes; (6) between Camden, NJ and Tuckahoe, NJ, over specified routes; (7) between junction NJ Hwys 42 and 41 and junction NJ Hwys 42 and 41 and junction NJ Hwy 47 and NJ Secondary Hwy 585, at or near Wildwood, NJ, over specified routes; (8) between junction NJ Hwy 50 and US Hwy 30 and Seaville, NJ, over specified routes; (9) between Cape May, NJ and junction US Hwys 9 and 30, over specified routes; (10) between junction NJ Secondary Hwy 585 and US Hwy 9 and Pleasantville, NJ, over specified routes; (11) between Pittsgrove, NJ and Mckee City, NJ, over specified routes; (12) between Bridgeton, NJ and Richland, NJ, over specified routes; (13) between junction NJ Secondary Hwy 552 and US Hwy 40 and junction NJ Secondary Hwy 522 Spur and NJ Hwy 47, over specified routes; (14) between junction NJ Hwy 54 and US Hwy 30, and junction NJ Secondary Hwys 555 and 552 Spur, over specified routes. Serving points in that part of NJ bounded by a line beginning at Bordentown, NJ and extending along the DE river to Camden, NJ, then south along NJ Hwy 45 to junction NJ Hwy 77, then along NJ Hwy 77 to Bridgeton, NJ, then along Cohansey river to the DE Bay, then along the NJ

shores of DE Bay and the Atlantic Ocean to Atlantic City, NJ, then along US Highway 30 to junction US Hwy 206 to Bordentown and point of beginning, as intermediate or off-route poins in connection with the above described routes. Serving points on US Highway 30 between Philadelphia, PA, and Atlantic City, NJ and points described in the paragraph immediately above, as intermediate or off-route points in connection with carrier's authorized regular-route authority between Philadelphia, PA, and Atlantic City, NJ (except those points carrier is authorized to serve in section (b) hereinbelow). Restriction: The regular-route authority granted in section (A) hereinabove should be restricted to traffic moving from, to, and through Philadelphia, PA.; and (C) *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 Baltimore, MD and New York, NY, serving all intermediate points, over specified routes; (2) between Baltimore, MD and Allentown, PA, serving all intermediate points, over specified routes; between Elkton, MD and junction PA Hwys 113 and 100, serving all intermediate points, over specified routes; (3) between Baltimore, MD and Philadelphia, PA, serving all intermediate points, over specified routes. Service is authorized to and from all off-route points in that part of MD on and bounded by a line extending from Baltimore along MD Hwy 45 to Towson, MD, then MD Hwy 146 to Jacksonville, MD, then along MD Hwy 145 to junction MD Hwy 165, then along MD Hwy 165 to the MD–PA state line, then along the MD–PA state line to junction MD–DE state line, then along the MD–DE state line to junction US Hwy 40, then along US Hwy 40 to Elkton; then south to the Elk River, then along the western branch of the Elk River to the shore of Chesapeake Bay, then along the shore of Chesapeake Bay to Baltimore, points in those portions of PA, NJ and DE bounded by a line beginning at the MD–PA state line and extending along PA Hwy 10 to Reading, PA, then along PA Hwy 10 to Hamburg, PA, then along US Hwy 22 to Newark, NJ, then along US Hwy 1 to junction US Hwy 130, then along US Highway 130 to junction US Hwy 40, then along US Hwy 40 to the MD–DE state line to MD–PA state line to the point of beginning. Restriction: The following authorized in (C) above is subject to the following conditions: **The authority granted in (C) above is limited to the transportation of shipments moving from, to, or through a terminal, intermediate, or off-route points in MD. The operation authorized in (C) above are restricted against the rendition of service between any pair of points in MD, except in connection with traffic moving from, to, or through Baltimore. The authority granted in (C) above shall not be severable by sale or otherwise from the irregular-route authority contained in (C) below to transport milk products, canned goods and general commodities. (4) Between Baltimore, MD and Washington, DC, serving all intermediate points and the off-route points of Fort George G. Meade, Gambrills, Millersville, and Odenton, MD, and points in the Washington, DC Commercial Zone, as defined by the Commission in 3 M.C.C. 243: (a) from Baltimore over US Hwy 1 to Washington; and (b) return over US Hwy 1 to junction MD Hwy 450 near Bladensburg, MD, then over MD Hwy 450 to Annapolis, MD, then over MD Hwy 178 to junction MD Hwy 3, then over MD Hwy 3 to junction Business MD Hwy 3, then over Business MD Hwy 3 via Glen Burnie, MD, to Baltimore (also from Annapolis over MD Hwy 2 to junction MD Hwy 648, then over MD Hwy 648 to Glen Burnie, MD, then over Business MD Hwy 3 to junction MD Hwy 2, near Furnace Branch, MD, then over MD Hwy 2 to Baltimore). By the instant petition, petitioner seeks to modify the authority by (1) deleting the restriction to "traffic moving from, to, and through Philadelphia, PA" in section (A) above, (2) deleting the restriction in (C) above limiting "traffic moving from, to or through a terminal, intermediate, or off-route points in MD, and (3) modifying the territorial description in section (C), routes 4 (a) and (b) to read as follows: (a) from Baltimore over US Hwy 1 to Washington, and return over the same route, and (b) from Baltimore over MD Hwy 3 via Glen Burnie to junction MD Hwy 178, then over MD Hwy 178 to junction MD Hwy 450, then over MD Hwy 450 to Annapolis, MD, then over MD Hwy 450 to Bladensburg, MD, then over US Hwy 1 to Washington, and return over the same route (also from Baltimore over MD Hwy 2 to Annapolis, MD, then to Washington as described above), and return over the same route.

MC 59264 (MIF) (notice of petition to modify certificate), filed June 13, 1980. Petitioner: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, NJ. Representative: Lawrence S. Burstein, Suite 2373, One World Trade Center, New York, NY 10048. Petitioner holds motor *common carrier* authority Certificate in MC 59264 issued October 21, 1939, authorizing transportation of ordinance, quartermaster supplies and ammunition between Raritan Arsenal, Nixon, N.J., and points in Philadelphia County, Pa., on the one hand and, on the other, all military posts, forts, and reservations, naval bases and port of embarkation in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, traversing New Hampshire and Vermont for operating conveniences only. It is further ordered, that the authority to transport ordinance and quartermaster supplies, as specified in the certificate, shall be construed to include authority to transport, among other articles, ammunition and Class A, B, and C explosives. By the instant petition, petitioner seeks to delete the restriction which requires the movement be between Raritan Arsenal, Nixon, N.J. and points in Philadelphia County, Pa. on the one hand.

MC 60580 (Subs-26, 27, 29, 30, 32, 35, 36, 37) (MIF) (notice of filing of petition to modify certificates), filed May 30, 1980. Petitioner: MAISLIN TRANSPORT OF DELAWARE, INC., 7401 Newman Blvd., LaSalle, Quebec, Canada H8N 1X4. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Petitioner holds motor *common carrier* certificates in MC 60580 (Subs-26, 27, 29, 30, 32, 35, 36, and 37), issued February 17, 1958, April 11, 1969, October 25, 1972, April 21, 1975, December 19, 1975, October 29, 1976, June 13, 1978, September 1, 1978, and June 25, 1979, respectively. The above certificates authorizes, in summary, transportation, over regular routes, irregular routes, and alternate routes for operating convenience only, of *general commodities* with exceptions, as well as *various specific commodities,* serving various points in VA, PA, DE, NJ, NY, MD, CT, RI, MA, NH, VT, ME, and DC. By the instant petition, petitioner seeks to modify the regular route portions of the above certificates to read as follows: Modify the regular route portions of MC 60580 as follows: (I) *General Commodities,* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) Between Ocean View, VA, and Philadelphia, PA: From Ocean View over U.S. Hwy 60 to junction U.S. Hwy 58, then over U.S. Hwy 58 to Suffolk, VA, then over U.S. Highway 460 to Petersburg, VA, then over U.S. Hwy 1 to Philadelphia, and return over the same route. (b) Between Ocean View,

VA, and Baltimore, MD, and junction Interstate Hwys 70 and 76: From Ocean View over Interstate Hwy 64 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 495 then over Interstate Hwy 495 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 76 (also from Baltimore over Interstate Hwy 70N to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 76), and return over the same routes. (c) Between Philadelphia and Chambersburg, PA, over U.S. Hwy 30. (d) Between Philadelphia and Scranton, PA: From Philadelphia over PA Hwy 611 to junction Interstate Hwy 380, then over Interstate Hwy 380 to Scranton (also from Easton over PA Hwy 115 to Saylorsburg, PA, then over unnumbered highway to Stroudsburg) and return over the same route. (e) Between Philadelphia and Pittsburgh, PA: over Interstate Hwy 76. (f) Between Philadelphia and Berwick, PA: From Philadelphia over U.S. Hwy 309 to Allentown, PA, then over PA Hwy 93 via Hazleton, PA, to Berwick, and return over the same route. (g) Between Center Valley, PA, and junction PA Hwys 248 and 873 near Palmerton, PA: From Center Valley over PA Hwy 378 to Bethlehem, PA, then over city streets to Allentown, PA, then over unnumbered highway via Catasauqua and Northampton, PA, to Cherryville, PA, then over unnumbered highway to junction PA Hwy 145, then over PA Hwy 145 to junction PA Hwys 248 and 873 and return over the same route. (h) Between Northumberland and Forest City, PA: From Northumberland over U.S. Hwy 11 via Pittston, PA, to Scranton, PA (also from Pittston over unnumbered highway via Old Forge and Taylor, PA to Scranton), then over U.S. Hwy 6 to Carbondale, PA, then over PA Hwy 171 to Forest City, and return over the same route. (i) Between Pottsville and Lock Haven, PA: From Pottsville over PA Hwy 61 to Sunbury, PA, then over PA Hwy 147 to Halls, PA, then over U.S. Hwy 220 via Williamsport, PA, to Lock Haven (also from Sunbury across the Susquehanna River Bridge, then over U.S. Hwy 15 to Williamsport), and return over the same routes. (j) Between Ashland and Tamaqua, PA: From Ashland over PA Hwy 54 to Shenandoah, PA then over PA Hwy 924 to Hazleton, PA, then over U.S. Hwy 309 via Hometown, PA, to Tamaqua, also from Shenandoah over PA Hwy 54 to Hometown, and return over the same routes.

(k) Between junction U.S. Hwy 209 and PA Hwy 93 near Nesquehoning, PA, and Millersburg, PA: From junction U.S. Hwy 209 and PA Hwy 93, over U.S. Hwy 209 to Millersburg, and return over the same route. (l) Between Philadelphia and Harrisburg, PA: From Philadelphia over U.S. Hwy 422 via Reading, PA, to junction U.S. Hwy 322, then over U.S. Hwy 322 to Harrisburg (also from Reading over U.S. Hwy 222 to Lancaster, PA then over U.S. Hwy 230 to Harrisburg), and return over the same route. (m) Between State Road, DE, and Pennsville, NJ: From State Road over U.S. Hwy 40 to junction DE Hwy 273, then over DE Hwy 273 to New Castle, DE, then north over unnumbered highway to junction U.S. Hwy 40, then over the Delaware Memorial Bridge to junction NJ Hwy 49, then over NJ Hwy 49 to Pennsville and return over the same route. (h) Between Willmington, DE, and Penns Grove, NJ: From Wilmington south over unnumbered highway to junction U.S. Hwy 40, then over the Delaware Memorial Bridge to junction U.S. Hwy 130, then over U.S. Hwy 130 to Penns Grove, and return over the same route. (o) Between Chester, PA, and Bridgeport, NJ: From Chester across the Delaware River via ferry to junction U.S. Hwy 322, then over U.S. Hwy 322 to Bridgeport, and return over the same route. (p) Between Philadelphia, PA, and Bridgeton, NJ: 1. From Philadelphia, across the Delaware River to Camden, NJ, then over NJ Hwy 45 to Salem, NJ, then over NJ Hwy 49 to Bridgeton, and return over the same route. 2. From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 45 to Mullica Hill, NJ, then over NJ Hwy 77 to Bridgeton, and return over the same route. (q) Between Philadelphia, PA, and Millville, NJ: (1) From Philadelphia across the Delaware River to Camden, NJ, then over U.S. Hwy 130 to junction Interstate Hwy 295, then over Interstate Hwy 295 junction NJ Hwy 49, then over NJ Hwy 49 via Salem, NJ, to Millville, and return over the same route. (2) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 551 to Westville, NJ, then over NJ Hwy 47 to Millville, and return over the same route. (r) Between Philadelphia, PA, and Malaga, NJ: (1) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 45 to Woodbury, NJ, then over NJ Hwy 551 via Swedesboro and Auburn, NJ, to Deepwater, NJ, then over U.S. Hwy 130 to Penns Grove, NJ, then over NJ Hwy 48 to junction U.S. Hwy 40, then over U.S. Hwy 40 to Malaga, and return over the same route. (2) From Philadelphia across the Delaware River to Camden, NJ, then over U.S. Hwy 130 to Bridgeport, NJ, then over U.S. Hwy 322 to junction NJ Hwy 551, then over NJ Hwy 551 to Swedesboro, NJ, then over NJ Hwy 538 to Franklinville, NJ, then over NJ Hwy 47 to Malaga, and return over the same route. (3) From Philadelphia to Bridgeport as specified above, then over U.S. Hwy 322 to junction NJ Hwy 47, then over NJ Hwy 47 to Malaga, and return over the same route. (s) Between Philadelphia, PA, and Ocean City, NJ: (1) From Philadelphia across the Delaware River to Camden, NJ, then over U.S. Hwy 30 to Atlantic City, NJ, then over unnumbered highway to Ocean City, and return over the same route. (2) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 42 to Williamstown, NJ, then over U.S. Hwy 322 to Atlantic City, NJ, then over unnumbered highway to Ocean City, and return over the same route. (t) Between Philadelphia, PA, and junction U.S. Hwy 22 and PA Turnpike Extension: From Philadelphia over U.S. Hwy 422 to junction PA Turnpike Extension then over PA Turnpike Extension (PA Hwy 9) to junction U.S. Hwy 22, and return over the same route. (u) Between Philadelphia, PA, and Mount Holly, NJ: (1) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 70 to Medford, NJ, then over NJ Hwy 541 to Mount Holly, and return over the same route. (2) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 537 to Mount Holly, and return over the same route. (3) From Philadelphia across the Delaware River to Camden, NJ, then over U.S. Hwy 130 to Burlington, NJ, then over NY Hwy 541 to Mount Holly, and return over the same route. (v) Between Harrisburg and Pittsburgh, PA: (1) From Harrisburg over U.S. Hwy 22 to Pittsburgh, and return over the same route. (2) From Harrisburg over U.S. Hwy 22 to Cresson, PA, then over PA Hwy 53 to Johnstown, PA, then over U.S. Hwy 56 to Armagh, PA, then over U.S. Hwy 22 to Pittsburgh, and return over the same route. (w) Between Philadelphia, PA, and Cape May, NJ: (1) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 45 to Salem, NJ, then over NJ Hwy 49 to Millville, NJ, then over NJ Hwy 47 to Goshen, NJ, then over unnumbered highway via Cape May Court House, NJ, to junction U.S. Hwy 9, then over U.S. Hwy 9 to Cape May, and return over the same route. (2) From Philadelphia across the Delaware River to Camden, NJ, then over NJ Hwy 45 to Woodbury, NJ, then over NJ Hwy 553 to junction NJ Hwy 47, then over NJ Hwy 47 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Cape May, and return over the same route. (x) Between New York, NY, and State Road, DE: (1) From New York over U.S. Hwy 1

to Philadelphia, then over U.S. Hwy 13 to State Road, and return over the same route. (2) From New York over U.S. Hwy 1 to junction U.S. Hwy 130, then over U.S. Hwy 130 to junction INT Hwy 295 near Thorofare, NJ, then over INT Hwy 295 to junction U.S. Hwy 40, then over U.S. Hwy 40 to State Road, and return the same route. (y) Between Easton, PA, and New York, NY: (1) From Easton over U.S. Hwy 22 to junction U.S. Hwy 1, then over U.S. Hwy 1 to New York, and return over the same route. (2) From Easton over U.S. Hwy 22 to Somerville, NJ, then over NJ Hwy 29 to junction U.S. Hwy 1, then over U.S. Hwy 1 to New York, and return over the same route. (2) Between Easton, PA, and junction INT Hwy 81 and the Pennsylvania Turnpike Extension: From Easton over U.S. Hwy 22 to junction Pennsylvania Turnpike Extension, then over PA Turnpike Extension (PA Hwy 9) to junction INT Hwy 81, and return over the same route. Serving in connection with the above-described routes all intermediate points and all off-route points in DC, DE, MD, NJ, PA and VA. Modify the regular route portions of Sub-26 as follows: (I) *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, (a) Between New York, NY, and points in New York: (1) From New York over U.S. Hwy 9W (also over U.S. Hwy 9) to Albany, NY, then over NY Hwy 5 via Utica and Syracuse, NY, to Buffalo, NY, then over NY Hwy 18 to Lewiston, NY, and return over the same route. (2) From New York to Utica as described above, then over New York Hwy 49 to Rome, NY, and return over the same route. (3) From New York to Syracuse as specified above, then over U.S. Hwy 11 to Watertown, NY, and return over the same route. (4) From New York to Syracuse as described above, then over New York Hwy 57 to junction New York Hwy 31, and thence over New York Hwy 31 to Niagara Falls, NY, and return over the same route. (5) From New York across the Hudson River to Jersey City, NJ, then over New Jersey Hwy 17 to the New Jersey-New York State line, then over NY Hwy 17 via Binghamton, NY, to Horseheads, NY, (also from Binghamton over U.S. Hwy 11 to Cortland, NY, then over NY Hwy 13 to Horseheads) and then over NY Hwy 17 to Jamestown, NY, and return over the same route. (6) From New York to Binghamton as described above, then over New York Hwy 12 to Utica, and return over the same route. Serving in connection with the above described routes all intermediate points and all off-route points NY. (II) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (a) Between Buffalo, NY, and Brockport, NY, as follows: (1) From Buffalo over NY Hwy 384 (also over unnumbered highway) to Tonawanda, NY then over NY Hwy 384 to Niagara Falls, NY, then over NY Hwy 31 to Brockport, and return over the same routes. (2) From Buffalo over U.S. Hwy 62 to junction NY Hwy 182, then over NY Hwy 182 (also from Buffalo over U.S. Hwy 62) to Niagara Falls, NY, then over NY Hwy 31 to Brockport, and return over the same route. (b) Between Buffalo, NY, and the U.S.-Canada Boundary line near Niagara Falls, NY: From Buffalo to Niagara Falls as specified above, then over the International Bridge (also over the Lower Arch Bridge) to the U.S.-Canada Boundary line, and return over the same route. (c) Between Buffalo, NY, and the U.S.-Canada Boundary line near Buffalo, NY: From Buffalo over city streets (also over Peace Bridge) to the U.S.-Canada Boundary line, and return over the same route. (d) Between Niagara Falls, NY, and Erie, PA: (1) From Niagara Falls over NY Hwy 182 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Erie, and return over the same route. (2) From Niagara Falls over NY Hwy 384 to Buffalo, NY then over NY Hwy 5 to the NY-PA State line, then over PA Hwy 5 to Erie, and return over the same route. (e) Between Jamestown, NY, and Westfield, NY: From Jamestown over NY Hwy 394 to junction NY Hwy 17, then over NY Hwy 17 to Westfield, and return over the same route. Serving in connection with the above described routes all intermediate points and all off-route points in NY. (III) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (a) Between Olean, NY, and Buffalo, NY: From Olean over NY Hwy 16 to Buffalo, and return over the same route. (b) Between Buffalo, NY, and junction NY Hwy 17 and U.S. Hwy 62 (near Kennedy, NY): From Buffalo over U.S. Hwy 62 to junction NY Hwy 17, and return over the same route. (c) Between Owego, NY, and Waterloo, NY: From Owego over NY Hwy 96 to Waterloo, and return over the same route. Serving in connection with the above-described regular routes all intermediate points and all off-route points in NY. Modify Sub-27 (the regular route portion) as follows: (I) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (a) Between Fulton, NY, and New York, NY, as follows: From Fulton over NY Hwy 57 to Syracuse, NY, then over NY Hwy 5 to Albany, NY, then over U.S. Hwy 9W to Catskill, NY, then over U.S. Hwy 9W to Newburgh, NY, then over NY Hwy 32 to junction NY Hwy 17 near Harriman, NY, then over NY Hwy 17 to the NY-NJ State line, then over NJ Hwy 17 to junction U.S. Hwy 1, then over U.S. Hwy 1 to New York (also via NJ Hwy 3 to Weehawken, NJ, then across the Hudson River to New York) and return over the same route. (b) Between Palatine Bridge, NY, and Catskill, NY: From Palatine Bridge over NY Hwy 10 to Canajoharie, NY, then over NY Hwy 55 to Sprakers, NY, then over NY Hwy 162 to Sloansville, NY, then over NY Hwy 30A via Central Bridge, NY to junction NY Hwy 7, then over NY Hwy 7 to junction NY Hwy 30, then over NY Hwy 30 to Middleburg, NY, then over NY Hwy 145 to Catskill, and return over the same route. (c) Between Utica, NY, and Herkimer, NY: From Utica over NY Hwy 5S to Mohawk, NY, then over NY Hwy 28 to Herkimer, and return over the same route. (d) Between Schenectady, NY and Albany, NY: From Schenectady over NY Hwy 7 to Troy, NY, then over U.S. Hwy 4 to junction NY Hwy 43, then over NY Hwy 43 to Albany, and return over the same route. (e) Between Utica, NY, and junction NY Hwys 365 and 5: From Utica over NY Hwy 69 to Rome, NY, then over NY Hwy 365 to junction NY Hwy 5, and return over the same route. (f) Between Rochester, NY, and Fulton, NY, as follows: (1) From Rochester over U.S. Hwy 104 to Oswego, NY, then over NY Hwy 57 to Fulton, and return over the same route. (2) From Rochester over U.S. Hwy 104 to Red Creek, NY, then over NY Hwy 104A to junction U.S. Hwy 104, then over U.S. Hwy 104 to Oswego, NY, then over NY Hwy 48 to Fulton, and return over the same route. From Rochester over U.S. Hwy 104 to junction NY Hwy 3, then over NY Hwy 3 to Fulton, and return over the same route. (g) Between Buffalo, NY, and Rochester, NY: From Buffalo over NY Hwy 33 to Rochester, and return over the same route. (h) Between Batavia, NY, and Rochester, NY: (1) From Batavia over NY Hwy 33 to junction NY Hwy 33A, then over NY Hwy 33A to Rochester, and return over the same route. (2) From Batavia over NY Hwy 5 to East Avon, NY, then over NY Hwy 15 to Rochester, and return over the same route. (i) Between Buffalo, NY, and Albion, NY: From Buffalo over NY Hwy 263 to

junction NY Hwy 78, then over NY Hwy 78 to Lockport, NY, then over NY Hwy 31 to Medina, NY (also from Lockport over NY Hwy 78 to Olcott, NY, then over NY Hwy 18 to Somerset, NY, then over NY Hwy 148 to junction NY Hwy 104, then over NY Hwy 104 to Hartland, NY, then over unnumbered Highway to Gasport, NY, then over NY Hwy 31 to Medina, NY), then over NY Hwy 63 to Lyndonville, NY, then over unnumbered highway to junction NY Hwy 279, then over NY Hwy 279 to junction NY Hwy 98, then over NY Hwy 98 to Albion, and return over the same route. (j) Between Williamsport, PA, and Cortland, NY: From Williamsport over U.S. Hwy 15 to junction NY Hwy 17, then over NY Hwy 17 to junction NY Hwy 13, then over NY Hwy 13 to Cortland, and return over the same route. (k) Between junction U.S. Hwy 22 and U.S. Hwy 11 and Sunbury, PA: From junction U.S. Hwy 22 and U.S. Hwy 11 over U.S. Hwy 11 to Sunbury, and return over the same route. (l) Between Lock Haven, PA, and junction U.S. Hwy 22 and U.S. Hwy 220: From Lock Haven over U.S. Hwy 220 to junction U.S. Hwy 22, and return over the same route. Serving in connection with the above described routes all intermediate points and all off-route points in NY and PA. Modify the regular route portion of Sub-29 as follows: (I) *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between New York, NY, and Watertown, NY: From New York over U.S. Hwy 1 to junction NJ Hwy 17 (also from New York across the Hudson River to Weehawken, NJ, then over NJ Hwy 3 to junction NJ Hwy 17), then over NJ Hwy 17 to the NJ-NY State line, then over NY Hwy 17 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Watertown, and return over the same route. (b) Between junction NJ Hwy 17 and U.S. Hwy 46, and Binghamton, NY: From junction NJ Hwy 17 and U.S. Hwy 46 over U.S. Hwy 46 to junction INT Hwy 80, the over INT Hwy 80 to junction INT Hwy 380, then over INT Hwy 380 to junction INT Hwy 81, then over INT Hwy 81 to Binghamton, and return over the same route. (c) Between Watertown, NY, and Rouses Point, NY: From Watertown over U.S. Hwy 11 to Rouses Point, and return over the same route. (d) Between Syracuse, NY, and Rochester, NY: From Syracuse over NY Hwy 5 to junction NY Hwy 31B, then over NY Hwy 31B to junction NY Hwy 31, then over NY Hwy 31 to Rochester, NY, and return over the same route. (e) Between Buffalo, NY, and Rochester, NY: From Buffalo over NY Hwy 5 to Batavia, NY, then over NY Hwy 33 to Rochester, and return over the same route. (f) Between Baltimore, MD, and Syracuse, NY: From Baltimore over INT Hwy 83 to junction INT Hwy 81, then over INT Hwy 81 to Syracuse, and return over the same route. Serving in connection with the above-described routes all intermediate points and all off-route points in NJ, NY and PA. Modify the regular-route portion of Sub-30 as follows: (I) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between Marcus Hook, PA, and Poughkeepsie, NY: From Marcus Hook over U.S. Hwy 13 to Philadelphia, then over U.S. Hwy 1 to junction U.S. Hwy 9-W, then over U.S. Hwy 9-W to Highland, then across the Hudson River to Poughkeepsie, and return over the same route. (b) Between Keene, NH, and Burlington, VT. (1) From Keene over NH Hwy 12 to North Walpole, NH, then across the Connecticut River to Bellows Falls, VT, then over VT Hwy 103 to junction U.S. Hwy 7, and then over U.S. Hwy 7 to Burlington, and return over the same route. (2) From Keene to Bellows Falls as specified above, then over U.S. Hwy 5 to White River Junction, VT, then over VT Hwy 14 to Barre, VT, then over U.S. Hwy 302 to Montpelier, VT, and then over U.S. Hwy 2 to Burlington, and return over the same route. (c) Between Keene, NH, and Brattleboro, VT: From Keene over NH Hwy 9 to junction U.S. Hwy 5, then over U.S. Hwy 5 to Brattleboro, and return over the same route. From Keene over NH Hwy 10 to Winchester, NH, then over NH Hwy 119 to the Connecticut River, then across the Connecticut River to Brattleboro, and return over the same route. (d) Between White River Junction, VT, and Fair Haven, VT: From White River Junction over U.S. Hwy 4 to Fair Haven, and return over the same route. (e) Between Rutland, VT, and Montpelier, VT: From Rutland over U.S. Hwy 4 to junction VT Hwy 100, then over VT Hwy 100 to Stockbridge, VT, then over VT Hwy 107 to Bethel, VT, and then over VT Hwy 12 to Montpelier, and return over the same route. (f) Between Royalton, VT, and Bethel, VT: From Royalton over VT Hwy 107 to Bethel, and return over the same route. (g) Between Burlington, VT, and St. Albans, VT: From Burlington over U.S. Hwy 7 to St. Albans, and return over the same route. (h) Between Burlington, VT, and Essex, VT: From Burlington over VT Hwy 15 to Essex, and return over the same route. (i) Between Winchester, NH, and New York, NY: (1) From Winchester over NH Hwy 10 to the NH-MA State line, then over MA Hwy 10 to junction U.S. Hwy 5, then over U.S. Hwy 5 via Greenfield, Northampton and Springfield, MA, to Hartford, CT (also from Springfield over U.S. Hwy 5A to Hartford), then over U.S. Hwy 6 to Thomaston, CT, then over CT Hwy 8 to Stratford, CT, then over U.S. Hwy 1 to New York, and return over the same route. (2) From Winchester as specified above, to Hartford, CT, then over U.S. Hwy 5 or (5A) to New Haven, CT (also from Hartford over CT Hwy 15 to New Haven), and then over U.S. Highway 1 to New York, and return over the same route. (j) Between Worcester and Boston, MA, and Keene, NH: (1) From Worcester over MA Hwy 122 to junction MA Hwy 32, then over MA Hwy 32 to junction MA Hwy 2, then over MA Hwy 2 to junction MA Hwy 78, then over MA Hwy 78 to the MA-NH State line, then over NH Hwy 78 to Winchester, NH, and then over NH Hwy 10 to Keene, and return over the same route. (2) From Boston over MA Hwy 2 to Fitchburg, MA, then over MA Hwy 12 to the MA-NH State line, and then over NH Hwy 12 to Keene, and return over the same route. (k) Between Keene, NH, and Manchester, NH: (1) From Keene over NH Hwy 101A to Manchester, and return over same route. (2) From Keene over NH Hwy 9 to Henniker, NH, then over U.S. Hwy 202 to Concord, NH, then over U.S. Hwy 3 to Manchester, and return over the same route (l) Between Milford, NH, and Nashua, NH: From Milford over NH Hwy 101A to Nashua, and return over the same route (m) Between Plymouth, NH, and Montpelier, VT: From Plymouth over NH Hwy 25 to the NH-VT State line, then over VT Hwy 25 to Montpelier, and return over the same route. (n) Between Albany, NY, and Brattleboro, VT: From Albany over NY Hwy 7 to the NY-VT State line, then over VT Hwy 9 to Brattleboro, and return over the same route. (o) Between New York, NY, and Rutland, VT: From New York over INT Hwy 95 to junction INT Hwy 684, then over INT Hwy 684 to junction INT Hwy 84, then over INT Hwy 84 to junction U.S. Hwy 7, then over U.S. Hwy 7 to Rutland, and return over the same route. (p) Between St. Albans, VT, and ports of entry on the United States-Canada boundary line at or near Rouses Point and Champlain, NY: From St. Albans over U.S. Hwy 7 to junction VT Hwy 104, then over VT Hwy 104 to junction U.S. Hwy 2, then over U.S. Hwy 2 to junction NY Hwy 9B, then over NY Hwy 9B to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction U.S. Hwy 9, and then over U.S. Hwy 9 to

the United States-Canada boundary line; also from junction NY Hwys 9A and 9B, south of Rouses Point, over NY Hwy 9A to the United States-Canada boundary line; also from junction U.S. Hwy 2 and NY Hwy 9B, north of Rouses Point, over NY Hwy 9B to the United States-Canada boundary line, and return over the same routes. Serving in connection with the above-described routes all intermediate points and all off-route points in CT, MA, NH, NY and VT. (II) *General Commodities,* except those of unusual value, classes A and B explosives, liquid petroleum products in bulk, in tank trucks. (a) Between Boston, MA, and Concord, NH: (1) From Boston over U.S. Hwy 3 to Concord, and return over the same route. (2) From Boston over MA Hwy 28 to the MA–NH State line, then over NH Hwy 28 to Manchester, and then over NH Hwy 3A to Concord, and return over the same route. (3) From Boston over MA Hwy 38 to Lowell, MA, and then over U.S. Hwy 3 to Concord, and return over the same route. (4) From Boston over MA Hwy 2A, to junction MA Hwy 25, then over MA Hwy 25 to Bedford, MA, then over MA Hwy 4 to North Chelmsford, MA, then over U.S Hwy 3 to Manchester, NH, and then over NH Hwy 3A to Concord, and return over the same route. (b) Between Concord. NH, and Plymouth, NH: (1) From Concord over U.S. Hwy 3 to Plymouth, and return over the same route. (2) From Concord over U.S. Hwy 3 to junction NH Hwy 3A, and then over NH Hwy 3A to Plymouth, and return over the same route. (c) Between Lawrence, MA, and Lowell, MA: From Lawrence over MA Hwy 110 to Lowell, and return over the same route. (d) Between Concord, NH, and White River Junction, VT: (1) From Concord over NH Hwy 103 to junction U.S. Hwy 5, and then over U.S. Hwy 5 to White River Junction, and return over the same route. (2) From Concord over NH Hwy 103 to Hopkinton, NH, then over U.S. Hwy 202 to Henniker, NH, then over NH Hwy 114 to Bradford, NH, then over NH Hwy 103 to junction U.S. Hwy 5, and then over U.S. Hwy 5 to White River Junction, and return over the same route. (3) From Concord over U.S. Hwy 3 to Boscawen, NH, and then over U.S Hwy 4 to White River Junction, and return over the same route. (e) Between Manchester, NH, and White River Junction, VT: From Manchester over NH Hwy 114 to Bradford, NH, then over NH Hwy 103 to junction U.S. Hwy 5, then over U.S. Hwy 5 to White River Junction, and return over the same route. (f) Between Potter Place, NH, and junction NH Hwys 11 and 103 near Wendall, NH: From Potter Place over NH Hwy 11 to junction NH Hwy 103, and return over the same route. (g) Between Fair Haven, VT, and New York, NY: From Fair Haven over U.S. Hwy 4 to Hudson Falls, NY, then over NY Hwy 32–B to Glens Falls, NY, then over U.S. Hwy 9 to Albany, NY, then over U.S. Hwy 9–W to Newburgh, NY, then over NY Hwy 32 to junction NY Hwy 17, then over NY Hwy 17 to the NY–NJ State line, then over NJ Hwy 17 to junction NJ Hwy 3, then over NJ Hwy 3 to the Lincoln Tunnel, then through the Lincoln Tunnel to New York, NY and return over the same route. (h) Between junction INT Hwy 87 and NY Hwy 7 and the U.S.-Canada Boundary line: From junction INT Hwy 87 and NY Hwy 7 over INT Hwy 87 to the U.S.-Canada Boundary line, and return over the same route. (i) Between New Haven, CT, and Boston, MA: From New Haven over INT Hwy 95 to junction U.S. Hwy 1, then over U.S. Hwy 1 to Boston, and return over the same route. (j) Between Hartford, CT, and junction U.S. Hwy 6 and INT Hwy 95: From Hartford over U.S. Hwy 6 to junction INT Hwy 95, and return over the same route. (k) Between Newburgh, NY, and Waterbury, CT: From Newburgh over INT Hwy 84 to Waterbury, and return over the same route. Serving in connection with the above-described routes all intermediate points and all off-route points in CT, MA, RI, NY, NJ, VT and NH.

Modify the regular route portion of Sub 32 as follows: (i) *General Commodities* (except those of unusual value classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) Between Lowell, MA, and Worcester, MA: From Lowell over INT Hwy 495 to junction INT Hwy 290, then over INT Hwy 290 to Worcester, and return over the same route. (b) Between Worcester, MA, and Springfield, MA: From Worcester over INT Hwy 90 to Springfield, and return over the same route. (c) Between junction MA Hwy 15 and INT Hwy 90 and Hartford, CT; From junction MA Hwy 15 and INT Hwy 90 over MA Hwy 15 to junction INT Hwy 86, then over INT Hwy 86 to Hartford, and return over the same route. Serving all intermediate points and all off-route points in MA and CT. Restriction: The authority granted herein shall not be severable by sale or otherwise from the irregular-route rights set forth in Section C of Certificate NO MC 60580 SUB 30, relative to the first two commodity descriptions thereunder. Modify the regular route portion of Sub-35 as follows: (I) *General Commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (a) Between Pittsburgh, PA and Buffalo, NY: (1) From Pittsburgh over INT Hwy 79 to junction INT Hwy 90, then over INT Hwy 90 to Buffalo, and return over the same route. (2) From Pittsburgh over INT Hwy 279 to junction INT Hwy 79, then over INT Hwy 79 to junction INT Hwy 90, then over INT Hwy 90 to Buffalo, and return over the same route. (3) From Pittsburgh over PA Hwy 8 to Franklin, PA, then over U.S. Hwy 62 to Buffalo, and return over the same route. (4) From Pittsburgh over U.S. Hwy 19 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Buffalo, and return over the same route. Serving all intermediate points and all off-route points in PA and NY. Modify the regular-route portion of Sub-36 as follows: (I) *General Commodities,* except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (a) Between Springfield, MA, and Schenectady, NY; From Springfield over U.S. Hwy 20 to Albany, NY, then over NY Hwy 5 to Schenectady, and return over the same route. Serving all intermediate points and all off-route points in MA and NY. Modify the regular route portion of Sub-37 as follows: (I) *General Commodities,* except those of unusual value, classes A and B explosive, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. (a) Between Pittsburgh, PA and Erie, PA: From Pittsburgh over U.S. Hwy 19 to Erie, and return over the same route. Serving all intermediate points and all off-route points in PA and NY.

MC 70632 (M2F) and MC 70832 (Sub-11) (M1F) (notice of petition for modification of certificates), filed June 16, 1980. Petitioner: NEW PENN MOTOR EXPRESS, INC., P.O. Box 630, Lebanon, PA 17042. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, NW., Washington, DC 20005. Petitioner holds motor common carrier Certificates in MC 70632, issued August 8, 1957, and MC 70832 (Sub-11), issued September 26, 1967, which authorize, in part, regular route transportation in interstate or foreign commerce as follows: MC 70632: *General Commodities,* except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Between

Harrisburg, Pa., and New York, N.Y., serving all intermediate points (except Fredericksburg and Hamburg, Pa.): From Harrisburg over U.S. Highway 422 to Reading, Pa., then over U.S. Highway 222 to Allentown, Pa., thence over U.S. Highway 22 to Somerville, N.J. thence over New Jersey Highway 28 to junction U.S. Highway 1 (also from Somerville over U.S. Highway 22 (formerly New Jersey Highway 29) to junction U.S. Highway 1), then over U.S. Highway 1 to New York, and return over the same route. From Harrisburg over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 222 to Reading, Pa., thence to New York as specified above, and return over the same routes. From Harrisburg over U.S. Highway 22 to Allentown, Pa., thence to New York as specified above, and return over the same routes. Between Pine Grove, Pa., and New York, N.Y., serving all intermediate points: From Pine Grove over Pennsylvania Highway 443 to junction, Pennsylvania Highway 72, thence over Pennsylvania Highway 72 to Lancaster, Pa., thence over U.S. Highway 222 to Reading, Pa., thence to New York as specified above, and return over the same routes. Between Lebanon, Pa., and New York, N.Y., serving all intermediate points: From Lebanon over Pennsylvania Highway 897 to junction Pennsylvania Highway 501, thence over Pennsylvania Highway 501 to Lancaster, thence to New York as specified above, and return over the same routes. Between Myerstown, Pa., and New York, N.Y., serving all intermediate points: From Myerstown over Pennsylvania Highway 501 to Lancaster, Pa., thence to New York as specified above, and return over the same routes. Between Mt. Joy, Pa., and New York, N.Y., serving all intermediate points: From Mt. Joy over unnumbered highway to Manheim, Pa., thence over Pennsylvania Highway 72 to Lebanon, Pa., thence to New York as specified above, and return over the same routes. Serving the off-route points of Trenton, New Brunswick, and Perth Amboy, N.J., Cambelltown and Indiantown Gap, Pa., those in the New York, N.Y., Commercial Zone, as defined by the Commission, and those in New Jersey south and east of a line beginning at the Hudson River and extending in a northwesterly direction through Coytesville and Hackensack, N.J., to Paterson, N.J., thence in a southerly direction through Orange, Irvington, and Chrome, N.J., to Authur Kill, without restriction; York, Pa., and those on U.S. Highway 30 between New York and Lancaster, Pa., for delivery only; Columbia, Pa., for pick-up of *Castings;* and New Cumberland and Lemoyne, Pa., for delivery of *Cocoanut* only.

MC 70832 Sub 11: *General commodities,* except those of unsual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Milton, Pa., and points in the New York, N.Y., Commercial zone as defined by the Commission, serving no intermediate points and serving as off-route points those points in Pennsylvania, on, south, and east of the line beginning at the intersection of Interstate Highway 80 and the Pennsylvania-New Jersey State Line, then west along Interstate Highway 80 to its intersection with U.S. Highway 15 near Milton, Pennsylvania, then south along U.S. Highway 15 to its intersection with the Pennsylvania-Maryland State Line. From Milton over Pennsylvania Highway 254 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 46 near Columbia, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Denville, N.J., thence over U.S. Highway 46 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to junction Interstate Highway 80, thence over Interstate Highway 80 to Paterson, N.J., thence over city streets in Paterson, N.J., to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to the George Washington Bridge at or near Fort Lee, N.J., thence over the George Washington Bridge to New York City, and return over the same route. From Milton to Paterson as specified above, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to the Lincoln Tunnel at or near Weehawken, N.J., thence through the Lincoln Tunnel to New York City, and return over the same route. Restrictions: The operations authorized are subject to the restriction that service at the points specified herein shall be limited to the transportation of traffic moving to, from or through points in the New York, N.Y., Commercial Zone as defined by the Commission. By the instant petition, petitioner seeks to modify the certificates as follows: "Those points in PA, on, south, and east of a line beginning at the PA-NJ State line, and extending along Interstate Highway 80, then along Interstate Highway 80 to junction U.S. Highway 15, near Milton, PA, then south along U.S. Highway 15 to the PA-MD State line.

MC 71593 (Subs-14 and 15), (M1F) (notice of filing of petition to modify certificates), filed April 29, 1980. Petitioner: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: David W. Swenson (same as applicant). Petitioner holds motor *common carrier* certificates in (1) MC 71593 (Sub-14), issued March 25, 1980, and in (2) MC 71593 (Sub-15), issued March 25, 1980, authorizing transportation in interstate or foreign commerce, over irregular routes, (1) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boston, MA, Chicago, IL, and New York, NY, on the one hand, and, on the other, New Orleans, LA, and Dallas, Houston, and San Antonio, TX, restricted to the transportation of traffic moving on freight forwarder bills of lading. (2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, TN, on the one hand, and, on the other, Boston and Springfield, MA, New Haven, CT, and Philadelphia, PA, restricted to traffic moving on freight forwarder bills of lading. By the instant petition, petitioner seeks to modify the authority as follows: (1) Between points in MA, IL, NY, and NJ, on the one hand, and, on the other, points in LA and TX. (2) Between points in TN, on the one hand, and, on the other, points in MA, CT, and PA.

MC 77721 (M1F) (notice of filing of petition to modify certificate), filed May 27, 1980. Petitioner: JERRY M. BARNER & SONS, 1211 Spruce Street, Roselle, NJ 07203. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Petitioner holds a motor *common carrier* certificate in MC 77721, issued October 10, 1962 to transport in interstate or foreign commerce over irregular 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), between New York, NY, on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, NJ. By the instant Petition, petitioner seeks to modify its certificate by adding to the origin point Suffolk County, NY.

MC 80430 (M1F) (notice of filing of petition to modify certificate), filed June

5, 1980. Petitioner: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, WI 54601. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Petitioner holds a motor *common carrier* certificate in MC 80430, issued August 31, 1962, authorizing transportation, over regular routes, in summary, of *general commodities*, with exceptions, between points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, MA, MI, MN, MS, MO, NJ, NY, OH, PA, RI, TN, and WI. By the instant petition, petitioner seeks to modify the above certificate to authorize operations to and from ports of entry on the International Boundary line between the US and Canada, at points in MN and MI as off-route points in connection with carrier's regular-route operations.

MC 85970 (Sub-19F) (M1F) (notice of filing of petition to modify certificate), filed July 1, 1980. Petitioner: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Petitioner holds authority in MC 85970 (Sub-19F) to transport *lighting fixtures and parts, attachments, and accessories* for lighting fixtures as are manufactured, processed or dealt in by manufacturers of lighting fixtures and lighting fixture products, except commodities in bulk between the facilities of the Miller Company at or near Martin, TN, on the one hand, and, on the other, points in the continental U.S. By instant petition, Petitioner seeks to modify this authority to read: Lighting fixtures and parts, attachments, and accessories for lighting fixtures as are manufactured, processed or dealt in by manufacturers of lighting fixtures and lighting fixture products between points in the U.S. (except AK and HI).

MC 85970 (Sub-29) (M1F) (notice of filing of petition to modify certificate), filed July 1, 1980. Petitioner: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Petitioner holds authority in MC 85970 (Sub-29F) to transport *such commodities* as are dealt in and used by manufacturers of plastic products, (except commodities in bulk), between the facilities of the Ethyl Corporation at or near Tiptonville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI). By instant petition, Petitioner seeks to modify this authority to read: Such commodities as are dealt in and used by manufacturers of plastic and plastic products between points in the U.S. (except AK and HI).

MC 94393 (Sub-3) (M1F) (notice of filing of petition to modify certificates), filed February 22, 1980. Petitioner: W. J. CASEY TRUCKING & RIGGING CO., INC., 1200 Springfield Rd., Union, NJ 07083. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner holds a motor *common carrier* certificate in MC 94393, issued May 17, 1977, authorizing the transportation, over irregular routes, of *commodities* which because of size or weight require the use of special equipment, and *tanks, masts, boats, art exhibits, cranes, electric devices, tools, wire, poles, and store refrigerators*, between points in the New York, NY Commercial Zone, as defined in 1 M.C.C. 665, on the one hand, and, on the other, points in CT, NY, NJ, and those in PA on and east of U.S. Hwy 15; and in MC 94393 (Sub-3), issued May 17, 1977, authorizing the transportation, over irregular routes, of *commodities* which because of size or weight require the use of special equipment, and *factory equipment*, between points in NJ and NY within 75 miles of Montclair, NJ, including Montclair; and *cigar boxes and lumber* used in the manufacture of cigar boxes, between points in Essex County, NJ, on the one hand, and, on the other, Philadelphia, PA. By the instant petition, petitioner seeks to modify the description to read as follows: *commodities* which because of size or weight require the use of special equipment, and *tanks, masts, boats, art exhibits, cranes, electric devices, tools, wire, poles, store refrigerators, and factory equipment*, between points in CT, NY, NJ, and PA; and *cigar boxes and lumber* used in the manufacture of cigar boxes, between points in Essex County, NJ, on the one hand, and, on the other, Philadelphia, PA.

Note.—At applicant's request, the certificate in MC 94393 shall supersede certificate MC 94393 (Sub-3), and (Sub-3) shall be cancelled upon the reissuance of MC 94393.

MC 120181 (Sub-4) (M1F) (notice of filing of petition to modify certificate), filed June 6, 1980. Petitioner: MAIN LINE HAULING CO., INC., P.O. Box C, St. Clair, MO 63077. Representative: William H. Shawn, Suite 501, 1730 M Street, N.W., Washington, D.C. 20036. Petitioner holds a motor *common carrier* certificate in MC 120181 (Sub-4), issued July 17, 1972, authorizing the transportation of *general commodities* (except those of unusual value), on regular routes, between St. Clair, MO, and Memphis, TN; by the instant petition, Petitioner seeks to remove a restriction against the transportation of traffic moving between points in the Memphis, TN, commercial zone as defined by the Commission, on the one hand, and, on the other, points in St. Louis County, MO, and those in the St. Louis, MO—East St. Louis, IL, commercial zone as defined by the Commission. Petitioner now holds direct, regular-route authority between Memphis, TN and St. Louis, MO, over Interstate 55 under its certificate in MC 120181 (Sub-6).

MC 123233 (Sub-13) (M3F) (notice of petition for modification of certificate), filed June 27, 1980. Petitioner: PROVOST CARTAGE, INC., 7887 rue Grenache, Ville d'Anjou, Quebec H1J 1C4, Canada. Representative: William H. Shawn, 1730 M Street, NW., Suite 501, Washington, DC 20036. Petitioner holds a *motor common carrier* certificate in MC 123233 (Sub-13), issued January 4, 1966, authorizing the transportation of *chemicals, lactose, soybean oil, whiskey, explosives, tong oil, and caster oil*, in bulk, in tank or hopper type vehicles between specified ports-of-entry on the United States-Canada Boundary line, on the one hand, and points in ME, VT, NH, MA, CT, RI, NY, NJ, DE, MD, PA (except petrochemical products from points in PA), and OH (except liquid chemical wax from Cleveland, OH). By the instant petition, Petitioner seeks to remove the restrictions against petrochemicals and chemical wax and to modify the commodity description to allow the transportation of commodities in bulk.

MC 126900 (Subs-30 and 32) (M1F) (notice of filing of petition to modify permits), filed September 20, 1979. Petitioner: POLAR TRANSPORT, Inc., P.O. Box 44, 176 King St., Hanover, MA 02339. Representative: A. C. Gardner (same address as petitioner). Petitioner holds motor *contract carrier* permits in MC 126900 (Subs-30 and 32), issued February 2, 1978, and August 24, 1979, respectively. MC 126900 (Sub-30) authorizes transportation, over irregular routes, of *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from the facilities of the Schrafft Candy Company in Middlesex and Suffolk Counties, MA, to points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NC, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC, (2) from the facilities of Deran Confectionery Division of Borden, Inc., in Middlesex and Suffolk Counties, MA, and North Grosvenordale, CT, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, and DC, and (3) from the facilities of Nabisco Confections, Inc., subsidiary of Nabisco, Inc., in Bristol, Middlesex, and Norfolk Counties, MA, and Ashton, RI, to points

in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, SC, SD, TN, TX, VT, VA, WV, WI, and DC, under continuing contract(s) with (a) Schrafft Candy Company, (b) Deran Confectionery Div. of Borden, Inc., and (c) Nabisco Confections, Inc., subsidiary of Nabisco, Inc. MC-126900 Sub-32 authorizes transportation, over irregular routes, of confectionery (except commodities), in vehicles equipped with mechancial refrigeration, (a) from (a) North Grosvenordale, CT, and (b) the facilities of Deran Confectionery, Division of Borden, Inc., in Middlesex and suffolk Counties, MA, to points in AZ, CA, CO, NM, NV, OR, UT, and WA, and (2) from the facilities of Schrafft Candy Company in Middlesex and Suffolk Counties, MA, to points in the destination states named in (1) above, and (3) from (a) Ashton, RI, and (b) the facilities of Nabisco Confections, Inc., subsidiary of Nabisco, Inc., in Bristol, Middlesex, and Norfolk counties, MA, to points in CA, CO, OR, UT, and WA, under continuing contract(s) in (1) with Deran Confectionery, Division of Borden, Inc., of Cambridge, MA, in (2) with Schrafft Candy Company, of Boston, MA, and in (3) with Nabisco Confections, Inc., subsidiary of Nabisco, Inc., of Cambridge, MA. By the instant petition, petitioner seeks to modify the above permits by adding: from the facilities of Superior Nut Co., Inc., at Cambridge, MA, to points in AL, AZ, AR CA, CO, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI and DC, and returned and rejected shipments on return, under continuing contract(s) with Superior Nut Co., Inc., of Cambridge, MA.

MC 128087 (Sub-11F), filed June 20, 1980. Applicant: JOHN N. JOHN III, INC., P.O. Drawer 921, 1000 West 2nd St., Crowley, LA 70526. Representative: Homer Ed Barousse, Jr., 125 East Hutchinson Ave. P.O. Drawer 730, Crowley, LA 70526. Authority sought to operate as a motor common carrier, by motor vehicle, in interstate of foreign commerce over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission), (1) between points in Orange, TX, and AR and LA, on the one hand, and, on the other, points in Acadia, Cameron, Calcasieu, and Jefferson Davis Parishes, LA, and (2) between points in AR, the facilities of Olinkraft, in West Monroe, LA; the facilities of Martin-Norwich, at Weeks Island, LA, and points in Vermilion, Acadia, and Jefferson Davis Parishes, LA, on the one hand, and, on the other, points in Orleans, St. Bernard, Jefferson, St. Charles, and Plaquemines Parishes, LA, restricted in (1) and (2) above to traffic having an immediately prior or subsequent movement by water.

MC 130433 (M1F) (notice of petition for modification of license), filed June 30, 1980. Petitioner: CREATIVE BUS TOURS, INC., Suite 217, 1426 H St., NW., Washington DC 20005. Representative: Walter T. Evans, 7961 Eastern Avenue, Silver Spring, MD 20910. Petitioner holds a *License,* issued December 15, 1977, to engage in operations as a Broker, in arranging for the transporation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in round-trip tours, in special and charter operations, beginning and ending at Washington, DC, and points in its commercial zone, and extending to points in the United States, including Alaska and Hawaii. By the instant petition, petition requests that his place of business as a Broker be moved to Arlington, VA.

MC 146552 (Sub-2) (M1F) (Notice of petition for modification of permit), filed October 25, 1979. Petitioner: KENNETH LEE UTKE, P.O. Box 78, Palos Heights, IL 60463. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle St., Chicago, IL 60603. Petitioner holds a motor *contract carrier* Permit in MC 146552 (Sub-2), issued July 28, 1980, authorizing transportation in interstate or foreign commerce, over irregular routes, transporting (1) *Such commodities* as are dealt in or used by manufacturers of appliances (except commodities in bulk), and (2) *commercial paper, documents, and written instruments,* between Chicago, Peoria, and Rockford, IL, on the one hand, and, on the other, those points in WI, on, south, and east of a line beginning at the WI-IL State line, and extending along WI Hwy 78 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction WI Hwy 54, then along WI Hwy 54 to Algoma, WI, those points in IA on, south, and east of a line beginning at the Mississippi River and extending along U.S. Hwy 18 to junction IA Hwy 14, then along IA Hwy 14 to junction IA Hwy 175, then along IA Hwy 175 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the IA-MO State line, those points in IN, on, north, and west of a line beginning at the IN-IL State line and extending along U.S. Hwy 24, to junction IN Hwy 9 then along IN Hwy 9 to the MI-IN State line, and those points in MI, on, west, and south of a line beginning at the MI-IN State line and extending along MI Hwy 66 to junction MI Hwy 96, then along MI Hwy 96 to junction MI Hwy 43, then along MI Hwy 43 to Lake Michigan at or near South Haven, MI, under continuing contract(s) in (1) and (2) above with General Electric Company, of Fairfield, CT. By the instant petition, petitioner seeks to modify the authority as follows: *general commodities* (except household goods as defined by the Commission and classes A and B explosives).

MC 147904 (M1F) (notice of filing of petition to modify the commodity description), filed May 20, 1980. Petitioner: BALLY CASE & COOLER, INC., Bally, PA 19503. Representative: I. Cyrus Gutman, 1824 Turner St., Allentown, PA 18104. Petitioner holds *contract carrier* authority in MC 147904, served August 7, 1980. MC 147904 authorizes over irregular routes, the transportation of *glass refrigerator* and *freezer doors,* from San Fernando, CA, to those points in the U.S. in and east of MN, WI, IL, KY, TN, MS, and LA, under a continuing contract with Anthony's Manufacturing Co., Inc. of San Fernando, CA. By this instant petition, petitioner seeks to modify the commodity description to read "cooling and freezing box parts (except household)."

Broker, Water Carrier and Freight Forwarder Operating Rights Applications

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the

requirements of the rules may be rejected.

MC 103213F, filed April 7, 1980. Applicant: TRAVELLERS INTERNATIONAL TOUR OPERATORS, INC., 530 Fifth Ave., New York, NY 10036. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017. To engage in operations, in interstate or foreign commerce, as a *broker* at New York, NY, San Francisco and Los Angeles, CA, and Miami, FL, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S. (including AK and HI).

MC 130822F, filed December 10, 1979. Applicant: STEPHEN F. McKENNA, 3337 Breton Circle, N.E., Atlanta, GA 30319. The name under which operations will be performed is HIGHWAY TRANSPORT SERVICES, INC. Applicant is represented by itself in this proceeding whose address is 3337 Breton Circle, NE., Atlanta, GA 30319. Following are the names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Stephen F. McKenna, President, principal stockholder; Margaret O. McKenna, Secretary; address of above is 3337 Breton Circle, NE., Atlanta, GA 30319. The daily operations will be managed by Stephen F. McKenna whose business address is 3337 Breton Circle, NE., Atlanta, GA 30319. Applicant is affiliated with the following shipper or warehouse: None.

Permanent Authority Decisions Volume Decision-Notice

Decided: August 20, 1980.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularly the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after September 3, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

FINDINGS:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed on or before October 3, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members: Carleton, Joyce, and Jones.

MC 130629F, filed October 15, 1979. Applicant: 7/24 FREIGHT SALES, INC., 5048 Pirrone Rd., Salida, CA 95368. The name under which operations will be performed is 7/24 FREIGHT SALES, INC. Representative: Edward S. Heyman, 601 Andover Lane, Modesto, CA 95350. Following are the names and business address for all persons who are officers and directors, partner (including limited or "silent" partners), and first five principal shareholders, with their appropriate titles: Edward S. Heyman, President and shareholder, 601 Andover Lane, Modesto, CA 95350; Adele Heyman, Secretary-Treasurer and shareholder, 601 Andover Lane, Modesto, CA 95350; and Stanley Herzstein, Director and shareholder, 1170 Sacramento St., PH-B, San Francisco, CA 94108. The daily operations will be managed by Edward S. Heyman and 7/24 Freight Sales whose business address is 5048 Pirrone Rd., Salida, CA 95368. Applicant is affiliated with the following shipper or warehouse. None.

MC 13094F, filed June 16, 1980. Applicant: U.S.A. TOURS, 707 Cooper St., Utica, NY 13502. Representative: David G. Mishlanie (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Utica, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Onedia County, NY, and extending to points in the U.S. (except AK and HI).

Motor Carrier Alternate Route Deviations Notice

The following letter-notices to operate over deviation routes for operating

convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property [49 CFR 1042.4(c)(11)].

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 3, 1980.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 2202 (Deviation No. 170), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309; filed August 15, 1980. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Jonesboro, AR over AR Hwy 18 to Blytheville, AR, (2) From Marked Tree, AR over AR Hwy 140 to Osceola, AR, and (3) From Jonesboro, AR over AR Hwy 18 to Black Oak, AR, then over AR Hwy 135 to Lepanto, AR, then over AR Hwy 140 to Osceola, AR, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Jonesboro, AR over U.S. Hwy 63 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Blytheville, AR and return over the same route.

MC 2229 (Deviation No. 36) RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247, filed August 14, 1980. Carrier proposes to operate as a *common carrier* by motor vehicle in interstate or foreign commerce, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From: Sherman, TX over U.S. Hwy 75 to Durant, OK and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From: Sherman, TX over U.S. Hwy 82 to the junction of U.S. Hwy 271, then over U.S. Hwy 271 to the junction of U.S. Hwy 70, then over U.S. Hwy 70 to Durant, OK and return over the same route.

MC 30605 (Deviation No. 34), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 E. Waterman, P.O. Box 56, Wichita, KS 67201, filed August 13, 1980. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alva, OK, over OK Hwy 11 to Blackwell, OK, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Alva, OK over U.S. Hwy 281 to junction KS Hwy 2, then over KS Hwy 2 to Wichita, KS, then over U.S. Hwy 81 to S. Haven, KS, then over U.S. Hwy 177 to Blackwell, OK and return over the same route.

MC 110325 (Deviation Route No. 43), filed August 18, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Jerome Piniasz, (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Dallas, TX over U. S. Hwy 75 to junction combined U. S. Hwys 75 and 69, then over combined U. S. Hwys 75 and 69 to junction U. S. Hwy 69, then over U. S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction Alternate U. S. Hwy 71, then over Alternate U. S. Hwy 71 to junction U. S. Hwy 71, then over U. S. Hwy 71 to Kansas City, MO, and return over the same route for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: from Dallas, TX over U. S. Hwy 77 to Oklahoma City, then over U. S. Hwy 66 to Tulsa, OK, then over U. S. Hwy 75 to junction KS Hwy 47, then over KS Hwy 47 to junction U. S. Hwy 169, then over U. S. Hwy 169 to junction U. S. Hwy 59, then over U. S. Hwy 59 to junction KS Hwy 68, then over KS Hwy 68 to junction KS Hwy 33, then over KS Hwy 33 to junction U. S. Hwy 50, then over U. S. Hwy 50 to junction KS Hwy 10, then over KS Hwy 10 to Kansas City, MO, and return over the same route.

Motor Carrier Intrastate Application(s) Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the appliation is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A59854, filed August 1, 1980. Applicant: CALIFORNIA FREIGHTWAYS, 746 North Sixth Street, San Jose, CA 95109. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General Commodities as follows: 1. Between all points in San Francisco Territory (as described in Note A hereof). 2. Between all points in San Francisco Territory (see Note A hereof) on the one hand, and points in the Los Angeles Basin Territory (as described in Note B hereof) and San Diego Territory (as described in Note C hereof) on the other hand. 3. Between all points and places on and within 20 miles laterally of Routes A through Z hereof. 4. Between all points in San Francisco Territory (see Note A), Los Angeles Basin Territory (see Note B), and San Diego Territory (see Note C) on the one hand, and all intermediate points on and within 20 miles laterally of the highways described in Routes A through Z hereof, on the other hand. A. Interstate Highway 80 between Oakland and Sacramento, inclusive. B. State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive. C. U. S. Highway 101 between San Jose and Los Angeles, inclusive, thence on Interstate Highway 5 to San Diego, inclusive. D. State Highway 1 between its junction with U. S. Highway 101 near Montalvo and Interstate Highway 5 at San Juan Capistrano. E. State Highway 118 between Chatsworth and its junction with State Highway 126 at Saticoy, thence on State Highway 126 to its junction with U. S. Highway 101 at Ventura. F. State Highway 99 between Sacramento and Wheeler Ridge and Interstate Highway 5 between Wheeler Ridge and San Fernando, inclusive, except that the carrier, pursuant to this authority, shall not serve any point more than five miles easterly of this route between Bakersfield and San Fernando. G. San Joaquin County Road J4 (Grant Line Road and Kasson Road) from Banta to its junction with Interstate Highway 5; thence on Interstate Highway 5 to its junction with State Highway 33; thence on State Highway 33 to its junction with State Highway 166 at Maricopa; thence

on State Highway 166 to its junction with Highway 99 at Mettler. H. Interstate Highway 15 between Temecula and San Diego, inclusive. I. State Highway 33 and State Highway 119 between Ventura and Greenfield, inclusive, including the off-route points of Santa Paula and Fillmore. J. U. S. Highway 101 between San Francisco and Santa Rosa. K. State Highway 37 between its intersection of U. S. Highway 101 near Ignacio and Vallejo. L. State Highway 29 between Vallejo and Calistoga. M. Interstate Highway 580 between its intersection with Interstate Highway 5 near Manteca and Oakland. N. State Highway 128 between Davis and Winters. O. Interstate Highway 505 between Vacaville and Madison; thence via State Highway 16 to Sacramento. P. Interstate Highway 5 between Sacramento and Orland. Q. State Highway 32 between Orland and Chico. R. State Highway 99 between Sacramento and Chico. S. Interstate Highway 80 between Sacramento and Auburn. T. State Highway 65 between Yuba City and Roseville. U. State Highway 193 between Lincoln and Newcastle. V. State Highway 17 between San Jose and Santa Cruz. W. Interstate Highway 5 from Sacramento to Wheeler Ridge. X. Interstate Highway 10 between Redlands and the junction of Interstate Highway 10 and State Highway 60.

Y. State Highway 1 between Santa Cruz and Carmel. Z. State Highway 152 between Watsonville and the intersection of State Highway 152 and State Highway 99. AA. State Highway 60 between its intersection with Interstate Highway 10 and Beaumont. AB. State Highway 79 between Beaumont and Hemet. In performing the service herein authorized, carrier may make use of any and all streets, roads, highway and bridges necessary or convenient for the performance of said service. Except that pursuant to the authority herein granted carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). 2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. 8. Logs. 9. Articles of extraordinary value. 10. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper. 11. Commodities requiring the use of special refrigeration or temperature control in specially designed and contructed refrigerator equipment. 12. Explosives subject to U.S. Department of Transportation regulations governing the transportation of hazardous materials.

Note A.—San Francisco Territory: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; Thence easterly along said county line to a point one mile west of state highway 82; southerly along an imaginary line one mile west of and paralleling state highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; Easterly along W. Parr Avenue to Capri Drive; Southerly along Capri Drive to Division Street; Easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Right-of-way to the Cambell-Los Gatos City limits; easterly along said limits and the prolongation thereof to south Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along south Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; Southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along state Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; Southwesterly along Mckee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and Macarthur Blvd. to Seminary Avenue; Easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd to Warren Blvd. (State Highway 13); northerly along Warren Blvd. To Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight way to the Berkeley-Oakland boundary line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the city of Richmond to point Richmond; southerly along an imaginary line from point Richmond to the San Francisco waterfront at the Foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

Note B.—Los Angeles Basin Territory: Los Angeles Basin Territory includes that area embraced by the following boundary: beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said County line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; north-easterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary of the city of San Fernando to MaClay Avenue; northeasterly along MaClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the city of Hemet; southerly, westerly and northerly along said corporate boundary to the Atchison, Topeka & Santa Fe right-of-

way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

Note.—San Diego Territory: The San Diego territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico boundary line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

Missouri Docket T-7543 (Sub-1), filed July 30, 1980. Applicant: JOHN DRENNON AND SONS COMPANY, INC., 353 North Nettleton, Springfield, MO 65802. Representative: James C. Swearenger, P.O. Box 456, Jefferson City, MO 65102. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Telephone equipment and supplies used in the construction and maintenance of telephone systems, except size or weight commodities or household goods, in specialized service, between Springfield, MO, and its commercial zone, on the one hand, and all points and places in the State of Missouri, on the other hand, irrespective of the location of any such points on the route of a regular route common carrier or between points on the routes of two or more regular route common carriers where through or joint service has been authorized or established between such regular route common carriers. Intrastate, interstate and foreign commerce authority sought. Hearing: Wednesday, November 12, 1980, 9:00 a.m., Hearing Room of the Missouri Public Service Commission, Jefferson Bldg., Jefferson City, MO 65101. Requests for procedural information should be addressed to Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102, and should not be directed to the Interstate Commerce Commission.

New York Docket T-2620, filed April 21, 1980. Applicant: GOWANDA-BUFFALO TRANSPORTATION CO., 133 Johnson Street, Gowanda, NY 14070. Representative: William J. Hirsch, 43 Court, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, between all points in Cattaraugus, Erie and Niagara Counties. Note: This is to correct publication showing Chautauqua instead of Cattaraugus County. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus Bldg., No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket T-3844, filed July 21, 1980. Applicant: FRANK ANICETO, d.b.a. COLONIAL HIGHWAY EXPRESS, 100 Elmhurst Place, Buffalo, NY 14216. Representative: William J. Hirsch, 43 Court Street, Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Iron and steel articles, between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus Bldg., No. 4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Permanent Authority Decisions Decision-Notice Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: August 19, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in § 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission on or before October 3, 1980.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after September 3, 1980.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975. In those proceedings containing a statement or note that dual operations are or may be invovled we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before October 3, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 4, Members Fitzpatrick, Fisher, and Dowell.

MC 29 (Sub-18F), filed March 18, 1980. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 2169, Monterey, CA 93940. Representative: Michael J. Stecher, 256 Montgomery Street, San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *household goods as defined by the Commission*, between (1) points in AZ, on the one hand, and, on the other, points in FL, GA, KS, LA, MA, MI, MS, NE, NM, NC, OK, PA, SC, TX and WI, (2) points in CA, on the one hand, and, on the other, points in LA, MN, NM, OK, TN, TX and DC, (3) points in CO, on the one hand, and, on the other, points in DE, LA, MD, MN, NM, SC, TX and WI, (4) points in ID, on the one hand, and, on the other, points in MN and TX, (5) points in MT, on the one hand, and, on the other, points in DE, FL, IL, MI, MN, NM and NC, (6) points in NV, on the one hand, and, on the other, points in FL, MO, NE, NJ, NY and TX, (7) points in OR, on the one hand, and, on the other, points in MD, MN, NJ, NM, SC and TX, (8) points in UT, on the one hand, and, on the other, points in MA, MN, NM and TX, (9) points in WA, on the one hand, and, on the other, points in GA, LA, MD, MN, MO and PA, (10) points in KS, on the one hand, and, on the other, points in IA, MN and NE, (11) points in MI, on the one hand, and, on the other, points in AR, NY, NC and PA, (12) points in MN, on the one hand, and, on the other, points in GA, IL, MO, NC, TN, TX and WI, (13) points in NE, on the one hand, and, on the other, points in AR, IL, LA, MS, NJ, NY and VA, (14) points in IA, on the one hand, and, on the other, points in DE and VA, (15) points in WI, on the one hand, and, on the other, points in AL, KS, NE, NJ, NY, TX and VA, (16) points in TX, on the one hand, and, on the other, points in AR, IN and LA, (17) points in OK, on the one hand, and, on the other, points in MO, and (18) points in NM, on the one hand, and, on the other, points in DE, GA, MA, MN, MS, MO, NH, NY, NC, OK, PA, SC, TX, VA and WI. The sole purpose of this application is to substitute single-line for joint-line operations.

MC 57393 (Sub-10F), filed May 21, 1980. Applicant: WINTERS TRUCK LINE, INC., 2620 McCormick, Wichita, KS 67213. Representative: Charles J. Kimball, KIMBALL, WILLIAMS & WOLFE, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, in interstate or foreign commerce, by motor vehicle, over regular routes, transporting *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Kansas City, MO, and Wichita, KS serving no intermediate points, (1) From Kansas City, over U.S. Highways 24, 40 and I-70 to Topeka, KS, then over U.S. Highway I-35 to Wichita, and return over the same route (2) From Kansas City, over U.S. Highways 24, 40 and I-70 to junction U.S. Highway 77 then over U.S. Highway 77 to junction U.S. Highway I-35, then over U.S. Highway I-35 to Wichita, and return over the same route (3) From Kansas City, over U.S. Highways 24, 40 and I-70 to Salina, KS then over U.S. Highways 81 and I-135 to Wichita and return over the same route (4) From Kansas City over U.S. Highway I-35 to Wichita, and return over the same route, for operating convenience only. The sole purpose of this application is to substitute single-line service for joint-line operations.

Note.—Applicant intends to tack the authority sought with the existing authority.

MC 57778 (Sub-36F), filed March 28, 1980. Applicant: MICHIGAN REFRIGERATED TRUCKING SERVICE, INC., 6134 West Jefferson Ave., Detroit, MI 48209. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, between points in MI, on the one hand, and, on the other, those points in IL on and north of U.S. Hwy 136 and those points in IN on and north of U.S. Hwy 40.

Note.—The sole purpose of this application is to substitute single line for joint line operations.

MC 76449 (Sub-29F), filed May 16, 1980. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, PA 17061. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in PA, on the one hand, and, on the other, points in CT, MA, NJ, RI, and that part of NY on and south of a line beginning at the PA-NY State line and extending over U.S. Hwy. 209 to junction U.S. Hwy 44, then over U.S. Hwy 44 to the NY-CT State line.

Note.—The sole purpose of this application to substitute single line for joint line operations.

MC 109397 (Sub-494F), filed January 11, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle in interstate or foreign commerce, over irregular routes transporting: (1) *commodities*, which because of their size or weight, requires the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in NE, on the one hand, and, on the other, points in the United States (except AK and HI).

Note.—The purpose of this application is to substitute single-line for joint-line service.

MC 109397 (Sub-514F), filed June 23, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*

by motor vehicle in interstate or foreign commerce, over irregular routes transporting: (1) *commodities,* which because of size or weight, requires the use of special equipment; and (2) *self-propelled articles,* each weighing 15,000 pounds or more, (a) between points in AL, FL, GA, MS, SC, and TN; and (b) between points in AL, FL, GA, MS, SC, and TN, on the one hand, and, on the other, points in ME, VT, NH, MT, ID, NV, and AZ.

Note.—The purpose of this application is to substitute single-line for joint-line service.

MC 109397 (Sub-515F), filed June 23, 1980. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle in interstate or foreign commerce, over irregular routes transporting: (1) *commodities,* which because of size or weight, requires the use of special equipment; and (2) *self-propelled articles,* each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers, between points in TN, MS, AL, GA, SC, and FL, on the one hand, and, on the other, points in WA, OR, CA, UT, WY, CO, NM, ND, SD, KS, OK, TX, MN, IA, MO, AR, LA, WI, and KY.

Note.—The purpose of this application is to substitute single-line for joint-line service.

MC 115092 (Sub-109F), filed July 1, 1980. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Dr., St. Charles, IL 60174. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber mill products and wood products,* from points in ID, OR, and WA, to points in IL, MI, NM, OK, and TX.

Note.—The sole purpose of this application is to substitute single-line for joint-line operations.

MC 120257 (Sub-51), filed April 1, 1980. Applicant: K. L. BREEDEN & SONS, INC., P.O. Box 4267, Lone Star, TX 75668. Representative: Bernard H. English, 6270 Firth Rd, Ft. Worth, TX 76116. Authority sought to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) machinery, equipment 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 machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, (2) earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in CO, LA, NM, OK, TX, UT and WY.

Note.—Applicant intends to tack the authorities described above with its existing authority.

Note.—The sole purpose of this application is to substitute single line service for its existing joint-line operations.

MC 120736 (Sub-7F), filed May 9, 1980. Applicant: STROTHMAN EXPRESS, INC., 2735 Spring Grove Ave., Cincinnati, OH 45445. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, and commodities in bulk), between points in KY within the Cincinnati, OH commercial zone, as defined by the Commission, on the one hand, and, on the other, points in OH.

Note.—The sole purpose of this application is to substitute single line for joint line operations. (Hearing site: Columbus, OH.)

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 15, 1980. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier,* by motor vehicles, over irregular routes.

Docket No. MC 106407 (Sub-No. E8), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., INC., P.O. Box 1809, Fort Worth, Texas 76101. Representative: Richard H. Streeter, 1729 H Street, NW., Washington, D.C. 20006. *Pipe, pipeline material, machinery, and equipment,* incidental to, used in connection with the construction, repairing, or dismantling of gas, gasoline, or oil pipelines, restricted to traffic moving to or from pipeline rights-of-way; (A)(1) between points in WY, on the one hand, and, on the other, points in TN, NC, SC, KY, WV (A)(2) between points in WY on and west of a line beginning at the WY-CO State line extending along WY Hwy. 430 to junction U.S. Hwy. 187, then along U.S. Hwy. 187 to junction U.S. Hwy. 89 then along U.S. Hwy. 89 to the WY-MT State line, on the one hand, and, on the other, points in NH, VT, points in PA on and south of a line beginning at the PA-MD State line extending along I Hwy. 70 to junction I Hwy. 76, then along I Hwy. 76 to junction I Hwy. 81, then along I Hwy. 81 to the NY-PA State line, and points in NY on and east of a line beginning at the NY-PA State line extending along I Hwy. 81 to junction NY Hwy 7, then along NY Hwy. 7 to junction NY Hwy. 8, then along NY Hwy. 8 to junction NY Hwy. 9 to U.S.-Canada International boundary; (A)(3) between points in WY, on the one hand, and, on the other, points in IL on and south of IL Hwy. 13, points in IN on and south of U.S. Hwy 50, and points in OH on and south of U.S. Hwy. 50. The purpose of this petition is to eliminate the gateways of West Memphis, AR and South Haven, MS. (B)(1) between points in WY, on the one hand, and, on the other, points in AL, GA and FL. The purpose of this petition is to eliminate any gateway in the State of AR. (C)(1) between points in WY, on the one hand, and, on the other, points in MS. The purpose of this petition is to eliminate any gateway in the State of AR: (D)(1) between points in MO, on the one hand, and, on the other, points in NC, SC, and VA; (D)(2) between points in MO on and south of a

line beginning at the KY-MO State line extending along U.S. Hwy. 66 to junction U.S. Hwy. 65 then along U.S. Hwy. 65 to the junction U.S. Hwy. 60 then along U.S. Hwy. 60 to the MO-IL State line, on the one hand, and on the other, points in CT, DC, DE, MD, NH, NJ, NY, RI, VT; (D)(3) between points in MO on, east, south and west of a line beginning at the AR-MO State line extending along U.S. Hwy. 63 to junction U.S. Hwy. 60 then along U.S. Hwy. 60 to the junction U.S. Hwy. 67 then along U.S. Hwy. 67 to the AR-MO State line, on

the one hand, and, on the other, points in MI on and east of a line beginning at the OH-MI State line extending along I Hwy. 75 to U.S.-Canada International boundary, and points in OH. (D)(4) between points in MO on, west and south of a line beginning at the IA-MO State line extending along U.S. Hwy. 65 to the junction U.S Hwy. 40 then along U.S. Hwy. 40 to the junction U.S. Hwy. 63 then along U.S. Hwy. 63 to the MO-AR State line, on the one hand, and on the other, points in TN. (D)(5) between points in MO on, east, north and west of a line beginning at the IA-MO State line extending along U.S. Hwy. 65 to the junction U.S. Hwy. 40 then along U.S. Hwy. 40 to the junction U.S. Hwy. 63 then along U.S. Hwy. 63 to the MO-IA State line, on the one hand, and, on the other, points in TN on and south of a line beginning at the AR-TN State line extending along U.S. Hwy. 70 to the NC-TN State line. (D)(6) between points in MO on, east and south of a line beginning at the AR-MO State line extending along U.S. Hwy. 63 to the junction of U.S. Hwy. 60 to the MO-IL State line, on the one hand, and, on the other, points in PA, points in ND on, west and south of a line beginning at the U.S.-Canada International boundary line extending along U.S. Hwy. 83 to the junction U.S. Hwy. 10 then along U.S. Hwy. 10 to the junction ND Hwy. 3 then along ND Hwy. 3 to the ND-SD State line, and points in SD on the west of a line beginning at the ND-SD State line extending along U.S. Hwy. 85 to the junction U.S. Hwy. 385 then along U.S. Hwy. 385 to the SD-NE State line; (D)(7) between points in MO on, south and west of a line beginning at the KS-MO State line extending along U.S. Hwy. 40 to the junction U.S. Hwy. 65 then along U.S. Hwy. 65 to the junction U.S. Hwy. 60 then along U.S. Hwy. 60 to the MO-IL State line, on the one hand, and, on the other, points in MA and ME; (D)(8) between points in MO on, south and west of a line beginning at the KS-MO State line extending along U.S. Hwy. 66 to the junction U.S. Hwy. 65 then along U.S. Hwy. 65 to the junction U.S. Hwy. 60 then along U.S. Hwy. 60 to the junction U.S. Hwy. 63 then along U.S. Hwy. 63 to the MO-AR State line on the one hand, and, on the other, points in KY on the east of a line beginning at the TN-KY State line extending along U.S. Hwy. 31E to the KY-IN State line, points in OH on east and south of a line beginning at the KY-OH State line extending along U.S. Hwy. 23 to the junction of U.S. Hwy. 50 then along U.S. Hwy. 60 to the OH-WV State line, and points in WV. The purpose of this petition is to eliminate the gateways of West Memphis, AR and South Haven, MS. (E)(1) between points in MO, on the one hand, and, on the other, points in GA, AL and FL. The purpose of this petition is to eliminate any gateway in the State of AR. (F)(1) between points in NE, on the one hand, and, on the other, points in TN, NC, SC, and VA; and (F)(2) between points in NE on and west of a line beginning at the SD-NE State line extending along U.S. Hwy. 83 to the NE-KS State line on the one hand, and, on the other, points in CT, DC, DE, MA, MD, ME, NJ, RI, and points in IL on the south of a line beginning at the MO-IL state line extending along IL Hwy. 13 to the IL-IN State line, points in KY on, west and south of a line beginning at the MO-KY State line extending along U.S. Hwy. 62 to the junction U.S. Hwy. 231 then along U.S. Hwy. 231 to the KY-TN State line, and points in WV on the south of a line beginning at the OH-WV State line extending along U.S. Hwy. 60 to the WV-VA State line. The purpose of this petition is to eliminate the gateways of West Memphis, AR and South Haven, MS. (G)(1) between points in NE, on the one hand, and, on the other, points in AL, GA and FL. The purpose of this petition is to eliminate any gateway in the States of KS or AR. (H)(1) between points in NE, on the one hand, and, on the other, points in MS. The purpose of this petition is to eliminate any gateway in the State of AR. (I)(1) between points in KS, on the one hand, and, on the other, points in TN, VA, NC, and SC; (I)(2) between points in KS on, west and south of a line beginning at the CO-KS State line extending along U.S. Hwy. 50 to the junction U.S. Hwy. 83 then along U.S. Hwy. 83 to the KS-OK State line on the one hand, and, on the other, points in OH; (I)(3) between points in KS on the south of a line beginning at the CO-KS border extending along U.S. Hwy. 160 to the KS-MO State line, on the one hand, and, on the other, points in OH on, east and south of a line beginning at the KY-OH State line extending along U.S. Hwy. 23 to the junction U.S. Hwy. 50 then along U.S. Hwy. 50 to the OH-WV State line, and points in PA; (I)(4) between points in KS on, west and south of a line beginning at the OK-KS State line extending along U.S. Hwy. 81 to the junction U.S. Hwy. 54 then along U.S. Hwy. 54 to the KS-OK State line, on the one hand, and, on the other, points in CT, DC, KY, MD, NJ, NY, RI, NH, VT, MA and WV. The purpose of this petition is to eliminate any gateway in the State in MS; (J)(1) between points in TX, on the one hand, and, on the other, points in TN, SC, NC, KY, OH, WV, VA, MD, DE, DC, PA, NJ, NY, CT, RI, MA, VT, NH, and ME; (J)(2) between points in TX on, east and south of a line beginning at the TX-LA State line and extending over U.S. Hwy. 84 to the junction U.S. Hwy. 259 then over U.S. Hwy. 59 to the junction U.S. Hwy. 75 to the State line at the Gulf of Mexico on the one hand, and, on the other, points in ND; (J)(3) between points in TX on, west, south and east of a line beginning at the Gulf of Mexico extending along U.S. Hwy. 75 to the junction U.S. Hwy. 90 then over U.S. Hwy. 90 to the junction U.S. Hwy. 281 then along U.S. Hwy. 281 to the U.S.-Mexico International boundary on the one hand, and, on the other, points in ND on and east of a line beginning at the U.S.-Canada International boundary extending along ND Hwy. 1 to the ND-SD State line; (J)(4) between points in TX on, north and west of a line beginning at the NM-TX State line extending along U.S. Hwy. 70 to the junction U.S. Hwy. 283 then along U.S. Hwy. 283 to the TX-OK State line on the one hand, and, on the other, points in IL on, east and south of a line beginning at the KY-IL State line then over U.S. Hwy. 51 to the junction U.S. Hwy. 50 then over U.S. Hwy. 50 to the IL-IN State line and points in IN on, east and north of a line beginning at the MI-IN State line extending along U.S. Hwy. 31 to the junction U.S. Hwy. 40 then along U.S. Hwy. 40 to the IN-OH State line; (J)(5) between points in TX on, south and east of a line beginning at the NM-TX State line extending along U.S. Hwy. 70 to the junction U.S. Hwy. 283 then along U.S. Hwy. 283 to the TX-OK State line on the one hand, and, on the other, points in IL and IN;

(J)(6) between points in TX on, east and south of a line beginning at the U.S.-Mexico International boundary extending along U.S. Hwy. 77 to the junction U.S. Hwy. 90 then along U.S. Hwy. 90 to the junction U.S. Hwy. 59 then along U.S. Hwy. 59 to the junction U.S. Hwy. 259 then along U.S. Hwy. to the junction U.S. Hwy. 84 then along U.S. Hwy. 84 to the TX-LA State line on the one hand, and, on the other, points in MN; (J)(7) between points in TX on,

south and east of a line beginning at the TX-LA State line extending over U.S. Hwy. 80 to the junction U.S. Hwy. 79 then along U.S. Hwy. 79 to the junction U.S. Hwy. 81 then along U.S. Hwy. 81 to the junction U.S. Hwy. 90 then along U.S. Hwy. 90 to Del Rio, TX and then along an unnumbered highway to the U.S.-Mexico International boundary at or near Del Rio and on, west and north of a line beginning at the U.S.-Mexico International boundary extending along U.S. Hwy. 77 to the junction U.S. Hwy. 90 then along U.S. Hwy. 90 to the junction U.S. Hwy. 59 then along U.S. Hwy. 59 to the junction U.S. Hwy. 259 then along U.S. Hwy. 259 to the junction U.S. Hwy. 84 then along U.S. Hwy. 84 to the TX-LA State line on the one hand, and, on the other, points in MN on and east of a line beginning at the U.S.-Canada International boundary line extending alone MN Hwy. 65 to the junction U.S. Hwy. 65 then along U.S. Hwy. 65 to the MN-IA State line; (J)(8) between points in TX on, south and west of a line beginning at the NM-TX State line and extending over U.S. Hwy. 180 to the junction U.S. Hwy. 84 then along U.S. Hwy. 84 to the junction U.S. Hwy. 80 then along U.S. Hwy. 80 to the junction U.S. Hwy. 75 then along U.S. Hwy. 75 to the TX State line at the Gulf of Mexico on the one hand, and, on the other, points in WI; (J)(9) between points in TX on, west, north and east of a line beginning at the OK-TX State line extending along U.S. Hwy. 75 to the junction U.S. Hwy. 80 then along U.S. Hwy. 80 to the junction U.S. Hwy. 281 then along U.S. Hwy. 281 to the TX-OK State line on the one hand, and, on the other, points in WI on and east of a line beginning at the MI-WI State line extending along U.S. Hwy. 51 to the WI-IL State line. The purpose of this petition is to eliminate any gateway in the State of MS. (K)(1) between points in OK, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and DC; (K)(2) between points in OK on, south and west of a line beginning at the TX-OK State line extending over U.S. Hwy. 66 to the junction U.S. Hwy. 281 then along U.S. Hwy. 281 to the OK-TX State line on the one hand, and, on the other, points in IL on and east of a line beginning at the WI-IL State line extending over U.S. Hwy. 51 to the IL-KY State line. (K)(3) between points in OK on, east, south and west of a line beginning at the TX-OK State line extending over U.S. Hwy. 281 to the junction Ok Hwy. 33 then along OK Hwy. 33 to the junction U.S. Hwy. 177 then along U.S. Hwy. 177 to the junction OK Hwy. 77 then along OK Hwy. 77 to the Ok-TX State line, on the one hand, and, on the other, points in IL on, east and south of a line beginning at the KY-IL State line extending over U.S. Hwy. 51 to the junction U.S. Hwy. 150 then along U.S. Hwy. 150 to the IL-IN State line. (K)(4) between points in OK on, east and south of a line beginning at the TX-OK State line extending over OK Hwy. 77 to the junction U.S. Hwy. 77 then along U.S. Hwy. 77 to the junction OK Hwy. 19 then along OK Hwy. 19 to the juntion OK Hwy. 1 then along OK Hwy. 1 to the junction U.S. Hwy. 270 then along U.S. Hwy. 270 to the OK-AR State line on the one hand, and, on the other, points in IL; (K)(5) between points in OK on, noorth, and east of a line beginning at the TX-OK State line extending over U.S. Hwy. 66 to the junction U.S. Hwy. 281 then over U.S. Hwy. 81 to the juntion OK Hwy. 33 then alone OK Hwy. 33 to the junction U.S. Hwy. 177 then along U.S. Hwy. 177 to the junction OK Hwy. 19 then along OK Hwy. 19 to the junction OK Hwy. 1 then along OK Hwy. 1 to the junction U.S. Hwy. 270 on the one hand, and on the other, points in IL on and south of a line beginning at the MO-IL State line extending over IL Hwy. 13 to the IL-KY State line; (K)(6) between points in OK on and south of a line beginning at the TX-OK State line extending over I Hwy. 40 to the OK-AR State line on the one hand, and, on the other, points in IN; (K)(7) between points in OK on the north of a line beginning at the TX-OK State line extending over I Hwy. 40 to the OK-AR State line (except points on, east, north and west of a line beginning at the KS-OK State line extending over U.S. Hwy. 183 to the junction U.S. Hwy. 64 then along U.S. Hwy. 64 to the junction U.S. Hwy. 81 then along U.S. Hwy. 81 to the OK-KS State line) on the one hand, and, on the other, points in IN on, east and south of the line beginning at the KY-IN State line extending over U.S. Hwy. 31 to the junction U.S. Hwy. 40 then over U.S. Hwy. 40 to the IN-OH State line. (K)(8) between points in OK on, south and west of a line beginning at the TX-OK State line extending oer U.S. Hwy. 60 to the junction U.S. Hwy. 77 then along U.S. Hwy. 77 to the OK-TX State line on the one hand, and, on the other, points in MI; (K)(9) between points in OK on, east and south of a line beginning at the TK-OK State line extending over U.S. Hwy. 69 to the junction U.S. Hwy. 270 then over U.S. Hwy. 270 to the OK-AR State line on the one hand, and, on the other, points in WI. The purpose of this petition is to eliminate the gateway of South Haven, MS.

(L)(1) between points in AR on the one hand, and, on the other, points in TN, SC, NC, VA, WV, OH, MD, PA, DE, DC, NJ, NY, CT, RI, MA, VT, NH, and ME; (L)(2) between points in AR on and south of a line beginning at the OK-AR State Line extending over U.S. Hwy. 70 to the AR-TN State line on the one hand, and, on the other, points in IL, IN and SD. (L)(3) between points in AR beginning on and north of a line beginning at the AR-OK State line extending over U.S. Hwy. 70 to the TN-AR State line on the one hand, and, on the other, points in IN on, south and east of a line beginning at the OH-IN State line extending over U.S. Hwy. 50 to the junction IN Hwy. 3 then over IN Hwy. 3 to the IN-KY State line; (L)(4) between points in AR on, south and west of a line beginning at the OK-AR State line extending over U.S. Hwy. 70 to the junction U.S. Hwy. 167 then over U.S. Hwy. 167 to the junction U.S. Hwy. 63 then over U.S. Hwy. 63 to the AR-TN State line on the one hand, and, on the other, points in KY. (L)(5) between points in AR beginning at a line on the TN-AR State line extending over U.S. Hwy. 70 to the junction U.S. Hwy. 167 then over U.S. Hwy. 167 to the junction U.S. Hwy. 63 then over U.S. Hwy. 63 to the AR-MO State line on the one hand, and, on the other, points in KY on and east of a line beginning at the KY-TN State line extending over I Hwy. 75 to the KY-OH State line. (L)(6) between points in AR on and east of a line beginning at the TX-AR State line extending over U.S. Hwy. 67 to the AR-MO State line on the one hand, and, on the other, points in ND and MN. The purpose of this petition is to eliminate any gateway in the State of MS. (M)(1) between points in IA, on the one hand, and, on the other, points in SC; (M)(2) between points in IA on and east of a line beginning at the MN-IA State line extending over U.S. Hwy. 63 to the IA-MO State line on the one hand, and, on the other, points in TN on and west of a line beginning at the MS-TN State line extending over U.S. Hwy. 45-E. (M)(3) between points in IA on, east and west of a line beginning at the MN-IA State line then over U.S. Hwy. 71 to the MO-IA State line then along the MO-IA State line to the junction of U.S. Hwy. 63 then along U.S. Hwy. 63 to the MN-IA State line on the one hand, and on the other, points in TN on, west and south of a line beginning at the MS-TN State line extending over U.S. Hwy. 43 to the junction U.S. Hwy. 64 then over U.S. Hwy. 64 to the TN-AR State line. (M)(4) between points in IA on and west of a line beginning at the MN-IA State line and extending over U.S. Hwy. 71 to the

IA–MO State line on the one hand, and, on the other, points in TN, NC and VA. (M)(5) between points in IA beginning at a point on the MO–IA State line extending over U.S. Hwy. 71 to the junction U.S. Hwy. 20 then over U.S. Hwy. 20 to the junction U.S. Hwy. 69 then over U.S. Hwy. 69 to the IA–MO State line on the one hand, and, on the other, points in NC on, east and south of a line beginning at the SC–NC State line extending over U.S. Hwy. 21 to the junction U.S. Hwy. 70 then over U.S. Hwy. 70 to the Atlantic Ocean. The purpose of this petition is to eliminate the gateways of West Memphis, AR and South Haven, MS. (N)(1) between points in IA, on the hand, and, on the other, points in AL, GA and FL. The purpose of this petition is to eliminate any gateway in the State of AR. (O)(1) between points in IA, on the one hand, and, on the other, points in MS. The purpose of this filing is to eliminate any gateway in the State of AR.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-26806 Filed 9-2-80; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-69]

Certain Airtight Cast-Iron Stoves; Extension of Time for Filing Written Comments

I. Background

On August 15, 1980 the Commission issued a notice setting the times when comments would be due concerning relief, bonding, and the public interest with regard to several respondents found to be in default by the Administrative Law Judge. See 45 FR 55547, August 20, 1980. The time for filing comments by the complainants was August 29, 1980. On August 21, 1980, the complainants filed a Motion for Extension of Time to file their comments (Motion 69–32) asking that their deadline be extended until September 19, 1980. No objections to the motion have been received from any parties.

II. Action

Having considered the above motion, the Commission on August 27, 1980, granted Motion 69–32 and ordered the times for filing written comments extended by three (3) weeks.

III. Order

Accordingly, the Commission orders that—

(1) Motion No. 69–32 is granted;

(2) The deadline for filing written comments by complainants is extended until September 19, 1980;

(3) The deadline for filing written comments is extended until September 26, 1980, for the Commission investigative attorney, other parties, and interested persons;

(4) Requests for oral arguments or oral presentations must be made by October 3, 1980;

(5) The Secretary shall serve this notice upon all parties of record, upon the interested federal agencies, and shall have this notice published in the Federal Register.

Issued: August 28, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-26803 Filed 9-2-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. American Broadcasting Cos., Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h) that a proposed Final Judgment, Stipulation and Order, and Competitive Impact Statement have been filed with the United States District Court for the Central District of California in *United States* v. *American Broadcasting Companies, Inc.*, Civil No. 74–3600–RJK. ABC has consented to the Proposed Judgment. The complaint in this action alleged that in violation of the Sherman Act, defendant had entered into restrictive contracts and had combined with its affiliated television stations to use its control over access to the ABC Television Network to restrain and monopolize prime time entertaining programming exhibited on that network. The Judgment would: limit for a period of 10 years, the amount of television entertainment programming that ABC may produce for use on its network; prohibit ABC from conditioning access to its television network upon an independent program supplier's grant of any other right or interest to ABC; limit for periods of 10 or 15 years the contractual rights which ABC may obtain in connection with network exhibition of a program including limitations on ABC's right to exclusive use of a program; enjoin ABC from obtaining any right or interest in television entertainment programs produced by others, except for the right to network exhibition; enjoin ABC from engaging in domestic syndication of any television entertainment programs, from engaging in foreign distribution of programs other than those produced abroad or by ABC; limit ABC's ability to enforce rights in any agreements with talent so as to prevent such talent from being able to provide services in connection with program series switching to other networks or television stations; limit ABC's ability to enforce rights in any agreements with talent so as to prevent such talent from being able to provide services in connection with program series based on ABC-rejected pilots which are picked up by other networks or television stations; and prohibit for a period of 10 years reciprocal program arrangements between ABC and either CBS Inc. or National Broadcasting Company, Inc. Certain of the provisions in consent judgments entered in the companion cases against CBS and NBC, which were conditioned upon the Department's obtaining similar relief against ABC, will take effect upon the entry of the ABC consent judgment by the court. A Final Judgment was entered in the CBS case on July 31, 1980, and in the NBC case on November 28, 1977. The Competitive Impact Statement describes the anticipated effects of the proposed Judgment on competition, and evaluates the alternative relief proposals actually considered by the United States. Public comment is invited within the statutory 60-day time period. Such comments and responses thereto will be published in the Federal Register and filed with the Court. Comments should be directed to Bernard M. Hollander, Chief, Judgment Enforcement Section, Antitrust Division, Department of Justice, Room 3706, Washington, D.C. 20530.

Joseph H. Widmar,

Director of Operations.

Bernard M. Hollander, Barry J. Kaplan, Bernard J. O'Reilly, George W. Selby, Jr., Richard L. Irvine, Ruth Dicker, James R. Kahn, John A. Kolar, Sandra L. Willis, *Antitrust Division, Department of Justice, 3101 Federal Building, 300 N. Los Angeles, California 90012, Telephone: (213) 688–2508.*

Daniel H. Margolis, James R. Loftis, III, Frank Rothman, *Bergson, Borkland, Margolis & Adler, Wyman, Bautzer, Rothman, Kuchel & Silbert, Two Century Plaza, 2049 Century Park East, Los Angeles, California 90067, Telephone: (213) 556–8000, Attorneys for Defendant American Broadcasting Companies, Inc.*

U.S. District Court, Central District of California

United States of America, Plaintiff, V. *American Broadcasting Companies, Inc.*, Defendant.

Civil No. 74-3600-RJK.

Filed: August 22, 1980.

Stipulation and Order

It is stipulated by and between the undersigned parties, by their respective attorneys and subject to the approval of the Court, that:

1. 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 any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do an any time before the entry of the proposed Final Judgment by serving notice thereof on defendant 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 and Order, this Stipulation and Order and the proposed Final Judgment shall be of no effect whatever, and the making of this Stipulation and Order, and the proposed Final Judgment shall be without prejudice to the plaintiff or defendant in this or any other proceeding.

3. This Stipulation and Order shall not estop plaintiff or defendant, or any person, in this or any other action or proceeding, from asserting any issue of fact of law as to the subject matter of Section VI(E)(iii)(e), originally included in the proposed Final Judgment in *United States* v. *National Broadcasting Company, Inc.*, Civil Action No. 74-3601-RJK (C.D. Cal.), lodged November 17, 1976, nor shall it constitute any evidence or admission as to any such issue.

Dated: August 22, 1980.

For the Plaintiff. Sanford M. Litvack, *Assistant Attorney General;* Joseph H. Widmar, *Director of Operations;* Bernard M. Hollander, Barry J. Kaplan, Bernard J. O'Reilly, Ruth Dicker, James R. Kahn, John A. Kolar, Sandra L. Willis, *Attorneys for the United States.*

For the Defendant: Daniel H. Margolis, James R. Lofits, III, *Attorneys for Defendant American Broadcasting Companies, Inc.*

Order

It is so ordered, this —— day of ————, 1980.

————,

U.S. District Judge.

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *American Broadcasting Companies, Inc.*, Defendant.

Civil Action No. 74-3600-RJK.

Lodged: August 22, 1980.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on December 10, 1974, and defendant, American Broadcasting Companies, Inc., having filed its answer herein on December 30, 1974, by their respective attorneys, each having 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 admission by any party with respect to any issue of fact or law in any action or proceeding;

Now, therefore, before any testimony has been taken, the Court being advised and having considered the matter, it is hereby:

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The complaint states a claim upon which relief may be granted against defendant under the provisions of Sections 1 and 2 of the Act of Congress of July 2, 1890, 15 U.S.C. 1, 2, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

II

As used in this Final Judgment:

(A) "Person" means an individual, partnership, corporation or any other form of legal or business entity.

(B) "ABC" means American Broadcasting Companies, Inc. and its subsidiaries.

(C) A "person controlling ABC" means any person owning at least ten percent (10%) of, or a controlling share of, the outstanding voting stock of ABC.

(D) "ABC Television Network" means an ABC owned or operated business which provides television programs and related advertising messages to affiliated television broadcast stations.

(E) "Entertainment Program" means any program, including a feature film, exhibited or intended to be exhibited on television other than the following programs: news, public affairs, agricultural, religious, instructional, and sports (as those terms are defined in Appendix A to this Final Judgment). The inclusion of incidental or occasional entertainment or non-entertainment elements in a program or program series shall not be deemed to change the classification of the program or program series.

(F) "Independent Program Supplier" means a person who produces or offers one or more entertainment programs for network exhibition, other than ABC, a person controlling ABC, or a person in which ABC or a person controlling ABC has an ownership interest.

(G) "Network Exhibition" means the initial and repeat exhibitions of a television program on the ABC television network during the term of any agreement between ABC and an independent program supplier for such exhibition of such program.

(H) "Prime Time Hours" means the hours from 6:00 p.m. to 11:00 p.m. in the Eastern and Pacific Time Zones of the United States, and the hours from 5:00 p.m. to 10:00 p.m. in the Central and Mountain Time Zones of the United States.

(I) "Daytime Hours" means the hours from 9:00 a.m. to 6:00 p.m. in the Eastern and Pacific Time Zones of the United States, and the hours from 9:00 a.m. to 5:00 p.m. in the Central and Mountain Time Zones of the United States.

(J) "Fringe Hours" means the hours from 11:00 p.m. to 2:00 a.m. and 6:00 a.m. to 9:00 a.m. in the Eastern and Pacific Time Zones of the United States, and the hours from 10:00 p.m. to 1:00 a.m. and 6:00 a.m. to 9:00 a.m. in the Central and Mountain Time Zones of the United States.

(K) "Television Broadcast Station" means a station licensed as a television broadcast station by the Federal Communications Commission.

(L) "ABC Production Facilities" means studio facilities, including but not limited to, scenery, props and other production equipment, which are used for the production of entertainment programs exhibited or intended to be exhibited on television, and which are owned or leased by ABC, by any person controlling ABC, or by any person in which ABC or any person controlling ABC has any ownership interest.

(M) "Stripping" means the broadcasting of more than one (1) episode per week of a television program series.

(N) "Broadcast Year" means the television broadcast year customarily commencing in September of one year and continuing until September of the following year.

III

The provisions of this Final Judgment are applicable to ABC, to any person controlling ABC and to each of ABC's directors, officers, agents, employees, subsidiaries, successors, and assigns, and to all persons in active concert or participation with any of them, who receive actual notice of this Final Judgment by personal service or otherwise.

IV

ABC is enjoined and restrained from:

(A) Acquiring any financial or proprietary right or interest in the exhibition, distribution, or other commercial use of any television program produced wholly or in part by an independent program supplier, other than the right to the Network Exhibition of the program, except as provided in Sections VII(A)-(D) of this Final Judgment: *Provided,* That an agreement granting ABC the right to Network Exhibition may include provisions concerning subject matters incident to the licensing and use of network programs, of which the following are examples: Geographic scope and manner of transmission and delivery of network broadcasts; approval of creative elements and program content; technical quality and delivery requirements; union and Equal Employment Opportunity Act compliance; act of God; force majeure; preemptions; obligation to pay for, rather than play, programs; number of episodes or programs ordered; assignability; warranties; indemnification; completion bonds; security agreements and financing statements; insurance; public morals; advertising conflicts; advertising, promotion and

publicity of programs; audience testing and screening; cancellation; exclusivity for talent and creative personnel (except as limited by Sections VI(I) and VI(J) herein; see also Section VII(E) herein); exclusive exhibition rights (except as limited by Sections VI(E)(ii)–(iii) herein); pilots (except as limited by Section VI(F) herein); options (except as limited by Sections VI(E)(i), VI(F) and VI(G) herein); first negotiation and first refusal rights (except as limited by Sections VI(E)(i) and VI(G) herein); spinoffs (except as limited by Section VI(G) herein); repeats (except as limited by Section VI(H) herein); same day protection against once weekly syndication programs and theatrical feature films; title protection for the length of the applicable contract or contracts; format and continuing character protection; breach; and remedies, so long as any such provision does not violate the antitrust laws.

(B) Selling, licensing, or distributing entertainment programs to television broadcast stations for non-network television exhibition (or otherwise engaging in the business commonly known as "syndication"), or to foreign television stations or networks, except as provided in Section VII(D) of this Final Judgment.

V

(A) ABC is enjoined and restrained for a period of ten (10) years from the effective date of this Section from offering for ABC network broadcast during Prime Time Hours, Daytime Hours or Fringe Hours: in Prime Time Hours, more than two and one-half (2½) hours per week in each of the first five (5) years, three and one-half (3½) hours per week in each of the sixth and seventh years, four (4) hours per week in the eighth year, and five (5) hours per week in each of the ninth and tenth years; in Daytime Hours, more than eight (8) hours per week; and in Fringe Hours, more than eleven (11) hours per week, determined on the average per compliance period, of entertainment programs obtained from sources other than independent program suppliers: *Provided,* That during each compliance period ABC may add to the total number of allowable hours of entertainment programming from sources other than independent program suppliers, two (2) non-regularly scheduled special programs: *And provided further,* That in any compliance period, ABC may, during Fringe Hours, increase the number of allowable hours of entertainment programming from sources other than independent program suppliers by reducing to the same extent the number of allowable hours of such programming in Prime Time Hours and/or Daytime Hours, and during Daytime Hours, increase the number of allowable hours of entertainment programming from such sources by reducing to the same extent the number of allowable hours of such programmming in Prime Time Hours and/or Fringe Hours, so long as the number of allowable Daytime Hours may only be increased to the extent necessary to permit offering for broadcast by ABC of those programs from sources other than independent program suppliers being offered by ABC as of the effective date of this decree.

(B) For purposes of this Section V, compliance periods shall be consecutive semi-annual periods commencing at the start of each broadcast year. Compliance reports in the form set forth in Appendix B to this Final Judgment shall be submitted by ABC to plaintiff within thirty (30) days following the conclusion of each compliance period.

VI

ABC is enjoined and refrained:

(A) From purchasing or offering to purchase from an independent program supplier the right to Network Exhibition of one or more entertainment programs upon the condition, expressed or implied, that ABC, or any person controlling ABC, will obtain any other right or interest from said supplier, except as to contractual provisions concerning subject matters incident to the licensing and use of network programs as provided in Section IV(A) of this Final Judgment.

(B) For a period of fifteen (15) years from the effective date of this Section, from purchasing or offering to purchase from an independent program supplier any right to exhibition of a program, other than a live program, as an ABC television network entertainment program upon the condition, express or implied, that said supplier produce the program, in whole or in part, utilizing ABC production facilities.

(C) For a period of fifteen (15) years from the effective date of this Section from agreeing with an independent program supplier that said supplier use ABC production facilities to produce a program, other than a live program, as an ABC television network entertainment program for a period in excess of the time required to produce episodes for one (1) broadcast year: *Provided,* That ABC and said supplier are not precluded each year from negotiating and contracting for additional periods not to exceed one (1) year each.

(D) for a period of ten (10) years from the effective date of this Section from purchasing or offering to purchase from CBS Inc. ("CBS") or National Broadcasting Company, Inc. ("NBC") any right to Network Exhibition of any entertainment program upon the condition, express or implied, that CBS or NBC agrees to purchase or offers to purchase a right to network exhibition of any entertainment program produced or controlled by ABC.

(e) For a period of fifteen (15) years from the effective date of this Section from:

(i) Acquiring from an independent program supplier options for Network Exhibition of a prime time network entertainment program series exercisable for a period in excess of four (4) years from the date of first broadcast of an episode of such program as part of an ABC prime time television network entertainment program series, and the balance of any broadcast year in which such four (4) year period ends: *Provided,* That: (a) With respect to any such program series which commences at the start of a broadcast year, nothing herein shall prevent ABC, at any time[s] in or after the Spring of the first broadcast year, from negotiating new provisions which may include the purchase of an extension of the option period, so long as the maximum term at no time exceeds four (4) years from the date such new provisions are entered into, except that where such new provisions are entered into at or after the time when ABC exercises its option for the following broadcast year the maximum term shall be four (4) years from the start of such following broadcast year; and (b) with respect to any such program series which commences at a time other than the beginning of a broadcast year, nothing herein shall prevent ABC, at any time[s] after twelve months subsequent to the date of first broadcast, from negotiating new provisions which may include the purchase of an extension of the option period, so long as the maximum term at no time exceeds four (4) years, and the balance of any broadcast year in which such four (4) year period ends: *And provided further,* That nothing herein shall prevent ABC from acquiring first negotiation and first refusal rights for new agreements with said supplier so long as any such first refusal rights shall not be more favorable to ABC than a contractual obligation which prevents said supplier from entering into an agreement with a person other than ABC on terms less favorable to said supplier than said supplier's last offer to ABC without giving ABC the first opportunity to meet such terms: *And provided further,* That nothing herein shall prevent ABC from entering into contractual provisions incident to the licensing and use of network programs as provided in Section IV(A) of this Final Judgment.

(ii) Acquiring from an independent program supplier, after thirty (30) days from the entry of this Final Judgment, exclusive exhibition rights for prime time network entertainment program series episodes for which ABC has a contractual right to Network Exhibition, in excess of the following:

(a) For prime time use, the duration of any contract term or terms by which ABC acquires the right to Network Exhibition;

(b) For non-prime time stripping on television broadcast stations, four (4) years from the first prime time episode broadcast; and

(c) For all other broadcast uses, three (3) years from the first prime time episode broadcast: *Provided,* That nothing herein shall prevent ABC from negotiating for and acquiring rights, including exclusive rights, for stripping and once weekly exhibition to be utilized after the periods of exclusivity set forth above, so long as negotiation for and acquisition of such rights takes place after ABC has agreed to order episodes of such program for the first year of broadcast as an ABC prime time television network entertainment program series: *And provided further,* That nothing herein shall prevent ABC from acquiring exclusive exhibition rights to series episodes for the broadcast year for which such episodes are ordered.

(iii) Acquiring from an independent program supplier, after thirty (30) days from the entry of this Final Judgment, exclusive exhibition rights for theatrical feature films for which ABC has a contractual right to Network Exhibition, against:

(a) Theatrical and non-theatrical direct projection;

(b) Closed circuit TV in non-residential hotels, motels, bars, restaurants, hospitals and similar non-residential institutions;

(c) Passenger-carrying vehicles;

(d) Video discs, cartridges or cassettes or other such equipment.

(F) For a period of ten (10) years from the effective date of this Section, from acquiring from an independent program supplier a first year pick-up option for exhibition of a prime time network entertainment program series based on a program designated by ABC and said supplier as a "pilot program" ("pilot") which is exercisable after the following times:

(i) Where ABC has not advanced said supplier any part of the costs of pilot development, subsequent to the earliest date that the agreement contemplates that broadcast of the series may commence; and

(ii) Where ABC has advanced said supplier any part of the costs of pilot development, more than one (1) year after delivery to ABC of the completed pilot: *Provided,* That as to those series which ABC does not include in the network schedule at the earliest date that the agreement contemplates that broadcast of the series may commence:

(a) For those pilots which have been delivered to ABC between October 2 of one year and April 1 of the following year, ABC must designate by June 1 of the latter year sixty-five percent (65%) of such pilots as to which ABC will release its option for series exhibition upon payment to ABC of all of ABC's unrecouped costs for the development of such pilots; and

(b) For those pilots which have been delivered to ABC between April 2 and October 1 of the same year, ABC must designate by January 1 of the following year sixty-five percent (65%) of such pilots as to which ABC will release its option for series exhibition upon payment to ABC of all of ABC's unrecouped costs for the development of such pilots;

And provided further, That ABC may purchase additional first year pick-up options for series which ABC has not designated for release and for series which ABC has designated for option release but which ABC wishes ot retain, so long as such additional options are acquired, for pilots described in Section VI(F)(ii)(a), after June 1, or after the announcement of the ABC television network schedule for the next broadcast year, whichever, is later, and, for pilots described in Section VI(F)(ii)(b), after December 1, and so long as such additional options do not exceed increments of six (6) months.

For purposes of this Section VI(F):

A pilot shall be deemed to have been delivered to ABC when ABC has received, in the case of a film pilot, an answer print, and, in the case of a tape pilot, a program complying with customary tape requirements.

In computing the number of pilots to be released under Sections VI(F)(ii)(a) and (b), any fraction of a pilot shall be rounded off to the next lower whole number.

Unrecouped costs shall be deemed to be the amount of money advanced by ABC to an independent program supplier for the development of a pilot, except that if the ABC television network broadcasts a pilot once, two-thirds (⅔) of ABC's costs shall be deemed to have been recouped, and if ABC broadcasts a pilot more than once, all of ABC's costs shall be deemed to have been recouped.

(G) For a period of ten (10) years from the effective date of this Section, from acquiring from an independent program supplier rights in excess of first negotiation and first refusal rights for a spinoff involving a non-continuing character.

For purposes of this Section VI(G):

First refusal rights shall be more favorable to ABC than a contractual obligation which prevents said supplier from entering into an agreement with a person other than ABC on terms less favorable to said supplier than said supplier's last offer to ABC without giving ABC the first opportunity to meet such terms.

A non-continuing character shall be deemed to mean one who appeared in no more than twenty-five percent (25%) of the original episodes of the program upon which such spinoff is based during the twelve (12) months prior to the time exhibition rights to such spinoff are offered for licensing by said supplier.

(H) For a period of ten (10) years from the effective date of this Section, from purchasing from an independent program supplier a right to first run Network Exhibition of any television entertainment program series which includes th right to exhibit repeats of episodes in years subsequent to the broadcast year of inital exhibition of such episodes: *Provided,* That repeat rights to three (3) initial episodes per broadcast year of each such program series may be purchased for exhibition in subsequent broadcast years as part of the right to Network Exhibition: *And provided further,* That additional rights to repeats may be purchased for exhibition in subsequent broadcast years, so long as negotiation for and acquisition of such additional repeat rights takes place after ABC has agreed to order episodes of such program series for the first year of broadcast as an ABC television network entertainment program series: *And provided further,* That the limitation as ot the use of repeats contained in this Section VI(H) shall not apply to (i) made-for-television and theatrical feature films, (ii) specials, and (iii) cartoons or other children's programs.

(I) For a period of ten (10) years from the effective date of this Section, from asserting or exercising any right under any agreement for the services of any continuing performing or essential creative talent providing services in connection with a particular prime time entertainment program series licensed to ABC so as to preclude such talent from being able to continue to provide services in conncection with that program series if licensed to any other licensee up to and including ninety (90) days after the expiration of ABC's option[s] for that series.

(J) For a period of ten (10) years from the effective date of this Section, from asserting or exercising any right under any agreement for the services of any essential performing or essential creative talent who has provided services in connection with a prime time entertainment program series pilot delivered to ABC so as to preclude such talent from being able to provide services in connection with a program series based on that pilot, if licensed to any other licensee up to and including ninety (90) days after the expiration of ABC's option[s] for that series. This provision shall not be applicable to those 20 ABC agreements for the exclusive services of creative talent which were entered into on or before July 16, 1980: *Provided,* That this exception shall not extend beyond December 31, 1982.

VII

Nothing contained in this Final Judgment shall be construed:

(A) To prohibit ABC from acquiring rights for non-network broadcast of programs by ABC owned and operated television broadcast stations where such rights are not acquired, directly or indirectly, in connection with the negotiation for or acquisition of rights including renewal rights, for the exhibition, distribution or use of any program as an ABC television network program.

(B) To prohibit ABC from seeking repayment, in whole or in part, of money or other consideration loaned, advanced or furnished by ABC in connection with the development or production of a television network program or of a project or activity that may result in a television network program, to the extent of the amount loaned, advanced or furnished, including interest.

(C) To prohibit ABC from acquiring rights with respect to non-broadcast uses, including but not limited to publication of books or music, where such rights are not acquired, directly or indirectly, in connection with the negotiation for or acquisition of rights, including renewal rights, for the exhibition, distribution or use of any program as an ABC television network program.

(D) To prohibit ABC from selling, licensing, or distributing outside the United States programs (i) produced in foreign countries and not included in ABC's television network schedule, where the acquisition of such distribution rights is not conditioned, directly or indirectly, upon the negotiation for or acquisition of rights, including renewal rights, for the exhibition, distribution or use of any program as an ABC television network program, or (ii) produced by ABC, by any person controlling ABC, or by any person in which ABC or any person controlling ABC has any ownership interest.

(E) To preclude plaintiff, upon a showing that ABC has used exclusive rights to performing or creative talent to circumvent Section VI(F) of this Final Judgment, from applying to the Court for additional relief under this Judgment against such conduct, provided that such additional relief would not place ABC at a competitive disadvantage with respect to CBS or NBC.

VIII

If a Final Order, Judgment or Decree or modification thereof is entered with respect to CBS in *United States v. CBS Inc.,* Civil Action No., 74-3599-RJK (C.D. Cal.), or with respect to NBC in *United States v. National Broadcasting Company, Inc.,* Civil Action No. 74-3601-RJK (C.D. Cal.), which is not appealable or from which no timely appeal is taken, which shall order or decree for either CBS or NBC injunctions different in terms or provisions than those required by this Final Judgment, or which shall result in the dismissal of either or both of such actions, ABC may apply to the Court and shall be

granted a modification of or relief from any terms set forth herein as may be necessary to prevent ABC from being placed at a competitive disadvantage with respect to CBS or NBC.

IX

(A) Within thirty (30) after the entry of this Final Judgment, ABC shall furnish to its officers, directors, and appropriate employees and agents a copy of this Final Judgment, and each year for a period of ten (10) years thereafter ABC shall furnish a copy to all new officers, directors and appropriate employees and agents. ABC shall maintain a file listing all persons to whom it has furnished such copies.

(B) Within thirty (30) days after entry of this Final Judgment and once each year during the succeeding ten (10) calendar years following entry of this Final Judgment, ABC shall send a copy of this Final Judgment to the last known address of each independent program supplier known to have offered any entertainment program to ABC for inclusion in its schedule of ABC television network programs within the preceding five (5) years and to each person listed in the then current issue of Television Factbook as a provider of television production facilities.

X

(A) For the purpose of determining or securing compliance with this Final Judgment, duly authorized representatives of the Department of Justice, upon written request of the Attorney General or the Assistant Attorney General in Charge of the Antitrust Division, and on reasonable notice to ABC made to its principal office, shall be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of ABC to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of ABC relating to any matter contained in this Final Judgment; and

(2) Subject to the reasonable convenience of ABC and without restraint or interference by it, the right to interview officers or employees of ABC, who may have counsel present, regarding any such matter.

(B) ABC, upon written request of the Attorney General or the Assistant Attorney General in Charge of the Antitrust Division, made to its principal office, shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested.

No information obtained by the means provided in this Section X shall be divulged by any representative of plaintiff 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.

XI

Jurisdiction is retained by this court for the purpose of enabling either party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XII

Entry of this Final Judgment is in the public interest.

Dated:

_____

U. S. District Judge.

Appendix A*

(a) "Agricultural programs" include market reports, farming, or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) "News programs" include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis, and sports news.

(c) "Public affairs programs" include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(d) "Religious programs" include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(e) "Instructional programs" include programs (other than those classified under Agricultural, News, Public Affairs, Religious or Sports) involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(f) "Sports programs" include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news or information (e.g., fishing opportunities, golfing instructions, etc.).

Appendix B.—Compliance Report

ABC Produced Programs

Compliance Period _____
No. weeks _____

Program name	Number minutes per week	Number weeks offered for network broadcast
	Prime Time Hours	
Entertainment:		
Non-Entertainment:		
	Daytime Hours	
Entertainment:		

*Taken from 47 CFR 73.670, n. 1 (1975).

Program name	Number minutes per week	Number weeks offered for network broadcast
Non-Entertainment:		
	Fringe Hours	
Entertainment:		
Non-Entertainment:		

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *American Broadcasting Companies, Inc.*, Defendant.

Civil No. 74-3600-RJK.

Filed: August 22, 1980.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h) Pub. L. 93-528 (December 21, 1974)), the United States of America hereby files this competitive impact statement relating to a proposed consent judgment in the above-entitled action to be entered against the defendant, American Broadcasting Companies, Inc. ("ABC"). Entry of the proposed judgment should not, of course, bar the Government from bringing another action involving any aspect of ABC's operations should the facts warrant such an action in the future. This proposed judgment is based in large part on the Final Judgment entered on July 31, 1980, in *United States* v. *CBS Inc.*, 74-3599-RJK (C.D. Cal.) and the Final Judgment entered on November 28, 1977, in *United States* v. *National Broadcasting Company, Inc.*, 74-3601-RJK (C.D. Cal.).

(1) Nature and Purpose of the Proceeding

This action is one of three filed on December 10, 1974, against each of the nationwide commercial television networks,[1] charging that each had combined with its affiliated stations to use its control over access to network air time to restrain and monopolize prime time television entertainment programming in violation of Sections 1 and 2 of the Sherman Act (15 U.S.C. 1 and 2). This suit is similar to an earlier suit against ABC, filed on April 14, 1972, which, with suits against the other two networks (CBS and NBC), was dismissed without prejudice to new filings by the Court on November 13, 1974. ABC's news, public affairs and sports programming are not involved in either this or the previous suit.

The complaint alleges that ABC used its control over access to the broadcasting time of the ABC Television Network during prime evening hours for the folowing purposes: to exclude from network broadcast those

[1] In addition to ABC, complaints were filed against CBS Inc. ("CBS") and National Broadcasting Company, Inc. ("NBC").

entertainment programs in which ABC had no financial interest; to compel independent program suppliers to grant to ABC financial interests in television programs which it accepted for broadcast; to refuse to sell air time to advertisers and other independent program suppliers seeking to have their own programs shown on the ABC network, to control the prices paid by ABC for television exhibition rights to motion picture feature films; and to obtain competitive advantages over other producers and distributors of television entertainment programs and of motion picture feature films. In the complaint, the Government sought to have ABC enjoined from the following practices: obtaining any interest, except for the right of network exhibition, in independently produced programs; engaging in syndication of any television entertainment programs; producing entertainment programs itself; and using its control over access to the ABC Television Network to foreclose competition or obtain an unfair competitive advantage in any other field. The proposed judgment provides relief similar and substantially equivalent to that requested in the complaint.

(2) Practices and Events Giving Rise To the Alleged Violation of the Antitrust Laws

ABC is a substantial purchaser, exhibitor and producer of commercial television programs. There are approximately 700 television stations in the United States which are licensed by the Government to broadcast commercial television programs. ABC operates a national television network which provides television programs and related advertising messages to approximately 200 affiliated television stations located throughout the United States and to the five television stations which are owned and operated by ABC (in New York City, Los Angeles, Chicago, Detroit, and San Francisco).

Commercial television programs are created and produced by television networks, television stations, and independent program suppliers, including motion picture studios. In 1973, the three nationwide commercial television networks (ABC, CBS, and NBC) spent more than $1,000,000,000 for television programs, of which ABC spent more than $330,000,000. In 1973, total television broadcasting revenues for the aforementioned three networks were in excess of $1,400,000,000, of which ABC received more than $430,000,000.

The value of any television program to its producer, and to an advertiser whose message is broadcast in conjunction with it, depends in large part on the number of television viewers who see the program and observe the commercial messages. ABC, through its affiliated television stations, has control over access to approximately 98 percent of all United States television households for programs which it offers for broadcast. This is because during prime evening hours,[2] when television viewing is at its peak, most of the 200 ABC affiliated stations and all the ABC owned and operated stations depend upon ABC for virtually all of their television entertainment programming. In early 1976, for example, ABC's primary affiliates[3] and its owned and operated stations broadcast over 90 percent of the programs regularly offered by the ABC Television Network during prime evening hours.

The commercial value of a television entertainment program is not exhausted by its first network showing. It may also be stripped (broadcast a number of times per week) by a network. Frequently, usually after its network run is completed, a program is distributed to individual television stations in the United States for non-network broadcast (this is generally referred to as syndication). In addition, a program may be distributed to foreign television stations while it is appearing over a domestic television network. Merchandising, literary and music rights in a television program could also provide substantial revenue to the producer.

There is a substantial economic incentive for ABC to gain control of programming on its network, and ABC has exercised its control over access to the viewing public so as to exclude from the ABC Television Network programs controlled by others. One effect of this is to reduce the number of program purchasers with a resultant lessening of competition for television programs. For example, in the 1950's and early 1960's, advertisers were able to purchase television entertainment programs acceptable to ABC from independent program suppliers for broadcast on air time purchased from the ABC Television Network. In November of 1957, approximately 41 percent of all entertainment program series offered by the ABC Television Network during prime evening hours were advertiser-supplied; thus, advertisers constituted a substantial market for independent program suppliers. However, by November, 1967, only 4 percent of all entertainment program series offered by the ABC Television Network during prime evening hours were advertiser-supplied. At the present time, no such series is advertiser-supplied.

ABC embarked upon a policy of replacing advertiser-supplied programming with programs which it controlled through internal production, exclusive long-term network licenses, or talent exclusivity. Often ABC obtained rights or interests in excess of network exhibition. While, in November, 1957, only approximately 31 percent of all prime time entertainment program series offered by the ABC Television Network were programs which ABC produced or in which it had subsidiary rights or interests, such programs constituted 86 percent of all prime time entertainment program series offered by the ABC Television Network in November 1967.

As a result of this situation, which obtained on all three networks, the Federal Communications Commission ("FCC") promulgated rules which forbade ABC, CBS, and NBC from exacting certain financial interests or syndication rights in television programs from independent producers. 47 CFR 73.658(j).[4] However, despite the FCC financial interest and syndication rules, ABC and the other networks continued to exact from producers such rights as: (1) Long-term yearly renewal options for exclusive ABC network exhibition of the program with pre-set license fee escalation rates; (2) exclusive use of the program by ABC as against other communications markets; (3) exclusive rights in ABC with respect to program spinoffs; (4) creative program controls in ABC; (5) ABC's right to all profits from network exhibition of the producer's program; and (6) and ABC right of first refusal at the end of the option period.[5]

Were this case to go to trial, the Government would contend that ABC had used and continues to use its dominance and control over access to the broadcasting time of the ABC Television Network, to condition independent program suppliers' access to said network upon the suppliers' relinquishing valuable rights and interests in their programs, and that this course of conduct violates Sections 1 and 2 of the Sherman Act. The Government would also contend that ABC has favored programs in which it obtained such rights and interests over other programs, with the result that trade and commerce in ABC's prime time television entertainment programing has been illegally restrained and monopolized. Finally, the Government would contend that ABC's unrestricted ability to produce prime time television entertainment programing, together with its control over access to its television network and its past and present restrictive course of conduct, constitutes an unreasonable and unlawful restraing of independent program suppliers' ability to produce and negotiate for distribution and exhibition of their progaming.

(3) The Proposed Consent Judgment and its Anticipated Effect on Competition

The proposed judgment is directed at minimizing the substantial advantage ABC has acquired in television programing because of its market power as one of the three nationwide commercial networks, which not only purchase and exhibit but also produce television programs. The structure of the market is such that each of the three networks controls program producers' and advertisers' access to the nation's commercial television audiences, and each network has abused its power by refusing access to programs which it did not produce or in which it had no financial interest. Consequently, the only meaningful relief that can be obtained short of restructuring the networks is to limit network program

[2] 6:00 p.m. to 11:00 p.m. in the Eastern and Pacific time zones. 5:00 p.m. to 10:00 p.m. in the Central and Mountain time zones.

[3] An ABC primary affiliate is a television station to which ABC generally offers first call on television programs which it offers for broadcast.

[4] Such rights and interests included distribution rights and profit shares for domestic and foreign syndication of the program, and for merchandising, music and literary rights.

[5] At the same time, similar practices have been followed by CBS and NBC with respect to programing on their networks. The existence of uniform terms and conditions of purchase among the three major networks acts to deprive independent program suppliers of the benefits of network competition for their programs. Moreover, the network practice of obtaining exclusive exhibition rights often occurs at a time when the program is in the idea or script stage and the program supplier has little or no bargaining power.

production and restrict the program rights that each network may obtain from outside suppliers to the rights essential to networking, which are those incident to the right to exhibit the program. This the proposed ABC judgment seeks to do. It would establish specific outer limits on ABC's own program production and on the type of rights and interests which ABC may acquire from independent program suppliers in addition to the right of network exhibition. This should minimize ABC's incentive to select a program on the basis of financial interests in it. The judgment does not, of course, require independent program producers to grant to ABC particular rights and interests, even to the extent permitted. However, it is anticipated that because of the proposed judgment, the forces of competition would be able to operate more freely on ABC's program procurement practices.

The following is a discussion of the key provisions of the judgment:

Section IV

The proposed judgment would enjoin ABC from acquiring syndication and other distribution rights or profit shares in the non-network exploitation of television entertainment programs produced by others, and would thereby permamently preserve the prohibitions in the FCC's financial interest and syndication rules. To prevent ABC from utilizing its inherent competitive advantage over other domestic syndicators, the proposed judgment would prohibit domestic syndication of programs by ABC, but, consistent with the FCC's rules, would allow ABC-produced programs and certain foreign programs to be distributed by ABC in foreign markets.

Section V

The judgment would enhance competition in television entertainment program production and exhibition by eliminating the possibility that ABC could substantially increase its internal production of its network programs and thereby exclude independent program suppliers. For a period of 10 years, it would limit the amount of television entertainment programming which may be produced and exhibited by ABC to the following:

In Prime Time Hours [6]

No more than two and one-half hours per week in each of the first five years, no more than three and one-half hours per week in each of the sixth and seventh years, no more than four hours per week in the eighth year, and no more than five hours per week in each of the ninth and tenth years;

In Daytime Hours:

No more than eight hours per week;

In Fringe Hours:

No more than eleven hours per week.

Section V also provides that ABC may, during fringe hours, increase the amount of programming it produces and exhibits by reducing to the same extent the amount in prime time or daytime hours, and that ABC may, during daytime hours, maintain the amount of programing which is being produced and exhibited by ABC at the effective date of this judgment by reducing to the same extent the amount in prime time of fringe hours.[7]

Section VI

The complaint alleges that ABC uses its control over access to its national television network to gain an unfair competitive advantage in other fields. Section VI contains prohibitions designed to prevent this from occurring and to give those competing in such other fields an opportunity to compete free of the artificial leverage which ABC, and the other networks, have exercised in the past. Because of the regulatory nature of many of the injunctions in Section VI, and the possibility of changes in the industry, the Department has determined that the prohibitions should contain the time limitations spelled out in this section [15 years for subsections (B), (C) and (E) and 10 years in subsections (D), (F), (G), (H), (I) and (J)].

VI(A)

The judgment would prohibit ABC from purchasing or offering to purchase exhibition rights to an independent program supplier's television entertainment program on condition that the supplier would grant ABC any right or interest other than those incident to network licensing and use of the program. This continuing injunction is based on the assumption that ABC, and the other two existing commercial television networks, will continue to have substantial market power for the foreseeable future.

V(IB)

To specifically clarify the scope of Section VI(A), this provision would assure that ABC would not, in connection with its acquisition of network exhibition rights, require that the supplier use ABC production facilities. It would expire in fifteen years.

VI(C)

For a period of fifteen years, any facilities contract between ABC and such a program supplier would be limited to the period required to produce one year's episodes, with a right to renew the contract at the end of each year.

VI(D)

To guard against ABC's possible avoidance of its program production limitation through reciprocal dealing with other networks, for a period of ten years, ABC would be prohibited from purchasing network exhibition rights to any CBS or NBC entertainment program on condition that CBS or NBC purchase similar rights from ABC.

VI(E)

For a period of fifteen years, the proposed judgment would place the following outer limits on the exclusive rights that ABC may acquire from an independent program supplier in obtaining network exhibition rights for a prime time entertainment program (the supplier can, of course, grant ABC fewer and lesser rights than these):

For Program Series (VI(E)(i))

ABC's initial contracts with program suppliers for the production and network exhibition of a prime time entertainment program series could not include exclusive yearly options for more than four years and the balance of any broadcast year in which such four year period ends. However, ABC could, pursuant to the limitations set fourth in this provision, renegotiate the contract with the supplier to provide for additional options as follows:

(a) *In the case of a program series which commences at the start of a broadcast year:* ABC could begin negotiating in or after the Spring of the first broadcast year for an additional one-year option, but only upon ABC's exercising its existing option for the second broadcast year could it enter into an agreement for the additional one-year option. At no time after ABC exercises its option to go to series could ABC hold more than three years of additional options to programs in this category. ABC and the supplier can negotiate a contract for an additional option at any time in or after the Spring of the first broadcast year, so long as the maximum of four years of options is not exceeded. To illustrate, if they wait until the Spring of the second broadcast year, ABC may negotiate for at most two years of additional options; if they wait until the Spring of the third year, ABC may negotiate for at most three additional options. (VI(E)(i)(a)); [8]

(b) *In the case of a program series which commences after the start of a broadcast year:* ABC could negotiate, after twelve months subsequent to the date of first broadcast, for an additional one-year option, but ABC need not wait until it exercises its option for the following broadcast year before entering into an agreement for the additional one-year option. In subsequent broadcast years, ABC may negotiate for and obtain additional options so long as it at no time holds options for more than four years and the balance of any broadcast year in which the four-year period ends. (VI(E)(i)(b)).

In either situation, ABC and the supplier are free to negotiate for additional options at any time after ABC obtains, if it does, an additional option year, so long as the maximum limits are observed. They are, of course, also free to abstain from any additional negotiations or to negotiate for less than the limits set forth in the proposed judgment. When the contract approaches the end of its term, the supplier would be free to offer the program to others, subject only to ABC's first negotiation/first refusal rights by ABC.[9]

[6] For definitions, see n. 2, *supra* at p. 4.

[7] ABC would also be allowed to produce two additional special programs for broadcast every six months. ABC will report to the Department of Justice, semi-annually, its program production and scheduling during the preceding period.

[8] If negotiations are conducted in any Summer, Fall, or Winter after the Spring of the first broadcast year, ABC is limited to that which it was permitted to acquire in the Spring which preceded such negotiations. If the initial contract term were three years, rather than four, ABC could negotiate for at most two years of additional options during the first Spring following initial broadcast.

[9] ABC's permissible first refusal rights for new contracts, exercisable at the end of any contract term, could not prohibit the program supplier from entering into a new contract with someone else at

Footnotes continued on next page

VI(E)(ii)

ABC could not prohibit the use of any prime time television program in other domestic communications markets for more than three years,[10] except that ABC may obtain four years of exclusivity as against non-prime time stripping (the broadcast of program series episodes more than once a week after their network exhibition),[11] and may have exclusivity for prime time use of the program during the life of ABC's right to network exhibition. This provision should free a substantial number of entertainment program series for syndication and other uses much earlier than is currently possible.*

For Theatrical Feature Films (VI(E)(iii))

(1) ABC cannot acquire exclusivity as against exhibition of feature films by theatrical and nontheatrical direct projection, on closed circuit TV in non-residential hotels, motels, bars, restaurants, and hospitals, or on passenger-carrying vehicles.

(2) ABC cannot acquire exclusivity as against use of feature films in discs, cartridges or cassettes.*

VI(F)

Program selections for each network's new fall season are generally made in the preceding spring, and for "second season" replacement, in the preceding fall. For a period of ten years, this provision would prevent ABC from retaining its exclusive options to more than 35 percent of the program pilots not selected by it, after ABC's program selection for the next broadcast season has been made. This provision would permit increased competition between the networks by freeing the producers of as many as 65 percent of the program pilots not selected by ABC to offer their pilots to other networks or television stations.

VI(G)

To protect independent program suppliers' rights to additional program ideas developed from program series on ABC for a period of ten years this provision would limit ABC's ability to obtain exclusive rights to spinoffs[12] from such series to situations involving continuing characters. Where the spinoff involves a non-continuing character,[13] ABC may obtain no contractual option beyond first negotiation and a limited first refusal right.[14]

VI(H)

This provision would limit ABC's use of repeats acquired as part of Network Exhibition, to the same year as that in which the initial episodes of the program series are broadcast. However, as to three episodes of each series per year, there would be no limitation on rerunning them in subsequent years. Also, once it had ordered program series episodes for the first year of broadcast, ABC could purchase additional repeats for subsequent years. Finally, ABC would not be limited in purchasing repeat rights of made-for-television and theatrical feature films, specials, or cartoons or other children's programs.

VI(I)

This provision would prevent ABC from asserting or exercising any right in any agreement with continuing[15] performing or essential[16] creative talent which is providing services in connection with a particular prime time series licensed to ABC so as to preclude such talent from being able to continue to provide services in connection with that series if it were licensed to any other licensee. This prohibition lasts for ninety days after ABC's options for that series have expired. This provision would permit the program supplier to take a series which has run out its term, or which has been cancelled by ABC, to another network or television station, with the essential talent still in the series even though ABC may have the essential talent under contract.

The ninety day period is designed to provide a reasonable time during which the program supplier could attempt to license the series, but not so much as would prevent the talent and ABC from being able to proceed with assurance on some alternative project if the series remained unlicensed.[17]

This provision would in no way limit the talent's freedom of choice. The talent would be free to stay with ABC, or to continue with the series, a choice which might otherwise be foreclosed by an exclusive agreement with ABC. While this provision does not limit ABC's ability to offer the talent projects which are alternatives to continuing with the series, it prohibits use by ABC of an existing agreement to prevent the talent from being able to continue with the series.

After the expiration of ninety days, ABC would be free to attempt to enter into a new agreement with the talent for the exclusive use of such talent's services, whether or not the series has been licensed to another licensee. Further, this provision would not affect the contracts between the talent and other suppliers or licensees. Nor would this provision prevent the talent from providing services to the series, if contractually free to do so, if the series were licensed to another licensee after the ninety-day period.

VI(J)

This provision is similar in purpose, effect, and interpretation to Section VI(I), discussed above. It would prevent ABC from asserting or exercising any right in any agreement with essential performing or essential creative talent who has provided services in connection with a prime time entertainment series pilot delivered to ABC so as to preclude such talent from being able to provide services with any program series based on that pilot if it were licensed to any other licensee. This prohibition lasts for ninety days after ABC's options to go to series have expired.

This provision would not apply to the 20 ABC agreements for the exclusive services of creative talent which ABC represented to be all such agreements in effect on July 16, 1980, except that to the extent the exclusivity in any of those agreements presently extends beyond December 31, 1982, Section VI(J) will become effective as of January 1, 1983, and to the extent that the exclusivity provided in any such agreements does not presently extend beyond December 31, 1982, Section VI(J) will become effective when the present exclusivity terminates. There is no similar exemption with respect to ABC agreements for the exclusive services of performing talent.

Section VII

This provision describes certain areas of ABC activity with which the judgment would not interfere. They are: (1) ABC's ability to acquire rights for non-network broadcast by its owned and operated television stations and rights for non-broadcasting uses, and ABC's ability to sell, license or distribute foreign or ABC produced programs abroad, provided that none of the above rights are acquired in connection with ABC's acquisition of rights for the exhibition, distribution or use of an ABC television network program; and (2) ABC's ability to recover money advanced in connection with the development or production of a television network program.

Section VII(E) imposes no specific limitation on ABC's use of an exclusive agreement with performing or creative talent when it decides not to take a pilot to series. However, if ABC should circumvent Section VI(F) by using exclusive talent agreements to inhibit program suppliers' ability to license ABC rejected program concepts elsewhere, this provision permits the Government to obtain appropriate relief against such conduct, in addition to that provided in Section VI(J), without having to justify a modification of the judgment.[19]

Footnotes continued from last page
the end of any contract term, if the terms were equal to or better than the supplier's last offer to ABC.

[10] ABC presently has exclusive rights for the duration of its network exhibition contract.

[11] The judgment would not permit ABC to obtain further stripping rights from the supplier until after it has ordered its first year's episodes for network exhibition.

* To permit contract adjustments, this provision would take effect thirty days after entry of the final judgment.

[12] A spinoff is a new series evolving from an episode or character of a series currently being offered for broadcast.

[13] A non-continuing character is one who appears in no more than 25 percent of the original episodes during the twelve months prior to the time exhibition rights for the licensing of such spinoff are offered by the independent supplier.

[14] The first refusal right would be limited as discussed in n. 9, supra at p. 15.

[15] In this context, a continuing talent is one who appeared in more than twenty-five percent of the original episodes of the program series during the twelve months prior to cancellation or expiration of ABC's options for that series. (See section VI (G)).

[16] The term "essential" is not limited to those persons who are "of the essence" in a license agreement; rather, it describes those persons whose services are reasonably necessary to the successful continuation of the series in the manner it or the pilot has been produced for ABC.

[17] The ninety-day period was suggested by section 24(c) of the 1977 Screen Actors Guild Television Agreement.

[19] Similar provisions appear in the CBS judgment and in a Stipulation between NBC and the Government. See Final Judgment entered on July 31, 1980, in *United States v. CBS Inc.*, 74-3599-RJK (C.D. Cal); Stipulation and Order, dated May 4, 1977, *United States v. National Broadcasting Company, Inc.*, 74-3601-RJK (C.D. Cal.).

Section VIII

If the Final Judgments entered in the CBS action on July 31, 1980, or in the NBC action on November 28, 1977, were modified decreeing injunctions in those actions which were different from those in this proposed judgment, ABC would be permitted to seek and obtain whatever relief, if any, were necessary to prevent it from being placed at a competitive disadvantage with respect to CBS or NBC. While this type of provision is unusual in an antitrust judgment, it is warranted by the unique nature of this industry, and the pendency of companion actions.

Section IX

This provision would require ABC to furnish copies of this judgment to all its officers, directors, and appropriate employees and agents within thirty days after its entry, and for ten years thereafter to furnish copies to all new ABC officers, directors or appropriate employees, to each independent program supplier known to have offered any entertainment program to ABC within the preceding five years, and to all known providers of television production facilities.

The consent judgment would afford ways of determining compliance by permitting the government, upon proper notice, to interview ABC employees, secure reports from ABC and inspect ABC documents and records.

The District Court would retain jurisdiction of the case to permit any necessary construction or modification of the judgment, to enforce compliance and to punish any judgment violation.

Stipulation and Order

The proposed consent judgment is subject to a stipulation between the United States and ABC that, when ordered by the Court, the Stipulation and Order providing for the entry of the ABC consent judgment shall not estop the parties or any person in this or any other action from asserting any issue of fact or law concerning ABC's acquisition of exclusivity for the exhibition of theatrical feature films as against pay television.[30]

(4) Remedies Available to Potential Private Plaintiffs

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages, and any other legal or equitable relief to which they would have been entitled were the proposed judgment not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

(5) Procedures Available for Modification of the Proposed Consent Judgment

The proposed consent judgment is subject to a stipulation between the United States and the defendant which provides that the United States may withdraw its consent to the proposed consent judgment at any time before the Court has found that entry of the judgment is in the public interest. By its terms, jurisdiction of this action is retained by the Court in order, among other things, to permit either of the parties to apply for such orders as may be necessary or appropriate for its modification.

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified may, during the sixty-day period prior to the effective date of the proposed judgment, submit written comments to the United States Department of Justice, Bernard M. Hollander, Chief, Judgment Enforcement Section, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the Federal Register such comments and its response to them. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

(6) Alternatives to the Proposed Judgment Considered by the United States

A full trial on the merits was considered as an alternative to settlement. However, because the agreed to relief would be substantially equivalent to that sought in the complaint, because significant relief would become effective against all three networks upon entry of the judgment, and finally because appeals following a trial could delay the obtaining of effective relief for a period of years, the alternative of a trial on the merits was rejected.

In addition to considering provisions substantially similar to those contained in the proposed judgment, proposals considered by the Government and then rejected included the following:

(a) Section V(A) was the subject of intense negotiations between the parties. The corresponding section of the CBS and NBC Final Judgments limits for ten years their respective internal production and exhibition of prime time entertainment programs to two and one-half hours per week. ABC initially sought to shorten the term of the prime time internal production limitation to five years, to increase permissible internal production to a maximum of five hours per week, to permit borrowing from fringe to daytime hours, and to "grandfather" existing daytime programs. ABC sought such changes because it foresees significant changes in the industry in the next ten years which would alter the market for television entertainment programs and the structure of the industry. Specifically discussed were perceived changes due to technological developments and federal legislation, changes in the regulatory policy, availability of network quality television programming, methods and patterns of distributing television programs to affiliates and to viewers, and supply and demand for television entertainment programs. For these reasons, ABC asserted that it needed greater flexibility to produce and exhibit prime time television entertainment programs than is provided by the CBS and NBC judgments.

While the Department anticipates that changes in the industry will occur, it is not convinced that they are likely to occur as rapidly and to the degree that ABC anticipates. As discussed in the Competitive Impact Statement filed in *United States v. National Broadcasting Company, Inc.*, Civil No. 74-3601-RJK (C.D. Cal.) on November 17, 1976, a ten-year production prohibition was considered appropriate at that time "because of uncertainty as to the structure, practices and technology of the industry ten years hence." (p. 17). Consequently, the Department proposed to ABC that the ten year term for the two and one-half hour prime time entertainment program production and exhibition limitation be retained in the judgment, but that after five years a Court hearing be held to determine whether it should be modified. Because of the difficulty in establishing which party would have what burden and what standard the Court should apply in such a hearing, the parties decided on the production limitation set forth in Section V(A), which was intended to give ABC additional flexibility in the later years of the term, in light of the presently anticipated but uncertain market changes. Of course, this change in the prime time entertainment program production and exhibition limitation from the CBS and NBC judgments is not intended to foreclose either party hereto from applying for a modification of this or any other provision under Section XI of this judgment, if appropriate.

(b) As to Sections VI(I) and VI(J), the Government intitially sought to include as "in-house" produced programs which are limited by Section V, any program in which a performing or creative talent exclusive to ABC provided essential services. This provision was sought to prevent ABC from designating as a non-"in-house" program, one over which it maintained a large degree of control through an exclusive talent agreement. A more direct solution was reached by prohibiting ABC from exercising any exclusive talent agreement so as to prevent the talent from staying with a program series which its supplier was able to license to another network or station within ninety days after the expiration of ABC's options for that series, and by prohibiting ABC from exercising any exclusive talent agreement after the pilot had been delivered to ABC, so as to prevent the talent from staying with a program series concept which its supplier was able to license to another network or station within ninety days after the expiration of ABC's option to go to series with that program concept.

While the Government initially sought to have Section VI(J) apply to all existing agreements as well as to agreements which may be subsequently entered into, it was decided that the possible severe effects of this alteration of existing contracts could be minimized while basically accomplishing the same purpose by "grandfathering" the existing ABC exclusive agreements with creative talent. This compromise was reached because of the limited number of such agreements (it only applies to 20), and because of their limited duration. This exemption was further limited by providing that it would terminate on December 31, 1982, as to any contract which may presently extend beyond that date, and that it would

[30] Similar agreements were entered into by CBS and the Government and NBC and the Government. Stipulation and Order, dated May 8, 1980, *United States v. CBS Inc.*, 74-3599-RJK (C.D. Cal.); Stipulation and Order, dated May 4, 1977, *United States v. National Broadcasting Company, Inc.*, 74-3601-RJK (C.D. Cal.).

terminate earlier as to the remaining contracts.

(c) With respect to ABC's exclusive rights to the exhibition of theatrical feature films as against pay television, plaintiffs was convinced during pre-trial discovery that such rights should be curtailed.[21] However, the relief initially obtained in the proposed NBC judgment was almost uniformly criticized by the commentors as establishing a detrimental industry standard. Unable to reach an agreement with ABC on a more limited period of exclusivity, the parties determined to include no provision as to exclusivity for theatrical feature films as against pay television in the proposed judgment. As in the NBC and CBS cases, however, the parties have stipulated that this non-inclusion does not estop any possible future action in this area by any person, and does not constitute any evidence or admission respecting any related issue of fact or law.

Finally, had the Government prevailed at a trial on the merits, it would have considered seeking a Court order voiding ABC's existing contracts with independent program suppliers and providing an opportunity for all such suppliers to negotiate new contracts in light of the then-existing circumstances.

(7) Determinative Documents

There are no materials or documents which the Government considered determinative in formulating the proposed consent judgment. Therefore, none is being filed with this competitive impact statement.

Dated: August 22, 1980.

Bernard M. Hollander, Barry J. Kaplan, Bernard J. O'Reilly, Richard L. Irvine, Ruth Dicker, James R. Kahn, John A. Kolar, *Attorneys for the United States.*

[FR Doc. 80-26751 Filed 9-2-80; 8:45 am]

BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

American Folklife Center; Board of Trustees

In accordance with Pub. L. 94-463, the Board of Trustees of the American Folklife Center announces its meeting to be held on October 2, 1980, in the Regents Room in the original Smithsonian Building, 1000 Jefferson Drive S.W. from 10:00 a.m. to 5:00 p.m. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Public Law 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has begun energetically to carryout its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 80-26884 Filed 9-2-80; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Revised Procedures for Citizen Participation

ACTION: Final Procedures.

SUMMARY: These Revised Procedures for Citizen Participation simplify and clarify the former procedures in accord with Executive Order 12044, Improving Government Regulations. The National Capital Planning Commission adopted these procedures at its meeting on July 31, 1980.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576. Telephone: 724-0174.

The following procedures are designed to help members of the public make their views known to the National Capital Planning Commission on planning and related matters which come before it. Information concerning these procedures can be obtained from the Commission's Office of Public Affairs, 10th Floor, 1325 G Street NW., Washington, D.C. 20576 (Telephone: 202/724-0174).

With what matters does the Commission deal?

The Commission is the central planning agency for the Federal Government in the National Capital Region.[1] It reviews and acts upon development plans and programs submitted by Federal agencies, the District of Columbia Government and, in some cases, regional agencies and local governments in the Washington suburbs. It also acts on plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

How would you know when the Commission will consider a plan in which you are interested?

The Office of the Secretary to the Commission (Telephone: 202-724-0206) provides scheduling information regarding items on the Commission's agenda. That office can tell you when a particular plan will be considered by the Commission and, upon request, will provide an annual schedule of Commission meeting dates. Each month, approximately three weeks before a Commission meeting, the Secretary to the Commission issues a notice called "Tentative Agenda Items" (TAI). It lists items the Commission is tentatively scheduled to act upon at one of its next several meetings. There is no charge for the TAI. Those wishing to be placed on the mailing list should contact the Commission's Office of Public Affairs (Telephone: 202/724-0174).

How do you express your views to the Commission?

Approximately two weeks after the TAI is published, the Executive Director's Recommendation (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written comments received in a timely fashion will be considered by the Executive Director in the preparation of the EDR.

Anyone who wishes to speak at a Commission meeting must notify the Office of Public Affairs prior to the date specified in the TAI. Agenda items on which no member of the public has asked to speak and the Executive Director has recommended Commission approval may be placed on the "Consent Calendar" and acted upon without presentation or discussion at the Commission meeting. Registering to speak prior to the deadline in the TAI ensures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

[21] The corresponding CBS situation is discussed in the Competitive Impact Statement filed in *United States* v. *CBS Inc.*, 74-3599-RJK (C.D. Cal.) on May 6, 1980. The corresponding NBC situation is discussed in the Competitive Impact Statement filed in *United States* v. *National Broadcasting Company, Inc.*, 74-3601-RJK (C.D. Cal.) on November 17, 1976.

[1] The "National Capital Region" includes the District of Columbia; Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia and all cities within the geographic area bounded by such counties.

What if you wish to express your views on an item but cannot attend the meeting at which it will be discussed?

Submission of written views on any item is welcomed up to the time of its consideration by the Commission. However, the Secretary to the Commission can insure that copies of written statements will be reproduced and distributed to each member of the Commission only if such statements are received by noon of the day preceding the day of the meeting.

What should your statement contain?

A wide variety of plans comes before the Commission. Citizens can most effectively make their views known to the Commission if they know the scope of the Commission's authority and direct their comments accordingly. Therefore, the following is a brief description of the Commission's major functions and, for each function, the type of review the Commission will give the item.

A. Comprehensive Plan for the National Capital

The Comprehensive Plan for the National Capital consists of (1) "Federal elements" prepared and adopted by the Commission, and (2) "District elements" prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

1. Federal Elements and Amendments Thereto

Federal elements deal with the Federal Establishment and other Federal interests in the development of the National Capital. The process of preparing a Federal element, or an amendment to an adopted Federal element, begins with preliminary staff reports and background studies. Written comments and citizen attendance are welcome at sessions of the Commission at which such reports and studies are presented.

When the preliminary studies are completed and a draft element or amendment is prepared, the Commission authorizes its circulation to Federal, District, regional, and local agencies and interested organizations and citizens for review and comment. Citizen comments, written and oral, are welcome at this stage. The Commission TAI will indicate the meeting or meetings at which the draft element or amendment will be considered for circulation and subsequently for adoption.

2. District Elements and Amendments Thereto

District elements deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. District elements, and amendments thereto, are prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission to determine their effect on the Federal Establishment or other Federal interests in the National Capital.

The Commission will receive citizen comments only on the impact a District element or amendment would have on Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

B. Federal, District of Columbia and other local plans

1. *Federal Plans*

Federal agencies are urged to develop a process for citizen participation where there is a potential for community impacts. Where appropriate and as requested by the sponsoring agency, Commission staff may be involved in such a process. In addition, citizens may express their views before the Commission when it reviews the agency submission.

2. *District Plans*

Various plans are submitted by the District to the Commission for recommendation or approval. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home rule" Act), the Commission limits its review of most District plans to a "Federal interest" review. Accordingly, citizen comments on such plans should be correspondingly limited. There is, however, no such limitation on plans for District public buildings in the central area of the District of Columbia as concurrently defined by the Commission and the Council of the District of Columbia for which approval by the Commission is required.

The Commission may participate in zoning cases either at the Zoning Commission's public hearing stage or after the hearing when proposed zoning Commission action has been referred to the Commission as required by law. The Commission may also participate in cases before the Board of Zoning Adjustment. Commission review of zoning matters is limited to (1) the effect of the proposed zoning on the Federal Establishment or on other Federal interests in the National Capital and (2) the consistency of the proposed zoning with the Comprehensive Plan for the National Capital. Written or oral comments within these limits are welcome.

3. *Other Local Plans in the Maryland and Virginia Portions of the Region*

On occasion the Commission reviews plans prepared by local jurisdictions in the Region. Its role is to make recommendations, except for plans for certain parklands purchased with Federal grant-in-aid funds for which the Commission has approval powers. If the plan is before the Commission for review only, citizen comments should be limited to the effect of the plan on the Federal Establishment or other Federal interests in the National Capital Region. If the plan is before the Commission for approval, citizen comments are not so limited.

C. Federal Capital Improvements Program

Each year the Commission prepares and adopts a Federal Capital Improvements Program which contains the Commission's recommended capital program for the National Capital Region for the next five years. Citizens are urged to make planning-related comments, either orally or in writing, during the preparation and adoption stages.

Helpful Documents

Many plans are accompanied by supporting documents, including environmental information in the form of an assessment or impact statement. An environmental assessment contains a brief discussion of the plan, of alternatives, and of the environmental impacts of the proposed plan and alternatives. An environmental impact statement covers in more detail the items specified for an environmental assessment. The public may review these documents at the Commission's offices and may obtain copies in accordance with its Freedom of Information Act regulations.

Each agenda item before the Commission for action is accompanied by a written recommendation by the Commission's Executive Director. The document, called an Executive Director's Recommendation or EDR, includes the rationale for the recommendation, a description of the plan, and a summary of environmental information. The EDR is ordinarily available from the Office of Public Affairs on the Monday before each Commission meeting.

Other helpful documents are located in the Commission's Central Files. They may be obtained from the Office of the Secretary to the Commission by

requesting materials by file number as shown on the TAI.

Edward H. Rickels,

Secretary.

August 21, 1980.

[FR Doc. 80-26831 Filed 9-2-80; 8:45 am]

BILLING CODE 7520-01-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 86, 86, and 83 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the Technical Specifications for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the Station's Common Technical Specifications by incorporating the test frequency requirements of 10 CFR Part 50, Appendix J, into the containment leak test program.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated July 7, 1980, (2) Amendments Nos. 86, 86, and 83 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of August 1980.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 80-26893 Filed 9-2-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric & Gas Co., et al.; Issuance of Amendment to License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment permits Public Service Electric and Gas Company to conduct the special low power test program as described in our related Safety Evaluation concerning a Special Low Power Test Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The activity authorized by the amendment is encompassed by the overall action involving the proposed issuance of an operating license for which prior public notice was issued in the Federal Register on October 20, 1972 (37 FR 22637).

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 7, 1980, (2) Amendment No. 2 to License No. DPR-75, and (3) the Commission's related Safety Evaluation concerning a Special Low Power Test Program. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 22nd day of August 1980.

For the Nuclear Regulatory Commission.

A. Schwencer,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 80-26910 Filed 9-2-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate the limiting conditions for operation expressing MAPLHGR limits for fuel associated with the latter part of cycle 7 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 1, 1980, (2) Amendment No. 57 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 22nd day of August, 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 80-26609 Filed 9-2-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Change

The agenda for the Thursday and Friday, September 4 and 5 sessions of the September 4-6, 1980 meeting of the Advisory Committee on Reactor Safeguards, announced in the Federal Register on August 22 (45 FR 56217), has been changed as follows:

1) *Thursday, September 4, 1980—8:30 a.m. to 9:30 a.m.—Opening Session*

2) *Friday, September 5, 1980—1:30 p.m. to 2:30 p.m.—Meeting With NRC Chairman and Other NRC Commissioners*

It may be necessary to close portions of these sessions to public attendance to discuss budgetary information (Sunshine Act Exemption 9). To the extent practicable, these closed portions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of these sessions to protect information, the premature disclosure of which might significantly frustrate implementation of proposed Agency action. The authority for such closure is Exemption (9)(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: August 27, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-26601 Filed 9-2-80; 8:45 am]

BILLING CODE 7590-01-M

Appointment to Performance Review Board for Senior Executive Service

AGENCY: Nuclear Regulatory Commission.

ACTION: Appointment to Performance Review Board for Senior Executive Service.

SUMMARY: The Nuclear Regulatory Commission (NRC) has announced the appointment of Thomas E. Murley, Acting Director, Office of Nuclear Regulatory Research to serve on the NRC Performance Review Board, to replace Robert J. Budnitz, formerly Director, Office of Nuclear Regulatory Research. The functions of the Board and the names of other members of the board, were published in the Federal Register Volume 45, No 99, Tuesday, May 20, 1980. This appointment to the Board is made pursuant to Section 4134 of Chapter 43 of Title 5 of the United States Code.

EFFECTIVE DATE: August 20, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel J. Donoghue, Chairman, Performance Review Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7335.

Dated at Bethesda, Maryland this 26th day of August, 1980.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Deputy Executive Director for Operations.

[FR Doc. 80-26602 Filed 9-2-80; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 21693; 70-6486]

American Electric Power Co. and Columbus & Southern Ohio Electric Co., Proposal of Subsidiary Financing Program and Order Authorizing Distribution of Information Statement in Connection Therewith

August 28, 1980.

In the matter of American Electric Power Company, 2 Broadway, New York, New York 10004, Columbus and Southern Ohio Electric Company, 215 North Front Street, Columbus, Ohio 43215.

Notice is hereby given that American Electric Power Company ("AEP"), a registered holding company, and Columbus and Southern Ohio Electric Company ("CSOE"), an electric utility subsidiary company thereof, have filed with this Commission an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 12(c) and 12(f) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CSOE proposes to issue and sell, through competitive bidding, up to $80,000,000 aggregate principal amount of its First Mortgage Bonds ("Bonds") of a new series, having a maturity of not less than 5 years and not more than 30 years. The interest rate on the principal amount of the Bonds (which will be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to CSOE for the Bonds (which shall not be less than 100 percent of the principal amount, unless CSOE shall authorize a lower percentage not less than 99 percent, and shall not be more than 102¾ percent) will be determined at the time of sale. It is expected that the terms of the Bonds will preclude CSOE from redeeming such Bond prior to a date five years subsequent to the first day of the month in which the Bonds are first authenticated and delivered, if such redemption is for the purpose of refunding such Bond through the use, directly or indirectly, of borrowed funds at a cost less than the effective interest cost to CSOE of such Bonds. It is stated that the substantive terms of the Bonds will conform to those standards in the Commission's Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935, as modified (HCAR Nos. 13105 and 16369). It is difficult to determine, under present market conditions, whether it would be more advantageous to CSOE to sell Bonds with a 30 year or some shorter maturity. It is proposed, therefore, that CSOE determine the maturity of the Bonds at a subsequent date and notify prospective bidders of its decision not less than 72 hours prior to the bidding date.

CSOE proposes to issue and sell, through competitive bidding, up to $50,000,000 par value of a new series of its Cumulative Preferred Shares ("Cumulative Preferred Shares"). It has not been determined whether it will be more advantageous to CSOE to issue Cumulative Preferred Shares with a par value of $100 per share or with a par value of $25 per share. CSOE proposes therefore to determine the per share par value of such shares at a subsequent date and will notify prospective bidders of its decision not less than 72 hours prior to the bidding date.

Each proposal shall specify (a) the dividend rate (which will be expressed

in a multiple of $.01 or its equivalent), (b) that the price to be paid to CSOE for the stock shall be the par value per share, and (c) the amount per share to be paid by CSOE to the bidders as compensation for their commitments. It is expected that the terms of the Cumulative Preferred Shares will preclude CSOE from redeeming any such Cumulative Preferred Shares prior to a date five years subsequent to the first day of the month in which the Cumulative Preferred Shares are issued, if such redemption is for the purpose of refunding such shares, directly or indirectly, through the incurring of debt or the issuance of stock ranking equally with or prior to the Cumulative Preferred Shares as to dividends or assets, if such debt has an effective interest cost, or such stock has an effective dividend cost, less than the effective dividend cost to CSOE of the Cumulative Preferred Shares to be redeemed.

The terms of the Cumulative Preferred Shares may also provide for a cumulative sinking fund pursuant to which CSOE would retire at par value, commencing no earlier than five years subsequent to the first day of the month in which the Cumulative Preferred Shares are issued, not more than 5 percent annually of the number of shares initially issued, with the non-cumulative option on any sinking fund date, commencing no earlier than five years subsequent to the first day of the month in which the Cumulative Preferred Shares are issued, of redeeming at par value an additional like number of shares and with the option to credit against any sinking fund requirement Cumulative Preferred Shares theretofore purchased or otherwise acquired by CSOE. It is proposed that CSOE will decide on the necessity for a sinking fund provision at a subsequent date and that it will notify prospective bidders of its decision not less than 72 hours prior to the bidding date.

CSOE currently has outstanding two series of Cumulative Preferred Shares and one series of Cumulative Preference Shares with sinking fund provisions, i.e., 17,804 Cumulative Preferred Shares, 10.52 percent Series ("10.52 percent Preferred Shares"), and 400,000 Cumulative Preferred Shares 9.50 percent Series ("9.50 percent Preferred Shares"), both with a par value of $100 per share, and 548,342 Cumulative Preference Shares, $15.25 Series ("$15.25 Preference Shares"), without par value. Pursuant to the requirements of the respective sinking funds provided by the Amended Articles of Incorporation of CSOE, as amended, CSOE is required to redeem annually, on the respective sinking fund dates and at the respective sinking fund prices, the respective number of shares of the 10.52 percent Preferred Shares, the 9.50 percent Preferred Shares and the $15.25 Preference Shares set forth in such Amended Articles of Incorporation. CSOE requests authority to acquire by redemption or purchase, from time to time, shares of the 10.52 percent Preferred Shares, the 9.50 percent Preferred Shares, the $15.25 Preference Shares and the new Cumulative Preferred Shares, in each case, on or in anticipation of any respective sinking fund date, for sinking fund purposes.

CSOE proposes, prior to the issue and sale of the Cumulative Preferred Shares, to amend its Amended Articles of Incorporation and in connection therewith to call a special meeting of its shareholders to be held on or about September 19, 1980 to consider and take action with respect to such amendments. Such amendments relate to compliance by CSOE with the Statement of Policy Regarding Preferred Stock Subject to the Public Utility Holding Company Act of 1935 (HCAR Nos. 13106 and 16758) and require the affirmative vote of at least two thirds (⅔) of all shareholders of record. Also, such amendments must comply with the Supplemental Memorandum and Order Approving Acquisition of Common Stock of CSOE by AEP dated February 13, 1980 (HCAR No. 21433) whereby the computation of earning coverages for the issuances of additional preferred stock by CSOE must include dividends on the outstanding $15.25 Preference Shares. CSOE proposes to distribute an information statement to all shareholders of record on the books of CSOE as of September 18, 1980.

No condition is to be contained in the Bond Purchase Contract requiring the issue and sale of the Cumulative Preferred Shares, nor is any condition to be contained in the Cumulative Preferred Share Purchase Contract requiring the issue and sale of the Bonds.

CSOE contemplates that it will receive one or more cash capital contributions from AEP in an aggregate amount of $30,000,000. It is therefore proposed that AEP be authorized to make, on or before December 31, 1980, one or more cash capital contributions to CSOE in an aggregate amount not exceeding $30,000,000.

The proceeds from the sale of the Cumulative Preferred Shares will be used to repay a portion of the $65,300,000 principal amount of notes issued by CSOE for the purpose of retiring Cumulative Preferred Shares pursuant to CSOE's tender offer dated March 31, 1980 to the holders of such shares, which offer was made in connection with the acquisition by AEP of common shares of CSOE.

The proceeds from the sale of the Bonds together with the cash capital contributions to be made by AEP and any other funds which may become available to CSOE will be used to repay unsecured short-term indebtedness of CSOE incurred for construction and other corporate purposes. Construction costs for the year 1980 are currently estimated at $116,130,000. As of June 30, 1980, CSOE had approximately $171,597,000 aggregate principal amount of short-term debt outstanding and it is anticipated that not more than $168,000,000 of short-term debt will be outstanding as of September 30, 1980.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $371,560. The Public Utilities Commission of Ohio has jurisdiction over the proposed transactions. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given any interested person may, not later than September 22, 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 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 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.

It appearing to the Commission that the application-declaration, insofar as it

seeks authorization to distribute information statements to CSOE's stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the application-declaration regarding the proposed distribution of information statements to CSOE stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26811 Filed 9-2-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11321; 811-1623]

Galaxy Fund, Inc.; Proposal to Terminate Registration Pursuant to Section 8(f) of the Investment Company Act of 1940

August 28, 1980.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that The Galaxy Fund, Inc. ("Fund"), 7600 Jericho Turnpike, Woodbury, New York 11797, registered under the Act as an open-end, diversified, management investment company has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of New York on January 19, 1968, as Advanced Technology Fund, and that the name was changed to The Galaxy Fund, Inc., shortly after March 19, 1968, the date on which the Fund registered under the Act. The Fund filed a registration statement [File No. 2-28469] under the Securities Act of 1933 in connection with a proposed public offering of shares of its capital stock. This registration statement was declared effective by the Commission on March 21, 1969, and the Fund commenced a public offering of shares of its capital stock on that date. The Fund's Board of Directors ordered that the sale of shares be suspended on February 9, 1972. The Fund continued to redeem its outstanding shares, and as of March 31, 1974, its total net assets had been reduced to $4,812.95. Since 1974, the Fund has not filed any of the periodic reports required to be filed with the Commission pursuant to the Act. On January 24, 1980, the United States District Court for the Eastern District of New York issued an order approving a Stipulation and Settlement dated January 31, 1979, settling a shareholders derivative action, entitled *Elson et al.* v. *The Galaxy Fund, Inc.* (72 Civil No. 1217), brought on behalf of the Fund and its shareholders seeking to recover damages from the Fund's investment adviser and various officers and directors of the Fund resulting from their alleged violations of various provisions of the Act.

On May 15, 1973, the Fund's investment adviser and manager, Galaxy Management Corporation, resigned, effective June 15, 1973. Unable to secure a new investment adviser and manager, the Fund's Board of Directors on May 30, 1973, voted to liquidate the Fund and to seek shareholder approval of a plan of voluntary dissolution of the Fund. The proposal to liquidate and dissolve the Fund was to be considered by the Fund's shareholders at the Fund's annual meeting of shareholders scheduled for September 20, 1973; however, lacking a quorum, the shareholders meeting was adjourned and the proposal to liquidate and dissolve was never considered or approved by the Fund's shareholders. Subsequently, on January 28, 1974, the Fund's Board of Directors voted to seek judicial liquidation of the Fund and a petition seeking such liquidation was filed in the Supreme Court of New York, but the petition was not pursued and that Court never issued a final order on the matter. The Commission has been advised that the Fund currently has no assets, and has virtually ceased operations. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than September 22, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified, if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26812 Filed 9-2-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11320; 811-456]

International Power Securities Corp.; Proposal To Terminate Registration

August 28, 1980.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that International Power Securities Corporation ("International Power"), c/o Mr. William A. Stockel, Ass't Vice President, National Bank of North America, 80 Pine Street, New York, New York 10005, registered under the Act as a closed-end, non-diversified, management investment company, has ceased to be an investment company as defined in the Act.

Information contained in the files of the Commission indicates that International Power was organized under the laws of the State of Delaware on April 30, 1923. On February 24, 1941, International Power filed a petition under Chapter X of the United States Bankruptcy Act in the United States District Court, District of New Jersey ("bankruptcy court") proposing that a plan for its reorganization be effected. Subsequently, on September 13, 1941, it registered under the Act by filing Form N-8A.

After International Power registered under the Act it filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting it from all of the provisions of the Act during the time that it was subject to the jurisdiction of the bankruptcy court in the Chapter X proceedings. The Commission granted the application by an order dated November 17, 1941 (Investment Company Act Release No. 258), subject to the condition, among others, that International Power remain subject to section 8(a) of the Act. International Power did not file a registration statement pursuant to the Securities Act of 1933 to make a public offering of shares of its capital stock.

International Power's petition for reorganization was approved on February 24, 1941, and the bankruptcy court appointed a disinterested trustee and a trustee to operate the business and manage the properties. On October 26, 1951, the bankruptcy court approved an Amended Plan of Reorganization, effective November, 1951, which provided, among other things, for International Power's assets to be acquired by a successor company, Italian Power Realization Trust ("Italian"), and the exchange of new securities and/or cash to International Power's preferred shareholders and the holders of other outstanding debt securities of International Power. Italian did not become a registered investment company. International Power's securityholders were notified of their rights under the Amended Plan of Reorganization in a notice mailed to them dated December 6, 1962, by the Indenture Trustee, The Meadow Brook National Bank of New York, which was later acquired by the National Bank of North America. The bankruptcy court's decree provided that unless the securityholders presented their securities for cash and/or new securities before January 1, 1967, they would no longer have the right to exchange their securities for such assets. Thus, it appears that International Power is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 22, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should 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 International Power at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of this matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request, or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26813 Filed 9-2-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21691; 70-6490]

Consolidated Natural Gas Co.; Proposed Issuance and Sale of $100,000,000 Principal Amount of Debentures at Competitive Bidding

August 27, 1980.

In the matter of Consolidated Natural Gas Company, 30 Rockefeller Plaza, New York, New York 10112 (70-6490).

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $100,000,000 principal amount of —% Debentures due October 1, 2000. The interest rate (which will be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest (which will be not less than 99% or more than 102% of the principal amount thereof), will be determined by competitive bidding. The debentures will be issued as a new series under an Eighth Supplemental Indenture, to be dated as of October 1, 1980, to the Indenture between Consolidated and Manufacturers Hanover Trust Company, New York, New York, as Trustee, dated as of May 1, 1971. The Indenture includes a prohibition until October 1, 1985, against redeeming the issue with or in anticipation of funds borrowed at a lower effective interest cost. The debentures will be subject to an annual sinking fund of $6,250,000 commencing October 1, 1985, which will leave the issue fully paid out at maturity. In addition to meeting its sinking fund obligations, Consolidated intends that as long as any of the debentures are outstanding, it shall have the noncumulative option to redeem, on any sinking fund date, at the then current sinking fund redemption price, up to an additional $9,375,000 principal amount of such debentures. Redemptions made pursuant to such option may be used by the company to reduce future mandatory sinking fund obligations. The proceeds of the sale of the debentures will be used to finance, in part, the 1980 capital expenditures of Consolidated's subsidiary companies, estimated at $224,000,000.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $216,400, including $30,000 service charges of the system service company at cost and accountants' fees and expenses of $22,000. The fees and expenses of counsel for the underwriters are to be paid by the successful bidders, and the amount thereof will be supplied by amendment.

It is further 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 September 29, 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 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 declarant 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 declaration, as filed or as it may be amended, may be 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. 80-26914 Filed 9-3-80; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

August 26, 1980.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Data General Corporation Common Stock, $.01 Par Value (File No. 7-5729)

Dorchester Gas Corporation Common Stock, $.10 Par Value (File No. 7-5730

Foster Wheeler Corporation Common Stock, $3.33⅓ Par Value (File No. 7-5731)

Hospital Corporation of America Common Stock, $1 Par Value (File No. 7-5732)

Mohawk Data Sciences Corporation Common Stock, $.10 Par Value (File No. 7-5734)

These securities are listed and registered on one or more other national securities exchanges and are reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 17, 1980 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26913 Filed 9-2-80; 8:45 am]

BILLING CODE 8010-01-M

[Files Nos. 2-63974 (22-9903) and 2-67192 (22-10321)]

Trailer Train Co.; Application and Opportunity for Hearing

August 27, 1980.

Notice is hereby given that Trailer Train Company (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank") under two existing indentures, one new indenture of the Applicant and one new indenture of Railbox Company, a wholly-owned subsidiary of the Applicant, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Continental from acting as Trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) Continental Bank presently is acting as trustee under the Equipment Trust Agreements for Trailer Train Company Equipment Trust Certificates Series 41 and Series 42. The outstanding principal amount of Series 41 Certificates is $22.4 million and all the $24 million principal amount of Series 42 Certificates issued remain outstanding, with the first maturity thereof, $1.6 million, being due May 15, 1981. The Series 41 Equipment Trust Agreement was filed with the Commission on April 3, 1979 (No. 2-63974) and the Series 42 Equipment Trust Agreement was filed with the Commission on April 3, 1980 (No. 2-67192).

(2) The new Equipment Trust Certificates, each of which will be guaranteed by the issuing company, will be pledged as collateral under an Indenture and Pledge Agreement for an issue of Bonds in the Eurodollar market. Approximately $40 million principal amount of such Equipment Trust Certificates are expected to be issued pursuant to the Equipment Trust Agreements.

(3) The terms of the new Equipment Trust Agreements are virtually identical except for differences as to parties, amounts, dates, interest rates and certain other figures. Applicant's Series 41 and 42 Equipment Trust Certificates are, and the new certificates will be, secured by separate lots of specifically identified railroad cars. The railroad equipment to be subject to the trusts will have a cost of not less than 125% of the principal amount of the Certificates.

(4) Although the new Equipment Trust Agreements will not be qualified under the Act pursuant to Section 304(a)(4)(A) both Agreements will contain the provisions required by the Act if they were to be qualified.

(5) The Applicant is not in default under any existing equipment trusts.

(6) Such differences as exist among the two existing indentures under the trusteeship of Continental Bank and the two proposed indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of

investors to disqualify Continental Bank from acting as Trustee under either of said proposed indentures.

Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than September 16, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-26912 Filed 9-2-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1896; Amdt. No. 1]

Kentucky; Declaration of Disaster Loan Area

The above numbered Declaration (see 45 FR 56488) is amended by adding Bath County and adjacent counties within the State of Kentucky, as a result of a earthquake which occurred on July 27, 1980.

The termination date for filing applications remains the same, i.e., for physical damage until the close of business on October 9, 1980, and for economic injury until the close of business on May 8, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 14, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-26875 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1899; Amdt. No. 1]

Michigan; Declaration of Disaster Loan Area

The above numbered declaration (see 45 FR 56490) is amended by adding Allegan, St. Joseph and Van Buren Counties and adjacent counties within the State of Michigan, and by expanding the incidence period to include July 15 and July 20, 1980. All other information remains the same; i.e., the termination date for filing loan applications for physical damage is until the close of business on October 14, 1980, and for economic injury until May 13, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 21, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-26874 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1906]

Minnesota; Declaration of Disaster Loan Area

Dakota and Scott Counties, and adjacent counties within the State of Minnesota, constitute a disaster area as a result of physical damage caused by a severe thunderstorm and windstorm that occurred on July 15, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1980, and for economic injury until the close of business on May 19, 1981, at: Small Business Administration, District Office, 12 South 6th Street, Minneapolis, Minnesota 55402, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 19, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-26879 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1902]

Oklahoma; Declaration of Disaster Loan Area

Tulsa and Waggoner Counties and adjacent counties within the State of Oklahoma constitute a disaster area as a result of damage caused by severe storms and flooding which occurred on June 16, 1980 through June 19, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1980, and for economic injury until the close of business on May 20, 1981, at: Small Business Administration, District Office, 200 N.W., 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 20, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-26880 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1907]

Pennsylvania; Declaration of Disaster Loan Area

York County and adjacent counties within the State of Pennsylvania constitute a disaster area as a result of damage caused by thunderstorms which occurred on June 28–29, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1980, and for economic injury until the close of business on May 21, 1981, at: Small Business Administration, District Office, East Lobby, Suite 400, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 21, 1980.

A. Vernon Weaver,

Administrator.

[FR Doc. 80-26876 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1909]

Pennsylvania; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that

Armstrong, Butler and Clarion Counties and adjacent counties within the State of Pennsylvania constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about August 14, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 20, 1980, and for economic injury until close of business on May 19, 1981, at: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 22, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-26878 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1904]

West Virginia; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that Harrison County and adjacent counties within the State of West Virginia constitute a disaster area because of damage resulting from severe storms and flooding beginning on or about August 4, 1980. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on October 16, 1980, and for economic injury until the close of business on May 15, 1981, at: Small Business Administration, District Office, 109 North Third Street, Clarksburg, West Virginia 26301, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 22, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-26877 Filed 9-2-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $754,000 has been established for the company.

Name of Company: Union Indemnity Insurance Company of New York; Business Address: 591 West Putnam Avenue, Greenwich, Connecticut 06830; State of Incorporation: New York.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued July 1 so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference of Treasury Circular 570, 1980 Revision, at page 44513 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: August 26, 1980.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-26783 Filed 9-2-80; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Station Committee on Education Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing rules, Station Committee on Educational Allowances, that on September 25, 1980, at 1:00 p.m., the Veterans Administration Medical and Regional Office Center, Cheyenne, Wyoming Station Committee on Educational Allowances shall at the hearing room, Building 4, Veterans Administration Medical and Regional Office Center, Cheyenne, Wyoming conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the on-job training program for the position of Port of Entry Clerk, Revenue Motor Vehicle License/Permit Field Officer, Wyoming Department of Revenue and Taxation, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provison of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: August 25, 1980.

John D. Graveley,

Acting Director, Veterans Administration Medical and Regional Office Center, 2360 East Pershing Boulevard, Cheyenne, WY 82001.

[FR Doc. 80-26636 Filed 9-2-80; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

Removal of Prohibition on the Importation of Tuna and Tuna Products From Canada

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This notice is to advise that under the Fishery Conservation and Management Act of 1976 (the "Act"), the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs has notified the Secretary of the Treasury that the reasons for the imposition of a prohibition on the importation of tuna and tuna products from Canada no longer prevail.

EFFECTIVE DATE: The prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Canada is removed effective September 4, 1980.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry, Examination, and Liquidation Branch, Office of Commerical Operations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, *et seq.*), provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the United States, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, has been seized by a foreign nation as consequence of a claim of jurisdiction not recognized by the United States. The responsibility for this certification was delegated to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs by Department of State Delegation of Authority No. 138 of April 29, 1977.

Pursuant to section 205(b) of the Act, upon receiving the certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the

importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition under section 205 no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

On September 12, 1979, a notice was published in the Federal Register (44 FR 53118) advising that under section 205(a)(4)(C) of the Act, on August 31, 1979, the Acting Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs certified to the Secretary of the Treasury that eight United States fishing vessels, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, were seized by Canada as a consequence of a claim of jurisdiction which is not recognized by the United States. Under the authority of sections 205 (b) and (c) of the Act, on August 31, 1979, the Secretary of the Treasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Canada was prohibited until the Department of State notified the Secretary of the Treasury that the reasons for this prohibition no longer prevailed.

On August 22, 1980, the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs informed the Secretary of the Treasury that the reasons for the imposition of the import prohibition on tuna and tuna products no longer prevail. Acccordingly, the prohibition against the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Canada is removed.

Drafting Information

The principal author of this document was Laurie Strassberg Amster, Regulations and Research Division, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Treasury Department participated in its development.

William T. Archey,
Commissioner of Customs.

Approved: August 29, 1980.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 80-27118 Filed 9-2-80; 10:43 am]
BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 172
Wednesday, September 3, 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

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., September 4, 1980.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting:

Application for Bank Membership—Franklin Savings Bank of New York, New York, New York.

No. 386, August 29, 1980.

[S-1634-80 Filed 8-29-80; 2:52 pm]

BILLING CODE 6720-01-M

2

FEDERAL MINE SAFETYAND HEALTH REVIEW COMMISSION.

August 27, 1980.

TIME AND DATE: 10 a.m., Wednesday, September 3, 1980.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Old Ben Coal Company, Docket No. LAKE 79-238, etc. Petition for Discretionary Review (Issues include present enforceability of the respirable dust standard, 30 CFR § 70.100(b)).

2. Jim Walter Resources and Cowin and Company, Docket No. BARB 76X465-P, etc. Petition for Discretionary Review (Issues include whether 30 CFR § 77.1903(b) is a mandatory safety standard).

3. Consolidation Coal Company, Docket No. WEVA 80-26, etc. Petition for Interlocutory Review (Issues include whether the administrative law judge abused his discretion in denying motion to approve proposed penalty settlement).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1635-80 Filed 8-29-80; 2:53 pm]

BILLING CODE 6820-12-M

3

NUCLEAR REGULATORY COMMISSION.

DATE: September 4 and 5, 1980.

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Thursday, September 4:

10 a.m.

1. Discussion and Vote on Enforcement Policy (approximately 1½ hours, public meeting).

2 p.m.

1. Discussion of Proposed Interim Amendments to Part 50 Related to Hydrogen Control and Certain Degraded Core Considerations (approximately 1½ hours, public meeting).

2. Affirmation Session (approximately 10 minutes, public meeting).

a. Fees for Withdrawn License Applications.

b. Degraded Cooling Rulemaking.

c. Licensing Requirements for Uranium Mills.

d. NRC Jurisdiction in Waters Beyond Agreement State Territorial Waters.

Friday, September 5:

2:30 p.m.

1. Discussion and Vote on Sequoyah Full Power Operating License (approximately 1½ hours, public meeting).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498.

Those planning to attend a meeting should reverify the status on the day of the meeting.

Roger M. Tweed,
Office of the Secretary.

August 28, 1980.

[S-1633-80 Filed 8-29-80; 2:15 pm]

BILLING CODE 7590-01-M

4

POSTAL SERVICE

(Board of Governors).

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 10:30 A.M. on Monday, September 8, 1980, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260. The meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

Agenda

1. Minutes of the meetings of August 4 and 5 and August 15, 1980.
2. Remarks of the Postmaster General.
   (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
3. Postal Rate Commission Budget for fiscal year 1981.
   (Under the Postal Reorganizastion Act, the Postal Rate Commission periodically prepares and submits to the Postal Service a budget of the Commission's expenses. The budget is to be considered approved as submitted if the Governors of the Postal Service do not act to adjust it by unanimous written decision. This matter is included on the agenda to give the Governors an opportunity to act on the Commission's budget.)
4. Postal Service Budget Program.
   (Mr. Finch will discuss the Postal Service's Budget program with the Governors.)
5. Review of Legislative Matters.
   (Mr. Horgan, Assistant Postmaster General, Government Relations, will report on current legislative activities involving the Postal Service.)

Louis A. Cox,
Secretary.

[S-1636-80 Filed 8-29-80; 4:21 pm]

BILLING CODE 7710-12-M

federal register

Wednesday
September 3, 1980

Part II

Reader Aids

List of Libraries That Have Announced Availability of Federal Register and Code of Federal Regulations

LIST OF LIBRARIES THAT HAVE ANNOUNCED AVAILABILITY OF FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

In order to direct the public to facilities where the *Federal Register* and *Code of Federal Regulations* are available for examination free of charge, the Office of the Federal Register is publishing a list of libraries which have requested inclusion. A complete listing of *Government Depository Libraries* is available without charge from The Library, U.S. Government Printing Office, 5236 Eisenhower Avenue, Alexandria, VA 22304.

The Office of the Federal Register's list will be updated annually unless public interest requires more frequent publication. Any library that maintains these publications, makes them available to the public, and wishes to be included on future lists should write to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, DC 20408, or phone (202) 523-5227 giving the name and address of the library. (*FR only. †CFR only.)

ALABAMA

Birmingham:
Government Documents Department
Birmingham Public Library
2020 Park Place
Birmingham, AL 35203
(205) 254-2551

Gadsden:
Gadsden Public Library
254 College Street
Gadsden, AL 35901
(205) 547-1611

Montgomery:
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277-7330

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

ARIZONA

Glendale:
Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931-5576

Phoenix:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262-6451

Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Searcy:
Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268-6161

CALIFORNIA

Arcata:
Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342-2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

La Jolla:
Government Documents, Maps, Microforms Department
Central University Library C-075-P
University of California, San Diego
La Jolla, CA 92093
(714) 452-3338

Long Beach:
Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

Oakland:
Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619

Orange:
Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666

Redwood City:
Redwood City Public Library
881 Jefferson Avenue
Redwood City, CA 94063
(415) 369-6251, ext. 288

San Mateo County Superintendent of Schools Office
Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364-5600

Richmond:
Richmond Public Library
Civic Center Plaza
Richmond, CA 94804

Riverside:
Field Solicitor, Law Library
U.S. Department of the Interior
3610 Center Avenue, Suite 104
Riverside, CA 92506

Sacramento:
Regional Solicitor, Law Library
U.S. Department of the Interior
Room E-2753
2800 Cottage Way
Sacramento, CA 95825

San Francisco:
Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102

University of California
Hastings College of the Law Library
198 McAllister Street
San Francisco, CA 94102

Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644-5601

COLORADO

Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclaimation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office Library
National Park Service
655 Parfect Street
P.O. Box 25287
Denver, CO 80225

Fort Collins:
Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523

Lakewood:
Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936-7407

CONNECTICUT

Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002

Danielson:
Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774-1130

East Haven:
Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468-3223

Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566-2198

Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457

Stamford:
Ferguson Library
96 Broad Street
Stamford, CT 06901

Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702

Wethersfield:
Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DISTRICT OF COLUMBIA

Community Services Administration Law Library
1200 - 19th Street, N.W.
Room 525
Washington, DC 20506

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408

FLORIDA

Sarasota:
The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955-4228

Tampa:
Tampa-Hillsborough County Public Library
900 North Ashley Street
Tamba, FL 33602
(813) 223-8969

GEORGIA

Atlanta:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

Elberton:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
Samuel Elbert Building
Elberton, GA 30635

Office of the General Counsel
Law Library
Southeastern Power Administration
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

IDAHO

Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:
The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS

Bloomington:
Illinois Wesleyan University Library
Bloomington, IL 61701

Chicago:
Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269-3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996-2716/996-2738

Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838-0500

Niles:
Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967-8554

Normal:
Milner Library
Illinois State University
Normal, IL 61761

Oak Park:
Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383-8200

Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965-6731

Springfield:
Energy Information Library*
Illinois Institute of Natural Resources, Room 300
325 W. Adams Street
Springfield, IL 62706

INDIANA

Fort Wayne:
The Public Library of Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424-7241

IOWA

Ames:
Library—Government Publications Department
Iowa State University
Ames, IA 50010
(515) 294-2834

IOWA—Continued

Des Moines:
State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281-5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:
Whalert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Pittsburg:
Library
Pittsburg State University
Pittsburg, KS 66762

Topeka:
Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295-6660

KENTUCKY

Bowling Green:
Western Kentucky University
Helm-Cravens Library
Bowling Green, KY 42101

Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564-2480

Lexington:
University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506

Louisville:
University of Louisville
The Library
Louisville, KY 40208

Pikeville:
CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
(606) 432-9396

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389-6651

Lafayette:
University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:
U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589-6510

MAINE

Portland:
Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780-4350

MARYLAND

Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E-2100
Aberdeen Proving Ground, MD 21010

Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:
Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:
Allegany Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724-7700, ext. 36

Oakland:
Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334-4209

Rockville:
Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279-1966

MASSACHUSETTS

Boston:
Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:
Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935-4000

MICHIGAN

Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973-3300

Detroit:
Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City-County Building
Detroit, MI 48226

East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:
Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232-7111

Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469-5300

Mt. Pleasant:
Library—Documents Department
Central Michigan University

Mt. Pleasant, MI 48859
(517) 774-3414

Pontiac:
Adams-Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

MICHIGAN—Continued

Rochester:
Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377-2476

Traverse City:
Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946-5650, ext. 540

University Center:
Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA

Blaine:
Anoka County Library
707 Highway 10
Blaine, MN 55434

Edina:
Southdale-Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830-4900

Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331-5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373-7813

St. Paul:
Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292-6178

Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

MISSISSIPPI

Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864-5161 ext. 336

MISSOURI

Jefferson City:
Federal Documents Department
Missouri State Library
P.O. Box 387
303 E. High Street
Jefferson City, MO 65102

St. Louis:
Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772-7600

Thomas Jefferson Library
University of Missouri-St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453-5954

Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:
Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831-1561

MONTANA

Billings:
Bureau of Land Management Library
P.O. Box 30157
Billings, MT 59107

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:
Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:
Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471-2045

University of Nebraska-Lincoln Libraries
Lincoln, NE 68588

NEVADA

Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

Reno:
Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784-6579

NEW HAMPSHIRE

Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271-3777

New London:
Fernald Library
Colby-Sawyer College
New London, NH 03257

NEW JERSEY

Bloomfield:
Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429-9292

Elmer:
Arthur P. Schalick High School
Elmer-Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:
Hudson Health Systems Agency Library
871 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:
Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896-5115

Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Pomona:
Stockton State College
Pomona, NJ 08240
(609) 652-1776, ext. 266

Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255-4000 ext. 385

Trenton:
New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292-6230

Voorhees:
Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772-1636

NEW MEXICO

Albuquerque:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277-4241 and 277-5441

Portales:
Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

NEW MEXICO—Continued

Santa Fe:
Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

NEW YORK

Albany:
The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294-8700 ext. 7345

Greenvale:
C. W. Post Center—Long Island University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278-8113

Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475-8458

Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292-8920

NORTH CAROLINA

Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629-3329

Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Charlotte:
Public Libraryty of Charlotte and Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374-2540

Durham:
William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684-2380

Gastonia:
Gaston County Public Library*
Headquarters: Gaston-Lincoln Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865-3418

NORTH DAKOTA

Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224-2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Athens:
Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594-5604

Cincinnati:
Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Ohio River Basin Commission Library
Suite 208-20, 36 East 4th Street
Cincinnati, OH 45206
(513) 684-3831

Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781-6600 ext. 219

Cleveland Heights:
Cleveland Heights—University Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932-3600

Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466-2694

Dayton:
University Library
Wright State University
Dayton, OH 45435

Findlay:
Marathon Oil Company
Law Library, Room 854-M
539 South Main Street
Findlay, OH 45840
(419) 422-2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422-8313

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387-0992

Toledo:
Toledo-Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 242-7361 ext. 241

Wooster:
Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

Oklahoma City:
Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521-2502

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624-6546

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Salem:
Oregon State Library
State Library Building
Salem, OR 97310
(503) 378-4276

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375-7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:
Library
College Misericordia
Dallas, PA 18612

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787-7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454-2961/454-0244

Lancaster:
Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291-4210

Loretto:
Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872-5411 ext. 552, 542

Newtown:
The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:
Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:
Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445-6501, ext. 216

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4-7900

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228-6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436-2869

Wilkes-Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes-Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792-2602

Providence:
Brown University Library
Documents Department
Providence, RI 02912
(401) 863-2522
Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521-7722
Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274-4900 ext. 331

Warwick:
Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739-5440

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411
Charleston County Library
404 King Street
Charleston, SC 29403
Citadel
Charleston, SC 29409
College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:
South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

TENNESSEE

Chattanooga:
Hamilton County Bicentennial Library
Business, Science and Technology Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757-5312

TENNESSEE—Continued

Clarksville:
Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648-7346

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741-2451

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H-4393, Herring Plaza
Amarillo, TX 79101

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

El Paso:
El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543-3808

Victoria:
University of Houston†
Victoria Campus
2302-C Red River
Victoria, TX 77901
(512) 575-7436

UTAH

Cedar City:
Southern Utah State College Library
Cedar City, UT 84720

Ephraim:
Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:
Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:
Weber State College Library
Ogden, UT 84403

Provo:
Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602

Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:
Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VIRGINIA

Alexandria:
Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 750-6351

Arlington:
Office of Hearings and Appeals Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Danville:
Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797-3553

Fairfax:
Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691-2741

Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:
U.S. Geological Survey
Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community College
P.O. Box 12084
Richmond, VA 23241
(804) 264-3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219

Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

Williamsburg:
Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON

Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676-3075

Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359-2475

Everett:
Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259-8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259-5326

Olympia:
Washington State Law Library
Temple of Justice
Olympia, WA 98504

Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442-5554

Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA

Beckley:
National Mine Health and Safety Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801

Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

Weirton:
Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748-7070

WISCONSIN

Appleton:
Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734-7171

Green Bay:
University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302

Kenosha:
Library/Learning Center
University of Wisconsin-Parkside
Wood Road
Kenosha, WI 53141

Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

WYOMING

Laramie:
Coe Library—Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766-2174

federal register

Wednesday
September 3, 1980

Part III

Environmental Protection Agency

Glyphosate and Oxyfluorfen; Proposed Tolerances

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FRL 1596-1; FAP 9H5196/P19]

Glyphosate; Proposed Food Additive Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a food additive tolerances be established for the combined residues of glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid resulting the application of glyphosate isopropylsponic salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in sugarcane molasses at 30.0 part per million (ppm) when present therein as a result of the application to growing sugarcane. This proposal was submitted by Monsanto Co. This proposal would establish the maximum permissible level for the combined residues of glyphosate in or on the food item sugarcane molasses at 30.0 ppm.

DATE: Comments must be received on or before September 18, 1980.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Rm. E-359, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 9, 1979 (44 FR 46928) that Monsanto Co., 800 N. Lindberg Blvd., St. Louis, MO 63166, had filed a feed additive peition (9H5196) with the EPA. This petition proposed the establishment of tolerances for the combined residues of glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid resulting the application of sodium sesqui salt of glyphosate in or growing sugarcane on raw sugar at 2.0 ppm and sugarcane molasses at 20.0 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F, withdrawing the proposal for raw sugar and proposing the tolerance for sugarcane molasses at 30.0 ppm. Because of the potential risk to humans, the tolerance is being proposed at this time to allow for public comment.

A related document (PP 8E2122) proposing tolerances for residues of glyphosate in or on sugarcane and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep appears elsewhere in this issue of the Federal Register.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observed effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second, mammalian species, additional mutagencity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additonal oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitoner has been notified of the deficiencies and has agreed to furnish data reflecting the required studies.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeing study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI to 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions pending against the pesticide and no RPAR criteria have been exceeded.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use; therefore, § 180.6(a)(3) applies. There is a reasonable expectation of residues occurring in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous specific flame photometric detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such a use in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, it is proposed that 21 CFR Part 561 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 3, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments period is being limited to 15 days since this compound is registered for use on sugarcane. The comments must bear a notation indicating both the subject and the petition of and document control number "FAP 9H5196/P19". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Robert J. Taylor from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

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.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 348))

Dated: August 27, 1980.

James W. Akerman,

Acting Director, Registration Division Office of Pesitide Programs.

Therefore, it is proposed that 21 CFR 193 be amended by revising § 193.235(b), (c), (d) (e) to read as follows:

§ 193.235 Glyphosate.

* * * * *

(b) Tolerances are established for combined residues of glyphosate (N-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes in sugarcane molasses at 30.0 ppm when present therein as a result of the application to growing sugarcane.

(c) Residues in potable water not in excess of 0.1 ppm, resulting from the use describe in paragraph (a) of this section remaining after expiration of the experimental program will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive tolerances.

(d) Monsanto Co. shall immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records of available to any authorized officer of employee of the EPA or the Food and Drug Administration.

(e) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in the following processed foods when present therein as a result of herbicide application of the isopropylamine salt of glyphosate in palm tree culture at 0.1 ppm in palm oil.

[FR Doc. 80-26939 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

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21 CFR Part 193

[FRL 1595-6; FAP 9H5230/P16]

Oxyfluorfen; Proposed Food Additive Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million (ppm) resulting from application to the growing crop.

DATE: Comments muts be received on or before October 3, 1980.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Rm. E-351, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (202-755-1397).

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of August 15, 1979, (44 FR 47807), that Rohm & Haas Company, Independence Mall West, Philadelphia, Pennsylvania 19105, had filed a food additive petition (FAP 9H5230) with the EPA. This petition proposed the establishment of a food additive tolerance permitting residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million (ppm) resulting from application to the growing crop. No comments were received in response to this notice of filing.

Because of the presence of the contaminant perchloroethylene, an oncogen, in technical oxyfluorfen (at less than 0.1%), the tolerances are being reproposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data included a rat oral LD_{50} with an LD_{50} greater than 5.0 grams(gm)/kilogram(kg), a rat cytogenetic study (negative), host mediated assay (negative), Ames test (negative), rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg body weight (bw), a three-generation rat reproduction study with a NOEL of 10 ppm, 26-week progress report of a 2-year dog feeding study, a 90-day rat feeding study with a NOEL of 1,000 ppm, a 24-month ratfeeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL of 2 ppm.

Based on the mouse chronic feeding study with a NOEL of 2 ppm and a 100-fold safety factor the acceptable daily intake (ADI) for humans is 0.003 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.1800 mg/day for a 60 kg person. Concurrent proposals for tolerances in corn grain, soybeans, meat, milk, almonds, almond hulls, stone fruits, and grapes (PP8F2058/P141 and PP9F2197/P142) appear elsewhere in this issue of the Federal Register. No permanent tolerances have been previously established for the pesticide. The proposed tolerances have a theoretical maximal residue contribution (TMRC) of 0.0370 mg/day in a 1.5 kg diet, or 20.55 percent of the MPI.

To reinforce the present findings, the petitioner has agreed to submit the final report on the 2-year dog feeding study no later than September 22, 1980 and to conduct a second teratology study with a non-rodent species.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes.

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene <0.1 percent, has been shown to produce liver tumors in mice. The Agency is presently assembling available information pertaining to perchloroethylene, which has wide usage outside of pesticide applications. This review will assess the health significance of perchloroethylene and is not complete at this time. The evidence on tumor production, however, does initiate a presumption against registration pursuant to 40 CFR 162.11(a)(3)(ii) for the proposed uses of oxyfluorfen. After intensive review, the Agency has made a preliminary finding that potential benefits associated with the use of oxyfluorfen outweigh risks from perchloroethylene. The benefits of oxyfluorfen will be discussed in a document to be available at a later date. The Agency is taking this opportunity to invite public comment on these proposed decisions.

An applicator risk analysis was performed to determine the risk associated with perchloroethylene resulting from applications of oxyfluorfen for all uses proposed. The maximum worst-case risk of tumor development from exposure to perchloroethylene via these uses is calculated to be one incident of tumor development in 10,000,000 applicators. The actual risk may be lower than this theoretical calculation since the actural levels of perchloroethylene in air may be lower than theoretical estimates due to air movement or other climatic factors.

In addition to the applicator risk study, analyses were performed on the raw commodity soybean samples to detect residues of perchloroethylene. No

residues were detected at the limit of sensitivity for the method (0.05 ppm). Due to the volatile nature of perchloroethylene and the nature of the proposed use patterns for oxyfluorfen (i.e., pre-emergence or postemergence directed sprays), residues of perchloroethylene in these commodities may be lower than 0.05 ppm.

The Agency has calculated a risk through ingestion using 0.05 ppm (method sensitivity) as a base. For soybeans, the maximum risk through ingestion is calculated to be one incident in 10,000,000.

The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene. Based on the toxicology testing (all tested oxyfluorfen involved included perchloroethylene at less than 0.1 percent), the small risk cited above, and benefit analyses discussed in the position document, the Agency has made a preliminary conclusion that the proposed registration of oxyfluorfen containing less than 200 ppm of perchloroethylene will not cause an unreasonable adverse effect on the environment.

The pesticide is considered useful for the purpose for which tolerance is sought, and it is tentatively concluded that the tolerance for oxyfluorfen residues in refined soybean oil at 0.25 ppm established by amending 21 CFR Part 193 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 3, 1980 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and the document control number, "FAP 9H5230/P16". All written comments filed in response to this proposal will be available for public inspection in the office of Richard F. Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

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 proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e) 68 Stat. 514, (21 U.S.C. 345(e)))

Dated: August 28, 1980.

James W. Akerman,

Acting Director, Registration Division Office of Pesticide Programs.

Therefore, it is proposed that Subpart A of 21 CFR Part 193 be amended by adding a new § 193.326 to read as follows:

§ 193.326 Oxyfluorfen.

Tolerances are proposed for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million, when present therein as a result of its application to the growing crop.

[FR Doc. 80-26938 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

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21 CFR Part 561

[FRL 1596-2; FAP 9H5196/P18]

Glyphosate; Proposed Feed Additive Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a feed additive tolerance be established for the combined residues of glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes on the processed feed sugarcane molasses at 30.0 part per million (ppm). This proposal was submitted by Monsanto Co. This proposal would establish the maximum permissible level for the combined residues of glyphosate in or on the feed item sugarcane molasses at 30 ppm.

DATE: Comments must be received on or before September 18, 1980.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Rm. E-359, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 9, 1979 (44 FR 46928) that Monsanto Co., 800 N. Lindberg Blvd., St. Louis, MO 63166, had filed a feed additive petition (9H5196) with the EPA. This petition proposed the establishment of tolerances for the combined residues of glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid resulting from the application of sodium sesqui salt of glyphosate in or on growing sugarcane on raw sugar at 2.0 ppm and sugarcane molasses at 20 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F, withdrawing the proposal for raw sugar and proposing the tolerance for sugarcane molasses at 30.0 ppm. Because of the potential risk to humans, the tolerance is being proposed at this time to allow for public comment.

A related document (PP 8E2122) proposing tolerances for residues of glyphosate in or on sugarcane and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep appears elsewhere in this issue of the Federal Register.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observed effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second mammalian species, additional mutagencity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data reflecting the required studies.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the

NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI to 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions pending against the pesticide and no RPAR criteria have been exceeded.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidney) of cattle, goats, hogs, horese, poultry, and sheep as a result of the proposed use; therefore, § 180.6(a)(3) applies. There is a reasonable expectation of residues occurring in liver and kidney of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such a use in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, it is proposed that 21 CFR Part 561 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 3, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. This comment period is being limited to 15 days since this compound is registered for sugarcane. The comments must bear a notation indicating both the subject and the petition and document control number "FAP 9H5196/P18". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection at the office of Robert J. Taylor from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

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.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 348))

Dated: August 27, 1980.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 21 CFR Part 561, be amended by reviewing § 561.253 to read as follows.

§ 561.253 Glyphosate.

(a) Tolerances are established for combined residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in the following processed feeds when present therein as a result of application of this herbicide to growing crops:

Feed	Parts per million
Citrus pulp, dried	0.4
Soybean hulls	20

(b) [Reserved]

(c) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethylglycine) and its metabolite aminomethylphosphonic acid in or on the following processed feeds when present therein as in result of herbicide application of the isopropylamine salt of glyphosate to growing crops:

Feed	Parts per million
Citrus pulp, dried	0.4
Soybean hulls	20

(d) Tolerances are established for combined residues of glyphosate (*N*-phosphonmethylglycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and or the sodium sesqui salt for plant growth regulator purposes on the processed feed sugarcane molasses at 30.0 ppm when present therein as a result of the application to growing sugarcane.

[FR Doc. 80-28940 Filed 9-2-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1595-8; PP 8F2058/P141]

Oxyfluorfen; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on soybeans; corn grain; the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; eggs; and milk at 0.05 part per million (ppm). This proposed regulation was submitted by Rohm & Haas Co., Inc. This amendment would establish maximum permissible levels for residues for oxyfluorfen in or on the above raw agricultural commodities.

DATE: Comments must be received by October 3, 1980.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E-351, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (202-755-1397).

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of April 28, 1978, (43 FR 18246), that Rohm & Haas Co. Inc., Independence Mall West Philadelphia, 19105, had filed a petition (PP 8F20588) with the EPA. This petition proposed to amend 40 CFR 180 by establishing tolerances for combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl

ether linkage in or on the raw agricultural commodities soybeans and corn at 0.05 ppm. No comments were received in response to this notice of filing.

Subsequently, the petitioner amended the petition by adding tolerances for combined residues of oxyfluorfen and its metabolites containing the diphenyl ether linkage in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; eggs; and milk at 0.05 ppm. Because of the potential increases in the exposure of humans to residues as a result of the additional tolerances and the presence of the contaminant perchloroethylene, an oncogen, in technical oxyfluorfen [at less than 0.1%] the tolerances are being reproposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances included a rat oral lethal dose (LD_{50} with and LD_{50} greater than 5.0 grams (gm) per kilogram (kg) of body weight (bw), a rat cytogenetic test (negative), a host mediated assay (negative), the Ames test (negative), a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of bw, a three-generation rat reproduction study with a NOEL of 10 ppm, a 26-week progress report of a 2-year dog feeding study, a 90-day rat feeding study with a NOEL of 1,000 ppm, a 24-month rat feeding study (chronic toxicity/oncogenicity) with NOEL of 40 ppm and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with NOEL of 2 ppm.

Based on the mouse chronic feeding study with a NOEL of 2 ppm and a 100-fold safety factor the acceptable daily intake (ADI) for humans is 0.003 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.1800 mg/day for a 60 kg person. A related document proposing a food additive tolerance (FAP 9H5230/P16) of 0.25 ppm of oxyfluorfen and the metabolites in refined soybean oil, and a current proposal for tolerances in fruits and nuts (PP9F2197/P142) appear elsewhere in this issue of the Federal Register. No permanent tolerances have been previously established for the pesticide. The proposed tolerances have a theoretical maximal residue contribution (TMRC) of 0.0370 mg/day in a 1.5 kg diet, or 20.55 percent of the MPI.

To reinforce the present findings, the petitioner has agreed to submit the final report on the 2-year dog feeding study no later than September 22, 1980 and to conduct a second teratology study with a non-rodent species.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes.

The use for the chemical oxyfluorfen in corn is to be limited to the U.S. Department of Agriculture's witchweed program on field corn in North and South Carolina. The soybean use pattern prohibits using treated plants for feed or forage.

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene >0.1 percent, has been shown to produce liver tumors in mice. The Agency is presently assembling available information pertaining to perchloroethylene, which has wide usage outside of pesticide applications. This review will assess the health significance of perchloroethylene and is not complete at this time. The evidence on tumor production, however, does initiate a presumption against registration pursuant to 40 CFR 162.11(a)(3)(ii) for the proposed uses of oxyfluorfen. After intensive review, the Agency has made a preliminary finding that potential benefits associated with the use of oxyfluorfen outweigh risks from perchloroethylene. The benefits of oxyfluorfen will be discussed in a document to be available at a later date. The Agency is taking this opportunity to invite public comment on these proposed decisions.

An applicator risk analysis was performed to determine the risk associated with perchloroethylene resulting from applications of oxyfluorfen for all uses proposed. The maximum worst-case risk of tumor development from exposure to perchloroethylene via these uses is calculated to be one incident of tumor development in 10,000,000 applicators. The actual risk may be lower than this theoretical calculation since the actual levels of perchloroethylene in air may be lower than theoretical estimates due to air movement or other climatic factors.

In addition to the applicator risk study, analyses were performed on the raw agricultural commodities soybeans and corn grain to detect residue of perchloroethylene. No residues were detected at the limit of sensitivity for the method (0.05 ppm). Due to the volatile nature of perchloroethylene and the nature of the proposed use patterns for oxyfluorfen (i.e., pre-emergence or postemergence directed sprays), residues of perchloroethylene in or on these commodities may be lower than 0.05 ppm.

The Agency has calculated a risk through ingestion using 0.05 ppm (method sensitivity) as a base. For corn grain, the maximum risk is calculated to be one incident tumor production in 1,000,000 individuals. For soybeans, the maximum risk through ingestion is calculated to be one incident in 10,000,000.

The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene. Based on the toxicology testing (all tested oxyfluorfen involved included perchloroethylene at less than 0.1 percent), the small risk cited above, and benefit analyses discussed in the position document, the Agency has made a preliminary conclusion that the proposed registration of oxyfluorfen containing less than 200 ppm of perchloroethylene will not cause an unreasonable adverse effect on the environment.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is tentatively concluded that the tolerances for oxyfluorfen residues in or on corn grain; soybeans; meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; eggs; and milk at 0.05 ppm established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 30 days after publication of this proposal in the Federal Register that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and the document control number, "PP 8F2058/P141". All written comments filed in response to this proposal will be available for public inspection in the office of Richard Mountfort from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order of whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed,

and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: August 28, 1980.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore it is proposed that Subpart C of 40 CFR Part 180 be amended by adding a new § 180.381 to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

Tolerances are established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the following raw agricultural commodities:

	Part per million
Commodity:	
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Corn, grain	0.05
Eggs	0.05
Goat, fat	0.05
Goat, mbyp	0.05
Goat, meat	0.05
Hogs, fat	0.05
Hogs, mbyp	0.05
Hogs, meat	0.05
Horses, fat	0.05
Horses, mbyp	0.05
Horses, meat	0.05
Milk	0.05
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05
Soybeans	0.05

[FR Doc. 80-26938 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1595-7; PP 8E2122/P157]

Glyphosate; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the plant growth regulator glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosphonic acid resulting from the application of glyphosate isopropylamine salt for hebical purposes and or the sodium sesqui salt for plant growth regulator purposes in or on the raw agricultural commodities sugarcane at 2.0 parts per million (ppm) and the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep at 0.2 ppm. This proposal was submitted by Monsanto Co. This proposal would establish the maximum permissible level for residues of glyphosate in or on the above raw agricultural commodities.

DATE: Comments must be received on or before September 18, 1980.

ADDRESS: Written comments to: Robert J. Taylor, Product Manager (PM) 25, Rm. E-359, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 9, 1979 (44 FR 46928) that Monsanto Co., 800 N. Linabergh Blvd., St. Louis, MO 63166, had filed a pesticide petition (PP 8F2122) with the EPA. This petition proposed the establishment of tolerances for residues of the plant growth regulator glyphosate (*N*-phophonomethylglycine) and its metabolite aminomethylphosphonic acid resulting from the application of the sodium sesqui salt of gylphosate to growing sugarcane in or on the raw agricultural commodity sugarcane at 2.0 ppm.

The petitioner subsequently amended the petition by submitting a revised Section F, proposing a tolerance of 0.2 ppm of liver and kidney of cattle, goats, hogs, horses, poultry and sheep. This increases the previously established tolerance of 0.1 ppm. Because of the potential risk to humans, the tolerance is being proposed at this time to allow for public comment.

Two accompanying documents (FAP 9H5196/P18&P19) apearing elsewhere in this issue of Federal Register address the proposal of feed/food additive tolerance for sugarcane molasses.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance include a rabbit acute oral toxicity study with a lethal dose (LD_{50}) of 3.8 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with no-observed effect-level (NOEL) of 2,000 ppm; a 90-day dog feeding study with a NOEL of 2,000 ppm; two rabbit teratology studies, negative at 30 mg/kg of bw/day (highest dose); a 2-year dog feeding study with a NOEL of 300 ppm; a 2-year rat feeding study with a NOEL of 100 ppm; a 3-generation rat reproduction study with a NOEL of 100 ppm; a neurotoxicity (hen) study, negative at 7.5 mg/kg; and a host-mediated assay (negative).

Desirable data that are lacking are a repeat of the teratology study, a teratology study on a second mammalian species, additional mutagenicity testing, and full exploration of the oncogenic potential. The studies available show that glyphosate has low potential for showing any teratological effects. The lifetime rat and mouse studies suggest glyphosate to have a relatively low oncogenic potential. Two additional oncogenic studies are needed. A further assurance of low risk associated with glyphosate is found in the fact that on a theoretical basis, the exposure via the diet is relatively low. The petitioner has been notified of the deficiencies and has agreed to furnish data reflecting the required studies.

The acceptable daily intake (ADI) is 0.05 mg/kg of bw/day based on the NOEL of 100 ppm (5 mg/kg of bw/day) in the 2-year rat feeding study using a 100-fold safety factor. Based on a theoretical maximum residue contribution (TMRC) of 0.212 mg/day for a 60 kg human or 7.07 percent of the ADI, tolerances ranging from 0.1 ppm to 15 ppm have previously been established for residues of glyphosate on a variety of raw agricultural and processed food commodities. An approved but unpublished tolerance utilizes the ADI to 7.22 percent. The current action utilizes 3.73 percent of the ADI. All tolerances utilize 10.94 percent of the ADI.

A regulatory action was pending against glyphosate based on its contamination with *N*-nitrosoglyphosate, but this was resolved since no residues of the contaminant at detectable levels were present in the raw agricultural commodities, nor did it pose a hazard to the applicator. There are no regulatory actions pending against the pesticide and no RPAR criteria have been exceeded.

There is no reasonable expectation of secondary residues occurring in eggs, milk, and the meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use; therefore, § 18.6(a)(3) applies. There is a reasonable expectation of residues occurring in liver and kidney of cattle, goats, hogs, horses, poultry, and sheep as a result of the proposed use, but the proposed tolerance of 0.2 ppm will cover them (§ 180.6(a)(2) applies). The metabolism of glyphosate is adequately understood and an adequate analytical method (gas chromatography using a phosphorous

specific flame photometric detector) is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerance is sought and the tolerance will protect the public health. Therefore, it is proposed that 40 CFR Part 180 be amended as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 3, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comment period is being limited to 15 days since this compound is registered for use in sugarcane. The comments must bear a notation indicating subject and the document control number "PP8E2212/P157." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Robert J. Taylor from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

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.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 348))

Dated: August 27, 1980.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C or 40 CFR Part 180 be amended by revising § 180.364 to read as follows.

§ 180.364 Glyphosate; tolerance for residues.

(a) Tolerances are established for combined residues of glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethyl phosphonic acid resulting from herbicide application of the isopropylamine salt of glyphosate in or on the following raw agricultural commodities:

	Part per million
Commodity:	
Alfalfa, fresh and hay	0.2
Almonds, hulls	1
Asparagus	0.2
Avocados	0.2
Citrus fruits	0.2
Coffee beans	1
Cottonseed	6
Grain crops	0.1(N)
Grapes	0.2
Grasses, forage	0.2(N)
Leafy vegetables	0.2(N)
Nuts	0.2
Pistachio nuts	0.2
Pome fruits	0.2
Root crop vegetables	0.2(N)
Seed and pod vegetables	0.2(N)
Seed and pod vegetables, forage	0.2(N)
Seed and pod vegetables, hay	0.2(N)
Soybeans	6
Soybeans, forage	15
Soybeans, hay	15

(b) Tolerances are established for combined residues of glyphosate (*N*-phosphonomethylglycine) and its metabolite aminomethylphosponic acid resulting from the application of glyphosate isopropylamine salt for herbicidal purposes and/or the sodium sesqui salt for plant growth regulator purposes in or on the following raw agricultural commodities:

	Part per million
Commodity:	
Cattle, kidney	0.2
Cattle, liver	0.2
Goats, kidney	0.2
Goats, liver	0.2
Hogs, kidney	0.2
Hogs, liver	0.2
Horses, kidney	0.2
Horses, liver	0.2
Poultry, kidney	0.2
Poultry, liver	0.2
Sheep, kidney	0.2
Sheep, liver	0.2
Sugarcane	0.2

[FR Doc. 80-26937 Filed 9-2-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 180

[FRL 1595-5; PP 9F2197/P142]

Oxyfluorfen; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that tolerances be established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on the raw agricultural commodities almonds and almond hulls, stone fruits [apricots, nectarines, peaches, plums (fresh prunes)], and grapes at 0.05 part per million (ppm). This amendment would establish maximum permissible levels for residues of oxyfluorfen in or on the above raw agricultural commodities.

DATE: Comments must be received by October 3, 1980.

ADDRESS: Written comments to: Richard F. Mountfort, Product Manager 23, Rm. E-351, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort (202/755-1397).

SUPPLEMENTARY INFORMATION: Notice was published in the Federal Register of June 1, 1979 (44 FR 32737) that Rohm and Haas Co. Inc., Independence Mall West, Philadelphia, PA 19105, had filed a petition (PP 9F2197) with the EPA. This petition proposed to amend 40 CFR Part 180 by establishing tolerances for combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodities almonds, stone fruits [apricots, nectarines, peaches, plums, (fresh prunes)] and grapes at 0.05 ppm and almond hulls at 0.10 ppm. Subsequently, the petition was amended to repropose the tolerance level for almond hulls at 0.05 ppm. No comments were received in response to this notice of filing.

Because of the presence of the contaminant perchloroethylene, an oncogen, in technical oxyfluorfen (at less than 0.1%), the tolerances are being reproposed at this time to provide an opportunity for public comment.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances included a rat oral lethal dose (LD_{50}) with an LD_{50} greater than 5.0 grams (gm) per kilogram (kg) of body weight (bw); a rat cytogenetic test (negative); a host mediated assay (negative); the Ames test (negative); a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of bw; a three-generation rat reproduction study with a NOEL of 10 ppm; 26-week progress report of a 2-year dog feeding study; a 90-day rat feeding study with a NOEL of 1,000 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding

study (chronic toxicity/oncogenicity with a NOEL of 2 ppm.

Based on the mouse chronic feeding study with a NOEL of 2 ppm and a 100-fold safety factor the acceptable daily intake (ADI) for humans is 0.003 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.1800 mg/day for a 60 kg person. A concurrent proposal for tolerances in corn grain, soybeans, meat, and meat byproducts of cattle goats, hogs, horses, poultry and sheep; eggs; and milk, (PP8F2058/P141) and a food additive tolerance in refined soybean oil (FAP 9H5230/P16) appear elsewhere in this issue of the Federal Register. No permanent tolerances have been previously established for the pesticide. The proposed tolerances have a theoretical maximal residue contribution (TMRC) of 0.0370 mg/day in a 1.5 kg diet, or 20.55 percent of the MPI.

To reinforce the present findings, the petitioner has agreed to submit the final report on the 2-year dog feeding study no later than September 22, 1980 and to conduct a second teratology study with a non-rodent species. The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes.

The use of the chemical oxyfluorfen in fruit and nut orchards and vineyards is limited to directed sprays to the base of the tree or vine. Grazing or foraging of treated areas is prohibited.

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene <0.1 percent, has been shown to produce liver tumors in mice. The Agency is presently assembling available information pertaining to perchloroethylene, which has wide usage outside of pesticide applications. This review will assess the health significance of perchloroethylene and is not complete at this time. The evidence on tumor production, however, does initiate a presumption against registration pursuant to 40 CFR 162.11(a)(3)(ii) for the proposed uses of oxyfluorfen. After intensive reivew, the Agency has made a preliminary finding that potential benefits associated with the use of oxyfluorfen outweigh risks from perchloroethylene. The benefits of oxyfluorfen will be discussed in a document to be available at a later date. The Agency is taking this opportunity to invite public comment on these proposed decisions.

An applicator risk analysis was performed to determine the risk associated with perchloroethylene resulting from applications of oxyfluorfen for all uses proposed. The maximum worst-case risk of tumor development from exposure to perchloroethylene via these uses is calculated to be one incident of tumor development in 10,000,000 applicators. The actual risk may be lower than this theoretical calculation since the actual levels of perchloroethylene in air may be lower than theoretical estimates due to air movement or other climatic factors.

In addition to the applicator exposure study, analyses were performed on several fruit and nut samples to detect residues of perchloroethylene. No residues were detected at the limit of sensitivity for the method (0.05 ppm). Due to the volatile nature of perchloroethylene and the nature of the proposed use patterns for oxyfluorfen (i.e., pre-emergence or postemergence (weed) directed sprays to dormant crops), actual residues of perchloroethylene in these commodities may be lower than 0.05 ppm.

The Agency has calculated a risk through ingestion using 0.05 ppm (method sensitivity) as a base. For all of the fruit and nut crops proposed, and grapes the maximum risk to individuals through dietary exposure is calculated to be one incident tumor production in 1,000,000 individuals.

The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene. Based on the toxicology testing (all tested oxyfluorfen involved included perchloroethylene at less than 0.1 percent), and small risk cited above, and benefit analyses discussed in the position document, the Agency has made a preliminary conclusion that the proposed registration of oxyfluorfen containing less than 200 ppm of perchloroethylene will not cause an unreasonable adverse effect on the environment.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is tentatively concluded that the tolerances for oxyfluorfen residues in or on almonds, almond hulls, stone fruit [apricots, nectarines, peaches, plums (fresh prunes)] and grapes at 0.05 ppm established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request on or before October 3, 1980, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "PP 9F2197/P142." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Richard F. Mountfort, from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

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 proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

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

Dated: August 28, 1980.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180, be amended by adding § 180.381 establishing a tolerance for oxyfluorfen to read as follows:

§ 180.381 Oxyfluorfen; tolerance for residues.

Tolerances are established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benezene] and its metabolites containing the diphenyl ether linkage in or on the following raw agricultural commodities:

	Parts per million
Commodities:	
Almonds	0.05
Almonds, hulls	0.05
Grapes	0.05
Stone Fruits [apricots, nectarines, peaches, plums, (fresh prunes)]	0.05

[FR Doc. 80-28935 Filed 9-2-80; 8:45 am]

BILLING CODE 6560-01-M

Reader Aids

Federal Register
Vol. 45, No. 172
Wednesday, September 3, 1980

INFORMATION AND ASSISTANCE

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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
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

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COMMUNITY SERVICES ADMINISTATION

51561 8-4-80 / Revision of CSA income poverty guidelines

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

53091 8-11-80 / Pricing of pipeline production under the Natural Gas Act

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51740 8-4-80 / Prohibited acts in wild and scenic river areas

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46784 7-11-80 / Gypsy moth and browntail moth; list of hazardous recreational vehicle sites; comments by 9-9-80

52818 8-8-80 / Importation of carcasses of quail of free flying origin; comments by 9-8-80

45888 7-8-80 / Restrictions on importation of horses from Japan; comments by 9-8-80

Food and Nutrition Service—

46809 7-11-80 / Food Stamp and Food distribution programs on Indian reservations; comments by 9-9-80

46036 7-8-80 / 1980 Food Stamp eligibility limits; comments by 9-8-80

Food Safety and Quality Service—

45915 7-8-80 / Chilling poultry parts; comments by 9-8-80

Rural Electrification Administration—

46811 7-11-80 / REA Bulletin 103-2; Use and approval of general funds for additions to plant, revision of existing bulletin; comments by 9-9-80

CIVIL AERONAUTICS BOARD

46812 7-11-80 / Charter Flight limitations; Carrier's obligations in case of interruptions of its service; reply comments by 9-9-80

COMMERCE DEPARTMENT

Economic Development Administration—

46065 7-9-80 / Financial assistance, public works and development facilities program, etc.; technical amendments; comments by 9-8-80

International Trade Administration—

45898 7-8-80 / Licensing procedures for exports of wheat and corn to the U.S.S.R. (October 1, 1980 to September 30, 1981); comments by 9-8-80

National Oceanic and Atmospheric Administration—

47690 7-16-80 / Alaskan Salmon troll fishery; emergency regulations; comments by 9-12-80

Office of the Secretary—

46437 7-10-80 / Nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance; comments by 9-8-80

CONSUMER PRODUCT SAFETY COMMISSION

53056 8-8-80 / Exportation of noncomplying products; Notification requirements and procedures; comments by 9-8-80

EDUCATION DEPARTMENT

54000 8-13-80 / Precollege Teacher Development in Science Program; comments by 9-12-80

ENERGY DEPARTMENT

46742 7-10-80 / Bidding system for coal leasing; comments by 9-10-80

53422 8-11-80 / Residential conservation service program provisions; corrections; comments by 9-10-80

[*See also* 44 FR 64602, Nov. 7, 1979]

Conservation and Solar Energy Office—

54264 8-14-80 / Alcohol fuels, biomass energy and municipal waste energy projects; loan guarantees; comments by 9-12-80

46762 7-10-80 / Energy conservation program for consumer products; test procedures for clothes dryers; comments by 9-8-80

47396 7-14-80 / Test procedures for refrigerators, refrigerator-freezers and freezers; comments by 9-12-80

Federal Energy Regulatory Commission—

54085 8-14-80 / High-cost natural gas produced from wells drilled in deep water; comment period extended to 9-10-80

[*See also* 45 FR 47863, 7-17-80]

47705 7-16-80 / Revision to Annual Report for Electric Utilities, Licensees and Others (Class A and Class B); Form No. 1; comments by 9-8-80

ENVIRONMENTAL PROTECTION AGENCY

46826 7-11-80 / Approval and promulgation of the Missouri State implementation plans; comments by 9-9-80

46097 7-9-80 / Determination of reportable quantities for hazardous substances; comments by 9-8-80

46094 7-9-80 / Designation of hazardous substances with carcinogenic effects on man; comments by 9-8-80

53490 8-12-80 / Proposed schedules and conditions to correct deficiencies in Maryland's nonattainment area plan revision; comments by 9-11-80

46103 7-9-80 / Proposed removal of dichlorodifluoromethane and trichlorofluoromethane from toxic pollutant list; comments by 9-8-80

52835 8-8-80 / State implementation plan revisions for Idaho; comments by 9-8-80

52411 8-7-80 / Water pollution; canned and preserved seafood processing point source category; comments by 9-8-80

FARM CREDIT ADMINISTRATION

45595 7-7-80 / Powers, duties and responsibilities of District Farm Credit Boards; comments by 9-8-80

45917 7-8-80 / Personnel administration; comments by 9-8-80

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46453 7-10-80 / FM broadcast station in Fruita, Colo.; channel assignment; reply comments by 9-11-80

45601 7-7-80 / FM broadcast station in Seneca, Kans.; changes in table of assignments; reply comments by 9-8-80

49625 7-25-80 / FM broadcast stations in Rhinelander, Tomahawk, Washburn, and Wausau, Wis.; proposed changes in table of assignments; comments by 9-11-80

49626 7-25-80 / FM broadcast station in Laurel Hill, N.C.; proposed changes in table of assignments; comments by 9-11-80

46454 7-10-80 / FM broadcast stations in West Tulsa, Sand Springs, and Pawhuska, Okla.; changes in table of assignments; reply comments by 9-11-80

51251 8-1-80 / Regulatory policies concerning resale and shared use of common carrier international communications services; reply comments by 9-12-80

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[Corrected at 45 FR 49085, 7-23-80]

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration—

47368 7-14-80 / Conditions of participation for skilled nursing and intermediate care facilities in certain Medicare and Medicaid Programs; comments by 9-12-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

46012 7-8-80 / Debarments, suspensions, temporary denials of participation, and voluntary exclusions; comments by 9-8-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

52849 8-8-80 / American alligator, special rule revision; comments by 9-8-80

Geological Survey—

53840 8-13-80 / Oil, gas, and sulfur operations in the Outer Continental Shelf; lease royalty requirements; comments by 9-12-80

52408 8-7-80 / Oil and gas and sulphur operations in the Outer Continental Shelf; western Gulf of Mexico; submission of operations plan instead of development and production plan; comments by 9-8-80

Surface Mining Reclamation and Enforcement Office—

45927 7-8-80 / Operations on Federal lands under the permanent program; State-Federal Cooperative Agreements; Wyoming; comments by 9-8-80

53183 8-11-80 / Surface and underground mining performance standards; comments by 9-10-80

INTERSTATE COMMERCE COMMISSION

53190 8-11-80 / Modification of provisions to allow filing of contract rates between freight forwarders and rail and water carriers; comments by 9-10-80

46461 7-10-80 / Railroad consolidation proceedings; traffic protective conditions; comments by 9-8-80

MANAGEMENT AND BUDGET OFFICE

48667 7-21-80 / Waiver of Government Surveillance requirements; Draft Federal acquisition regulation; comments by 9-10-80

NUCLEAR REGULATORY COMMISSION

45916 7-8-80 / Domestic licensing of production and utilization facilities; technical specifications for nuclear power reactor; comments by 9-8-80

40101 6-13-80 / Nuclear power plant accident consideration under National Environmental Policy Act of 1969; comments by 9-11-80

SMALL BUSINESS ADMINISTRATION

53835 8-13-80 / Regulations implementing Section 503 Development Company Program; comments by 9-11-80

TENNESSEE VALLEY AUTHORITY

51614 8-4-80 / Increase in fees for search and duplication of records; comments by 9-8-80

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

40062 6-12-80 / National standards for traffic control devices; Manual or uniform traffic control devices; Railroad-highway projects; comments by 9-10-80

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

52407 8-7-80 / Electronic fund transfer for certain alcohol and tobacco products' excise tax payments and other provisions; comment period extended to 9-8-80

[*See also* 45 FR 38258 and 38271, June 6, 1980]

Customs Service—

46442 7-10-80 / Fees for processing applications for bonded warehouses and container stations; comments by 9-8-80

Internal Revenue Service—

46444 7-10-80 / FIFO and other ordering rules for investment credit; comments by 9-8-80

[Corrected at 45 FR 50818; 7-31-80]

46082 7-9-80 / Income tax; exclusion of certain disability payments; comments by 9-8-80

49524 7-8-80 / Income tax; withholding of tax with respect to Virgin Islands inhabilitants; comments by 9-8-80

45926 7-8-80 / Periodic report of actuary; comments by 9-8-80

46815 7-11-80 / Reserve for certain guaranteed debt obligations; comments by 9-9-80

WAGE AND PRICE STABILITY COUNCIL

52769 8-8-80 / Anti-inflationary pay and price standards; Questions and answers on procedures; comments by 9-8-80

Deadlines for Comments On Proposed Rules For The Week of September 14 through September 20, 1980

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

55213 8-19-80 / Handling of milk in Nebraska-Western Iowa marketing area; exceptions to revised recommended decision; comment by 9-15-80

Agricultural Stabilization and Conservation Service—

48151 7-18-80 / Feed grain, upland cotton, wheat and rice programs for crop years 1978-1981; charging interest on refunds of overpayments; comments by 9-16-80

Farmers Home Administration—

47654 7-16-80 / Farm Labor Housing (LH) loan and grant policies, procedures, and authorities; comments by 9-15-80

CIVIL AERONAUTICS BOARD

47698 7-16-80 / Information submitted in section 408 merger applications; comments by 9-15-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

51254 8-1-80 / Atlantic squid fishing; fishery conservation and management; comments by 9-14-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

53488 8-12-80 / Energy efficiency standards for nine types of consumer products; comments by 9-15-80

Economic Regulatory Administration—

54662 8-15-80 / Obtaining crude oil for the Strategic Petroleum Reserve by exchange of Naval Petroleum Reserves crude oil and other means; comments by 9-15-80

48646 7-21-80 / Synthetic natural gas (SNG) feedstock allocation; price-controlled naphta exemption and removal of restrictive criteria on propane; comments by 9-19-80

ENVIRONMENTAL PROTECTION AGENCY

54772 8-18-80 / Additional revisions to Washington State Implementation Plan; comments by 9-17-80

55198 8-19-80 / Certain inert ingredients in pesticide formations; comments by 9-18-80

55480 8-20-80 / Delaware state implementation plan; comments by 9-19-80

5523 8-19-80 / Designation of areas for air quality planning purposes; attainment status designation—California; comments by 9-18-80

47832 7-16-80 / Identification and listing of hazardous waste; additions; comments by 9-15-80

47835 7-16-80 / Identification and listing of hazardous waste; additions; comments by 9-15-80

48812 7-21-80 / Importation of motor vehicles and motor vehicle engines under the Clean Air Act, as amended; comments by 9-19-80

54773 8-18-80 / Proposed approval of revisions to Delaware's State Implementation Plan; comments by 9-17-80

54773 8-18-80 / Proposed approval of revisions to District of Columbia's Implementation Plan; comments by 9-17-80

54773 8-18-80 / Proposed approval of revisions to Maryland's State Implementation Plan; comments by 9-17-80

55199 8-10-80 / Tolerances for pesticide chemicals in or on raw agricultural commodities; Oxalic acid; comments by 9-19-80

55228 8-19-80 / Virginia; approval and promulgation of implementation plans; comments by 9-18-80

54068, 54069 8-14-80 / West Virginia Air Quality Implementation Plan; comments by 9-15-80 (2 documents)

55230 8-19-80 / Wisconsin; Approval and promulgation of implementation plan; comments by 9-18-80

FEDERAL COMMUNICATIONS COMMISSION

43441 6-27-80 / Authorizing the Communications Satellite Corporation to provide international satellite communications services directly to the public; order extending time for filing comments and reply comments; reply comments by 9-19-80

53844 8-13-80 / Biomedical telementry operations; amendments; comments by 9-15-80

35370 5-27-80 / FCC Form 324 Annual Financial Report of Broadcast Stations; comments by 9-15-80

51624 8-4-80 / FM broadcast stations in Naples, Fla., changes in table of assignments; comments by 9-19-80

46452 7-10-80 / FM broadcast station in Jacksonville, Fla.; channel assignment; reply comments by 9-15-80

50373 7-29-80 / FM Broadcast Stations in Uvalde, Crystal City and Pearsall, Tex.; changes in Table of assignments; comments by 9-15-80

46455 7-10-80 / FM broadcast stations in Wichita and Winfield, Kans.; table of assignments; reply by 9-15-80

42753 6-25-80 / TV broadcast stations in Santa Barbara, Calif.; table of asignments; comments by 9-15-80

[*See* 45 FR 28770, 4-30-80]

51251 8-1-80 / Verification and methods of measurement of computing devices; reply comments extended to 9-19-80

[*See also* 45 FR 42347, 6-24-80]

FEDERAL RESERVE SYSTEM

54070 8-14-80 / Electronic fund transfers; proposed official staff interpretation; comments by 9-15-80

FEDERAL TRADE COMMISSION

55223 8-19-80 / Deceptive advertising and labeling of previously used lubricating oil; comments by 9-18-80

44322 7-1-80 / Tingley Rubber Corp.; consent agreement with analysis to aid public comments; comments by 9-20-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

48160 7-18-80 / Probenecid proposed bioequivalence requirement; comments by 9-16-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

48654 7-21-80 / Privacy Act of 1974; revision of regulations; comments by 9-19-80

INTERIOR DEPARTMENT

Geological Survey—

56081 8-22-80 / Coal mining operating rules on Federal lands; comments accepted from 9-15 through 9-29-80

[*See also* 45 FR 32715, 5-19-80]

Land Management Bureau—

48054 7-17-80 / Wildfire prevention procedures; comments by 9-15-80

National Park Service—

54771 8-18-80 / National Park System rights-of-way provisions; comments by 9-17-80

Surface Mining Reclamation and Enforcement Office—

57149 8-27-80 / Mining and mineral resources, institutes and mineral research projects; grants; comments by 9-15-80

INTERNATIONAL TRADE COMMISSION

54086 8-14-80 / Investigations to review outstanding antidumping and countervailing duty determinations and suspension agreement; comments by 9-15-80

INTERSTATE COMMERCE COMMISSION

54385 8-15-80 / Change of policy, railroad contract rates; comments extended to 9-15-80

53846 8-13-80 / Cost Standards for railroad rates; revised interpretation; comment period extended to 9-19-80

[*See also* 45 FR 48676, 7-21-80]

55465 8-20-80 / Household goods transportation; storage-in-transit charges; comments by 9-18-80

JUSTICE DEPARTMENT

54770 8-18-80 / Federal financial assistance; nondiscrimination on basis of sex in education programs; comment period extended to 9-19-80

[*See also* 45 FR 41001, 6-17-80]

Attorney General—

52183 8-6-80 / Open judicial proceedings policy; comments by 9-15-80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

54355 8-15-80 / Basic program elements for Federal employee occupational safety and health programs; comments by 9-15-80

41012 8-6-17-80-80 / Standard for locking out and tagging machines, equipment, systems and processes; comments by 9-15-80

LIBRARY OF CONGRESS

Copyright Office—

50823 7-31-80 / Unauthorized use of certain works transmitted "live" and simultaneously being fixed in tangible form; reply comments by 9-15-80

NATIONAL CREDIT UNION ADMINISTRATION

55214 8-19-80 / Month-end financial statements for credit unions; comments by 9-15-80

TRANSPORTATION DEPARTMENT

Coast Guard—

56376 8-25-80 / Provisions for command barges carrying certain bulk dangerous cargoes; comment period extended to 9-19-80

[*See also* 45 FR 45327, 7-3-80]

Federal Aviation Administration—

41596 6-19-80 / Operations review program; reply comments by 9-17-80

Materials Transportation Bureau—

48671 7-21-80 / Shippers; specifications for tank cars; comments by 9-18-80

[Corrected at 45 FR 7-31-80]

National Highway Traffic Safety Administration—

51626 8-4-80 / Amendment of seat belt assemblies safety standards; comments by 9-18-80

TREASURY DEPARTMENT

Customs Service—

48817 7-21-80 / Importation of motor vehicles and motor vehicle engines under the Clean Air Act; comments by 9-19-80

54085 8-14-80 / Ornamental wearing apparel classification; comments by 9-15-80

Internal Revenue Service—

47871 7-17-80 / Voluntary employee's beneficiary associations; comments by 9-15-80

VETERANS ADMINISTRATION

55716 8-21-80 / Medical benefits; community-based treatment facilities for alcohol and drug dependence; comments by 9-19-80

WATER RESOURCES COUNCIL

47866 7-17-80 / Floodplain management and wetlands protection; comments by 9-15-80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Office of the Secretary—

55249 8-19-80 / Citizens' Advisory Committee on Equal Opportunity, Washington, D.C. (open), 9-7 through 9-9-80

Science and Education Administration—

53503 8-12-80 / Committee of Nine, Wooster, Ohio (open), 9-9 and 9-10-80

ARMS CONTROL AND DISARMAMENT AGENCY

55249 8-19-80 / General Advisory Committee, Washington, D.C. (closed), 9-11 and 9-12-80

ARTS AND HUMANITIES, NATIONAL FOUNDATION

55300 8-19-80 / Design Arts Panel (Design Fellowship), Washington, D.C. (open), 9-8 thru 9-10-80

54911 8-18-80 / Humanities Panel, Washington, D.C. (closed), 9-8 through 9-13-80

51676 8-4-80 / Humanities Panel, Washington, D.C. (closed), 9-10-80

54912 8-18-80 / Humanities Panel, Washington, D.C. (closed), 9-8 through 9-10-80.

55300 8-19-80 / Museum Panel (Conservation), Washington, D.C. (closed), 9-8-80

55300 8-19-80 / Museum Panel (Collecting Maintenance), Washington, D.C. (closed), 9-9-80

CIVIL RIGHTS COMMISSION

53192 8-11-80 / California Advisory Committee, San Diego, Calif. (open), 9-12 and 9-13-80 (2 documents)

53852 8-13-80 / District of Columbia Advisory Committee, Washington, D.C. (open), 9-9-80

54788 8-18-80 / Maine Advisory Committee, Augusta, Me. (open), 9-9-80

50846 7-31-80 / Rhode Island Advisory Committee, Providence, R.I. (open), 9-9-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

55797 8-21-80 / Mid-Atlantic Fishery Management Council, Philadephia, Pa. (open), 9-10 through 9-12-80

54790 8-18-80 / New England Fishery Management Council's Scientific and Statistical Committee, Groton, Conn. (open), 9-10-80

DEFENSE DEPARTMENT

Air Force Department—

56861 8-26-80 / Advisory Committee on the Air Force Historical Program, Bolling Air Force Base, D.C. (open), 9-11 through 9-12-80

55800 8-21-80 / USAF Scientific Advisory Board, Wright-Patterson AFB, Ohio (open), 9-9 and 9-10-80

Office of the Secretary—

54124 8-14-80 / Defense Advisory Committee on Women in the Services, Washington, D.C. (open), 9-8 and 9-9-80

54124 8-14-80 / Defense Systems Management College, Board of Visitors, Belvoir, Va. (open), 9-10-80

49321 7-24-80 / DOD Wage Committee, Washington, D.C. (closed), 9-9-80

EDUCATION DEPARTMENT

55253 8-19-80 / National Advisory Council for Career Education, Washington, D.C. (open), 9-11 and 9-12-80

55803 8-21-80 / Postsecondary Education Office; Federal Advisory Panel, Washington, D.C. (open), 9-8 and 9-9-80

ENERGY DEPARTMENT

57163 8-27-80 / Environmental Conservation Committee, Coordinating Subcommittee, Washington, D.C. (open), 9-10-80

54404 8-15-80 / National Petroleum Council, Emergency Preparedness Subcommittee, Washington, D.C. (open), 9-8-80

Economic Regulatory Administration—

54694 8-15-80 / Maximum lawful selling price for unleaded gasoline, Washington, D.C., 9-11-80

Nuclear Energy Office—

558080 8-21-80 / State Planning Council on Radioactive Waste Management, Washington, D.C. (open), 9-8 and 9-9-80

FEDERAL COMMUNICATIONS COMMISSION

55272 8-19-80 / National Industry Advisory Committee, Broadcasting Services Subcommittee, Washington, D.C. (open), 9-11-80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

54440 8-15-80 / Committee meeting, Washington, D.C. (open), 9-11-80

FINE ARTS COMMISSION

64863 11-8-79 / Meeting, Washington, D.C. (open), 9-9-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Center for Disease Control—

56191 8-22-80 / National Immunization Records Steering Group, Washington, D.C. (open), 9-10-80

Food and Drug Administration—

56192 8-22-80 / Consumer exchange, Salisbury, Md. (open), 9-9-80

National Institute of Health—

53876 8-13-80 / Bladder and Prostratic Cancer Review Committee, Boston, Mass. (partially open), 9-8 and 9-9-80

Public Health Service; Health Services Administration—

51924 8—80 / Interagency Committee on Emergency Medical Services, EMS Communications Work Group, Washington, D.C. (open), 9-11-80

51924 8-5-80 / Interagency Committee on Emergency Medical Services, EMS Training Work Group, Hyattsville, Md. (open), 9-11-80

51924 8-5-80 / Interagency Committee on Emergency Medical Services, EMS Transportation Work Group, Washington, D.C. (open), 9-11-80

51924 8-5-80 / Interagency Committee on Emergency Medical Services, Rockville, Md. (open), 9-11-80

INTERIOR DEPARTMENT

Land Management Bureau—

52461 8-7-80 / Dickinson District Advisory Council, Dickinson N.D. (open), 9-12-80

52260 8-6-80 / District Grazing Advisory Board, Susanville, Calif., Cedarville, Calif. (open), 9-9-80

52461 8-7-80 / Medford District Advisory Council, Medford Oreg. (open), 9-12-80

52934 8-8-80 / Richfield District Advisory Council, Richfield, Utah (open), 9-9 and 9-10-80

52461 8-7-80 / Shoshone District; Bennett Hills-Timmerman Hills Management Framework Plan, amendment, Shoshone, Idaho (open), 9-10-80

54451 8-15-80 / Socorro District Grazing Advisory Board, Socorro, N. Mex. (open), 9-11-80

52462 8-7-80 / Yuma District Multiple Use Advisory Council, Yuma, Ariz. (open), 9-10 and 9-11-80

National Park Serice—

56197 8-22-80 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 9-12-80

51289 8-1-80 / Cape Lookout National Seashore, N.C., wilderness study general management plan—development concept plan: Greensboro, N.C., 9-8-80; Raleigh, N.C., 9-9-80; Greenville, N.C., 9-10-80; Harkers Island, N.C., 9-11-80

56198 8-22-80 / Indiana Dunes National Lakeshore Advisory Commission, Chesterton, Ind. (open), 9-13-80

56452 8-25-80 / Ozark National Scenic Riverways Advisory Commission, Van Buren, Miss. (open), 9-12-80

Water and Power Resources Service—

54149 8-14-80 / Colorado River Basin Salinity Control Advisory Council, Santa Fe, N. Mex. (open), 9-12-80

MINIMUM WAGE STUDY COMMISSION

48999 7-22-80 / Meeting, Washington, D.C., 9-8-80

[Changed at 45 FR 56215, 8-22-80]

NATIONAL SCIENCE FOUNDATION

54493 8-15-80 / NSF Advisory Council, Task Group No. 9, Washington, D.C. (open), 9-12-80

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE

56475 8-25-80 / Meeting, Washington, D.C. (open), 9-12-80

SMALL BUSINESS ADMINISTRATION

54510 8-15-80 / Region IV Advisory Council, Greensboro, N.C. (open), 9-10 and 9-11-80

SOCIAL SECURITY NATIONAL COMMISSION

55876 8-21-80 / National Commission on Social Security, Washington, D.C. (open), 9-12 and 9-13-80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

45305 7-3-80 / Proposed alteration of terminal control area in St. Louis, Mo., St. Charles, Mo. (open), 9-9-80

54922 8-18-80 / Radio Technical Commission for Aeronautics Executive Committee, Washington, D.C. (open), 9-11-80

54921 8-18-80 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 141—broadcast interference related to airborne ILS, VOR and VHF communications equipment, Washington, D.C. (open), 9-9 and 9-10-80

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

55318 8-19-80 / Meeting, Washington, D.C. (open), 9-8-80

Next Week's Hearings

AGRICULTURE DEPARTMENT

Forest Service—

52188 8-6-80 / Spruce Creek Wilderness Study Area; White River National Forest Pitkin County, Colo., 9-9-80

DEFENSE DEPARTMENT

Engineers Corps—

53507 8-12-80 / Draft environmental impact statement to dispose of DOD Stocks of DDT, Seattle, Wash., 9-9-80

53507 8-12-80 / Draft environmental impact statements to dispose of DOD stocks of DDT, San Francisco, Ca., 9-11-80

Navy Department—

41691 6-20-80 / Naval Discharge Review Board, Boston, Mass., Albany, N.Y., Denver, Colo., Salt Lake City, Utah, Helena, Mont., Bismark, N. Dak., and Portland, Ore., (*see also* 45 FR 28793, 4-30-80) 9-8 through 9-19-80

EDUCATION DEPARTMENT

53841 8-13-80 / Nondiscrimination under programs receiving Federal assistance:

San Antonio, Tex., 9-8-80

New York, N.Y., 9-9-80

Denver, Colo., 9-10-80

ENERGY DEPARTMENT.

Conservation and Solar Energy Office—

54264 8-14-80 / Alcohol fuels, biomass energy and municipal waste energy projects; loan guarantees:

Chicago, Ill., 9-8-80;

Washington, D.C., 9-9-80

47396 7-14-80 / Test procedures for electric refrigerators, electric refrigerator-Freezers and Freezers, Wash., D.C., 9-9-80

Economic Regulatory Administration—

48568 7-18-80 / Gas utility rate design proposals, Washington, D.C., 9-10-80

Western Area Power Administration—

55808 8-21-80 / Colorado River Storage Project; public comment forum on proposed rate order, Salt Lake City, Utah, 9-11-80

HEALTH, AND HUMAN SERVICES DEPARTMENT

45962 7-8-80 / Food labeling formats, Washington, D.C., 9-8-80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

49295 7-24-80 / Narcotic raw materials; import limitations, Washington, D.C., 9-9-80

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

51016 7-31-80 / Uniform procurement system, Washington, D.C., 9-11 and 9-12-80

NATIONAL TRANSPORTATION SAFETY BOARD

55880 8-21-80 / SEPTA commuter train collision, Philadelphia, Pa., 9-10 through 9-12-80

TREASURY DEPARTMENT

Internal Revenue Service—

43668 6-25-80 / Treatment of gain from disposition of certain oil, gas, or geothermal property, Washington, D.C., 9-9-80

List of Public Laws

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

S. 1140 / Pub. L. 96-332 To amend title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for such title for fiscal years 1980 and 1981, and for other purposes. (Aug. 29, 1980; 94 Stat. 1057) Price $1.

S. 1730 / Pub. L. 96-333 To declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe. (Aug. 29, 1980; 94 Stat. 1060) Price $1.

H.J. Res. 589 / Pub. L. 96-334 Providing additional program for the Export-Import Bank. (Aug. 29, 1980; 94 Stat. 1061) Price $1.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

57960 8-29-80 / Commerce/EDA—Financial assistance programs regarding energy conservation, miscellaneous amendments; effective 10-1-80

56348 8-25-80 / CSA Community Food and Nutrition Programs; application and review information; effective 8-25-80

58022 8-29-80 / DOT/Sec'y—Energy conservation by recipients of Federal financial assistance; effective 10-1-80

55122 8-18-80 / HHS/PHS—General Federal financial assistance regulations for Health Maintenance Organizations; effective 8-18-80

57966 8-29-80 / HUD/CPD—Comprehensive planning assistance, energy conservation provisions; effective 9-29-80

57971 8-29-80 / HUD/CDP—Community Development Block Grants: Energy conservation changes to Urban Development Action Grants; effective 9-29-80

57970 8-29-80 / HUD/CPD—Community Development Block Grants; energy conservation provisions; effective 9-29-80

57120 8-27-80 / HUD/CPD—Community Development Block Grants; small cities; effective 9-22-80

58000 8-29-80 / Interior/HCRS—Energy conservation by recipients of Federal assistance; effective 8-29-80

57974 8-29-80 / USDA/FmHA—Conservation of petroleum and natural gas through changes in USDA financial assistance programs; effective 10-1-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

57756 8-29-80 / DOE—Energy financial assistance; comments by 9-12-80

56839 8-26-80 / HUD/CPD—Community Development Block Grants; grant administration requirements for use of escrow accounts for property rehabilitation loans and grants; comments by 10-27-80

APPLICATIONS DEADLINES

54791 8-18-80 / CSA—Proposed 1981-82 CSA energy advocacy initiative; proposals must be received by 9-29-80

56866 8-26-80 / DOE—Department of Energy Act; program solicitation—unconvential gas; proposals due by 9-15-80

58090 8-29-80 / HHS/HCFA—Health financing research and demonstration grants; apply by 9-30-80

MEETINGS

56448 8-25-80 / HHS/NIH—Allergy and Infectious Diseases National Advisory Council, Hamilton, Mont. (open), 9-30 through 10-1-80

56447 8-25-80 / HHS/NIH—Cardiology Advisory Committee, Bethesda, Md. (open), 10-6 and 10-7-80

56448 8-25-80 / HHS/NIH—Eye National Advisory Council, Bethesda, Md. (partially open), 9-21 through 9-24-80

56449 8-25-80 / HHS/NIH—Heart, Lung and Blood National Advisory Council, Manpower Subcommittee and Research Subcommittee, Bethesda, Md., (partially open), 9-25 through 9-27-80

56447 8-25-80 / HHS/NIH—Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (open), 10-2 and 10-3-80

56449 8-25-80 / HHS/NIH—National Institute of General Medical Sciences, Bethesda, Md. (open), 10-9 and 10-10-80

56448 8-25-80 / HHS/NIH—Neurological and Communicative Disorders and Stroke National Advisory Council, Bethesda, Md. (partially open), 10-2 and 10-3-80

56449 8-25-80 / HHS/NIH—Neurological and Communicative Disorders and Stroke National Advisory Council, Planning Subcommittee, Bethesda, Md. (partially open), 10-1-80

56450 8-25-80 / HHS/NIH—Pulmonary Diseases Advisory Committee, Bethesda, Md., (open), 10-6-80

56475 8-25-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 9-18 and 9-19-80

56475 8-25-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 9-22 and 9-23-80

57799 8-29-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 9-23, 9-24, 9-30, and 10-1-80

56475 8-25-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 10-1-80

OTHER ITEMS OF INTEREST

58012 8-29-80 / ED—Petroleum and natural gas conservation; Federal financial assistance

57996 8-29-80 / EPA—Petroleum and natural gas conservation; Providing financial assistance

58016 8-29-80 / HHS—Petroleum and natural gas conservation; Federal financial assistance

55282 8-19-80 / HHS/NIH—Renewal of President's Cancer Panel and National Cancer Advisory Board

57954 8-29-80 / Interagency Corrdinating Council—Petroleum and natural gas conservation; Federal assistance programs, introduction 58002

8-29-80 / Interior/HCRS—Energy conservation by recipients of Federal assistance; effective 8-29-80

56944 8-26-80 / LSC—Grants and contracts; Northwestern Legal Services, Erie, Pa.

57129 8-27-80 / NFAH—Nondiscrimination on the basis of handicap; correction to rules appearing 4-17-80 (44 FR 22730)

55086 8-18-80 / OMB—Transmittal of Circular A-102; uniform requirements for grants to State and local governments

57975, 58016 8-29-80 / CSDA—FmHA—Conservation of petroleum and natural gas through proposed changes in USDA financial assistance programs

58020 8-29-80 / VA—Public facilities grants programs

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