10-16-80
Vol. 45 No. 202
Pages 68625-68910

federal register

Thursday
October 16, 1980

Highlights

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

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Presidential Documents

Title 3—

The President

Executive Order 12247 of October 15, 1980

Federal Actions in the Lake Tahoe Region

By the authority vested in me as President by the Constitution of the United States of America, and in order to ensure that Federal Agency actions protect the extraordinary natural, scenic, recreational, and ecological resources in the Lake Tahoe Region (as defined by Public Law 91–148), an area of national concern it is hereby ordered as follows:

1–1. *Tahoe Federal Coordinating Council.*

1–101. There is established an interagency committee to be known as the Tahoe Federal Coordinating Council.

1–102. The Council shall be composed of representatives from the following Executive agencies (those of the Western Federal Regional Council, Region IX):

(a) Department of Defense.

(b) Department of the Interior.

(c) Department of Agriculture.

(d) Department of Commerce.

(e) Department of Health and Human Services.

(f) Department of Housing and Urban Development.

(g) Department of Transportation.

(h) Environmental Protection Agency.

1–103. The Council shall be chaired by the representative from the Department of Agriculture, which shall be responsible for providing administrative support.

1–104. Other agencies may be invited to designate representatives to participate in the activities of the Council from time to time.

1–2. *Environmental Thresholds.*

1–201. (a) The Council shall develop and issue environmental quality thresholds and carrying capacities for the air, water, and terrestrial components of the area known as the Lake Tahoe Region (Public Law 91–148), which lies within the States of California and Nevada.

(b) These thresholds and carrying capacities shall be developed in consultation with the States of California and Nevada, the local governments in and around the area, and the public.

(c) These thresholds and carrying capacities shall be based on a refinement and a periodic updating of the Western Federal Regional Council's "Lake Tahoe Environment Assessment" issued during February, 1980, and on other appropriate information.

1–202. The Council shall assist the State and local governments of California and Nevada in adopting and utilizing these thresholds and carrying capacities.

1–203. These thresholds and carrying capacities shall, to the extent permitted by law, be utilized by Executive agencies and the Council in determining the impact of Federal actions on the environment of the Region.

1–3. *Environmental Actions.*

1–301. An Executive agency shall, prior to authorizing any undertaking within the Region, whether by taking direct action or approving a license, permit, or financial assistance, determine if that undertaking will have a significant or potentially significant adverse effect on the environment of the Region. This determination shall be made in writing. It shall take into account the thresholds and carrying capacities developed by the Council.

1–302. The Executive agency shall transmit to the Council a copy of its determination as to the environmental impact on the Region.

1–303. (a) The Council will promptly review the agency determinations as to the environmental effect on the Region. The Council shall ensure that there is adequate opportunity for public comment on the agency determination.

(b) If the Council concludes that the action to be taken would be compatible with the environment of the Region, the Chairman of the Council shall promptly so notify the agency.

(c) If the Council concludes that the action to be taken would have a significant adverse impact on the resources and ecological values of the Region, the Chairman of the Council shall recommend to the responsible Executive agency that the action not be undertaken or that it be modified to eliminate the adverse impact.

1–304. If the agency disagrees with the recommendations of the Council, the Chairman of the Council shall promptly refer the matter to the Council on Environmental Quality for its recommendation as to the prompt resolution of any disagreement.

1–305. Until the thresholds and carrying capacities are issued, Executive agencies shall, to the extent permitted by law, not take any direct action nor approve any license, permit, or financial assistance in the Region which would significantly (a) stimulate additional development in environmentally sensitive areas as defined by land use plans or zoning ordinances of the Region, or (b) promote automobile traffic into the Region.

1–306. Until the thresholds and carrying capacities are issued, Executive agencies shall review agency actions in the Region which may have an effect on the Region's overall waste treatment planning. This review shall determine if such actions should be deferred until waste water treatment plans, as provided by Section 208 of the Federal Water Pollution Control Act (33 U.S.C. 1288), are adopted by the States of California and Nevada and approved by the Environmental Protection Agency.

1–4. *General Provisions.*

1–401. The Chairman of the Council on Environmental Quality and the Secretary of Agriculture shall advise the President from time to time on the effectiveness of this Order. They shall recommend other administrative action which may be taken to improve the coordination of agency actions and decisions whenever such coordination would protect and enhance the Region's natural and ecological values.

1–402. Nothing in this Order shall be construed to limit, delay, or prohibit any agency action which is essential for the protection of public health or safety, for national security, or for the maintenance or rehabilitation of environmental quality within the Region.

Jimmy Carter

THE WHITE HOUSE,
October 15, 1980.

[FR Doc. 80–32466
Filed 10–15–80; 10:43 am]
Billing code 3195–01–M

The President's statement of October 15, 1980, on signing Executive Order 12247 is printed in the Weekly Compilation of Presidential Documents (Vol. 16 No. 42).

Rules and Regulations

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COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Part 705

Anti-Inflation Price Standards; Questions and Answers on Gross-Margin Standard for Utilities

AGENCY: Council on Wage and Price Stability.

ACTION: Clarifying questions and answers on gross-margin standard for gas, electric, and water utilities.

SUMMARY: The Council is changing Q & A II–C–6 to make clear that savings in the cost of purchased power may be included in the adjustment of the gross margin. In addition, the Council is adding two new Questions and Answers (Q & A's) to clarify the method of calculating the amount of revenues to be excluded from the gross margin under Q & A II–C–5 and to emphasize that the addition of that Q & A does not obviate the need for state Public Utility Commissions (PUCs) to determine, before allowing Construction Work in Progress (CWIP) in the utility's rate base, that there is a need for the additional plant.

DATE: Effective on October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Arthur J. Corazzini, Office of Price Monitoring, (202) 456–7730 or Edward Finklea, Office of General Counsel, (202) 456–6286.

SUPPLEMENTARY INFORMATION: On May 29, 1980, the Council on Wage and Price Stability (Council) revised and added to its previously published Questions and Answers (Q & A's) about the gross-margin standard for Gas, Electric, and Water Utilities (Q & A II–C–5 through II–C–7). As amended Q & A II–C–5 provides that, subject to PUC approval, a portion of the revenues attributable to the incorporation in rate base of additional CWIP and/or new facilities completed and transferred to plant-in-service need not be included in program-year gross margins. Q & A II–C–6 provides that fuel cost savings made possible by the introduction of new plant may, within limits, be deducted from the revenues otherwise included in the utility's gross margin. Q & A II–C–7 provides that the costs and revenues associated with incidental sales of steam by electric utilities may be included within the electric operations for purposes of computing gross margins.

The Council received comments on the first two changes from various consumer groups, a state PUC, and a utility company representative.

The consumer groups oppose the change in Q & A II–C–5 primarily because they object to the practice of allowing CWIP in electric utilities' rate bases. These commentators misunderstand the reason for the Council's change. We were not attempting to encourage (or discourage) the inclusion of CWIP in rate base; rather we sought to defer to the judgment of the PUCs on the issue. Before the change, utilities with CWIP in the rate base had to apply for an exception before a PUC would subtract CWIP-derived revenues from gross margin when calculating whether a proposed rate increase was in compliance with the standard. By making the change, the Council is simply saying that *if* a PUC permits CWIP in rate base, the utility need not seek an exception. To emphasize the very limited nature of the change, we are now adding Q & A II–C–8, which states that excluding CWIP-derived revenues from the Council's gross margin standard does not obviate the need for state PUCs to determine, before allowing CWIP in the utility's rate base, whether the utility's construction program is prudent and otherwise meets the PUCs' applicable criteria.

In response to comments about Q & A II–C–6, the Council is revising it to make clear that savings to consumers attributable to reductions in the cost of *purchased power,* as well as in fuel cost, may be the basis for a downward adjustment in the utility's gross margin.

Finally, several commentators requested clarification of how to calculate the amount of CWIP-derived revenues that should be excluded from the gross margin: specifically (1) whether a utility should use a pre-tax or a post-tax rate of return as the multiplier; and (2) whether the amount of the exclusion should be reduced by any tax savings realized from the construction program or new facilities. The Council is issuing Q & A II–C–9 to clarify that the rate of return to be used as the multiplier is a pre-tax rate, and that the PUC should reduce the amount of exclusion by any federal, state, or local tax savings the utility realizes from the construction program or additions or transfers of new facilities to plant-in-service.

(Council on Wage and Price Stability Act, Pub. L. 93–387 (August 24, 1974), as amended by Pub. L. 94–78 (August 9, 1975) and Pub. L. 95–121 (October 5, 1977), 12 U.S.C. 1904 note; as last amended by Pub. L. 96–10 (May 10, 1979); E.O. 12092 (November 1, 1978); E.O. 12161 (September 28, 1979))

Issued in Washington, D.C., October 10, 1980.

R. Robert Russell,

Director, Council on Wage and Price Stability.

Accordingly, the Council revises Q & A II–C–6 (45 FR 36048) and adopts Q & As II–C–8 and II–C–9 as follows:

Q6. Under the gross-margin standard, how should utilities treat net reductions in the cost of purchased power and fuel that result from introducing more fuel-efficient plant since the base year?

A6. The realized program-year margin may be adjusted downward by the amount of estimated savings in fuel or purchased power in the program year, up to the amount by which those savings exceed the additional costs of the new plant recognized in Q & A II–C–5.

Q8. Does the exclusion of CWIP-derived revenues from the Council's gross-margin standard obviate the need for the state PUCs to determine in the first instance the need for the proposed plant?

A8. No. The state PUCs should follow their usual procedures and applicable laws to determine whether the utility's construction work is appropriate for inclusion in rate base.

Q9. In determining the amount of revenue to be excluded from the gross margin under Q & A II–C–5, is the rate of return used as the multiplier in calculating the excluded amount a pre-tax or a post-tax rate of return, and should that amount be reduced by any tax savings the utility realizes from the

construction program and/or the addition or transfer of new facilities to plant-in-service?

A9. The rate of return to be used as the multiplier is a pre-tax rate, and the amount derived from that calculation should be reduced by any federal, state, or local tax savings the utility realizes as a result of the construction program and/or the new facilities.

[FR Doc. 80-32206 Filed 10-15-80; 8:45 am]
BILLING CODE 3175-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

Almonds Grown in California; Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action changes the formula for computing "adjusted kernel weight" of almonds received by handlers from growers. The adjusted kernel weight computed under the current formula this past crop year has, in some cases, exceeded the actual weight of almonds received from growers and available for shipment after processing. This action also makes a slight change in the quality control requirements. Both changes were recommended by the Almond Board of California. The Board works with USDA in administering the Federal marketing order for California almonds.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053. The Final Impact Statement describing the options considered in developing this action and the impact of implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "non-significant". The proposal on this action was published in the September 12, 1980 issue of the **Federal Register** (45 FR 60447) and invited comments until September 30, 1980. None was received.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that: (1) Handlers are receiving, processing, and marketing 1980 crop almonds in volume and must know promptly what formula will be used for computing adjusted kernel weight and what inedible disposition obligation tolerance will be effective for the 1980-81 crop year so they can plan their processing and marketing operations; (2) handlers are aware of this action and need no additional time to comply; and (3) no useful purpose would be served by delaying the effective date of this action.

The Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474), is issued under the marketing agreement and Order No. 981, both as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The marketing agreement and order are hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Effective July 1, 1979, § 981.401 was added to that subpart to standardize the computation of adjusted kernel weight. "Adjusted kernel weight" is the weight of almonds handlers receive for their own accounts from growers and available for shipment after processing. However, the current method of computation does not include a factor for weight loss during processing. The absence of this factor has caused the adjusted kernel weight to exceed actual supplies and tended to inflate industry statistics. To correct this situation, the formula set forth in § 981.401 is revised to include a one percent processing loss adjustment in computing the adjusted kernel weight for deliveries with less than 95 percent kernels. Since only a negligible weight loss occurs during processing deliveries from growers with 95 percent or more kernels, a processing loss adjustment is not needed for those deliveries.

With regards to quality control, § 981.42 of the order provides for each handler to cause to be determined through the inspection agency, and at the handler's expense, the percent of inedible kernels in each variety of almonds in excess of two percent of the kernel weight received by the handler, and report this determination to the Board. Section 981.42 also authorizes the Board, with the approval of the Secretary, to change that percentage for any crop year.

Pursuant to § 981.42, § 981.442(a) currently requires the weight of inedible kernels in excess of two percent of the kernel weight received by handlers to be reported to the Board. The almond industry expects a fairly high quality 1980 crop and believes that a tolerance of one and one-half percent this year would best accomplish its objectives of improving the quality of almonds entering marketing channels. Therefore, § 981.442(a)(4) is revised by changing the tolerance for calculating inedible disposition obligations from two percent to one and one-half percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is hereby further found that the changes in Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474), as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474) is changed as follows:

1. Section 981.401 is revised to read as follows:

§ 981.401 Adjusted kernel weight.

(a) *Definition.* Except for Peerless bleaching stock, "adjusted kernel weight" shall mean the actual gross weight of any lot of almonds: Less weight of containers; less moisture of kernels in excess of five percent; less shells, if applicable; less processing loss of one percent for deliveries with less than 95 percent kernels; less trash or other foreign material. The adjusted kernel weight shall be determined by sampling certified by the inspection agency. The kernel weight of Peerless bleaching stock shall be 35 percent of the clean bleachable weight.

(b) *Computation.* Except for Peerless bleaching stock, the computation of adjusted kernel weight shall be in the manner shown in the following examples. The examples are based on the analysis of a 1,000 gram sample taken from a lot of almonds weighing 10,000 pounds with less than 95 percent kernels, and a 1,000 gram sample taken from a lot of almonds weighing 10,000 pounds with 95 percent or more kernels. The first computation example is for the lot with less than 95 percent kernels containing the following: Edible kernels, 530 grams; inedible kernels, 120 grams; foreign material, 350 grams, and moisture content of kernels, seven percent. Excess moisture is two percent. The second computation example is for the lot with 95 percent or more kernels containing the following: Edible kernels, 840 grams; inedible kernels, 120 grams; foreign material, 40 grams; and moisture content of kernels, seven percent. Excess moisture is two percent. The example computations are as follows:

	Computation No. 1		Computation No. 2	
	Deliveries with less than 95 percent kernels		Deliveries with 95 percent or more kernels	
	Percent of sample	Weight (pounds)	Percent of sample	Weight (pounds)
1. Actual gross weight of delivery		10,000		10,000
2. Percent of edible kernel weight	53.0		84.0	
3. Less weight loss in processing [1]	1.00		0	
4. Less excess moisture of edible kernels (excess moisture × line 2)	1.06		1.68	
5. Net percent shell out (line 2 – lines 3 and 4)	50.94		82.32	
6. Net edible kernels (line 5 × line 1)		5,094		8,232
7. Percent of inedible kernels (from sample)	12.0		12.0	
8. Less excess moisture of inedible kernels (excess moisture from sample × line 7)	.24		.24	
9. Net percent inedible kernels (line 7 – line 8)	11.76		11.76	
10. Total inedible kernels (line 9 × line 1)		1,176		1,176
11. Adjusted kernel weight (line 6 + line 10)		6,270		9,408

[1] Only applies to deliveries with less than 95 percent kernels.

§ 981.442 [Amended]

2. Section 981.442(a)(4) is amended by changing "two percent" to "one and one-half percent".

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

Dated: October 10, 1980.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 80-32248 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to release a portion of Greene County in Arkansas, a portion of Dade County in Florida, a portion of Harris County in Texas, a portion of Barberton County in Ohio, a portion of Cumberland and Penobscot Counties in Maine, and portions of Chittenden County in Vermont from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas quarantined. No areas in the States of Arkansas, Maine, and Vermont remain under quarantine.

EFFECTIVE DATE: October 10, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: These amendments exclude a portion of Greene County in Arkansas, a portion of Dade County in Florida, a portion of Harris County in Texas, a portion of Barberton County in Ohio, a portion of Cumberland and Penobscot Counties in Maine, and portions of Chittenden County in Vermont from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects.

§ 82.3 [Amended]

1. In § 82.3(a)(1) relating to the State of Florida, paragraph (i) relating to the premises of Pet Farm, Inc. (Dr. Bernard Levine), 7000 N.W. 65th Avenue, Miami, Dade County is deleted.

2. In § 82.3(a)(3) relating to the State of Texas, paragraph (i) relating to the premises of Pet Shop and Bird Clinic, 3118 Smith, Houston, Harris County is deleted.

3. In § 82.3(a)(6) relating to the State of Ohio, paragraph (ii) relating to the premises of Petland, 3200 Greenwich Road, Norton, Barberton County is deleted.

4. In § 82.3(a)(9) relating to the State of Maine, paragraph (i) relating to the premises of Pet Menagerie, 317 Main Mall, Portland, Cumberland County, and paragraph (ii) relating to the premises of Pet Menagerie, Bangor Mall, Bangor, Penobscot County are deleted.

5. In § 82.3(a)(10) relating to the State of Vermont, paragraph (i) relating to the premises of Pet Menagerie, University Mall, Burlington, Chittendon County, and paragraph (ii) relating to the premises of Pet Menagerie, Burlington Square, Burlington, Chittenden County are deleted.

6. In § 82.3(a)(14) relating to the State of Arkansas, paragraph (i) relating to the premises of Folkes Exotic Birds, Grove Heights, Lot #5, Paragould, Greene County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4. 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments relieve certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or

preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 10th day of October 1980.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80-32250 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Quarantined and Released

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to quarantine a portion of Broward County in Florida, a portion of San Francisco County in California, a portion of Harris County in Texas, and a portion of Denver County in Colorado because of the existence of exotic Newcastle disease and to release portions of New Castle County and a portion of Kent County in Delaware from the areas quarantined because of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Broward County, Florida, on October 4, 1980, San Francisco County, California, on October 6, 1980, Harris County, Texas, on October 4, 1980, and Denver County, Colorado, on October 4, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected areas. Further surveillance activity indicates that exotic Newcastle disease no longer exists in portions of New Castle County and a portion of Kent County in Delaware. No areas in the State of Delaware remain under quarantine.

EFFECTIVE DATE: October 9, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: These amendments quarantine a portion of Broward County in Florida, a portion of San Francisco County in California, a portion of Harris County in Texas, and a portion of Denver County in Colorado because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

These amendments also release portions of New Castle County and a portion of Kent County in Delaware from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the released areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. In § 82.3(a)(1)(ii), (a)(2)(i), (a)(3)(v), (a)(20)(i), are added to read:

§ 82.3 Areas quarantined.

(a) * * *

* * * * *

(1) *Florida.* * * *

(ii) The premises of Pet Carousell, Inc., 7573 W. Oakland Park Blvd., Ft. Lauderdale, Broward County.

(2) *California.* (i) The premises of Alex Zambory, 1760 Pacific, Apt. #9, San Francisco, San Francisco County.

* * * * *

(3) *Texas.* * * *

(v) The premises of Exotex (David Allen), 5720 Bingle Road, Houston, Harris County.

* * * * *

(20) *Colorado.* (i) The premises of Pampered Pets, 1322 South Cherokee, Denver, Denver County.

2. In § 82.3(a)(11), relating to the State of Delaware, paragraphs (i) and (iii) relating to New Castle County and paragraph (ii) relating to Kent County, are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1284, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

These amendments impose certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish their purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

The amendment releasing the quarantined area relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease. It should be made effective immediately in order to permit affected persons to move poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles interstate from such area without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 9th day of October 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80-32201 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Midland County in Michigan from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the area quarantined.

EFFECTIVE DATE: October 9, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, 6505 Belcrest Road, Federal Building, Room 751, Hyattsville, MD 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment excludes a portion of Midland County from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect.

§ 82.3 [Amended]

In § 82.3(a)(12) relating to the State of Michigan, paragraph (i) relating to the premises of Sheryl D. Buffington, 9365 North Orr Road, Freeland, Midland County, is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 9th day of October 1980.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 80–32200 Filed 10–15–80; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL RESERVE SYSTEM

12 CFR Part 210

[Docket No. R–0266]

Collection of Checks and Other Items and Transfer of Funds (Regulation J)

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is adopting in final form revisions that clarify and simplify Subparts A and B of Regulation J. No substantive changes are intended to occur in these regulatory provisions.

EFFECTIVE DATE: November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Lee S. Adams, Senior Attorney (202/452–3623), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: As part of its Regulatory Improvement Project, the Board proposed on December 13, 1979 (44 FR 75174) revisions intended to simplify and clarify the regulatory framework for the collection of checks and other items and for wire transfers of funds. These regulatory provisions are found in Subparts A and B of Regulation J. The Board's proposal contained no substantive changes in the regulation, and the Board noted that care had been taken not to alter legal concepts through stylistic change. The Board believed this to be important since much of the terminology of the regulation is common and legally recognized through its consistency with the Uniform Commercial Code.

The comments received on the proposed revisions were supportive of the Board's effort to simplify and clarify Regulation J without making substantive changes to it. Nearly all of the commentors stated they believed the proposal had achieved its objective. Further, the commentors noted that the many bankers and others who use this regulation would have a better understanding of it and would be better able to apply it as a result of the changes.

The Board has made only minor changes in the regulation from its earlier proposal. Unless otherwise noted, the changes that are discussed compare the existing provisions of Regulation J with those contained in the revised version being published in this notice. One new provision that does differ from the December 13 proposal is in § 210.2(j) of Subpart A, where the term "sender" has been revised to include a branch or agency of a foreign bank maintaining reserves in accordance with the provisions of Regulation D (12 CFR 204). Branches and agencies of foreign banks that begin to maintain reserves on November 13 will at that time be eligible to send checks and wire transfers of funds through Federal Reserve Banks under authority granted in section 7 of the International Banking Act of 1978. A similar change in Subpart B was not required, however, because § 210.26(g) already defines a "transferor" as including an institution maintaining or using an account at a Reserve Bank and authorized by the Reserve Bank to initiate wire transfers of funds. The terms under which branches and agencies of foreign banks will be authorized to initiate wire transfers of funds will be detailed in a separate release. The Board anticipates making additional definitional modifications in the near future as needed to implement provisions of the Monetary Control Act of 1980 (Title I of Public Law 96–221) which entitles all depository institutions to access to Federal Reserve check collection and wire transfer services as these services are priced. The Board also notes that the revised regulation adopted today does not include the proposed Subpart C, which was published for comment on November 26, 1979 (44 FR 67995), to govern the handling by Reserve Banks of automated clearing house items.

The following is a brief discussion of certain of the changes made in Subparts A and B that are embodied in the regulation published today.

Subpart A

Section 210.2 ("Definitions"). The definitions have been placed in alphabetical order for easier reference. The definition of "actually and finally collected funds" (new § 210.2(a)) comes from former § 210.1(b). The definition of "check" (new § 210.2(e)) combines the former definitions of "check" and "draft" (former § 210.2(b) and (c)), with the reference to "bill of exchange" deleted since all states have adopted Articles 3 and 4 of the Uniform Commercial Code. The former definition of "nonbank depositor" (former § 210.2(m)) has been deleted and its substance incorporated in § 210.3(d). Throughout the subpart, the word "forwards" has been omitted, since the term "sends" is adequate, and the words "remit" and "remittance" have been omitted since the terms "pay" and "payment" are adequate.

Section 210.3(a) ("General") includes the authorization for Reserve Banks to issue circulars, from § 210.16 of the former regulation. The words "or other matters deemed appropriate by the Reserve Banks" have been added to answer the question raised in *Colorado National Bank* v. *First National Bank and Trust Co.*, 459 F. Supp. 1366 (W.D. Mich. 1978), whether Reserve Bank circular provisions dealing with "wire notice of nonpayment" are authorized by Regulation J. The Federal Reserve Banks will issue operating circulars revised for the purpose of clarification and simplification on the effective date of the regulation. The two existing circulars governing cash items ("Collection of Cash Items" and "Instructions to Collecting Banks and Paying Banks") have been consolidated into one circular, and the circular governing noncash items ("Collection of Noncash Items") has been shortened. Section 210.3(b) ("Binding effect") has been modified to clarify that the subpart and the Reserve Banks' circulars are binding on all parties. Section 210.3(c) ("Government Issues") is derived from former § 210.1(b); § 210.3(d) ("Government Senders") is from former § 210.2(m).

Section 210.5 ("Sender's Agreement; Recovery by Reserve Bank"). The sender's agreement that the subpart and the Reserve Banks' circulars will govern the relationships between the sender and the Reserve Banks (last portion of former § 210.5(a)) is deleted, since § 210.3(b) provides that the subpart and the circulars are binding.

Section 210.12(a) ("Recovery of payment"). The last two sentences in the proposal have been rewritten to eliminate any implication that the time limits cannot be extended by circumstances beyond a party's control under § 210.14.

Subpart B

Section 210.26 ("Definitions"). The definitions have been placed in alphabetical order for easier reference. The definition of "item" (now § 210.26(c)) derives from the former definitions of "item" and "instrument for the payment of money" (former § 210.51(a) and (c)). The definition of "transfer request" or "request" (§ 210.26(e)) is new and incorporates the sense of former § 210.54. A transfer request is not an "item" because it is not a writing. References to member banks, Reserve Banks, international organizations, and so forth, have been deleted from the definitions of "transferor" and "transferee" in former § 210.52(d) and (e) because a transferor or transferee can be any institution maintaining or using an account at a Reserve Bank (a transferor must be authorized to transfer funds and may have conditions imposed on the privilege). The definition of "transferor's account" and "transferee's account" in § 210.26(h) is new; it clarifies that an account can be a transferor's or transferee's account even if it is in the name of another institution, so long as the transferor or transferee has access to it. The former definitions of "international organization" and "foreign correspondent" have been deleted, since the terms are never used in the regulation.

Section 210.27 ("General Provisions") has been placed after the definitions, to parallel Subpart A. Section 210.27(a) ("General") incorporates former § 210.57(c), former § 210.65, and part of former § 210.51(a). As under Subpart A, the Reserve Banks' operating circulars under Subpart B will be issued in clarified and simplified form on the effective date of the regulation. Section § 210.27(b) ("Binding effect") has been rewritten to clarify that the subpart and the Reserve Banks' circulars are binding on all parties.

Section 210.28(b) ("Transfer requests") derives from former § 210.54 and incorporates the term now defined in § 210.26(e).

Section 210.29 derives from former § 210.55. The transferor's agreement in former § 210.55(3) has been deleted, since Subpart B and the Reserve Banks' circulars are binding on transferors by virtue of § 210.27(b).

Section 210.30(b) has been amended to refer to a transferee that receives an advice of credit of a transfer item designating a beneficiary.

Section 210.31 ("Sending Transfer Items and Requests") derives from former § 210.57(a) and (b). (Former § 210.57(c) is covered by new § 210.27(a).) Section 210.31(a) has been recast from the version proposed for comment, without substantive change.

Section 210.33 ("Time Limits") derives from former § 210.59, except that § 210.33(d) ("As of adjustments") derives from former § 210.64(b). The good faith/ordinary care language in former § 210.64(b) has been eliminated, since the paragraph applies even when a Reserve Bank has been negligent.

Section 210.34 ("Advices of Credit and Debit") derives from former § 210.60, with various details eliminated as best left to the Reserve Banks' circulars.

Section 210.38(b) ("Damages") has been rewritten to incorporate the provision in § 210.38(a) ("Limitations on liability") that a Reserve Bank can be liable only to its immediate transferor.

Effective November 13, 1980, pursuant to the boards' authority under the Federal Reserve Act, section 13 (12 U.S.C. 342), section 16 (12 U.S.C. 248(o), 360), section 11(i)(12 U.S.C. 248(i)), and other laws, Regulation J (12 CFR PART 210) is revised to read as follows:

Regulation J

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS AND TRANSFERS OF FUNDS

Subpart A—Collection of Checks and Other Items

Sec.

Subpart B—Wire Transfers of Funds

Sec.

Sec.

Authority: Sec. 13, (12 U.S.C. 342); sec. 11(i), 12 U.S.C. 248(i); sec. 16, (12 U.S.C. 248(o) and 360); and sec. 19, (12 U.S.C. 464), et seq.

Subpart A—Collection of Checks and Other Items

§ 210.1 Authority, purpose, and scope.

The Board of Governors of the Federal Reserve System ("Board") has issued this subpart pursuant to the Federal Reserve Act, section 13 (12 U.S.C. 342), section 16 (12 U.S.C. 248(o), 360), section 11(i) (12 U.S.C. 248(i)), and other laws. This subpart governs the collection of checks and other cash and noncash items by Federal Reserve Banks ("Reserve Banks"). Its purpose is to provide rules for collecting items and settling balances.

§ 210.2 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) "Actually and finally collected funds" means cash or any other form of payment that is, or has become, final and irrevocable.

(b) "Bank draft" means a check drawn by one bank on another bank.

(c) "Banking day" means a day during which a bank is open to the public for carrying on substantially all its banking functions.

(d) "Cash item" means:

(1) A check other than one classified as a noncash item under this section; or

(2) Any other item payable on demand and collectible at par that the Reserve Bank of the District in which the item is payable is willing to accept as a cash item.

(e) "Check" means a draft, as defined in the Uniform Commercial Code, that is drawn on a bank and payable on demand.

(f) "Item" means an instrument for the payment of money, whether negotiable or not, that is:

(1) Payable in a Federal Reserve District [1] ("District");

(2) Sent by a sender to a Reserve Bank for handling under this subpart; and

(3) Collectible in funds acceptable to the Reserve Bank of the District in which the instrument is payable.

Unless otherwise indicated, "item" includes both cash and noncash items. "Item" does not include a check that cannot be collected at par,[2] or an "item" as defined in § 210.26 that is handled under subpart B.

(g) "Nonbank payor" means a payor of an item, other than a bank.

(h) "Noncash item" means an item that a receiving Reserve Bank classifies in its operating circulars as requiring special handling. The term also means an item normally received as a cash item if a Reserve Bank decides that special conditions require that it handle the item as a noncash item.

(i) "Paying bank" means:

(1) The bank by which an item is payable, unless the item is payable or collectible through another bank and is sent to the other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(j) "Sender" means any of the following that sends an item to a Reserve Bank: a member bank, a nonmember clearing bank, another Reserve Bank, an international organization, a foreign correspondent, or a branch or agency of a foreign bank maintaining reserves under section 7 of the International Banking Act of 1978.

(1) "Nonmember clearing bank" means:

(i) A bank that is not a member of the Federal Reserve System, but maintains with a Reserve Bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act; or

(ii) A corporation that maintains an account with a Reserve Bank in conformity with § 211.4 of this chapter (Regulation K).

(2) "International organization" means an international organization for which a Reserve Bank is empowered to act as depositary or fiscal agent and maintains an account.

(3) "Foreign correspondent" means any of the following for which a Reserve Bank maintains an account: a foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. 358).

(k) "State" means a State of the United States, the District of Columbia, Puerto Rico, or a territory, possession, or dependency of the United States.

[1] For purposes of this subpart, the Virgin Islands and Puerto Rico are deemed to be in the Second District, and Guam and American Samoa in the Twelfth District.

[2] The Board publishes a "Memorandum on Exchange Charges," listing the banks that would impose exchange charges on cash items and other checks forwarded by Reserve Banks and therefore would not pay at par.

§ 210.3 General provisions.

(a) *General.* Each Reserve Bank shall receive and handle items in accordance with this subpart, and shall issue operating circulars governing the details of its handling of items and other matters deemed appropriate by the Reserve Bank. The circulars may, among other things, classify cash items and noncash items, require separate sorts and letters, and provide different closing times for the receipt of different classes or types of items.

(b) *Binding effect.* This subpart and the operating circulars of the Reserve Banks are binding on the sender of an item, on each collecting bank, paying bank, and nonbank payor, to which a Reserve Bank (or a subsequent collecting bank) presents or sends an item, and on other parties interested in the item, including the owner.

(c) *Government Items.* As depositaries and fiscal agents of the United States, Reserve Banks handle certain items payable by the United States or certain Federal agencies as cash or noncash items. To the extent provided by regulations issued by, and arrangements made with, the United States Treasury Department and other Government departments and agencies, the handling of such items is governed by this subpart. The Reserve Banks shall include in their operating circulars such information regarding these regulations and arrangements as the Reserve Banks deem appropriate.

(d) *Government Senders.* Except as otherwise provided by statutes of the United States, or regulations issued or arrangements made thereunder, this subpart and the operating circulars of the Reserve Banks apply to the following when acting as a sender: a department, agency, instrumentality, independent establishment, or office of the United States, or a wholly owned or controlled Government corporation, that maintains or uses an account with a Reserve Bank.

§ 210.4 Sending items to Reserve Banks.

(a) A sender may send any item to the Reserve Bank with which it maintains or uses an account, but that Reserve Bank may permit or require the sender to send direct to another Reserve Bank an item payable within the other Reserve Bank's District.

(b) With respect to an item sent direct, the relationships and the rights and liabilities between the sender, the Reserve Bank of its District, and the Reserve Bank to which the item is sent are the same as if the sender had sent the item to the Reserve Bank of its District and that Reserve Bank had sent the item to the other Reserve Bank.

(c) The Reserve Banks shall receive cash items and other checks at par.

§ 210.5 Sender's agreement; recovery by Reserve Bank.

(a) *Sender's agreement.* By sending an item to a Reserve Bank, the sender:

(1) Authorizes the receiving Reserve Bank (and any other Reserve Bank or collecting bank to which the item is sent) to handle the item subject to this subpart and to the Reserve Banks' operating circulars, and warrants its authority to give this authorization;

(2) Warrants to each Reserve Bank handling the item that: (i) the sender has good title to the item or is authorized to obtain payment on behalf of one who has good title (whether or not this warranty is evidenced by the sender's express guaranty of prior indorsements on the item); and (ii) to the extent prescribed by State law applicable to a Reserve Bank or subsequent collecting bank handling the item, the item has not been materially altered; but paragraph (a)(2) of this section does not limit any warranty by a sender arising under State law; and

(3) Agrees to indemnify each Reserve Bank for any loss of expense sustained (including attorneys' fees and expenses of litigation) resulting from (i) the sender's lack of authority to make the warranty in paragraph (a)(1) of this section; (ii) any action taken by the Reserve Bank within the scope of its authority in handling the item; or (iii) any warranty made by the Reserve Bank under § 210.6(b) of this subpart.

(b) *Recovery by Reserve Bank.* If an action or proceeding is brought against a Reserve Bank that has handled an item, based on:

(1) The alleged failure of the sender to have the authority to make the warranty and agreement in paragraph (a)(1) of this section;

(2) Any action by the Reserve Bank within the scope of its authority in handling the item; or

(3) Any warranty made by the Reserve Bank under § 210.6(b) of this subpart,

the Reserve Bank may, upon the entry of a final judgment or decree, recover from the sender the amount of attorneys' fees and other expenses of litigation incurred, as well as any amount the Reserve Bank is required to pay under the judgment or decree, together with interest thereon.

(c) *Methods of recovery.* The Reserve Bank may recover the amount stated in paragraph (b) of this section by charging any account on its books that is maintained or used by the sender (or if the sender is another Reserve Bank, by entering a charge against the other Reserve Bank through the Interdistrict Settlement Fund), if:

(1) The Reserve Bank made seasonable written demand on the sender to assume defense of the action or proceeding; and

(2) The sender has not made any other arrangement for payment that is acceptable to the Reserve Bank.

A Reserve Bank that has been charged through the Interdistrict Settlement Fund may recover from its sender in the manner and under the circumstances set forth in this paragraph. A Reserve Bank's failure to avail itself of the remedy provided in this paragraph does not prejudice its enforcement in any other manner of the indemnity agreement referred to in paragraph (a)(3) of this section.

§ 210.6 Status, warranties, and Liability of Reserve Bank.

(a) (1) *Status and liability.* A Reserve Bank shall act only as the sender's agent in respect of an item. This agency terminates not later than the time the Reserve Bank receives payment for the item in actually and finally collected funds and makes the proceeds available for use by the sender. A Reserve Bank shall not act as agent or subagent of an owner or holder of an item other than the sender. A Reserve Bank shall not have or assume any liability to the sender in respect of an item or its proceeds except for the Reserve Bank's own lack of good faith or failure to exercise ordinary care.

(2) *Reliance on routing designation appearing on item.* A Reserve Bank may present or send an item based on the routing number or other designation of a paying bank or nonbank payor appearing in any form on the item when the Reserve Bank receives it. A Reserve Bank shall not be responsible for any delay resulting from its acting on any designation, whether inscribed by magnetic ink or by other means, and whether or not the designation acted on is consistent with any other designation appearing on the item.

(b) *Warranties and liability.* By presenting or sending an item, a Reserve Bank warrants to a subsequent collecting bank and to the paying bank and any other payor:

(1) That the Reserve Bank has good title to the item (or is authorized to obtain payment on behalf of one who either (i) has good title or (ii) is authorized to obtain payment on behalf of one who has good title), whether or not this warranty is evidenced by the Reserve Bank's express guaranty of prior indorsements on the item; and

(2) That the item has not been materially altered to the extent prescribed by State law applicable to a Reserve Bank or subsequent collecting bank holding the item.

The Reserve Bank shall not have or assume any other liability to the paying bank or other payor, except for the Reserve Bank's own lack of good faith or failure to exercise ordinary care.

§ 210.7 Presenting items for payment.

(a) *Presenting or sending.* As provided under State law or as otherwise permitted by this section: (1) a Reserve Bank or a subsequent collecting bank may present an item for payment or send the item for presentment and payment; and

(2) A Reserve Bank may send an item to a subsequent collecting bank with authority to present it for payment or to send it for presentment and payment.

(b) *Place of presentment.* A Reserve Bank or subsequent collecting bank may present an item:

(1) At a place requested by the paying bank;

(2) At a place requested by the nonbank payor, if the item is payable by a nonbank payor other than through a paying bank;

(3) Under a special collection agreement consistent with this subpart; or

(4) Through a clearing house and subject to its rules and practices.

(c) *Presenting or sending direct.* A Reserve Bank or subsequent collecting bank may, with respect to an item payable in the Reserve Bank's District:

(1) Present or send the item direct to the paying bank, or to a place requested by the paying bank; or

(2) If the item is payable by a nonbank payor other than through a paying bank, present it direct to the nonbank payor. Documents, securities, or other papers accompanying a noncash item shall not be delivered to the nonbank payor before the item is paid unless the sender specifically authorizes delivery.

(d) *Item payable in another district.* A Reserve Bank receiving an item payable in another District ordinarily sends the item to the Reserve Bank of the other District, but with the agreement of the other Reserve Bank, may present or send the item as if it were payable in its own District.

§ 210.8 Presenting noncash items for Acceptance.

A Reserve Bank or a subsequent collecting bank may, if instructed by the sender, present a noncash item for acceptance in any manner authorized by law if: (a) the item provides that it must be presented for acceptance; (b) the item is payable elsewhere than at the residence or place of business of the

payor; or (c) the date of payment of the item depends on presentment for acceptance. Documents accompanying a noncash item shall not be delivered to the payor upon acceptance of the item unless the sender specifically authorizes delivery. A Reserve Bank shall not have or assume any other obligation to present or to send for presentment for acceptance any noncash item.

§ 210.9 Payment.

(a) *Cash items.* A paying bank becomes accountable for the amount of a cash item received directly or indirectly from a Reserve Bank, at the close of the paying bank's banking day on which it receives[3] the item if it retains the item after the close of that banking day, unless, prior to that time, it pays for the item by:

(1) Debit to an account on the Reserve Bank's books;

(2) Cash; or

(3) In the discretion of the Reserve Bank, any other form of payment.

The proceeds of any payment shall be available to the Reserve Bank by the close of the Reserve Bank's banking day on the banking day of receipt of the item by the paying bank. If the banking day of receipt is not a banking day for the Reserve Bank, payment shall be made on the next day that is a banking day for both the Reserve Bank and the paying bank.

(b) *Noncash items.* A Reserve Bank may require the paying or collecting bank to which it has presented or sent a noncash item to pay for the item in cash, but the Reserve Bank may permit payment by a debit to an account on the Reserve Bank's books or by any of the following that is in a form acceptable to the Reserve Bank: bank draft, transfer of funds or bank credit, or any other form of payment authorized by State law.

(c) *Nonbank payor.* A Reserve Bank may require a nonbank payor to which it has presented an item to pay for it in cash, but the Reserve Bank may permit payment in any of the following that is in a form acceptable to the Reserve Bank: cashier's check, certified check, or other bank draft or obligation.

(d) *Handling of payment.* A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a cash item as a cash item. A Reserve Bank may handle a bank draft or other form of payment it receives in payment of a noncash item as either a cash item or a noncash item.

(e) *Liability of Reserve Bank.* A Reserve Bank shall not be liable for the failure of a collecting bank, paying bank, or nonbank payor to pay for an item, or for any loss resulting from the Reserve Bank's acceptance of any form of payment other than cash authorized in paragraphs (a), (b), and (c) of this section. A Reserve Bank that acts in good faith and exercises ordinary care shall not be liable for the nonpayment of, or failure to realize upon, a bank draft or other form of payment that it accepts under paragraphs (a), (b), and (c).

§ 210.10 Time schedule and availability of credits for cash items.

(a) Each Reserve Bank shall include in its operating circulars a time schedule for each of its offices indicating when the amount of any cash item received by it (or sent direct to another Reserve office for the account of that Reserve Bank) is counted as reserve for purposes of Part 204 of this chapter (Regulation D) and becomes available for use by the sender. The Reserve Bank shall give either immediate or deferred credit in accordance with its time schedule to a sender other than a foreign correspondent. A Reserve Bank ordinarily gives credit to a foreign correspondent only when the Reserve Bank receives payment for the item in actually and finally collected funds, but, in its discretion, a Reserve Bank may give immediate or deferred credit in accordance with its time schedule.

(b) Notwithstanding its time schedule, a Reserve Bank may refuse at any time to permit the use of credit given for any cash item for which the Reserve Bank has not yet received payment in actually and finally collected funds.

§ 210.11 Availability of proceeds of noncash items; time schedule.

(a) *Availability of credit.* A Reserve Bank shall give credit to the sender for the proceeds of a noncash item when it receives payment in actually and finally collected funds (or advice from another Reserve Bank of such payment to it). The amount of the item is counted as reserve for purposes of Part 204 of this chapter (Regulation D) and becomes available for use by the sender when the Reserve Bank receives the payment or advice, except as provided in paragraph (b) of this section.

(b) *Time schedule.* A Reserve Bank may give credit for the proceeds of a noncash item subject to payment in actually and finally collected funds in accordance with a time schedule included in its operating circulars. The time schedule shall indicate when the proceeds of the noncash item will be counted as reserve for purposes of Part 204 of this chapter (Regulation D) and become available for use by the sender. A Reserve Bank may, however, refuse at any time to permit the use of credit given for a noncash item for which the Reserve Bank has not yet received payment in actually and finally collected funds.

(c) *Handling of payment.* If a Reserve Bank receives, in payment for a noncash item, a bank draft or other form of payment that it elects to handle as a noncash item, the Reserve Bank shall neither count the proceeds as reserve for purposes of Part 204 of this chapter (Regulation D) nor make the proceeds available for use until it receives payment in actually and finally collected funds.

§ 210.12 Return of cash items.

(a) *Recovery of payment.* A paying bank that receives a cash item directly or indirectly from a Reserve Bank, other than for immediate payment over the counter, and that pays for the item as provided in § 210.9(a) of this subpart, may recover the payment if, before it has finally paid the item, it:

(1) Returns the item before midnight of its next banking day following the banking day of receipt; or

(2) Takes any other action to recover the payment within the times and by the means provided by State law.

The rules or practices of a clearinghouse through which the item was presented, or a special collection agreement under which the item was presented, may not extend these return times, but may provide for a shorter return time.

(b) *Paying bank's warranties and agreement.* A paying bank that obtains a credit or refund for the amount of a payment it has made for a cash item:

(1) Warrants to the Reserve Bank (and to a subsequent collecting bank, and to the sender and all prior parties) that it took all action necessary to entitle it to recover its payment within the time limits of: (i) this subpart; (ii) State law, unless a longer time is afforded by this subpart; (iii) the rules or practices of any clearing house through which the item was presented; and (iv) any special collection agreement under which the item was presented; and

(2) Agrees to indemnify the Reserve Bank for any loss or expense sustained (including attorneys' fees and expenses of litigation) resulting from the Reserve Bank's giving the credit or refund to the paying bank, or charging, or obtaining a refund from, the sender.

[3] A paying bank is deemed to receive a cash item on its next banking day if it receives the item:

(1) On a day other than a banking day for it; or

(2) On a banking day for it, but

(i) After its regular banking hours;

(ii) After a "cut-off hour" established by it in accordance with State law; or

(iii) During afternoon or evening periods when it is open for limited functions only.

A Reserve Bank shall not have or assume any responsibility for determining whether the action taken by a paying bank was timely.

§ 210.13 Chargeback of unpaid items.

(a) *Right of chargeback.* If a Reserve Bank does not receive payment in actually and finally collected funds for an item for which the Reserve Bank gave credit subject to payment in actually and finally collected funds, the Reserve Bank shall charge back the amount of the item to the sender, whether or not the item itself can be returned. In the event of chargeback, neither the owner or holder of the item nor the sender shall have any interest in any reserve balance or other funds of the paying bank or a collecting bank in the Reserve Bank's possession.

(b) *Suspension or closing of bank.* A Reserve Bank shall not pay or act on a draft, authorization to charge, or other order on a reserve balance or other funds in its possession after it receives notice of suspension or closing of the bank making the payment for that bank's own or another's account.

§ 210.14 Extension of time limits.

If, because of interruption of communication facilities, suspension of payments by a bank or nonbank payor, war, emergency conditions or other circumstances beyond its control, a bank (including a Reserve Bank) or nonbank payor is delayed in acting on an item beyond applicable time limits, its time for acting is extended for the time necessary to complete the action, if it exercises such diligence as the circumstances require.

§ 210.15 Direct presentment of certain warrants.

If a Reserve Bank elects to present direct to the payor a bill, note, or warrant that is issued and payable by a State or a political subdivision and that is a cash item not payable or collectible through a bank: (a) sections 210.9, 210.12, and 210.13 and the operating circulars of the Reserve Banks apply to the payor as if it were a paying bank; (b) section 210.14 applies to the payor as if it were a bank; and (c) under § 210.9 each day on which the payor is open for the regular conduct of its affairs or the accommodation of the public is considered a banking day.

Subpart B—Wire Transfers of Funds

§ 210.25 Authority, purpose, and scope.

The Board of Governors of the Federal Reserve System ("Board") has issued this subpart pursuant to the Federal Reserve Act, section 13 (12 U.S.C. 342), paragraph (f) of section 19 (12 U.S.C. 464), paragraph 14 of section 16 (12 U.S.C. 248(o)), paragraphs (i) and (j) of section 11 (12 U.S.C. 248(i) and (j)), and other laws. This subpart governs the handling by Federal Reserve Banks ("Reserve Banks") of transfer items and transfer requests. Its purpose is to provide rules for the wire transfer of funds.

§ 210.26 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) "Beneficiary" means a person or organization, other than the transferee, designated in a transfer item or request to receive the amount of the item or request from the transferee.

(b) "Interoffice transaction" means a transfer between a transferor and transferee that do not maintain or use accounts at the same office of a Reserve Bank.

(c) "Item" means a writing evidencing a request for the payment of money, that is handled under this subpart. "Item" does not include an "item" as defined in section 210.2 that is handled under subpart A.

(d) "Transfer item" means an item: (1) sent by a transferor (other than a Reserve Bank) to a Reserve Bank for debit to the transferor's account at the Reserve Bank and for credit to a transferee; (2) sent by a Reserve Bank to another Reserve Bank for credit to the latter or to any other transferee; or (3) issued by a Reserve Bank at the request of a transferor for credit to a transferee.

(e) "Transfer request" or "request" means a request by telephone that a Reserve Bank issue a transfer item.

(f) "Transferee" means a member bank, a Reserve Bank, or other institution that (1) maintains or, if authorized by the Reserve Bank, uses an account at a Reserve Bank and (2) is designated in a transfer item or request to receive the amount of the item or request.

(g) "Transferor" means a member bank, a Reserve Bank, or other institution that maintains or uses an account at a Reserve Bank and that is authorized by that Reserve Bank to send a transfer item or request to it.

(h) "Transferor's account" or "transferee's account" means the account at its Reserve Bank maintained or used by the transferor or transferee, respectively.

(i) "Transferor's Reserve Bank" or "transferee's Reserve Bank" means the Reserve office at which the transferor or transferee, respectively, maintains or uses an account.

§ 210.27 General provisions.

(a) *General.* Each Reserve Bank shall receive and handle transfer items, and shall itself issue transfer items, in accordance with this subpart. Each Reserve Bank shall issue an operating circular governing the details of its funds transfer operations and other matters deemed appropriate by the Reserve Bank. The circulars may, among other things: set minimum and maximum dollar amounts; specify format and authentication requirements for transfer items and requests; and impose reasonable funds transfer charges.

(b) *Binding effect.* This subpart and the operating circulars of the Reserve Banks are binding on transferors, transferees, beneficiaries, and other parties interested in an item.

(c) *Government transferors and transferees.* Except as otherwise provided by statutes of the United States, or regulations issued or arrangements made thereunder, this subpart and the operating circulars of the Reserve Banks apply to the following when acting as a transferor or transferee: a department, agency, instrumentality, independent establishment, or office of the United States, or a wholly owned or controlled Government corporation, that maintains or uses an account with a Reserve Bank.

§ 210.28 Media for transfer items and requests.

(a) *Transfer items.* A transferor may issue and send a transfer item in any of the following media, if specified in the operating circular of the transferor's Reserve Bank:

(1) A letter, memorandum, or similar writing;

(2) A telegram (including TWX, TELEX, or similar form of communication); and

(3) Any form of communication, other than voice, registered on (or in form suitable for being registered on) magnetic tape, disc, or other medium designed to contain in durable form conventional signals used for electronic communication of messages.

(b) *Transfer requests.* A transferor may make transfer requests only under special arrangements with its Reserve Bank. The Reserve Bank may record these telephone messages.

§ 210.29 Transferor's agreement.

A transferor, by sending a transfer item or making a transfer request to its Reserve Bank, authorizes:

(a) Its Reserve Bank to debit the amount to the transferor's account, and to handle the transfer item or request in accordance with this subpart and the

operating circulars of the Reserve Banks; and

(b) The transferee's Reserve Bank to handle a matching transfer item (matching as to amount, transferee, and beneficiary, if any) in accordance with this subpart and the operating circulars of the transferee's Reserve Bank.

§ 210.30 Transferee's agreement.

(a) A transferee (other than a Reserve Bank), by maintaining or using an account at a Reserve Bank, authorizes its Reserve Bank to credit the amount of the transfer item to its account.

(b) A transferee (other than a Reserve Bank) that receives a transfer item, or advice of credit of a transfer item, designating a beneficiary, agrees:

(1) To credit promptly the beneficiary's account or otherwise make the amount available to the beneficiary; or

(2) To notify promptly its Reserve Bank if it is unable to do so because of circumstances beyond its control.

§ 210.31 Sending transfer items and requests.

(a) A transferor (other than a Reserve Bank) may send a tranfer item to, or make a tranfer request of, its Reserve Bank. A Reserve Bank may refuse to act on, or may impose conditions to its acting on, a transfer item or request if it has reason to believe that the balance in the transferor's account is not sufficient to cover the item or request. The transferor shall arrange to have in its account, at the end of its Reserve Bank's banking day, a balance of actually and finally collected funds sufficient to cover the amounts of transfer items debited to the account during that day. In addition to other remedies, the Reserve Bank has a security interest in the transferor's assets in the possession of, or held for the account of, the Reserve Bank if:

(1) The balance in the transferor's account at the end of the Reserve Bank's banking day is not sufficient to cover the amounts debited to the account during that day; or

(2) The transferor suspends payment or is closed at any time during the Reserve Bank's banking day, and does not have a balance sufficient to cover the amounts debited to its account.

(b) A Reserve Bank may send a transfer item to, or make a transfer request of, another Reserve Bank.

§ 210.32 Handling transfer items and requests.

(a) *Intraoffice transactions.* If the transferor and transferee maintain or use accounts at the same Reserve office, that office shall act on a transfer item by debiting and crediting their accounts. The Reserve office shall act on a transfer request by issuing a transfer item, and debiting and crediting the accounts.

(b) *Interoffice transactions.* The transferor's Reserve Bank shall handle an interoffice transaction by debiting the transferor's account and, acting as a transferor, issuing and sending to the transferee's Reserve Bank a matching transfer item (matching as to amount, transferee, and beneficiary, if any). The transferee's Reserve Bank shall transfer funds to the transferee by debiting the account of the transferor's Reserve Bank, and crediting the transferee's account.

(c) *Notice of delay.* If a Reserve Bank learns that it is unable to effectuate a transfer of funds on a timely basis for any reason, it shall notify the transferor of the delay within a reasonable time.

§ 210.33 Time limits.

(a) *Time schedule.* Each Reserve Bank shall include in its operating circular a schedule showing the hours during which it handles transfer items and requests.

(b) *Acting seasonably.* A Reserve Bank acts seasonably if it takes proper action on the day it receives a transfer item or request. Taking proper action within a reasonably longer time may be seasonable but the Reserve Bank has the burden of so establishing. No Reserve Bank shall represent that it will complete a transfer of funds on the day requested.

(c) *Transfers after closing hour.* A Reserve Bank is not required to act on the day it receives an item or request if it receives the item or request after the time shown in its schedule. In emergency or other unusual circumstances, a Reserve Bank may handle a transfer item or request after the time shown in its schedule. The completion of an interoffice transaction in these circumstances is also discretionary with the transferee's Reserve Bank.

(d) *As of adjustments.* If a Reserve Bank fails to credit to the transferee's account on the day requested the amount of a transfer item or request received by the Reserve Bank before the time shown in its schedule, the Reserve Bank shall, unless otherwise instructed, complete the transfer on its next banking day and make adjustments for reserve accounting purposes as of the day the transfer was to have been made.

§ 210.34 Advices of credit and debit.

(a) *Advice of credit.* The transferee's Reserve Bank shall give advice of credit to the transferee for an executed transfer of funds.

(b) *Advice of debit.* After receiving a transfer item or request, the transferor's Reserve Bank shall send an advice of debit to the transferor. A transferor is deemed to approve the accuracy of an advice of debit unless it sends to its Reserve Bank written objection within 10 calendar days of receiving the advice of debit.

§ 210.35 Revocation of transfer items and requests.

(a) *Request for revocation.* A Reserve Bank may cease acting on a transfer item or request if it receives from the transferor a request for revocation in time to give the Reserve Bank a reasonable opportunity to comply. If the request is received too late, the Reserve Bank may, on request from the transferor, ask the transferee to return the funds. In an interoffice transaction, the Reserve Bank may ask the transferee's Reserve Bank to ask the transferee to return the funds.

(b) *Erroneous transfer.* In an erroneous or irregular transfer of funds, a Reserve Bank may, on its own initiative or at the request of another Reserve Bank, ask the transferee to return funds previously transferred.

§ 210.36 Final payment; use of funds.

(a) *Final payment.* A transfer item is finally paid when the transferee's Reserve Bank sends the transfer item or sends or telephones the advice of credit for the item to the transferee, whichever occurs first.

(b) *Right to use funds.* Credit given by a Reserve Bank for a transfer of funds becomes available for use when the transfer item is finally paid, subject to the Reserve Bank's right to apply the transferred funds to an obligation owed to it by the transferee.

§ 210.37 Timeliness of action.

If, because of circumstances beyond its control, a Reserve Bank is delayed beyond the time limits provided in this subpart, in its operating circular, or by law in acting on a transfer item or request, the time for acting is extended for the time necessary to complete the action, if the Reserve Bank exercises such diligence as the circumstances require.

§ 210.38 Reserve Bank liability.

(a) *Limitations on liability.* A Reserve Bank shall not have or assume any responsibility to a transferee, beneficiary, or other party, except its immediate transferor. A Reserve Bank shall not be liable for the insolvency, neglect, misconduct, mistake, or default of another bank or person, including a transferor, except as provided in this

section. A Reserve Bank shall not have or assume any liability except for its own or another Reserve Bank's lack of good faith or failure to exercise ordinary care.

(b) *Damages.* A Reserve Bank is liable to its immediate transferor for damages proximately caused by a failure to credit the amount of a transfer item or request to the transferee's account caused by a Reserve Bank's failure to exercise ordinary care or to act in good faith. Whether damages are proximately caused by a Reserve Bank's failure to exercise ordinary care or to act in good faith is a question of fact to be determined in each case.

(c) *Right to indemnity.* The transferee's Reserve Bank shall indemnify the transferor's Reserve Bank for any loss or expense sustained (including attorneys' fees and expenses of litigation) as a result of the failure of the transferee's Reserve Bank to exercise ordinary care or to act in good faith in an interoffice transaction.

By order of the Board of Governors of the Federal Reserve System, October 9, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-32131 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0013]

Ceiling Rates of Interest on 14- to 90-Day Time Deposits of Under $100,000

October 9, 1980.

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Deregulation Committee ("the Committee") has adopted a final rule concerning the ceiling rate of interest payable, effective October 30, 1980, by banks that are members of the Federal Reserve System on time deposits of under $100,000 with original maturities (or notice periods) of 14 to 90 days. The rate established for such deposits is 5¼ percent. The Committee's action was prompted by the recent action of the Federal Reserve Board, effective October 30, 1980, shortening the minimum maturity of time deposits at banks that are members of the Federal Reserve System from 30 to 14 days. In the event the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board take similar action in the future, the ceiling rate of interest payable on such time deposits will be 5¼ percent for insured nonmember commercial banks, and 5½ percent for insured mutual savings banks and savings and loan associations.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324), Margaret Egginton, Attorney, Board of Governors of the Federal Reserve System (202/452-2489), or Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798).

SUPPLEMENTARY INFORMATION: Current regulations of the Board of Governors of the Federal Reserve System ("Federal Reserve"), the Federal Deposit Insurance Corporation ("FDIC") and the Federal Home Loan Bank Board ("FHLBB") establish 30 days as the minimum maturity for time deposits that may be issued by depository institutions subject to their respective jurisdictions. The Federal Reserve, in amending its Regulation D (12 CFR Part 204) to implement the reserve requirement provisions of the Monetary Control Act of 1980 (Title I of P. L. 96-221), shortened the minimum maturity of time deposits at member banks from 30 to 14 days, effective October 30, 1980. (The Federal Reserve will adopt conforming technical amendments to its Regulation Q (12 CFR Part 217) that also will be effective October 30, 1980). Under the Federal Reserve's new rule, banks that are members of the Federal Reserve System, effective October 30, 1980, may issue and pay interest on 14 to 90 day time deposits of over $100,000 at any rate since time deposits issued in such denominations are not subject to interest rate limitations.

The new maturity also applies to time deposits under $100,000 issued by member banks. In the case of such time deposits issued to domestic governmental units, the current ceiling of 8 percent (the highest rate payable on any fixed-ceiling category of time deposit by any federally insured commercial bank, mutual savings bank, or savings and loan association) will apply to new 14 to 90 day accounts (see 12 CFR 217.7(d)). However, no ceiling rate exists for nongovernmental unit time deposits of under $100,000 with original maturities of less than 30 days. Accordingly, the Committee has established a ceiling rate of interest of 5¼ percent payable by member banks on time deposits with original maturities (or notice periods) of between 14 and 90 days issued to other than governmental units in denominations of less than $100,000. This is the same ceiling rate of interest currently payable by member banks on time deposits of under $100,000 with original maturities (or notice periods) of 30 to 90 days. In the event that the FDIC and FHLBB also authorize a reduction to 14 days in the minimum maturity of time deposits, the ceiling rate of interest payable on such time deposits issued to other than domestic governmental units will be 5¼ percent for insured nonmember commercial banks, and 5½ percent for insured mutual savings banks and savings and loan associations. As in the case of member banks, the ceiling rate of interest payable on such time deposits issued to governmental units would be 8 percent.

In view of the fact that this act facilitates implementation of an action taken by the Board of Governors of the Federal Reserve System on which public comment already has been received, the Committee finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this action is unnecessary and would be contrary to the public interest. Therefore, pursuant to its authority under Title II of Public Law 96-221, 94 Stat. 142 (12 U.S.C. § 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, mutual savings banks and savings and loan associations, the Committee amends Part 1204 (Interest on Deposits), effective October 30, 1980, by adding section 112 as follows:

PART 1204—INTEREST ON DEPOSITS

§ 1204.112 Time deposits of less than $100,000.

Depository institutions that are members of the Federal Reserve System may pay interest on any time deposit with an original maturity or notice period of 14 days or more, but less than 90 days, at a rate not to exceed 5¼ percent. In the event the Federal Deposit Insurance Corporation shortens the minimum required maturity or notice period of time deposits to 14 days, federally insured commercial banks that are not members of the Federal Reserve System also may pay interest on such time deposits at a rate not to exceed 5¼ percent, and federally insured mutual savings banks may pay interest on such time deposits at a rate not to exceed 5½ percent. In the event the Federal Home Loan Bank Board shortens the minimum required maturity or notice period of

time deposits to 14 days, institutions insured by the Federal Savings and Loan Insurance Corporation may pay interest on such time deposits at a rate not to exceed 5½ percent.

By order of the Committee, October 9, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-32127 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 1204

[Docket No. D-0004]

Premiums, Finders Fees, and the Prepayment of Interest

October 9, 1980.

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rules.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has adopted final rules concerning the use of premiums, finders fees, and the prepayment of interest by depository institutions. The rules adopted by the Committee apply only to deposits subject to interest rate ceiling limitations. Under the rules adopted, premiums (whether in the form of merchandise, credit, or cash) given by depository institutions to their depositors will not be regarded as a payment of interest if: (a) the premium is given to a depositor only at the time of the opening of a new account or an addition to or renewal of an existing account; (b) no more than two premiums per account are given within a twelve-month period; and (c) the value of the premium or, in the case of articles of merchandise, the total cost (including shipping, packaging and handling expenses) does not exceed $10 for deposits of less than $5,000 and $20 for deposits of $5,000 or more. In addition, averaging the price of various premiums will not be permitted and depository institutions will be required to certify that the total cost of a premium does not exceed the $10/$20 limitations.

With regard to finders fees, the Committee adopted a rule defining such fees as a payment of interest to the depositor and requiring that such fees be paid only in cash. Certain incentive programs for the employees of depository institutions are excepted from this rule. The Committee is aware that some institutions may have relied extensively on the use of finders fees to attract or retain deposits. Accordingly, the Committee requests public comment on a proposal (explained below) to permit the phaseout of finders fees at such institutions. The Committee also adopted a rule prohibiting depository institutions from prepaying interest on deposits of less than $100,000 in either cash or merchandise.

The rules adopted by the Committee apply to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act, and section 5B(a) of the Federal Home Loan Bank Act.

EFFECTIVE DATE: December 31, 1980. Comments on the proposed phaseout of finders fees should be received by November 17, 1980.

ADDRESS: Interested parties are invited to submit written comments on the proposed phaseout of finders fee programs to Normand R. V. Bernard, Executive Secretary, Depository Institutions Deregulation Committee, Federal Reserve Building, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. All material submitted should include the Docket Number D-0012. Such material will be made available for inspection and copying upon request except as provided in section 1202.5 of the Committee's Rules Regarding Availability of Information (12 CFR 1202.5).

FOR FURTHER INFORMATION CONTACT: Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324), Daniel L. Rhoads, Attorney, Board of Governors of the Federal Reserve System (202/452-3711), Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798), or Anthony F. Cole, Deputy General Counsel, Depository Institutions Deregulation Committee (202/452-3612).

SUPPLEMENTARY INFORMATION: On May 6, 1980, the Committee issued for comment proposals to: (1) prohibit depository institutions from giving depositors premiums or gifts associated directly with the receipt of a deposit; (2) require that finders fees paid to a person who introduces a depositor to an institution be paid only in cash and be regarded as a payment of interest to the depositor; (3) require that interest be paid only in the form of cash or a credit to a deposit account; and (4) prohibit the prepayment of interest. (45 Fed. Reg. 32323). Over 5,000 comments were received on the Committee's proposals. The majority of commenters opposed a prohibition on the use of premiums by depository institutions to attract deposits. Many of these respondents favored strengthening existing regulations as an alternative to the proposal. A majority of commenters favored the finders fees proposals, and the proposals to prohibit the prepayment of interest and to require that interest be paid in cash.

Premiums

The rules of the Board of Governors of the Federal Reserve System ("Federal Reserve"), Federal Deposit Insurance Corporation ("FDIC"), and Federal Home Loan Bank Board ("FHLBB") currently limit the cost of premiums to $5 for deposits of less than $5,000 and $10 for deposits of $5,000 or more. Premiums may be in the form of cash or merchandise, but merchandise is used more commonly. In the case of merchandise, the $5 and $10 limits apply to the cost to the institution, excluding shipping and packaging costs. Depository institutions can offer premiums at any time to depositors who open new accounts or add to existing accounts. However, premiums may not be given on a recurring basis to the same individual. The current premium rules were adopted by the agencies in 1970 in order to establish what constituted a *de minimis* amount that would not be regarded as the payment of interest. The rules were intended to clarify this matter and reduce time spent by the agencies in reviewing individual programs. This has not been accomplished, however, because in practice the rules are difficult to enforce since they can be circumvented by attributing an inflated portion of the total cost of the premium to shipping and packaging, rather than to the direct cost of the premium. In view of these considerations, the Committee has modified the current premium rules to lessen the potential for abuses.

The rule adopted by the Committee permits depository institutions to continue to offer depositors a premium at the time of opening a new account or adding to or renewing an account. However, a depository institution may not give more than two premiums per account during a 12-month period. The 12-month period begins on the date the depositor receives the first premium. In addition, the dollar limitations on the permissible cost of premiums has been raised to $10 for deposits of less than $5,000 and to $20 for deposits of $5,000 or more. All costs associated with a premium, including its costs and all other charges such as shipping, warehousing, handling and packaging costs must be included in determining compliance with the $10/$20 limitations.

The expenses associated with developing, advertising or promoting a premium program need not be included in determining the cost of a premium, and such expenses may not be used to absorb any of the cost of the premium. In addition, repackaging and return freight expenses may not be used to defray the cost of a premium. Any averaging of the cost of various items of merchandise offered in a premium program is prohibited. An executive officer of the institution will be required to certify, prior to the beginning of a premium program, that the institution's program complies with these requirements and that no portion of the cost of a premium has been attributed to development, advertising, promotional, or other expenses. This certification must be retained in the institution's files and must be made available to the institution's primary Federal supervisor upon request. Falsified certifications can result in the imposition of criminal penalties under 18 U.S.C. §§ 1001, 1005, and 1006. Model certifications that must be used by depository institutions are contained in the regulations.

Merchandise sold to a depositor pursuant to a self-liquidating program in which the depositor pays the total cost of the merchandise (including shipping, warehousing, handling and packaging costs) would not be regarded as a premium. An executive officer of the institution, however, would be required to certify that the depositor had paid a price at least equal to the total cost of the merchandise as defined above and that no portion of the total cost had been attributed to development, advertising, promotional, or other expenses. Continuity programs where a depositor receives a premium for one deposit and has the right to purchase additional items at the time of subsequent deposits are subject to the premium rule. (For example, under a continuity program where a depositor receives a gift for the first deposit and for a subsequent deposit, the depositor will have received two premiums under the Committee's rule.) An executive officer of the institution must certify that both the premium portion and the self-liquidating portion of a continuity program comply with the regulations by using both certifications provided for in the regulations. Promotional items such as pencils, pens and calendars, distributed to existing or potential depositors, would not be regarded as premiums in the absence of a requirement that an account be opened, renewed or added to.

Finders Fees

Finders fees, whether in the form of cash or merchandise, are fees paid to a person who introduces a depositor to an institution. The amount of a finders fee typically is related to the size of the deposit received by the institution. Under the current rules of the FHLBB, the total cost of any premiums given to a depositor and finders fees given to a third party are regarded as a payment of interest if in excess of $5 for deposits of less than $5,000 and $10 for deposits of $5,000 or more. The FHLBB excepts from the rule, however, prizes in cash given to employees who participate in a new account drive or contest sponsored by an association or, with certain limitations, sales commissions paid to a broker with respect to accounts opened or increased as a result of the services of the broker. The rules of the FDIC and Federal Reserve do not restrict the use of finders fees paid to third parties. However, if any portion of the fee is passed on to the depositor or a member of the depositor's household, that portion is regarded as additional interest on the deposit.

In view of the increased use of finders fees and the consideration that finders fees may, in some cases, be used to circumvent interest rates ceilings, the Committee has determined that such fees should be regarded as a payment to or for the account of the depositor. Accordingly, the Committee has adopted a rule defining finders fees as a payment of interest to the depositor for purposes of determining compliance with interest rate ceiling limitations. This rule also requires that such fees, when paid for deposits subject to interest rate ceiling limitations, be paid only in cash. This requirement extends to fees paid to individuals or firms that are in the business of brokering funds, but does not apply to bonuses or amounts paid to a depository institution's own employees for participating in an account drive, contest, or other incentive plan provided such bonuses or amounts are tied to the total amount of deposits solicited and are not tied to specific, individual deposits.

The Committee is aware that some institutions may have relied extensively on the use of finders fees to attract or retain deposits and that immediate application of this rule on December 31, 1980, may cause hardship for such institutions. Accordingly, the Committee is prepared to consider a phaseout of finders fee programs. If a phaseout is adopted, certain principles would apply. First, in order to be eligible for the phaseout, an institution would be required to demonstrate that finders fees have accounted for a significant share of its outstanding domestic small-denomination (under $100,000) time and savings deposits over a meaningful period of time. Second, the phaseout would be designed to encourage institutions to develop alternative marketing strategies as soon as possible. Third, to ensure that an undue competitive advantage would not be given to any eligible institution, the phaseout period would be of limited duration and the marketing practices for finders fees could be restricted. In this regard, those institutions qualifying for the phaseout could be limited to contacting directly the original finder.

Comment is requested on a proposal that would provide a phaseout of finders fee programs only for those institutions that can demonstrate that finders fees have accounted, on average, for 25 per cent or more of their outstanding domestic small-denomination time and savings deposits over the ten-quarter period ending June 30, 1980. Under this proposal, the base for the phaseout would be the amount of domestic small-denomination time and savings deposits outstanding on June 30, 1980, on which finders fees had been paid. This base amount could not be exceeded during the phaseout period. The maximum amount of domestic small-denomination time and savings deposits that could be raised through the continued use of finders fees would be limited to 90 per cent of the amount of domestic small-denomination time and savings deposits on which finders fees had been paid maturing in the quarter ending March 31, 1981. In each succeeding quarter, the maximum amount permitted to be raised would be subject to the percentages outlined in the schedule below. Under this proposal, any maturing domestic small-denomination time deposit on which a finders fee had been paid and that is renewed will be included in the amount of deposits obtained through the use of finders fees for the purpose of the schedule below. An institution would be required in advance to receive certification from its primary Federal supervisory agency that it had met the criteria to be eligible for the phaseout.

Quarter ending	Maximum percentage[1]
1981:	
Mar. 31	90
June 30	80
Sept. 30	70
Dec. 31	60
1982:	
Mar. 31	50
June 30	35
Sept. 30	20

Quarter ending	Maximum percentage[1]
Dec. 31	5
1983:	
Mar. 31	0

[1] Maximum percentage of maturing finders fee deposits permitted to be raised through the continued use of finders fees.

Specific comments are requested on: (1) the minimum proportion of domestic small-denomination time and savings deposits and the minimum period of time for which finders fees have been paid necessary to qualify for the proposed phaseout; (2) whether the remaining maturity structure of outstanding deposits obtained through finders fees is consistent with the proposed phaseout schedule; (3) whether limitations or restrictions on advertising the continued availability of finders fees during the phaseout period should be imposed and, if so, what types of limitations or restrictions; (4) the ability of institutions to identify prior recipients of finders fees; and (5) whether records maintained by institutions are adequate to implement the proposed phaseout.

Prepayment of Interest

The Federal Reserve and the FDIC both currently permit prepayment of interest either in cash or merchandise. However, prepaid interest must be discounted to its present value—that is, the amount of prepaid interest plus interest thereon at the maximum rate that may be paid on the type of deposit involved may not exceed the aggregate amount of interest that could have been paid on the deposit at maturity computed at the applicable maximum rate. Under FHLBB rules, however, insured savings and loan associations are not permitted to prepay interest.

The Committee believes that the prepayment of interest, particularly in the form of merchandise, can result in confusion as to the actual rate of return earned on a deposit and presents increased problems of enforcing deposit interest rate ceilings. In view of these considerations, the Committee has adopted a rule prohibiting the prepayment of interest to depositors, in either cash or merchandise, on all deposits subject to interest rate ceilings. This rule does not affect or limit the use of finders fees offered pursuant to the requirements of 12 CFR § 1204.110. The Committee has determined not to adopt its proposal to require that interest be paid only in the form of cash or a credit to a deposit account. Accordingly, depository institutions may pay interest, as it is earned, in the form of merchandise rather than in cash or a credit to a deposit account. For purposes of determining compliance with interest rate ceiling limitations, the cost of any merchandise given in lieu of cash interest must include the total cost of the merchandise. An executive officer of the institution must certify that the total cost includes shipping, warehousing, packaging, and handling fees, and that no portion of the cost has been attributed to development, advertising, promotional, or other expenses. A model certification that institutions must use if they pay interest in the form of merchandise is contained in the regulations.

Pursuant to its authority under Title II of Public Law 96-221, 94 Stat. 142 (12 U.S.C. § 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations and mutual savings banks, effective December 31, 1980, the Committee amends Part 1204 (Interest on Deposits) by adding sections 1204.109, 1204.110, and 1204.111 as follows:

PART 1204—INTEREST ON DEPOSITS

Sec.

* * * * *

1204.109 Premiums not considered payment of interest.
1204.110 Finders fees.
1204.111 Prepayment of interest and payment of interest in merchandise.

§ 1204.109 Premiums not considered payment of interest.

(a) Premiums, whether in the form of merchandise, credit, or cash, given by a depository institution to a depositor will be regarded as an advertising or promotional expense rather than a payment of interest if: (1) the premium is given to a depositor only at the time of the opening of a new account or an addition to, or renewal of, an existing account; (2) no more than two premiums per account are given within a 12-month period; and (3) the value of the premium or, in the case of articles of merchandise, the total cost (including shipping, warehousing, packaging, and handling costs) does not exceed $10 for deposits of less than $5,000 or $20 for deposits of $5,000 or more. The costs of premiums may not be averaged. Prior to the beginning of a premium program, an executive officer of the depository institution must certify that the total cost of a premium, including shipping, warehousing, packaging, and handling costs, does not exceed the applicable $10/$20 limitations and that no portion of the total cost of any premium has been attributed to development, advertising, promotional, or other expenses. The certification and supporting documents must be retained by the institution in its files and must be made available to the institution's primary Federal supervisory agency upon request.

(b) Certifications required by paragraph (a) must contain the following language:

(1) (For use with premium programs.)

I, _____, (name and title of certifying officer and institution) do hereby certify, to the best of my knowledge and belief, that the total cost(s) of the premium(s) offered by this institution during a premium program to be conducted from _____ (date) to _____, (date) including the wholesale cost, shipping, warehousing, packaging and handling costs, does (do) not exceed $10 for deposits of less than $5,000 or $20 for deposits of $5,000 or more. I further certify that the costs of premium items have not been averaged, that no portion of the cost of any premium has been attributed to development, advertising, promotional, or other expenses, and that this program complies in all respects with the requirements of 12 CFR § 1204.109.

_____

(Signature)

_____

(Date)

Falsification of this document may result in a fine of not more than $10,000 or imprisonment of not more than five years, or both. 18 U.S.C. §§ 1001, 1005, 1006.

(2) (For use with self-liquidating programs.)

I, _____

(name and title of certifying officer and institution)

do hereby certify, to the best of my knowledge and belief, that depositors are required to absorb the total costs of items sold by this institution in a self-liquidating program to be conducted from _____ (date) to _____ (date), including the wholesale cost, shipping, warehousing, packaging and handling costs. I further certify that the costs of items have not been averaged, that no portion of the cost of any item has been attributed to development, advertising, promotional, or other expenses, and that this program complies in all respects with the requirements of 12 CFR § 1204.109.

_____

(Signature)

_____

(Date)

Falsification of this document may result in a fine of not more than $10,000 or imprisonment of not more than five years, or both. 18 U.S.C. §§ 1001, 1005, 1006.

§ 1204.110 Finders fees

Any fee paid by a depository institution to a person who introduces a

depositor to the institution must be paid in cash when paid for deposits subject to interest rate ceilings, and will be regarded as a payment of interest to the depositor for purposes of determining compliance with interest rate ceilings, except that a depository institution may pay bonuses in cash or merchandise to its employees for participating in an account drive, contest, or other incentive plan, provided such bonuses are tied to the total amount of deposits solicited and are not tied to specific, individual deposits.

§ 1204.111 Prepayment of interest and payment of interest in merchandise.

(a) Interest may be paid in the form of merchandise, cash, or a credit to a deposit account. However, interest on a deposit subject to deposit interest rate ceilings, whether in the form of merchandise, cash, or credit to an account, may not be paid by a depository institution until such interest has been earned, except as provided in 12 CFR § 1204.110. Where merchandise is paid in lieu of cash interest, an executive officer of the depository institution must certify that the total cost of such merchandise includes shipping, warehousing, packaging, and handling costs, and that no portion of the cost has been attributed to development, advertising, promotional, or other expenses. The costs of individual items of merchandise may not be averaged. The certification and supporting documents must be retained by the institution in its files and must be made available to the institution's primary Federal supervisory agency on request.

(b) Certifications required by paragraph (a) must contain the following language:

I, ———— (name and title of certifying officer and institution), do hereby certify, to the best of my knowledge and belief, that the total cost(s) of merchandise offered by this institution in lieu of cash interest during a program conducted from ———— (date) to ———— (date) includes the wholesale cost, shipping, warehousing, packaging and handling costs, and does not exceed the maximum amount of earned interest that could have been paid in the form of cash or a credit to an account. I further certify that the costs of the items have not been averaged, that no portion of the cost of any item has been attributed to development, advertising, promotional, or other expenses, and that this program complies in all respects with the requirements of 12 CFR § 1204.111.

(Signature)

(Date)

Falsification of this document may result in a fine of not more than $10,000 or imprisonment of not more than five years, or both. 18 U.S.C. §§ 1001, 1005, 1006.

By order of the Committee, October 9, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-32128 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 1204

[Docket No. D-0011]

Maximum Rate of Interest Payable on Negotiable Order of Withdrawal Accounts

October 9, 1980.

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has adopted a final rule concerning the ceiling rate of interest payable on negotiable order of withdrawal ("NOW") accounts. Effective December 31, 1980, the ceiling rate of interest payable on NOW accounts will be 5¼ per cent for all institutions authorized to offer such accounts. The rule applies to all commercial banks, mutual savings banks, and savings and loan associations subject to the authorities conferred by section 19(j) of the Federal Reserve Act, section 18(g) of the Federal Deposit Insurance Act, and section 5B(a) of the Federal Home Loan Bank Act.

EFFECTIVE DATE: December 31, 1980.

FOR FURTHER INFORMATION CONTACT: Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446), Debra Chong, Attorney, Office of the Comptroller of the Currency (202/447-1632), F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324), John Harry Jorgenson, Attorney, Board of Governors of the Federal Reserve System (202/452-3778), Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798), or Anthony F. Cole, Deputy General Counsel, Depository Institutions Deregulation Committee (202/452-3612).

SUPPLEMENTARY INFORMATION: Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P.L. 96-221) authorizes depository institutions nationwide, except credit unions, to offer NOW accounts to individuals and certain nonprofit organizations effective December 31, 1980. On June 25, the Committee requested public comment on proposed rules concerning the maximum rate of interest payable on interest-bearing transaction accounts (45 Fed. Reg. 45303). The Committee proposed to establish a uniform ceiling rate on all interest-bearing transaction accounts at commercial banks, mutual savings banks, and savings and loan associations. To encourage depositors to segregate transaction balances from balances that are inactive and thus facilitate the conduct of monetary policy, the Committee also proposed to establish a ceiling rate on transaction accounts that was below the ceiling rate payable on nontransaction accounts. In this regard, the Committee proposed to define interest-bearing transaction accounts to include: NOW accounts; savings accounts subject to automatic transfers, telephone transfers and preauthorized nonnegotiable transfers; and savings accounts that permit payments to third parties by means of an automated teller machine, remote service unit or other electronic device. Comment was requested on four options for uniform ceilings on transaction accounts. The options called for ceilings of 5 per cent, 5¼ per cent, 5½ per cent, or a ceiling higher than 5½ per cent.

After considering over 770 comments on its proposals, the Committee has determined to take action at this time only with respect to the ceiling rate of interest payable on NOW accounts. The ceiling rate of interest payable on NOW accounts for all depository institutions authorized to offer such accounts will be 5¼ per cent effective December 31, 1980. The ceiling rate of interest payble on NOW accounts by those institutions already authorized to offer such accounts will remain at 5 per cent until December 31, 1980. The ceiling rates of interest payable on all other accounts, including savings accounts subject to automatic transfers, telephone transfers, preauthorized nonnegotiable transfers, and savings accounts accessible by automated teller machine, remote service unit or other electronic device, are not affected by this action and remain unchanged. The Committee determined not to adopt any of its original proposals at this time in order to avoid reduction in the rates of interest on certain accounts, as required by some of the proposals, and in view of its concern that consideration of increases in the passbook savings rate should be deferred at this time. The Committee announced its intent, however, to consider increasing the passbook savings rate as soon as feasible and will consider this issue no later than September 30, 1981.

Pursuant to its authority under Title II of Public Law 96-221, 94 Stat. 142 (12 U.S.C. § 3501 *et seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations, and mutual savings banks, effective December 31, 1980, the Committee amends Part 1204 (Interest on Deposits) by adding 1204.108 as follows:

PART 1204—INTEREST ON DEPOSITS

* * * * *

§ 1204.108 Maximum rates of interest payable by depository institutions on deposits subject to negotiable orders of withdrawal.

No depository institution subject to the authorities conferred by section 19(j) of the Federal Reserve Act (12 U.S.C. § 371(b)), section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. § 1828(g)), or section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. § 1425b(a)) shall pay interest at a rate in excess of 5¼ per cent per annum on any deposit or account subject to negotiable or transferable orders of withdrawal that is authorized pursuant to 12 U.S.C. § 1832(a).

By order of the Committee, October 9, 1980.

Normand R. V. Bernard,

Executive Secretary of the Committee.

[FR Doc. 80-32129 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-SO-66, Amdt. No. 39-3943]

Piper PA-31, PA-31-300, PA-31-325, and PA-31-350; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a repetitive inspection, reinforcement and, if necessary, repair of the fuselage bulkhead flange at the attachment point for the vertical tail forward spar on certain PA-31, PA-31-300, PA-31-325, and PA-31-350 series airplanes. This AD is prompted by reports of cracks developing in the bulkhead flange area which could result in the loss of the structural integrity of the vertical tail forward attachment.

DATES: Effective October 29, 1980. Compliance as prescribed in body of AD.

ADDRESSES: The applicable Service Bulletin may be obained from Piper Aircraft Corporation, Lockhaven Division, Lockhaven, Pennsylvania 17745, telephone (707) 748-6771.

A copy of the Service Bulletin is also contained in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Norman Berry Drive, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Jack Bentley, ASO-212, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been reports of cracks developing in the fuselage at the attachment point for the vertical tail forward spar in certain PA-31, PA-31-300, PA-31-325, and PA-31-350 series airplanes, which could result in the loss of the structural integrity of the vertical tail forward attachment. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued which requires the inspection, reinforcement and, if necessary, repair of the fuselage station 317.75 bulkhead on certain Piper PA-31, PA-31-300, PA-31-325, and PA-31-350 series airplanes.

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

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following Piper models certificated in all categories: PA-31, PA-31-300, and PA-31-325, S/N 31-2 through 31-7912039; and PA-31-350, S/N 31-5001 through 31-7952071.

For airplanes with 2,000 or more hours total time in service, compliance is required within the next 50 hours time in service after the effective date of this AD unless already accomplished. For airplanes with less than 2,000 hours total time in service, compliance is required within the next 50 hours time in service after the accumulation of 2,000 hours total time in service unless already accomplished.

To assure the structural integrity of the fuselage station 317.75 bulkhead, accomplish the following:

(a) Using 10 power magnification, inspect the upper section of the fuselage station 317.75 bulkhead for cracks in accordance with Piper Aircraft Corporation Service Bulletin 636A, dated August 26, 1980.

(b) If any cracks are found, install Piper Kit P/N 764 028 prior to further flight.

(c) If no cracks are found, repeat the inspection in paragraph (a) at intervals not to exceed 100 hours time in service until Piper Kit P/N 763 917 is installed. If any cracks are found during these inspections, install Piper Kit P/N 764 028 prior to further flight.

(d) Make appropriate maintenance record entry.

Upon submission of substantiating data through an FAA inspector, the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the inspection intervals.

An equivalent method of compliance may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective October 29, 1980.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "For Further Information Contact."

Issued in East Point, Ga., on October 2, 1980.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 80-32202 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 80-EA-41]

Designation of Transition Area Broadway, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a Broadway, N.J., Transition Area over the Broadway VORTAC, Broadway, N.J. This proposal will lower the controlled airspace over the VORTAC to 700 feet MSL. This designation will permit the use of a lower minimum enroute altitude (MEA) on airway Victor 232, east of the VORTAC.

EFFECTIVE DATE: 0901 GMT November 13, 1980.

FOR FURTHER INFORMATION CONTACT: Morris Rosen, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: On August 11, 1980, the FAA published an NPRM in the **Federal Register** on page 53163 proposing to designate a Broadway, N.J. Transition Area over the Broadway VORTAC. Interested parties were given a period in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT November 13, 1980, as published.

Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69.

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

Issued in Jamaica, New York, on October 1, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

1. Amend Section 71.181 of Part 71, Federal Aviation Regulations by designating a 700-floor transition area at Broadway, New Jersey as follows:

"Broadway, N.J.

"That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Broadway, New Jersey VORTAC".

[FR Doc. 80-32204 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-EA-45]

Alteration of Transition Areas: Millville, Hammonton, Albion, and Berlin, N.J.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Millville, Hammonton, Albion, and Berlin, N.J., Transition Areas by changing the name of the Millville VORTAC to Cedar Lake VORTAC. The four transition areas are described by reference to the Millville VORTAC. This alteration is the result of ambiguity and unnecessary communications resulting from pilots reporting over either the nearby airport or the VORTAC, but both are named Millville.

EFFECTIVE DATE: 0901 G.m.t. October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Morris Rosen, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

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

1. Amend section 181 of Part 71, Federal Aviation Regulations, by altering the 700-foot floor transition areas as follows:

Albion, N.J.

In the text delete, "and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, New Jersey; transition area." and substitute, "and within 2 miles each side of the Cedar Lake VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, New Jersey, transition area." therefor.

Berlin, N.J.

In the text delete, "and within 2 miles each side of the Millville, New Jersey, VORTAC 011° radial, extending from the 7-mile radius area to 13 miles north of the VORTAC." and substitute, "and within 2 miles each side of the Cedar Lake, New Jersey, VORTAC 011° radial, extending from the 7-mile radius area to 13 miles north of the VORTAC." therefor.

Hammonton, N.J.

In the text, delete, "within 2 miles each side of the Millville, New Jersey, VORTAC 051° radial extending from the 5.5-mile radius area to 7.5 miles northeast of the VORTAC." and substitute, "within 2 miles each side of the Cedar Lake, New Jersey, VORTAC 051° radial, extending from 5.5-mile radius area to 7.5 miles northeast of the VORTAC." therefor.

Millville, N.J.

In the text delete, "north of the Millville, New Jersey, VORTAC" and substitute, "north of the Cedar Lake, New Jersey, VORTAC." therefor.

(Sec. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.69)

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

Issued in Jamaica, New York, on October 1, 1980.

Lonnie D. Parrish,

Acting Director, Eastern Region.

[FR Doc. 80-32205 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 121, 127, and 135

[Docket No. 20298; Amdt. Nos. 121-165; 127-41; and 135-8]

Operations of Foreign-Registered Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments allow U.S. air carriers to operate foreign-registered aircraft, subject to certain conditions and limitations, in foreign air transportation and between points within the United States. They implement the "International Air Transportation Competition Act of 1979" (Pub. L. 96-192) which, among other things, amended section 1108(b) of the Federal Aviation Act of 1958 to allow U.S. air carriers to engage in otherwise authorized common carriage and carriage of mail with foreign-registered aircraft under lease or charter to them without crew. These amendments make available to U.S. air carriers, including air taxi and commuter air carriers, a new source for aircraft and for equipment financing and will assist those carriers in achieving increased operational efficiency.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Eli S. Newberger, Regulatory Projects Branch (AVS-24), Safety Regulations Staff, Associate Administrator for Aviation Standards,

Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 755-8716.

SUPPLEMENTARY INFORMATION:

History

This final rule is based on Notice of Proposed Rule Making No. 80-8, published in the **Federal Register** on May 1, 1980 (45 FR 20964). All interested persons have been given to all matters presented.

Background

Notice 80-8 was issued to provide the basis for implementation of an important amendment to section 1108(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1508(b)) (the FA Act) contained in the International Air Transportation Competition Act of 1979" (Pub. L. 96-192) which became effective February 15, 1980. That amendment to the third sentence of section 1108(b) permitted the Administrator to issue regulations "authorizing United States air carriers to engage in otherwise authorized common carriage and carriage of mail with foreign-registered aircraft under lease or charter to them without crew." Prior to the amendment, section 1108(b) of the FA Act prohibited foreign-registered aircraft from taking on, at any point within the United States, persons, property, or mail carried for compensation or hire and destined for another point within the United States. The statutory amendment is important because it provides the basis for availability to United States air carriers of a new source of aircraft which may be utilized under a wide variety of circumstances. This point will be discussed further under the heading "Benefits".

Notice 80-8 proposed changes to §§ 121.153, 127.71, and 135.25 of the Federal Aviation Regulations (FAR) to implement the statutory amendment. One aspect of the notice was the deletion from §§ 121.153 and 135.25 of prohibitions on the use of any aircraft not registered as a civil aircraft of the United States. In addition to implementing section 1108(b) as it existed prior to February 15, 1980, those prohibitions also prohibited carriage by U.S. carriers in other than U.S.-registered aircraft between a point in the United States and a point outside the United States, and between points outside the United States. Although Part 127 did not contain an explicit prohibition on the use of foreign-registered aircraft, the effect of section 1108(b) of the FA Act prior to February 15, 1980, was to prohibit use of those aircraft in air commerce within the United States. The second aspect of the notice was the addition to §§ 121.153, 127.71, and 135.25 of provisions permitting a Part 121, 127, or 135 certificate holder to operate in common carriage, and for the carriage of mail, a civil aircraft which is leased or chartered to the certificate holder without crew and is registered in a country which is a party to the Convention on International Civil Aviation (Chicago Convention). Four basic requirements were proposed as conditions precedent to the operation of a foreign-registered aircraft as follows:

(1) The aircraft must carry an appropriate airworthiness certificate issued by the country of registration and must meet the registration and identification requirements of that country.

(2) The aircraft must comply with all the requirements of the Federal Aviation Regulations which could be applicable if the aircraft were U.S.-registered instead of foreign-registered.

(3) The certificate holder must file a copy of the lease or charter agreement with the FAA.

(4) The aircraft must be operated by airmen employed by the certificate holder.

Discussion of Comments

The FAA received 11 comments in response to Notice 80-8. These comments represent the views of individuals, labor organizations, foreign governments, airline organizations, and other government agencies. Six commenters highly favor the proposal, four submitted comments and recommendations, and one opposes the proposal.

The commenter opposing the proposal contends that the leasing of these aircraft erodes the U.S. work force by allowing the foreign lessor to maintain the aircraft. The FAA does not agree. The rule permits an air carrier to use a foreign-registered aircraft. The maintenance, preventive maintenance, and inspection requirements for the foreign-registered aircraft are the same as those required for a U.S.-registered aircraft. The U.S. air carrier must conduct the operation and maintenance of the foreign-registered aircraft in accordance with its currently approved FAA operations specifications. This commenter is also concerned that there will be a deterioration in the safety level. This concern is not justified. The foreign-registered aircraft will be of a design approved by the FAA, and will be manufatured, maintained, and operated under the same standards as a U.S.-registered aircraft. Finally, this commenter requested that the rule making be deferred and a public hearing be held. The FAA does not agree that this is necessary. These amendments require a level of safety which is equivalent to that required for U.S.-registered aircraft. The commenter has not made any showing justifying delay of these amendments or why a public hearing should be held.

Several commenters are concerned about the accomplishment of airworthiness directives, service bulletins, service letters, service difficulty reporting, maintenance schedules, maintenance procedures, mechanic certification, and the overall airworthiness of an aircraft that was maintained by a foreign operator. The FAA requires air carriers to show compliance with the operating and airworthiness rules before issuing operations specifications authorizing the aircraft's operation. These amendments require the certificate holder to maintain the foreign-registered aircraft to standards equivalent to those for U.S.-registered aircraft. Therefore, there will not be any significant difference between the airworthiness of a foreign-registered aircraft and a U.S.-registered aircraft operated by a U.S. air carrier.

One commenter states it is unclear why it may be necessary for a pilot to obtain a foreign airman certificate. If imposed by the country of registry, this requirement would parallel the U.S. regulation that requires a foreign airman operating a U.S.-registered aircraft to hold a current U.S. pilot certificate when operating the U.S.-registered aircraft. This requirement conforms with the obligation imposed on the country of registery by the Chicago Convention.

One commenter states the FAA should make a predetermination that the minimum airworthiness requirements of the foreign country of registry meet the minimum U.S. airworthiness requirements. The FAA does not agree that this is necessary or advisable. It is the air carrier's responsibility to provide to the FAA the documentation and records necessary to determine type certification conformity. The FAA will then make the necessary inspections and/or reviews needed to determine the aircraft's compliance status prior to authorizing the aircraft's use in U.S. air carrier operations. In some cases, the operator may be required to make alterations or obtain exemptions from state of registry requirements in order to operate the aircraft in U.S. air carrier operations.

One commenter proposes a change to allow the certificate holder to contract for airmen as well as the aircraft as long as they are under the exclusive direction and control of the lessee certificate

holder. The FAA does not agree. This suggested change would allow wet lease agreements which are contrary to the provision in the statute which limits this rule making to a lease or charter agreement without crew.

Several foreign airworthiness authorities commented on the various rules, conditions, and limitations contained in their respective regulations concerning the operation and airworthiness of aircraft registered and maintained in their respective States. Their concern is whether the country of registry or the FAA is responsible for surveillance of the aircraft. Since the aircraft is treated as a U.S.-registered aircraft in all respects, while being operated by a U.S. air carrier, the FAA will conduct such surveillance as necessary to ensure compliance with the FAR no matter where the aircraft is operated. The certificate holder is responsible for making arrangements with the country of registry to satisfy that country's requirements, including any special documentation required by that country to be carried on the aircraft. It may be necessary for the lessee or lessor to obtain exemptions or concessions from the foreign airworthiness authority who has jurisdiction over the registration of the aircraft. In any case, the FAA will require documentation or conduct physical inspections to ensure compliance with all applicable requirements in the FAR.

One commenter suggests the FAR should provide for the FAA to accept alternate procedures to those laid down in the FAR if the FAA finds that the procedures of the country of registry provide an equivalent level of safety. It is inappropriate to include such provisions in a general rule making of this nature. Findings of equivalency, if appropriate, are best left for determination in specific cases. The FAA encourages parties to consult with the FAA with a view toward an exemption if there is an appropriate set of circumstances that seem to lend themselves to an exemption.

Another commenter cites a number of hypothetical difficulties that could arise as a result of these leases. The FAA contemplates that any difficulties encountered are best addressed by consultation between the governments involved in specific cases and are inappropriate for resolution in a general rule. The FAA notes that just such a procedure was followed in the case of the Concorde interchange between Braniff and British Airways/Air France.

One commenter questions why the aircraft must meet U.S. type certificate requirements. One of the requirements in the present regulations for air carriers is that an aircraft must have a current airworthiness certificate issued under Chapter 1 of 14 CFR. In order to have a current U.S. airworthiness certificate, the aircraft must comply with U.S. type certificate requirements. This standard is maintained in this rule to ensure that the aircraft is of a design approved by the FAA.

One commenter is concerned as to who can perform maintenance when the aircraft is operated by the certificate holder for a lease or charter operation. The FAA requires that maintenance must be performed by another U.S. certificate holder and those authorized by Parts 43 and 145 of the FAR.

Overall, the FAA recognizes that it has maintained a purposefully high safety standard; however, at the same time the FAA recognizes that we are dealing with cases of first impression. The FAA welcomes the opportunity to deal with individual proposals on a case-by-case basis with a view toward seeing that the Congressional intent is fully carried out.

Benefits

The new law and these amendments enhance the ability of the industry to increase aircraft utilization and to obtain aircraft financing from other than U.S. sources. It should open up a previously virtually untapped source of aircraft equipment for the broad spectrum of air carriers ranging from the very large trunk carrier to the smallest commuter or air taxi air carrier. For example, aircraft purchased by foreign owners from U.S. manufacturers can be leased to U.S. carriers for relatively long periods of time. As another example, a U.S. air carrier could lease a foreign-registered aircraft during its peak season and return the aircraft for the foreign air carrier's peak season. As still another example, the statute and these rules should encourage and facilitate interchange lease arrangements in which an authorized foreign air carrier would operate an aircraft to an interchange point at which the U.S. air carrier would take operational control for operation over its routes. Commuter air carriers should find this amendment especially beneficial in obtaining aircraft for use in providing essential air service to small communities.

Description of the Amendments

To implement Pub. L. 96–192, §§ 121.153, 127.71, and 135.25 of the FAR are amended to allow a U.S. air carrier to operate, in common carriage and for the carriage of mail, a civil aircraft which is leased or chartered to it without crew and is registered in a foreign country which is a party to the Chicago Convention. There are four specific requirements which must be met under each of the sections specified above.

First, the aircraft is required to carry an appropriate airworthiness certificate issued by the country of registration and meet the registration and identification requirements of that country. This is necessary to comply with the Chicago Convention.

Second, the aircraft is required to comply with all the requirements in the FAR that would be applicable if the aircraft were registered in the United States. This includes all the requirements which must be met for the issuance of a U.S. standard airworthiness certificate, although a U.S. standard airworthiness certificate will not be issued for the aircraft. The foreign-registered aircraft and its operation must comply in all respects with the FAR as if it were a U.S.-registered aircraft operated by the air carrier. This ensures that there is no reduction in the level of safety currently provided by U.S. air carriers. The aircraft type design must be approved under a U.S. type certificate and the particular aircraft involved must meet the requirements for a U.S. standard airworthiness certificate, except the requirement for a U.S. registration certificate. With respect to the aircraft being approved under a U.S. type certificate, the proposal has been editorially revised in this final rule by the addition of the clause "is of a type design which is approved under a U.S. type certificate" immediately following the second word "aircraft" in §§ 121.153(c)(2), 127.71(b)(2), and 135.25(d)(2). This change uses more technically correct language and is not a substantive difference from the discussion of the proposal which said that the aircraft type design must be type certificated by the FAA. This means the aircraft must conform to the FAA type certificate and be in a condition for safe operation, including compliance with all effective U.S. and foreign airworthiness directives, maintenance, and life-limited parts requirements. Certification and maintenance rules, operating and equipment rules, and pilot certification, qualification, checking, training, and competency rules applicable to the operation of a U.S.-registered aircraft of the same type also would apply. However, the foreign-registered aircraft is not eligible for, nor would it receive, a U.S. standard airworthiness certificate or be registered in the United States. In addition to the requirement to hold a

U.S. airman certificate, it may be necessary for the airman to hold an appropriate foreign airman certificate.

It is implicit in the amendments to §§ 121.153, 127.71, and 135.25 that the foreign-registered aircraft must comply with the noise and engine emissions provisions of the FAR to the same extent that a U.S.-registered aircraft is required to comply for the operations conducted. For example, compliance must be shown with the requirements of the "new production" (§ 36.1(d)) and "acoustical change" (§ 36.7) rules and the operating noise limits rule in Subpart E of Part 91 as if the aircraft were (or would be) certificated and registered in the United States. Thus, a U.S. air carrier operating a foreign-registered aircraft must include that aircraft in the compliance plan/status report submitted to the FAA under § 91.308. In addition, if the FAA adopts or amends any other noise or engine emissions requirements applicable to U.S.-registered aircraft, those requirements would apply to foreign-registered aircraft operated by U.S. air carriers under any rules adopted as a result of this rule.

Third, to enable the FAA to have a listing of all foreign-registered aircraft operated by U.S. air carriers, the certificate holder must file a copy of the lease or charter agreement with the FAA Aircraft Registry at Oklahoma City.

Finally, these amendments provide that the aircraft must be operated by airmen employed by the certificate holder. This is consistent with the requirement in Pub. L. 96-192 that the lease or charter be without crew.

Immediate Adoption

Since these amendments are needed to implement a statute, and are relaxatory, I find that good cause exists for making them effective in less than 30 days.

Adoption of the Amendments

Accordingly, Parts 121, 127, and 135 are amended as follows, effective October 16, 1980.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. By revising § 121.153(a) and adding a new paragraph (c) to read as follows:

§ 121.153 Aircraft requirements: general.

(a) Except as provided in paragraph (c) of this section, no certificate holder may operate an aircraft unless that aircraft—

* * * * *

(c) A certificate holder may operate in common carriage, and for the carriage of mail, a civil aircraft which is leased or chartered to it without crew and is registered in a country which is a party to the Convention on International Civil Aviation if—

(1) The aircraft carries an appropriate airworthiness certificate issued by the country of registration and meets the registration and identification requirements of that country;

(2) The aircraft is of a type design which is approved under a U.S. type certificate and complies with all of the requirements of this chapter (14 CFR Chapter 1) that would be applicable to that aircraft were it registered in the United States, including the requirements which must be met for issuance of a U.S. standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements of this chapter), except that a U.S. registration certificate and a U.S. standard airworthiness certificate will not be issued for the aircraft;

(3) The aircraft is operated by U.S.-certificated airmen employed by the certificate holder; and

(4) The certificate holder files a copy of the aircraft lease or charter agreement with the FAA Aircraft Registry, Department of Transportation, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma (Mailing address: P.O. Box 25504, Oklahoma City, Oklahoma 73125).

PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

2. By amending § 127.71 by redesignating the present paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 127.71 General.

(a) * * *

(b) An air carrier may operate in common carriage, and for the carriage of mail, a civil helicopter which is leased or chartered to it without crew and is registered is a country which is a party to the Convention on International Civil Aviation if—

(1) The helicopter carries an appropriate airworthiness certificate issued by the country of registration and meets the registration and identification requirements of that country;

(2) The helicopter is of a type design which is approved under a U.S. type certificate and complies with all of the requirements of this chapter (14 CFR Chapter 1) that would be applicable to that helicopter were it registered in the United States, including the requirements which must be met for issuance of a U.S. standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements of this chapter), except that a U.S. registration certificate and a U.S. standard airworthiness certificate will not be issued for the helicopter;

(3) The helicopter is operated by U.S.-certificated airmen employed by the air carrier; and

(4) The air carrier files a copy of the helicopter lease or charter agreement with the FAA Aircraft Registry, Department of Transportation, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma (Mailing address: P.O. Box 25504, Oklahoma City, Oklahoma 73125).

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

3. By revising §135.25(a) and adding a new paragraph (d) to read as follows:

§ 135.25 Aircraft requirements.

(a) Except as provided in paragraph (d) of this section, no certificate holder may operate an aircraft under this part unless that aircraft—

* * * * *

(d) A certificate holder may operate in common carriage, and for the carriage of mail, a civil aircraft which is leased or chartered to it without crew and is registered in a country which is a party to the Convention on International Civil Aviation if—

(1) The aircraft carries an appropriate airworthiness certificate issued by the country of registration and meets the registration and identification requirements of that country;

(2) The aircraft is of a type design which is approved under a U.S. type certificate and complies with all of the requirements of this chapter (14 CFR Chapter 1) that would be applicable to that aircraft were it registered in the United States, including the requirements which must be met for issuance of a U.S. standard airworthiness certificate (including type design conformity, condition for safe operation, and the noise, fuel venting, and engine emission requirements of this chapter), except that a U.S. registration certificate and a U.S. standard airworthiness certificate will not be issued for the aircraft;

(3) The aircraft is operated by U.S.-certificated airmen employed by the certificate holder; and

(4) The certificate holder files a copy of the aircraft lease or charter agreement with the FAA Aircraft Registry, Department of Transportation, 6400 South MacArthur Boulevard, Oklahoma City, Oklahoma (Mailing address: P.O. Box 25504, Oklahoma City, Oklahoma 73125).

(Sections 313(a) 601, 603, 604, 610(b), 611, and 1108(b), Federal Aviation Act of 1958 (49 U.S.C. §§ 1354(a), 1421, 1423, 1424, 1430(b), 1431, and 1508(b)); Section 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)))

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under Executive Order 12044 as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by writing to the individual listed above as the information contact.

Issued in Wasington, D.C., on October 13, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 80-32392 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9059]

Trans World Accounts, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: In accordance with the mandate of the Court of Appeals for the Ninth Circuit, this order further modifies the Modified Order to Cease and Desist issued on July 25, 1979, 44 FR 49650, 94 F.T.C. 141, by inserting a new "Paragraph 3" which substitutes the term "lawsuit" for the phrase "legal action" as used in "Paragraph 3" of F.T.C.'s October 25, 1979 Order of Remand, 44 FR 66576, 94 F.T.C. 1051.

DATES: Order issued October 25, 1977. Modifying order issued September 2, 1980.

FOR FURTHER INFORMATION CONTACT: Robert B. Greenbaum, Acting Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, California 94102. (415) 556-1270.

SUPPLEMENTARY INFORMATION: In the Matter of Trans World Accounts, Inc., a corporation, and Floyd T. Watkins, individually and as an officer of said corporation. Codification, under 16 CFR 13, appearing at 43 FR 2388 and 44 FR 49650, remains unaltered.

The Modification of Modified Order To Cease and Desist is as follows:

On July 25, 1979, the Commission entered a "Modified Order to Cease and Desist" in this matter, thereby effectuating those portions of its order of October 25, 1977 that had been affirmed and enforced by the Ninth Circuit Court of Appeals in *Trans World Accounts* v. *FTC,* 594 F.2d 212 (9th Cir. 1979). On October 25, 1979, the Commission entered an "Order on Remand", adding a new "Paragraph 3" to its order of July 25, 1979. Respondents appealed this order to the Ninth Circuit Court of Appeals, and, thereafter, respondents and the Commission entered into a stipulation before the court, which rendered its judgment modifying and enforcing as modified the order under appeal. Because both sides have waived any rights to seek further review of the court's order, it is now appropriate that the order of the Commission be rendered in accordance with the mandate of the court, 15 U.S.C. 45(i).

Therefore, it is ordered that the Commission's "Modified Order to Cease and Desist" dated July 25, 1979, be further modified by the insertion of Paragraph 3 to read: "3. Misrepresenting directly or by implication, that a lawsuit with respect to an alleged delinquent debt has been or will be initiated, or misrepresenting in any manner the imminency of a lawsuit."

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-32152 Filed 10-15-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

Certain Iron Metal Castings From India: Countervailing Duty Order

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

ACTION: Countervailing duty order.

SUMMARY: This notice is to advise the public that the Department of Commerce and the U.S. International Trade Commission have conducted separate investigations under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303). These investigations have resulted in determinations that the Government of India confers benefits upon the production and/or export of certain iron-metal castings which constitute subsidies within the meaning of the countervailing duty law and that sales of this merchandise in the United States are materially injuring or threatening material injury to an industry in the United States. Imports of this merchandise from the effective date of the preliminary countervailing duty determination will be subject to the payment of countervailing duties.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Steven K. Morrison, Program Analyst, Office of Investigations, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202-377-3965).

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303, hereinafter "the Act"), the Under Secretary for International Trade in the U.S. Department of Commerce has determined that certain iron-metal castings from India have been the subject of benefits which are subsidies under the countervailing duty law. This Final Affirmative Determination by the Under Secretary was published on August 20, 1980, in the Federal Register (45 FR 55502). In the case of merchandise entering the country free of duty, as in this investigation, the U.S. International Trade Commission has the responsibility to determine if these imports materially injure or threaten material injury to an industry in the United States. A final affirmative determination, was published on October 8, 1980, by the U.S. International Trade Commission (45 FR 66915). Therefore, according to section 706 of the Act (19 U.S.C. 1671e, 93 Stat. 160) this order is being published.

Order

The Government of India provides bounties or grants (subsides) upon the production and/or export of certain iron-metal castings consisting of manhole covers and frames, clean-out covers and frames, and catch basin grates and frames which enter the United States under item number 657.09 of the Tariff Schedules of the United States (TSUS). these subsidies have been provided at the following company specific rates;

	Percent of f.o.b. price
Uma Iron and Steel	16.8
R.B. Agarwalla & Co.	14.9
Basant Udyog	13.8

	Percent of f.o.b. price
Kejriwal Iron & Steel Works	13.1
Kajaria Exports	12.9
All Other Companies	13.3

The United States International Trade Commission, in its decision of October 1980, has determined that the importation of these articles from India materially injures or threatens material injury to an industry in the United States. Interested parties have been afforded an opportunity to present written and oral views in accordance with applicable regulations.

Accordingly, Customs Officers are hereby directed to assess a countervailing duty on entries of these articles from India equal to the amount of the net subsidy determined or estimated to exist, within six months after the date on which the Department of Commerce receives satisfactory information upon which the assessment may be based, but in no event later than 12 months after the end of the annual accounting period of the manufacturer or exporter within which the merchandise is entered, or withdrawn from warehouse, for consumption.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of iron-metal castings imported directly or indirectly from India which benefit from these subsidies shall continue to be suspended, pending further determinations of the net amount of the subsidies paid pursuant to Section 751 of the Act. Effective on October 16, 1980, and until further notice, deposit of the estimated countervailing duties shall be required at the time of entry, or withdrawal from warehouse, for consumption. The amount to be deposited for each company is listed above. Bonds are not acceptable. Entry documents should state the manufacturer of the merchandise as well as the exporter. If the exporter is not the manufacturer of the merchandise and the rate applicable to the manufacturer is higher than that for the exporter, that higher rate will be applicable.

Annex III Part 355 of the Department of Commerce regulations (19 CFR Part 355) is amended by inserting after the last entry for India, the words "certain iron-metal castings" in the column headed "Commodity", the **Federal Register** citation of this notice in the column headed "Treasury Decision" and the words "Net Subsidy Declared—Rate" in the column headed "Action."

(Sec. 303, 706, Act (19 U.S.C. 1303, and 1671e), and § 355.36 of the Department of Commerce regulations (19 CFR 355.36))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-32183 Filed 10-15-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD5-80-07R]

Elizabeth River, Portsmouth, Va., Anchorage Regulations, Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The amendment to Anchorage O, Hospital Point (33 CFR 110.168(d)(5) published in the **Federal Register** issue of Monday, September 29, 1980 (45 FR 64175) contained two errors. The first appeared in the next-to-last line of the first column on page 64175 where the incorrect word "charter" appeared instead of the correct word "charted."

The second error concerns the last four lines of the amendment appearing in the first column on page 64177, in which the latitude of the last two points describing the anchorage ground boundary were reversed. As corrected, these last four lines should read as follows: thence to latitude 36°50'27.8" N., longitude 76°18'09.5" W.; thence to the shore at latitude 36°50'25.7" N., longitude 76°18'09.5" W.

FOR FURTHER INFORMATION CONTACT: CDR. E. E. Moran, Chief, Port Safety Branch, (804) 398-6389.

(Sec. 7, 38 Stat. 1053, (33 U.S.C. 471); Sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g))

Dated: October 3, 1980.

T. T. Wetmore III,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 80-32099 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates; Rates to the People's Republic of China

AGENCY: Postal Service.

ACTION: Final international express mail rates to People's Republic of China.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service is beginning International Express Mail Service with the People's Republic of China at the rates indicated in the tables below. An International Express Mail Agreement with the People's Republic of China was signed on October 9, 1980.

EFFECTIVE DATE: October 20, 1980.

FOR FURTHER INFORMATION CONTACT: George W. Screws, (202) 245-5624.

SUPPLEMENTARY INFORMATION: Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirement of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service normally invites interested persons to submit their views. In this case, however, we believe there are good reasons not to follow our usual practice. The U.S. Economic and Trade Exhibition will be held in Beijing during the period November 17-28, 1980. Beginning International Express Mail Service without delay on October 20 will permit the advanced communication required to make arrangements for the Exhibition. Moreover, the rates to the People's Republic of China are very similar to those established in 1978 for Hong Kong on which comments were invited without response. See 43 FR 31997 (1978).

For the above reasons, the Postal Service adopts the rates of postage for International Express Mail Service to the People's Republic of China set out in the following tables (designated 8-16 and 8-17) for inclusion in Publication 42, International Mail, incorporated by reference at 39 CFR 10.1.

(39 U.S.C. 401, 403, 404(2), 407, 410(a); Universal Postal Convention, Lausanne 1974, T.I.A.S. No. 8231, Art. 6)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

PEOPLE'S REPUBLIC OF CHINA

INTERNATIONAL EXPRESS MAIL

Table 8-16.—*Custom Designed Service*

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
1	$29.24	$29.29	$29.34	$29.44	$29.54	$29.64	$29.74
2	32.28	32.36	32.45	32.59	32.73	32.88	33.03
3	35.32	35.43	35.56	35.74	35.92	36.12	36.32
4	38.36	38.50	38.67	38.89	39.11	39.36	39.61
5	41.40	41.57	41.78	42.04	42.30	42.60	42.90
6	44.44	44.64	44.89	45.19	45.49	45.84	46.19
7	47.48	47.41	48.00	48.34	48.68	49.08	49.48
8	50.52	50.78	51.11	51.49	51.87	52.32	52.77
9	53.56	53.85	54.22	54.64	55.06	55.56	56.06
10	56.60	56.92	57.33	57.79	58.25	58.80	59.35
11	59.64	59.99	60.44	60.94	61.44	82.04	62.64
12	62.68	63.06	63.55	64.09	64.63	65.28	65.93
13	65.72	66.13	66.66	67.24	67.82	68.52	69.22
14	68.78	69.20	69.77	70.39	71.01	71.76	72.51
15	71.80	72.27	72.88	73.54	74.20	75.00	75.80
16	74.84	75.34	75.99	76.69	77.39	78.24	79.09
17	77.88	78.41	79.10	79.84	60.58	81.48	82.38
18	80.92	81.48	82.21	82.99	83.77	84.72	85.67
19	83.96	84.55	85.32	86.14	86.96	87.96	88.96
20	87.00	87.62	88.43	89.29	90.15	91.20	92.25
21	90.04	90.69	91.54	92.44	93.34	94.44	95.54
22	93.08	93.76	94.65	95.59	96.53	97.68	98.83
23	96.12	96.83	97.76	98.74	99.72	100.92	102.12
24	99.16	99.90	100.87	101.89	102.91	104.16	105.41
25	102.20	102.97	103.98	105.04	106.10	107.40	108.70
26	105.24	106.04	107.09	108.19	109.29	110.64	111.99
27	108.28	109.11	110.20	111.34	112.48	113.88	115.28
28	111.32	112.18	113.31	114.49	115.67	117.12	118.57
29	114.36	115.25	116.42	117.64	118.86	120.36	121.86
30	117.40	118.32	119.53	120.79	122.05	123.60	125.15
31	120.44	121.39	122.64	123.94	125.24	126.84	128.44
32	123.48	124.46	125.75	127.09	128.43	130.08	131.73
33	126.52	127.53	128.86	130.24	131.62	133.32	135.02

Notes:

(1) Rates in this table are applicable to each piece of international Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.

(2) Pickup is available under a Service Agreement for an added charge of $5.25 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service agreement incurs only one pickup charge.

(3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-17.—*On Demand Service*

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
1	$18.94	$18.99	$19.09	$19.14	$19.24	$19.34	$19.44
2	21.98	22.06	22.20	22.29	22.43	22.58	22.73
3	25.02	25.13	25.31	25.44	25.62	25.82	26.02
4	28.06	28.20	28.42	28.59	28.81	29.06	29.31
5	31.10	31.27	31.53	31.74	32.00	32.30	32.60
6	34.14	34.34	34.64	34.89	35.19	35.54	35.89
7	37.18	37.41	37.75	38.04	38.38	38.78	39.18
8	40.22	40.48	40.86	41.19	41.57	42.02	42.47
9	43.26	43.55	43.97	44.34	44.76	45.26	45.76
10	46.30	46.62	47.08	47.49	47.95	48.50	49.05
11	49.34	49.69	50.19	50.64	51.14	51.74	52.34
12	52.38	52.76	53.30	53.79	54.33	54.98	55.63
13	55.42	55.83	56.41	56.94	57.52	58.22	58.92
14	58.46	58.90	59.52	60.09	60.71	61.46	62.21
15	61.50	61.97	62.63	63.24	66.90	64.70	65.50
16	64.54	65.04	65.74	66.39	67.09	67.94	68.79
17	67.58	68.11	68.85	69.54	70.28	71.18	72.08
18	70.62	71.18	71.96	72.69	73.47	74.42	75.37
19	73.66	74.25	75.07	75.84	76.66	77.66	78.66
20	76.70	77.32	78.18	78.99	79.85	80.90	81.95
21	79.74	80.39	81.29	82.14	83.04	84.14	85.24
22	82.78	83.46	84.40	85.29	86.23	87.38	88.53
23	85.82	86.53	87.51	88.44	89.42	90.62	91.82
24	88.86	89.60	90.62	91.59	92.61	93.86	95.11
25	91.90	92.67	93.73	94.74	95.80	97.10	98.40
26	94.94	95.74	96.84	97.89	98.99	100.34	101.69
27	97.98	98.81	99.95	101.04	102.18	103.58	104.98
28	101.02	101.88	103.06	104.19	105.37	106.82	108.27
29	104.06	104.95	106.17	107.34	108.58	110.08	111.56
30	107.10	108.02	109.28	110.49	111.75	113.30	114.85
31	110.14	111.09	112.39	113.64	114.94	116.54	118.14

Table 8-17.—*On Demand Service—Continued*

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
32	113.18	114.16	115.50	116.79	118.13	119.78	121.43
33	116.22	117.23	118.61	119.94	121.32	123.02	124.72

Notes:

(1) Pickup is available under a Service Agreement for an added charge of $5.25 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 80-32300 Filed 10-15-80; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-2

[FPMR Amdt. A-31]

Nonstock Direct Delivery Shipments Billing Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation specifies that the General Services Administration (GSA) will no longer render billings to customer agencies when they requisition nonstock direct delivery items. The ordering agency will be invoiced directly by the vendor since GSA has previously specified that the General Supply Fund (GSF) will no longer be used to finance nonstock direct delivery requisitions. GSA expects these changes will significantly reduce the impact of cash flow upon the GSF and reduce the number of monthly billings.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: William R. Stanton, Supply and Transportation Accounting Division (202-566-0620).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-2.102 is amended by revising paragraph (a) to read as follows:

§ 101-2.102 Billing procedures.

(a) Bills are rendered biweekly, monthly, or quarterly after the fact or in advance on approved billing forms, which are GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits, and Treasury TFS Form 7306, Paid Billing Statement for SIBAC Transactions (illustrated at §§ 101-2 4902-789 and 101-2.4903-7306). Certification of such bills by GSA is not required. Except for those bills which are rendered in advance; bills for shipments from stock are rendered on the basis of drop from inventory, provided that notification of warehouse refusal or other advice of nonavailability has not been received from the depot prior to the billing date; bills for services are rendered after there is evidence of actual delivery of services and; bills for stock direct delivery shipments are rendered based upon payment to the vendor and proof of shipment. However, bills for nonstock direct delivery shipments will not be rendered because customer agencies will make payment directly to the vendor from their appropriations and funds.

* * * * *

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

Dated: September 30, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-32151 Filed 10-15-80; 8:45 am]

BILLING CODE 6820-39-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 175

[Docket No. HM-166B; Amdt. Nos. 172-62, 175-17]

Shipment of Hazardous Materials by Air; Miscellaneous Amendments; Revision

AGENCY: Materials Transportation Bureau, Research and Special Program Administration, DOT.

ACTION: Final rule; revision of previous amendments.

SUMMARY: This amendment revises a final rule published February 28, 1980, regarding the shipment of hazardous materials by air. The rule extends the application of the marking exception contained in the regulations covering liquid hazardous materials (172.312), to certain flammable liquids in the ORM-D hazard class. The rule also clarifies the requirements for inspecting packages of radioactive materials when they are shipped in overpack, as set forth in 175.30.

EFFECTIVE DATE: November 17, 1980; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the Materials Transportation Bureau (MTB) published a final rule (Docket HM-166B; 45 FR 13087) which contained miscellaneous changes to the Hazardous Materials Regulations pertaining to the transportation of hazardous materials aboard aircraft. This amendment revises the final rule published in Docket HM-166B with regard to §§ 172.312 and 175.30 of 49 CFR. The circumstances creating the need for this amendment and the action being taken are discussed under the following headings:

1. *Package orientation markings (§ 172.312).* Since publication of Amendment 172-57 in Docket HM-166B, the MTB has received a petition for reconsideration filed in accordance with the provisions of 49 CFR 106.35 on behalf of the Council for Safe Transportation of Hazardous Articles (COSTHA). The petition requests (1) retraction of a statement made by the MTB in the preamble to Amendment 172-57; and, (2) revision of § 172.312 to clarify that an exception from orientation requirements contained therein applies to flammable liquids in the ORM-D hazard class. The preamble statement made by the MTB is as follows:

> One commenter stated that many cosmetics, drugs and medicines are shipped with no package orientation markings. It is the MTB's impression that most cosmetics, drugs and medicines which are hazardous materials are likely to be classed as ORM-D materials and shipped under the description "Consumer Commodity, ORM-D." The MTB advises shippers that there is no exception from package orientation requirements, including marking requirements, for liquid hazardous materials classed ORM-D.

Prior to Amendment 172-57, § 172.312 required packages having inside packagings containing liquid hazardous materials to be packed with closures (of

the inside packagings) upward and required the marking of outside packages "THIS SIDE UP" or "THIS END UP", as appropriate. An exception was provided from these requirements in this same section for packages containing "limited quantities of flammable liquids" packed in inside packagings of one quart or less. The MTB's preamble statement reflects its interpretation that the phrase "limited quantities of flammable liquids" refers only to those flammable liquids which are shipped under the limited quantity provisions for flammable liquids, as set forth in §§ 172.203(b) and 173.118(a). These two sections prescribe requirements for describing and packaging "limited quantities of flammable liquids."

The COSTHA petition presents the argument that flammable liquids in the ORM–D hazard class (i.e., consumer commodities) are also "liquid quantities of flammable liquids" and qualify for shipment under the exceptions granted in § 172.312. The MTB disagrees. For the sake of consistency and clarity the MTB believes that the phrase "limited quantities of flammable liquids" applies only to those materials meeting the requirements and conditions for "limited quantities" as specified in §§ 172.203(b) and 173.118(a). Materials which are reclassed as ORM–D materials in effect lose the identity of their original hazard class. All requirements and exceptions provided for limited quantities of a material in a particular hazard class do not apply when the material is reclassed as ORM–D. Based on the foregoing discussion, the MTB finds no basis to retract the statement made in the preamble to Amendment 172–57.

The petition also states that prior to establishment of the ORM–D hazard class (Docket HM–103/112; 41 FR 15972), consumer commodities which were flammable liquids were eligible for the exception from upright packing and orientation marking requirements. Also, it stated that when the ORM–D hazard class was established, it was intended that ORM–D materials be provided relief at least equivalent to, and to some extent greater than, that provided for limited quantities in a particular hazard class. Information in the public record to Docket HM–103/112 pertaining to the ORM–D hazard class supports the petitioner's claims. It appears that the exception contained in § 172.312 was not extended to flammable liquids in the ORM–D hazard class due to oversight, rather than by intent.

Flammable liquids in the ORM–D hazard class pose a limited hazard in transportation similar to that posed by limited quantities of flammable liquids packaged under the provisions of § 173.118(a). To require more restrictive packaging for flammable liquids in the ORM–D hazard class may impose an undue burden on the shipment of these materials and is contrary to the intent of changes made in Docket HM–103/112. For these reasons, the MTB grants the petitioner's request to the extent that § 172.312 is revised by this amendment (1) to clarify application of the exception from orientation marking requirements contained therein; and, (2) to extend application of the orientation exception to flammable liquids in the ORM–D hazard class.

2. *Radioactive materials in overpacks (§ 175.30).* Section 175.30 contains requirements pertaining to the acceptance and inspection of hazardous materials prior to loading aboard aircraft. The final rule published on February 28, 1980 (Amendment 175–12) revised § 175.30 to clarify inspection requirements and to except certain hazardous materials, such as dry ice and magnetized materials, from requirements for inspection. Since publication of Amendment 175–12, it has been brought to the MTB's attention that § 175.30 is not clear with regard to inspection requirements applicable to packages of radioactive materials combined in overpacks.

Section 173.393(r) contains requirements pertaining to marking, labeling and transport index limitations for packages of radioactive materials combined in overpacks. The status of such overpacks, with regard to aircraft operator inspection requirements contained in § 175.30, needs clarification. Section 175.30 currently references "package" and "outside container prepared in accordance with § 173.25" but fails to reference an "overpack prepared in accordance with § 173.393(r)." This amendment revises § 175.30 in order to prescribe inspection requirements for overpacks prepared in accordance with § 173.393(r).

Section 175.30 is also being revised with regard to requirements pertaining to the inspection of package seals for packages of radioactive materials contained within properly prepared overpacks. In the interest of safety, it is desirable that aircraft operators not remove or otherwise disturb packages contained in overpacks prepared in accordance with § 173.393(r). Therefore, packages contained in overpacks have been excepted from the requirement pertaining to inspection of package seals contained in § 175.30(c)(2).

In consideration of the foregoing, 49 CFR Parts 172 and 175 are amended as follows:

1. In § 172.312, paragraphs (d) and (e) are revised to read as follows:

§ 172.312 Liquid hazardous materials.

* * * * *

(d) Except when offered for transportation by air, packages containing flammable liquids in inside packagings of one quart or less prepared in accordance with §§ 173.118(a) or 173.1200(a)(1) of this subchapter are excepted from the requirements of paragraph (a) of this section.

(e) When offered for transportation by air, packages containing flammable liquids in inside packagings of one quart or less prepared in accordance with §§ 173.118(a) or 173.1200(a)(1) of this subchapter are excepted from the requirements of paragraph (a) of this section when packed with sufficient absorption material between the inner and outer packagings to completely absorb the liquid contents.

2. In § 175.30, paragraphs (b) and (c) are revised to read as follows:

§ 175.30 Accepting and inspecting shipments.

* * * * *

(b) Except as provided in paragraph (d) of this section, no person may carry a hazardous material in a package, outside container prepared in accordance with § 173.25 of this subchapter, or overpack prepared in accordance with § 175.393(r) of this subchapter aboard an aircraft unless the package, outside container, or overpack is inspected by the operator of the aircraft immediately before placing it—

(1) Aboard the aircraft; or

(2) In a freight container or on a pallet prior to loading aboard the aircraft.

(c) A hazardous material may only be carried aboard an aircraft if, based on the inspection prescribed in paragraph (b) of this section, the operator determines that the package, outside container, or overpack containing the hazardous material—

(1) Has no holes, leakage or other indication that its integrity has been compromised; and

(2) For radioactive materials, does not have a broken seal, except that packages contained in overpacks need not be inspected for seal integrity.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12221 and DOT implementing procedures (44 FR 11034) nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental

assessment are available for review in the docket.

Issued in Washington, D.C. on October 8, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-32194 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

49 CFR Part 660

State "Buy National" Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Revision of policy.

SUMMARY: This document revises UMTA's policy concerning the application of state "Buy National" preference statutes to contracts that are partially funded by UMTA grants. This document is necessary to implement the Congressional intent expressed in the DOT Appropriations Act for the current fiscal year. The intended effect of this document is to permit states to apply their own more restrictive "Buy National" statutes in UMTA-funded contracts during fiscal year 1981, provided that the administration of the state statute is consistent with the Federal exemptions to the Federal "Buy National" statute.

EFFECTIVE DATE: October 9, 1980.

FOR FURTHER INFORMATION CONTACT: John J. Collins, Office of the Chief Counsel (202) 426-1906; or James McCullagh, Office of Transit Assistance (202) 426-2053; Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Original Policy

The general policy of UMTA concerning the application of non-Federal preferences to the procurement of equipment and the construction of facilities was contained in the preamble to the Buy America regulations (49 CFR Part 660) published by UMTA in the Federal Register on December 6, 1978. On page 57145 of Volume 43 of that Federal Register, UMTA recited that we would not help fund any procurement contract awarded by a state or local government if the contract contained contract preferences for products manufactured or constructed in the United States that were different from the contract preferences contained in the UMTA Buy America statute (Section 401 of Pub. L. 95-599 (92 Stat. 2689)) as implemented by the UMTA Buy America regulations (49 CFR Part 660). UMTA adopted this policy for a number of reasons including the need to balance the competing commands of the UMTA authorizing legislation concerning contract specifications. Section 3(a)(2)(C) of the Urban Mass Transportation Act of 1964 (92 Stat. 2736 (49 U.S.C. 1602(a))) forbids UMTA from participating in contracts which contain "exclusionary or discriminatory specifications" while Section 401 establishes preferences for United States made products that result in discriminatory specifications.

Impact of New Legislation

The DOT and Related Agencies Appropriations Act for fiscal year 1981 (Pub. L. 96-400 (94 Stat. 1681) (H.R. 7831; 96th Congress, 2nd Session; September 18, 1980; p. 21 (lines 13-18))) mandates that UMTA administer our grant program "pursuant to the provisions of section 401, Pub. L. 95-599". The Conference Report for the Act (House Report No. 96-1400 (September 25, 1980) pp. 16-17) clarifies what is meant by this language. The Conferees explained that:

> If a contract bid does not fall within the scope of any of the exceptions cited in Section 401 of Public Law 95-599, then the grantee should not be denied UMTA financial assistance simply because of the imposition of a state domestic preference law. The conferees do not intend the term "state domestic preference law" to include so-called "buy-state laws" which require preferences for products manufactured in a particular state or subdivision and any such state laws shall not prevail over Federal law. On the other hand, if the imposition of a state domestic preference law causes the contract bid to fall within the scope of any or all of the exceptions cited in Section 401 of Pub. L. 95-599, then UMTA financial assistance could be denied because State statutes are undoubtedly subject to Federal law prescribing the "Buy America" exceptions of public interest, unavailability and unreasonable cost.

Revised Policy

The UMTA policy stated in the preamble on page 57145 of Volume 43 of the Federal Register is being revised by this document. During the period October 9, 1980 to September 30, 1981, state "Buy National" preference provisions that are more restrictive with respect to the procurement of foreign made products than Section 401 will be permitted in contracts awarded using UMTA funds provided that the preference provision and its terms are specifically set out in state law. The Federal exceptions to the application of "Buy National" statutes described in Section 401(b) of the Buy America statute will continue to govern UMTA's participation in such contracts. These exceptions require UMTA to withhold funds from contracts where application of the state "Buy National" law is: not in the public interest, adds unreasonably to the cost of rolling stock, makes materials unavailable, or adds more than 10% to the cost of the contract. If an exception under Section 401(b) is appropriate, it will be granted by UMTA under the procedural provisions of subpart C of 49 CFR Part 660. UMTA will not participate in such contracts if the state law is administered in a manner that is inconsistent with the application of the Federal exceptions. The administration of the state statute must conform to the Federal waiver or we will not help fund the contract. The contracting process must not exclude contractors who have the potential to quailfy for the Federal exceptions.

The original policy remains applicable to all other preference provisions. We will continue to decline to participate in contracts governed by:

1. Preference provisions which are not as strict as the Federal requirement.

2. State and local "Buy National" preference provisions which are not explicitly set out under state law. For instance, administrative interpretations of non-specific state legislation will not control.

3. State and local "Buy Local" preference provisions. Specific Guidance:

Guidance concerning the application of this policy in particular circumstances should be obtained by contacting the UMTA Regional Administrator for your area. The telephone numbers and addresses of the regional offices are contained in 49 CFR Part 601.

Timing

The Appropriations Act that necessitated this policy change became effective on October 9, 1980. The statute did not provide a grace period for implementation. Since the statute governs all of our procurements during the current fiscal year, we determined that it was necessary to issue this policy change immediately and make it effective immediately. The discussion in the legislative history of the Appropriations Act was so specific that it did not permit meaningful alternatives that could have been explored in a public comment period.

Enviromental Impact Statement

This policy change does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.

Dated: October 9, 1980.

Theodore C. Lutz,

Urban Mass Transportation Administrator.

[FR Doc. 80-32247 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-57-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Tenth Rev. S.O. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Tenth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Empoyee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., October 11, 1980, and continuing in effect until 11:59 p.m., November 30, 1980, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

Decided: October 9, 1980.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254, the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor, (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for that operation.

In view of the urgent need for continued service over RI's lines pending the implementation of long-range solutions, this order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

Tenth Revised Service Order No. 1473, modifies Appendix A, of the previous order by deleting the authority for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, in Item 8., B. Seymour, Iowa, as requested, and C and D of this Item become B and C. Also, the authority is deleted for the El Dorado and Wesson Railroad Company, Item 15, from El Dorado to Catesville, Arkansas, as requested. Items previously numbered 16-23 are renumbered one number less. Appendix A is further modified by granting additional authority to Chicago and North Western Transportation Company (CNW), in Item 7., K between Bricelyn, Minnesota (milepost 57.7) and Rake, Iowa (milepost 50.7).

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Tenth Revised Service Order No. 1473.

(a) *Various Railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor, (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

1. The authority contained in Item 5(E) of Appendix A of this order, previously operated by the Union Pacific Railroad Company (UP) between Colby and Caruso, Kansas (milepost 387.8 to 429.3), is conditioned upon the assumption by Burlington Northern, Inc. (BN) of the negotiated agreement between UP and the Rock Island Trustee with regard to the compensation to be paid the Trustee for that line segment until a new agreement is reached between the Trustee and the BN.

(d) Interim operators authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the RI lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the RI is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) In providing service under this order interim operators, to the maximum

extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., October 11, 1980.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1980, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304–10305 and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas Texas, commencing at the point of connection of RI track six with the tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Peking, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

C. Limon, Colorado.

4. *Taledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Burlington Northern, Inc. (BN):*

A. Burlington, Iowa (milepost 0 to milepost 2.06).

B. Fairfield, Iowa (milepost 275.2 to milepost 274.7).

C. Henry, Illinois (milepost 126) to Peoria, Illinois (milepost 164.35) including the Keller Branch (milepost 1.55 to 8.62).

D. Phillipsburg, Kansas (milepost 282) to CBQ Junction, Kansas (milepost 325.9).

E. CBQ Junction, Kansas (milepost 325.9) to Seibert, Colorado (milespost 487).

6. *Fort Worth and Denver Railway Company (FW&D):*

A. Terminal trackage at Amarillo, Texas, including approximately (3) three miles northerly along the old Liberal Line, and at Bushland, Texas.

B. North Fort Worth, Texas (milepost 603.0 to milepost 611.4).

7. *Chicaga and North Western Transpartation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).[1]

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle, Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

8. *Chicaga, Milwaukee, St. Paul and Pacific Railraad Campany (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.[2]

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.[2]

9. *Davenpart, Rack Island and North Western Railway Company (DRI):*

A. Davenport, Iowa.

B. Moline, Illinois.

C. Rock Island, Illinois, including 26th Street yard.

D. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

E. From East Moline to Silvis, Illinois.

F. From Davenport to Iowa City, Iowa.

G. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island arsenal.

10. *Illinois Central Gulf Railroad Company (ICG):* Ruston, Louisiana.

11. *St. Louis Southwestern Railway Company (SSW):* operating the Tucumcari Line from Santa Rosa, NM, to St. Louis, MO (via Kansas City, KS/MO), a total distance of 965.2 miles. The line also includes the RI branch line from Bucklin to Dodge City, KS, a distance of 26.5 miles, and North Topeka, KS. Also between Brinkley and Briark, Arkansas, and at Stuttgart, Arkansas.

12. *Little Rack & Western Railway Company:* from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

13. *Missouri Pacific Railroad Company:* from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

14. *Missouri-Kansas-Texas Railroad Campany/Oklahoma, Kansas and Texas Railroad Company:*

A. Herington-Ft. Worth Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 439.5 miles to milepost 613.5 within the City of Ft. Worth, Texas, and use of Fort Worth and Denver trackage between Purina Junction and Tower 55 in Ft. Worth.

B. Ft. Worth-Dallas Line of Rock Island: beginning at milepost 611.9 within the City of Ft. Worth, Texas, and extending for a distance of 34 miles to milepost 646, within the City of Dallas, Texas.

C. El Reno-Oklahoma City Line of Rock Island: beginning at milepost 513.3 within the City of El Reno, Oklahoma, and extending for a distance of 16.9 miles to milepost 496.4 within the City of Oklahoma City, Oklahoma.

D. Salina Branch Line of Rock Island: beginning at milepost 171.4 within the City of Herington, Kansas, and extending for a distance of 27.4 miles to milepost 198.8 in the City of Abilene, Kansas, including RI trackage rights over the line of the Union Pacific Railroad Company to Salina, (including yard tracks) Kansas.

E. Right to use joint with other authorized carriers the Herington-Topeka Line of Rock Island: beginning at milepost 171.7 within the City of Herington, Kansas, and extending for a distance of 81.6 miles to milepost 89.9 within the City of Topeka, Kansas, as bridge rights only.

F. Rock Island rights of use on the Wichita Union Terminal Railway Company and the Wichita Terminal Association, all located in Wichita, Kansas.

G. Rock Island right to use interchange tracks to interchange with the Great Southwest Railroad Company located in Grand Prairie, Texas.

H. The Atchison Branch from Topeka, at milepost 90.5, to Atchison, Kansas, at

[1] Added.

[2] Changed.

milepost 519.4 via St. Joseph, Missouri, at mileposts 0.0 and 498.3, including the use of interchange and yard facilities at Topeka, St. Joseph and Atchison, and the trackage rights used by the Rock Island to form a continuous service route, a distance of 111.6 miles.

I. The Ponca City Line at approximately milepost 26.1 at Billings, Oklahoma, to North Enid, Oklahoma, at milepost 339.5 on the Southern Division main line, a distance of 26.1 miles.

J. That part of the Mangum Branch Line from Chickasha, milepost 0.0 to Anadarko at milepost 18, thence south on the Anadarko Line at milepost 460.5 to milepost 485.3 at Richards Spur, a distance of 42.8 miles.

K. Oklahoma City-McAlester Line of Rock Island: Beginning at milepost 496.4 within the City of Oklahoma City, Oklahoma, and extending for a distance of 131.4 miles to milepost 365.0 within the City of McAlester, Oklahoma.

15. *The Denver and Rio Grande Western Railroad Company:*

A. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado, (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

16. *Norfolk and Western Railway Company:* Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

17. *St. Louis-San Francisco Railway Co.:*

A. At Okeene, Oklahoma.

B. At Lawton, Oklahoma.

18. *Southern Railway Company:*

A. At Memphis, Tennessee.

19. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 3.9) all in the vicinity of Denver, Colorado.

20. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

21. *Louisiana Midland Railway Company:*

A. From Hodge, Louisiana (milepost 173.3) to Alexandria, Louisiana (milepost 247.8), which includes assumption of RI's trackage rights over the Louisiana and Arkansas Railway Company between Winnfield, Louisiana, and Alexandria, Louisiana, and the RI's track and yard in Alexandria, Louisiana.

22. *Cedar Rapids and Iowa City Railway Company (CIC):*

A. From the west intersection of Lafayette Street and South Capitol Street, Iowa City, Iowa, southward for approximately 2.2 miles, terminating at the intersection of the RI tracks and the southern line of Section 21, Township 79 North, Range 6 West, Johnson County, Iowa, including spurs of the main trackage to serve various industry; and to effect interchange with the Davenport, Rock Island and North Western Railway Company.

[FR Doc. 80-32214 Filed 10-15-80; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 45, No. 202
Thursday, October 16, 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

Federal Crop Insurance Corporation

7 CFR Part 427

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Withdrawal of proposed rule.

SUMMARY: This notice withdraws a notice of proposed rulemaking issued by the Federal Crop Insurance Corporation as Amendment No. 3 to the Oat Crop Insurance Regulations. The notice of proposed rulemaking was issued in error. No public comment is necessary on the proposed rule since correcting this error of issuance will effectively eliminate the proposed rule.

DATE: This notice is effective October 16, 1980.

ADDRESS: Any comments on this proposed rule withdrawal should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, United States Department of Agriculture, Washington, D.C. 20250, telephone: (202) 447–3325.

SUPPLEMENTARY INFORMATION: On Friday, August 15, 1980, the Federal Corp Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register (45 F.R. 54346–54347) as Amendment No. 3 to the Oat Crop Insurance Regulations. In the notice, it was proposed that Appendix "B" to 7 CFR Part 427 be revised and reissued to reflect additional counties approved by the Board of Directors for oat crop insurance effective with the 1981 crop year. It has been determined that there were no additional counties approved for oat crop insurance at this time and that the notice of proposed rulemaking (45 F.R. 54346) had been issued inadvertently and should be withdrawn.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC hereby withdraws the notice of proposed rulemaking for Amendment No. 3 to the Oat Crop Insurance Regulations as published in the Federal Register on Friday, August 15, 1980 (45 F.R. 54346–54347).

Issued in Washington, D.C., on October 8, 1980.

Dated: October 8, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Everett S. Sharp,

Acting Manager.

[FR Doc. 80-32168 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Supplementary Regulations and Conversion Factors

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on adding Golden Seedless and Dipped and Related Seedless raisins under a weight dockage system for immaturity under the Federal marketing order for California raisins. The proposal also pertains to the deletion of obsolete provisions, and a needed conforming change in provisions prescribing conversion factors for computing weight lost in reconditioning raisins. The proposal is based on a unanimous recommendation of the Raisin Administrative Committee. The Committee works with USDA in administering the order.

DATES: Comments must be received by October 31, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

The Draft Impact Statement describing the options considered in developing this proposal and the impact of implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This proposal has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and has been classified "non-significant".

J. S. Miller has determined that an emergency situation exists which warrants less than a 60-day comment period. Handlers are in the process of acquiring 1980 crop Golden Seedless and Dipped and Related Seedless raisins. Thus, the weight dockage system should be effective as soon as possible so that the raisin industry can utilize it.

The proposal under consideration pertains to an amendment of the Subpart—Supplementary Regulations (7 CFR Part 989.202—989.233), and Subpart—Conversion Factors (7 CFR Part 989.601). The subparts are issued under the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal deals with a revision of § 989.210 to include Golden Seedless and Dipped and Related Seedless raisins under the weight dockage system for immaturity. This system has been in effect for Natural (sun-dried) Seedless for several years. The inclusion of these two varietal types of raisins under the dockage system would permit handlers of Golden Seedless and Dipped and Related Seedless raisins to acquire them as natural condition standard raisins even though the raisins have been determined to be off-grade because of an excess of immature raisins. The immature raisins usually can be removed from the lot of raisins by the handler during normal processing so the balance of the lot meets grade requirements. Currently, for Natural (sun-dried) Seedless raisins, the creditable weight of such lots is computed by multiplying the net weight

of the lot by a dockage factor. The factor would reduce the weight of the lot by an amount approximating the weight of the immature raisins needed to be removed from the lot in order for the balance of the lot to meet grade requirements.

Although there is more control of maturity in selecting grapes for dehydration than in sun-drying, makers of Golden Seedless and Dipped and Related Seedless raisins encounter maturity problems, especially in a year of poor grape maturity. Permitting handlers to acquire low maturity Golden Seedless and Dipped and Related Seedless raisins as standard raisins under this system would speed up acquisitions, would save inspection costs, and would save the makers of such raisins additional reconditioning costs.

The quality control provisions in § 989.202 obsolete and are proposed to be deleted.

The change in the term "Dipped Seedless" to "Dipped and Related Seedless" on August 1, 1979 (44 FR 64397) necessitated a minor wording change in § 989.601 of Subpart—Conversion Factors (7 CFR 989.601). This minor change was overlooked and is now proposed to be made.

The proposal is as follows:

Subpart—Supplementary Regulations

§ 989.202 (Deleted)

1. Section 989.202 is deleted.

2. In § 989.210, paragraphs (a) through (f) are revised to read:

§ 989.210 Handling of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system.

(a) *General.* Subject to prior agreement between handler and tenderer, a handler may acquire as standard raisins any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins containing more than 8 percent, by weight, of substandard raisins under a weight dockage system. The creditable weight of such lot acquired shall be that obtained by multiplying the net weight of the raisins in the lot by the applicable dockage factor from the dockage table prescribed in paragraph (g) of this section.

(b) *Free and reserve tonnage percentages.* Whenever free and reserve percentages are designated for Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins for a crop year, such percentages shall be applicable to the creditable weight of any lot of such raisins acquired by a handler pursuant to a weight dockage system.

(c) *Reserve tonnage.* A handler may hold as reserve tonnage raisins any lot, or portion thereof, of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system: *Provided,* That only the creditable weight of such lot, or portion thereof, may be applied by the Committee against the handler's reserve tonnage obligation.

(d) *Assessments.* Assessments on any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired by a handler pursuant to a weight dockage system shall be applicable to the free tonnage portion of the creditable weight of such lot.

(e) *Payments for services on reserve tonnage.* Payment to a handler for services performed by him with respect to reserve tonnage Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired pursuant to a weight dockage system shall be made on the basis of the creditable weight of such lot and at the applicable rate specified for such services in § 989.401 of Subpart—Schedule of Payments.

(f) *Identification.* Any lot of Natural (sun-dried) Seedless, Golden Seedless, and Dipped and Related Seedless raisins acquired by a handler pursuant to a weight dockage system shall be so identified by the inspection service by affixing to one container on each pallet, or to each bin, in such lot, a prenumbered RAC control card (to be furnished by the Committee) which shall remain affixed to the container or bin until the raisins are processed or disposed of as natural condition raisins. The control card shall only be removed by, or under the supervision of an inspector of the inspection service, or authorized Committee personnel.

* * * * *

Subpart—Conversion Factors

§ 989.601 [Amended]

3. The conversion factor table in § 989.601 is revised by changing the term "Dipped seedless" to "Dipped and Related seedless".

Dated: October 10, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 80-32247 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR 1124

Milk in the Oregon-Washington Marketing Area; Proposed Suspension of Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The proposed suspension would remove the limit on such movements of milk during the months of October through December 1980. The action was requested by two cooperative associations to assure the efficient disposition of milk not needed for fluid use and to maintain producer status under the order for their dairy farmer members regularly associated with the market.

DATE: Comments are due on or before October 23, 1980.

ADDRESS: Comments (Two Copies) should be filed with the Hearing Clerk, Room 1017, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of the following provisions of the order regulating the handling of milk in the Oregon-Washington marketing area is being considered for October through December 1980: in the third sentence of paragraphs (a) and (b) of § 1124.11 the word "not".

All persons who want to comment on the proposed suspension should send two copies of them to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the Federal Register. The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (CFR 1.27 (b)).

The period of filing comments is limited because a longer period would not provide the time needed to complete the required procedures and include October 1980 in the suspension period.

Statement of Consideration

The proposed action would remove the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of October through December 1980. The order now provides that during any

month a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by two cooperative associations that supply the market with a substantial part of its fluid needs and handles much of the market's reserve milk supplies. The basis for the request is that current marketing conditions require the proponent cooperatives to handle an increasing quantity of reserve milk supplies during October through December 1980 because of substantial increased milk production by producers regularly associated with the market. The cooperatives indicated that this situation is aggravated by the fact that in recent months Class I sales in the market have declined and that this trend is expected to continue through the remainder of 1980.

Because of current marketing conditions, the cooperatives expect their reserve milk supplies during October through December 1980 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, the cooperatives belive that some of the milk of their member producers who have regularly supplied the fluid market would have to be moved uneconomically, first to pool plants and then to nonpool manufacturing plants in order to still maintain producer status for such milk during October through December 1980.

Signed at Washington, D.C. on October 10, 1980.

Irving W. Thomas,

Acting Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-32245 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1822

Section 502 Rural Housing Weatherization Loans Through Public Utilities

AGENCY: The Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to delete its regulations for making section 502 rural housing weatherization loans. The intended effect of this action is to discontinue making section 502 weatherization loans through public utilities. This action results from an administrative decision.

DATES: Comments must be received on or before December 15, 1980.

ADDRESS: Submit written comments, in duplicate, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, US Department of Agriculture, Room 6346, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspections at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. Reed J. Petersen, USDA, FmHA, Room 5349, South Agriculture Building, 14th and Independence SW, Washington, DC 20250, Telephone 202 447-4295.

The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from Mr. Joseph Linsley, Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250, Telephone 447-4057.

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

FmHA proposes to delete Subpart B of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations. The regulations in this Subpart regarding the servicing of existing loans will be retained and incorporated into FmHA Instruction 451.7 which is available at any FmHA office.

Mr. A. Jennings Orr, Assistant Administrator, Single Family Housing, with the concurrence of the Administrator and representatives from the Rural Electrification Administration (REA) and the National Rural Electric Cooperatives Association, has determined that this program can be discontinued. REA has recently implemented a program to provide capital to REA Coops to make weatherization loans to their users. This new program will provide weatherization funding for practically all of the utilities that have been utilizing the FmHA program. The FmHA will continue to make loans to eligible applicants to buy, build or improve adequate but modest homes of their own in rural areas including weatherization loans. Therefore, there is more weatherization credit available to the public as a result of these program changes.

§§ 1822.21-1822.24; 1822.26 (Subpart B) [Deleted and Reserved];

§§ 1822.25 [Amended]

Accordingly, as proposed, Subpart B of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations is deleted and reserved, except for § 1822.25 paragraph (b) for servicing existing loans which is retained and incorporated into FmHA Instruction 451.7 which is available at any FmHA office.

This instruction does not directly affect any FmHA programs or projects which are subject to the A-95 clearinghouse review.

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

(Catalog of Federal Domestic Assistance Program No. 10.410, Low to Moderate Income Housing Loans)

(42 U.S.C. 1490; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: October 8, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 80-32197 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-44-AD]

Airworthiness Directives: Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: It is proposed to amend Airworthiness Directive (AD) 79-19-01 (44 FR 52676, September 10, 1979) to require repetitive inspection of Boeing 707-300, 707-400, 707-300B and 707-300C series airplanes for cracks in the wing lower skin splice stringers. If cracks exist and go undetected, it is possible the structural capability of the wing

lower surface could be seriously compromised. This amendment would also lower the compliance threshold specified in the original issue of the AD from 18,000 landings to 14,000 landings for 720/720B airplanes as justified by latest inspection findings.

DATES: Comments must be received on or before December 1, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 79–NW– 44 AD, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Harold N. Wantiez, Airframe Section, ANW–212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the regulatory docket or note number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rule Making (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 79–NW–44–AD, 9010 East Marginal Way South, Seattle, Washington, 98108.

Discussion of the Proposed Rule

A recent inspection of a Boeing 707–400 airplane revealed many small cracks in the wing lower surface skin splice stringers. The cracks initiated from fastener holes in the splice stringers but had not caused cracks in the wing skin. However, if cracks are allowed to grow, it is possible that the structural capability of the wing lower surface could be seriously compromised. Since the 707–300, 707–400, 707–300B and 707–300C series airplanes are similar in design, it is proposed that AD 79–19–01 be amended to require repetitive low frequency eddy current inspection of the wing lower surface of these airplanes in accordance with Boeing Service Bulletin 3226 Revision 4.

AD 79–19–01 required a mandatory inspection of all 720/720B airplanes at a threshold of 18,000 landings. Recent inspections of the 720/720B fleet have shown cracks which were detectable at less than 18,000 landings and for this reason, a threshold of 14,000 landings has been selected for the initial inspections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Amendment to AD 79–19–01:

Delete paragraph A and the applicability sentence which precedes it and replace it with the following:

Boeing: Applies to all Boeing 720/720B, 707–300, 707–400, 707–300B, and 707–300C series airplanes.

A. Perform a low frequency eddy current inspection for cracks in the wing lower surface splice stringers in accordance with Boeing Service Bulletin 3226 Revision 4, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. The inspections are to be made at the threshold times and repetitive intervals below.

Airplane	Threshold	Initial inspection		Repetitive interval
		Within	Unless accomplished within the last	
720/720B	14,000 landings	715 landings	715 landings	1,430 landings.
707–300/400	21,000 landings	1,675 landings	1,675 landings	3,350 landings.
707–300B	19,000 landings	1,425 landings	1,425 landings	2,850 landings.
707–300C	17,000 landings	725 landings	725 landings	1,450 landings.
707–300C (passenger only)	17,000 landings	1,425 landings	1,425 landings	2,850 landings.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

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

Issued in Seattle, Wash., on October 6, 1980.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 80–32203 Filed 10–15–80; 8:45 am]

BILLING CODE 4910–13–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1307

Consumer Products Containing Benzene; Extension of Time for Rulemaking

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time for promulgation of rule.

SUMMARY. The Commission extends for 90 days, from October 13, 1980 to January 12, 1981, the time in which it must issue a consumer product safety rule to declare that certain benzene-containing consumer products are banned hazardous products under section 8 of the Consumer Product Safety Act (CPSA) or withdraw the rule proposed on May 19, 1978. This extension is necessary to enable the Commission to further evaluate available data, which evaluation will provide a firmer basis for considering final action on the proposal. In taking this action, the Commission recognizes that the need for immediate action on the use of benzene in consumer products has diminished because of the declining use of benzene in such products.

DATE: The Commission extends the time for issuance of a final rule or withdrawal of the proposal from October 13, 1980 to January 12, 1981.

ADDRESS: All the information that the Commission has that is relevant to this proceeding may be examined in the Office of the Secretary, Consumer Product Safety Commission (CPSC),

1111 18th St., NW, Third flood, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Rory Sean Fausett, Health Sciences, Consumer Product Safety Commission (CPSC), Washington, D.C. 20207, 301–492–6984.

SUPPLEMENTARY INFORMATION: On May 19, 1978, the Commission proposed a ban under section 8 of the Consumer Product Safety Act (CPSA) of all consumer products, except gasoline and solvents or reagents for laboratory use, containing benzene as an intentional ingredient or as a contaminant at a level of 0.1 percent or greater by volume. (See 43 FR 21838.) Based on the information discussed in the proposal, the Commission preliminarily concluded that benzene-containing consumer products present an unreasonable risk of injury to the public because benzene inhalation can cause blood disorders, chromosomal abnormalities, and leukemia. The Commission also preliminarily concluded that no feasible safety standard could adequately protect the public from these risks.

The Commission received a total of 44 written comments as well as 6 oral presentations concerning the proposed ban. Many of the comments criticized the proposal and raised complex scientific and technical issues, including the claim that there is no evidence that low levels of exposure to benzene constitute a health hazard, the assertion that the Commission's risk assessment is inadequate, and the claim that the proposed contamination level is neither justified nor commercially feasible. In order to adequately address these comments and to obtain and evaluate additional scientific and economic data, the Commission on October 10, 1978 (43 FR 47197), on April 16, 1979 (44 FR 22499), and on April 15, 1980 (45 FR 25409) extended the time in which it must publish a final rule or withdraw the proposal. This time currently expires on October 13, 1980.

During previous extension periods, the Commission staff conducted a limited market survey of selected consumer products to determine their benzene content. The data gathered indicate that benzene is not longer being intentionally added to consumer products.[1] These date also indicate that approximately 10 percent of the products surveyed contained over 0.1 percent benzene; however, none of the products contained over 0.25 percent benzene. The staff believes, furthermore, that the survey shows that solvents are available which permit formulation of products whose final benzene content is below the proposed 0.1 percent limit. The Commission staff plans to evaluate the results of the market survey in terms of risk to consumers from the benzene still available in consumer products.

A study of benzene air levels resulting from typical use of various consumer products has been conducted for the Commission at Edgewood Arsenal. This study, also, needs to be evaluated by Commission staff in term of risk to consumers from the use of benzene-containing consumer products.

Another factor supporting an extension of time is the Commission's need to analyze its evidence on benzene in terms of the possible relevance of the recent opinion of the Supreme Court overturning the Occupational Safety and Health Administration (OSHA) benzene standard. (*Industrial Union Dept., AFL-CIO* v. *American Petroleum Institute, et al. Secretary of Labor* v. *American Petroleum Institute, et al.* 100 S. Ct. 2844 (1980)). This opinion, while not directly applicable to the Commission since it is an interpretation of OSHA's statute, comments on the scientific data used to support the OSHA standard. Since the Commission has relied on much of the same underlying data as that used by OSHA on benzene, the Commission needs to carefully analyze the opionion in terms of CPSC regulation of benzene.

Therefore, in view of the need to further evaluate available data in terms of risk to consumers from benzene-containing consumer products and the evidence suggesting declining use of benzene in consumer products, the Commission in accordance with section 9(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2058(a)), finds that good cause exists to extend the period within which it must issue a consumer product safety rule or withdraw the proposal for 90 days, until January 12, 1981. This period may be further extended for good cause by notice published in the Federal Register.

Dated: October 10, 1980

Sadye E. Dunn,

Secretary, Consumer product Safety Commission.

[FR Doc. 80–32297 Filed 10–15–80; 8:45 am]

BILLING CODE 6355–01–M

[1] It should also be noted than on July 1, 1980, the Commission issued a general order (see 45 FR 44554) requiring any firms which have manufactured, imported, or labeled any consumer products, except gasoline, containing benzene as an intentional ingredient since January 1, 1979 to provide the Commission with specified information concerning such products. In addition, firms are required to update the information or report new uses of benzene as an intentional ingredient in consumer products for a one year period. The Commission received 6 responses to the general order, all indicating no use of benzene as an intentional ingredient in consumer products.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

[FHWA Docket No. 79–31, Notice 2]

Traffic Safety in Highway and Street Work Zones; Separation of Opposing Traffic and Edge of Pavement Excavation Requirements

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Highway Administration (FHWA) believes that further modifications of existing requirements are necessary to assure a reduction in the incidence of accidents occuring where two-way traffic is maintained on one roadway of a normally divided highway. It also believes stringent controls are necessary to lessen the hazard of edge of pavement dropoffs on construction projects. This document issues proposed revisions for public review and comment.

DATES: Comments must be received on or before December 15, 1980.

ADDRESS: Anyone wishing to submit written comments may do so. Comments should be sent, preferably in triplicate, to FHWA Docket No. 79–31, Notice 2, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth L. Ziems, Office of Highway Operations, 202–426–4847, or Mr. Stanley H. Abramson, Office of the Chief Counsel, 202–426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: The FHWA issued a modification of its regulation on traffic safety in highway and street work zones on September 17, 1979 (44 FR 53739). The modification was issued in the form of an emergency final rule requiring separation of

opposing traffic on construction projects where two-way traffic is maintained temporarily on one roadway of a normally divided highway. Comments were solicited on the emergency rule.

Comments on the emergency rule were received from 16 States, 4 cities, 1 county, 4 organizations, and 2 citizens. Responses varied, with 3 expressing agreement with the rule, the majority, 15, suggesting modification of the rule, and 9 expressing complete opposition to the rule by requesting it be rescinded or deferred. The FHWA has rejected the suggestions to rescind or defer application of the existing rule due to the adverse effect that such an action would have on highway safety (i.e., high accident rate with resulting deaths, injuries and property damage).

The three most frequently requested modifications were adopted by: (1) Problems associated with mandatory placement of positive barriers in transition zones (from one-way to two-way operation) when a positive barrier is *not* placed continuously throughout the two-way operation, (2) concern with the requirement for separation of opposing traffic on other than freeway type facilities such as urban streets with low speed limits, and (3) concern with the requirement for separation of opposing traffic in short-term work zones.

This proposed amendment to the emergency final rule makes provisions which would alleviate the concerns expressed above. Positive barriers would no longer be required just in transition zones, but would be required throughout the two-way operation when used at all. Separation of opposing traffic would not be required for low speed facilities, typically urban streets and arterials, as the FHWA has no evidence at this time that head-on collisions are occurring on low speed facilities in these temporary two-lane, two-way traffic operations. Separation of opposing traffic in short-term work zones (those where two-way operation will not exist overnight) would be required, but the use of positive barriers for separation would not be required.

Positive barriers would be used to separate opposing traffic when dictated by individual project conditions. Use of separation devices other than positive barriers would require conditions where the added risk is considered minimal on each Federal-aid project where opposing traffic must be separated. Consideration would include the obvious benefits of positive barriers physically preventing head-on collisions and the difficulty of maintaining separation devices other than positive barriers, especially at night. Head-on collisions have occurred where separation devices were provided but continuing maintenance was inadequate, sometimes due to an extremely high loss rate overnight. Another consideration is that workers maintaining the devices must venture into the traveled lanes often, whereas positive barriers require little maintenance. This proposed amendment would give flexibility to allow separation devices other than positive barriers throughout the two-way operation, including transitions, when conditions such as time and length of exposure, type of traffic and facility warrant. Yet the proposed amendment would strengthen the requirement to provide positive barriers when dictated by individual project conditions.

Nationwide statistics indicate that Interstate type facilities have about one-half the fatality accident rate and about one-third the injury rate of two-lane facilities. When a normally divided highway is reduced to the two-lane, two-way situation, measures should be taken to the extent possible to approach the safer conditions expected by the public when traveling on an Interstate type facility.

This proposed amendment would stipulate that the length of temporary two-lane, two-way operation normally should not exceed 3 miles and would restrict the length to 5 miles. Impatience and inattentativeness of the driver are two major factors believed to contribute to head-on collisions in this situation. These two factors tend to increase in proportion to the length of the two-way operation. The longer the segment the more difficult it is to provide proper maintenance of separation devices. Also, the possibility of an accident or a disabled vehicle causing stoppage or congestion in the restricted segment is increased with its length. The proposed 5-mile limit is considered adequate to allow contractor flexibility in various types of work activity.

In this proposed amendment the Traffic Control Plan (TCP) would also be required to provide assurance that the geometrics of the median crossovers for temporary two-lane, two-way situations generally meet standards equal to or approaching the standards of the existing facility. Recent research indicates that where crossovers are provided in a construction zone, a considerable number of injury-causing accidents occur, with substandard geometrics being the major contributing factor.

Supplemental signing has been used to some extent with good results in reducing drivers' impatience and frustration by advising of the length of two-lane, two-way operations remaining in the construction zones. Therefore, the proposed amendment indicates that the TCP should require such signing at appropriate intervals. The rule would not, however, mandate such signing.

Where dropoffs are to be created at the edge of travel lanes because of construction work on a project, the FHWA believes action is needed to require protection for motorists and highway workers. This proposed amendment would require the TCP to include provisions for mitigating the hazard, such as a wedge of fill material to form a shoulder, if the dropoff is expected to cause loss of control of an errant vehicle and if the dropoff is to remain overnight.

§ 630.1010 [Amended]

In consideration of the foregoing, the FHWA proposes that Subpart J of Part 630, Chapter I, Title 23, Code of Federal Regulations, be amended by changing subparagraph (5) and adding a new subparagraph (6) to § 630.1010(a) to read as follows:

(a) * * *

(5) Two-way operation on one roadway of a normally divided highway shall be permitted only when other methods of traffic control are determined infeasible. Whenever two-way traffic must be maintained on one roadway of a normally divided highway, except for urban type streets and arterials where normally existing operating speeds are low, the TCP shall be based on the following provisions.

(i) Where two-way traffic must be maintained on one roadway of a normally divided highway, opposing traffic shall be separated with positive barriers (concrete safety-shape or approved alternate) throughout the length of the two-way operation including transition areas. Where project conditions are such that the added risk of using other types of separation devices is considered minimal, drums, cones, tubular markers, or vertical panels may be used in place of positive barriers. The use of striping and complementary signing alone is prohibited.

(ii) The length of two-way operation on one roadway of a normally divided highway excluding transitions should not exceed 3 miles, but shall not be more than 5 miles.

(iii) Crossovers shall be designed for speeds equal to or not less than 10 miles per hour below the normal operating

traffic speed on the facility unless a lower design standard is required by unusual site conditions. Where lower crossover design is necessary, additional traffic control devices and lighting shall be considered.

(iv) Where terminal sections of temporary positive barriers are not tied to an existing structure, the barriers shall be flared or fitted with crash cushion devices.

(v) Supplementary signing should be provided near the beginning of the two-way operation and at appropriate intervals thereafter advising of the length of the two-lane, two-way operation remaining.

(vi) An exception to the provisions of paragraph (a)(5)(i) of this section may be granted only when it has been demonstrated that the use of positive barriers or delineation and channelization devices is not feasible or practical. An exception shall not be granted where drivers entering the two-way operation cannot see the transition back to a one-way operation. Each exception granted by the FHWA under this paragraph will require the written approval of the FHWA Division Administrator.

(6) The TCP shall include provisions for mitigating the hazard of dropoffs at the edge of travel lanes where the dropoffs are expected to cause loss of control of an errant vehicle and will exist overnight. If a "wedge" of material is used it shall be placed in a manner that will provide stability for errant vehicles.

Note.—The Federal Highway Administration has determined that this document does not represent a significant proposal under the criteria established by the Department of Transportation pursuant to Executive Order 12044. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. Kenneth L. Ziems, Office of Highway Operations, at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

(23 U.S.C. 109(b), 109(d), 315, and 402(a); 23 CFR 1.48(b))

Issued on: October 9, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

[FR Doc. 80-32196 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Chapter II

Standards for Fixed OCS Platforms Periodic Structural Inspection; Notice of Intent

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of intent, request for comments.

SUMMARY: Notice is hereby given that the U.S. Geological Survey intends to develop requirements to be used for periodic structural inspection of fixed offshore oil and gas platforms. These requirements will be used in conjunction with the U.S. Geological Survey's program for verifying the structural integrity of existing and new oil and gas platforms installed on and to be installed on the Outer Continental Shelf (OCS). Comments relative to the periodic structural inspection of fixed offshore oil and gas platforms are welcomed.

DATES: Comments should be submitted prior to December 15, 1980.

ADDRESSES: Such comments should be submitted to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Price McDonald, 703-860-7571.

SUPPLEMENTARY INFORMATION: Comments are specifically solicited as to:

1. The content of the requirements;
2. The inspection period;
3. The frequency of the inspections;
4. The identification of areas to be emphasized;
5. The inspection methods and techniques which may be used;
6. The reporting requirements.

This list is by no means exhaustive, and other comments relative to the periodic structural inspection of fixed offshore oil and gas platforms are welcomed. Such comments should be submitted prior to December 15, 1980 to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 640, Reston, Virginia 22092.

A report on this subject by the Marine Board, Assembly of Engineering, National Research Council, entitled *Inspection of Offshore Oil and Gas Platforms and Risers,* was prepared at the request of the U.S. Geological Survey and is available from the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia 22151 (Report Number USGS/CD/79-001, NTIS Accession Number PB 300 381/AS, Paperback A04, Microfiche A01).

Dated: October 6, 1980.

Hillary A. Oden,

Acting Chief, Conservation Division.

[FR Doc. 80-32169 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-31-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Disapproval of the Permanent Program Submission From the State of Alabama Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule; disapproval of Alabama's permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977.

SUMMARY: On March 3, 1980, the State of Alabama submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations in 30 CFR Chapter VII.

After providing opportunities for public comment and a thorough review of the program submission, the Secretary of the Interior has determined that the Alabama program does not include enacted laws or regulations which will meet the minimum requirements of SMCRA and the federal permanent program regulations. Accordingly, the Secretary of the Interior has disapproved the Alabama program.

DATES: This disapproval is effective October 16, 1980. Alabama has until December 15, 1980 to resubmit an acceptable program.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone (202) 343-4225.

ADDRESSES: Copies of the Alabama program and the administrative record on the Alabama program are available

for public inspection and copying during business hours at:

Alabama Surface Mining Reclamation Commission, Central Bank Building, 2nd Floor 811 Second Avenue, Jasper, Alabama 35501.

Alabama Surface Mining Reclamation Commission, 100 Third Street, Fort Payne, Alabama 35967.

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street SW., Suite 500, Knoxville, Tennessee 37902.

Office of Surface Mining, Room 153, South Interior Building, 1951 Constitution Avenue, Washington, D.C. 20240, Telephone (202) 343–4728.

SUPPLEMENTARY INFORMATION:

General Background on the Permanent Program

The environmental protection provisions of SMCRA are being implemented in two phases—the initial program and the permanent program—in accordance with Sections 501 through 503 of SMCRA, 30 USC 1251 through 1253. The initial program became effective on February 3, 1978, for new coal mining operations on non-federal and non-Indian lands which received state permits on or after that date, and was effectuated on May 3, 1978 for all coal mines existing on that date. The initial program rules were promulgated by the Secretary on December 13, 1977, under 30 CFR Parts 710–725 (42 FR 62639 *et seq.*).

The permanent program will become effective in each state upon the approval of a state program by the Secretary of the Interior or upon implementation of a federal program within the state. If a state program is approved, the state, rather than the federal government, will be the primary regulator of activities subject to SMCRA.

The federal rules for the permanent program, including procedures for states to follow in submitting state programs and minimum standards and procedures the state programs must include to be eligible for approval, are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064), Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published March 13, 1979 (44 FR 15312–15463). Errata notices were published March 14, 1979 (44 FR 15485), August 24, 1979 (44 FR 49673–49687), September 14, 1979 (44 FR 53507–53509), November 19, 1979 (44 FR 66195), April 16, 1980 (45 FR 26001), June 5, 1980 (45 FR 37818), and July 15, 1980 (45 FR 47424). Amendments to the rules were published October 22, 1979 (44 FR 60969), as corrected December 19, 1979 (44 FR 75143), December 19, 1979 (44 FR 75302–75303), December 31, 1979 (44 FR 77440–77447), January 11, 1980 (45 FR 2626–2629), April 6, 1980 (45 FR 25998–26001), May 20, 1980 (45 FR 33926–33927), June 5, 1980 (45 FR 37818), June 10, 1980 (45 FR 39446–39447), and August 6, 1980 (45 FR 52306–52324). Portions of these rules have been suspended, pending further rulemaking. *See* November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454), January 30, 1980 (45 FR 6913), and August 4, 1980 (45 FR 51547–51550).

General Background on State Program Approval Process

Any state wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission. The federal rules governing state program submissions are found at 30 CFR Parts 730 through 732. After review of the submission by OSM and other agencies, an opportunity for the state to make additions or modifications to the program and an opportunity for public comment, the Secretary may either approve the program, approve it conditioned upon correction of minor deficiencies in accordance with a specified timetable, or disapprove the program in whole or in part. If the program is disapproved, the state may submit a revision of the program to correct the items that need to be changed to meet the requirements of SMCRA and the applicable federal regulations. If this revised program is also disapproved, SMCRA requires the Secretary of the Interior to establish a federal program in that state. The state may again request approval to assure primary jurisdiction after the federal program has been implemented.

The procedure and timetable for the Secretary's review of state programs were intitially published March 13, 1979 (44 FR 15326), to be codified at 30 CFR Part 732.

As a result of litigation in the U.S. District Court for the District of Columbia, the deadline for states to submit proposed programs was extended from August 3, 1979, to March 3, 1980. 30 CFR 732.11(d) required that if all required and fully enacted laws and regulations were not part of the program by November 15, 1979, the program would be disapproved. Because the submission deadline had been changed to March 3, 1980, 30 CFR 732.11(d) was amended to provide that program submissions that do not contain all required and fully enacted laws and regulations by the 104th day following program submission will be disapproved pursuant to the procedures for the Secretary's initial decision in Section 7322.13 (45 FR 33927, May 20, 1980). The Alabama program was submitted on March 3, 1980, and the 104th day following submission was June 16, 1980.

The Secretary's rules for the review of state programs implement his policy that industry, the public, and other agencies of government should have a meaningful opportunity to participate in his decisions. The Secretary also has a policy that a state should be afforded the maximum opportunity possible to change its program, when necessary, to cure any deficiencies in it.

To accomplish both of these policy objectives the Secretary determined that the laws and rules upon which the state bases its program must be finalized at the beginning of the public comment period. By identifying the laws and rules in effect on the 104th day as the basis of his program approval decision, the Secretary assists commenters by informing them of program elements which should be reviewed. Meaningful public comment would be undermined if the program elements were constantly changing up until the day before the Secretary's decision.

The 104 day rule affords the state 3½ months following submission within which it may modify its laws and rules. In addition, after the Secretary's initial program decision, the states have additional opportunities to revise their laws and regulations.

All program elements other than laws and rules, including Attorney General's opinions, program narratives, descriptions and other information, may be revised by the state at any time prior to program approval. The Secretary will provide opportunity for public comment on those changes, as appropriate.

The Secretary, in reviewing state programs, is applying the criteria of Section 503 of SMCRA, 30 USC 1253, and 30 CFR 732.15. In reviewing the Alabama program, the Secretary has followed the federal rules cited above under "General Background on the Permanent Program," and as affected by three recent decisions of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation.*

Because of that litigation, the court has issued its decision in two "rounds." The Round I opinion, dated February 26, 1980, denied several generic attacks on the permanent program regulations, but resulted in suspension or remanding of all or part of twenty-two specific regulations. The Round II opinion, dated May 16, 1980, denied additional generic

attacks on the regulations, but remanded some 40 additional parts, sections or subsections of the regulations. The court also ordered the Secretary to "affirmatively disapprove, under Section 503 (of SMCRA), those segments of a state program that incorporate a suspended or remanded regulation" (Mem. Op., May 16, 1980, p. 49). However, on August 15, 1980, the court stayed this portion of its opinion. The effect of the stay is to allow the Secretary to approve state program provisions equivalent to remanded or suspended federal provisions in the three circumstances described in paragraph 1, below.

Therefore, the Secretary is applying the following standards to the review of state program submissions:

1. The Secretary need not affirmatively disapprove state provisions similar to those federal regulations which have been suspended or remanded by the District Court where the state has adopted such provisions in a rulemaking or legislative proceeding which occurred either (1) before the enactment of SMCRA or (2) after the date of the Round II District Court decision, since such state regulations clearly are not based solely upon the suspended or remanded federal regulations. (3) The Secretary need not affirmatively disapprove provisions based upon suspended or remanded federal rules if a responsible state official has requested the Secretary to approve them.

2. The Secretary will affirmatively disapprove, to the extent required by the court's decisions, all provisions of a state program which incorporate suspended or remanded federal rules and which do not fall into one of the three categories in paragraph one, above. The Secretary believes that the effect of his "affirmative disapproval" of a section in the state's regulations is that the requirements of that section are not enforceable in the permanent program at the federal level to the extent they have been disapproved. That is, no cause of action for enforcement of the provisions, to the extent disapproved, exists in the federal courts, and no federal inspection will result in notices of violation or cessation orders based upon the "affirmatively disapproved" provisions. The Secretary takes no position as to whether the affirmatively disapproved provisions are enforceable under state law and in state courts. Accordingly, these provisions are not being pre-empted or suspended, although the Secretary may have the power to do so under Section 504(g) of SMCRA and 30 CFR 730.11.

3. A state program need not contain provisions to implement a suspended regulation and no state program will be disapproved for failure to contain a suspended regulation.

4. Nonetheless, a state must have authority to implement all permanent program provisions of SMCRA, including those provisions of SMCRA upon which the Secretary based the regulations which have been remanded or suspended.

5. A state program may not contain any provision which is inconsistent with a provision of SMCRA.

6. Programs will be evaluated only on those provisions other than the provisions that must be disapproved because of the court's order. The remaining provisions will be approved unconditionally, conditionally approved, or disapproved in whole or in part in accordance with 30 CFR 732.13.

7. Upon promulgation of new regulations to replace those which have been suspended or remanded, the Secretary will afford states which have approved or conditionally approved programs a reasonable opportunity to amend their programs as appropriate. In general, the Secretary expects that the provisions of 30 CFR 732.17 will govern this process.

A list of the regulations suspended or remanded as the result of Round I and Round II litigation was published in the Federal Register on July 7, 1980 (45 FR 45604–45607).

To codify decisions on State programs, Federal programs and other matters affecting individual States, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Alabama will be found in 30 CFR Part 901.

Background on the Alabama Program Submission

On March 3, 1980, OSM received a proposed regulatory program from the State of Alabama. The program was submitted by the Director of the Alabama Surface Mining Reclamation Commission, the State primary regulatory authority, at the direction of the Governor's Office. Notice of receipt of the submission initiating the program review was published in the March 12, 1980, Federal Register (45 FR 15947–15948) and in newspapers of general circulation within the State. The announcement noted information for public participation in the initial phase of the review process relating to the OSM Regional Director's determination of whether the submission was complete.

On April 14, 1980, a public review meeting on the program and its completeness was held by the OSM Regional Director in Jasper, Alabama. April 14, 1980, was also the close of the public comment period on completeness, which had begun March 12, 1980.

On April 29, 1980, the OSM Regional Director published notice in the Federal Register announcing that he had determined that the program did not fulfill the content requirements for program submissions under 30 CFR 731.14 (45 FR 28367–28368). In accordance with Section 732.11 (c) and (d) of the permanent program regulations, as amended on May 20, 1980 (45 FR 33926–33927), the Regional Director's notice identified the elements missing from the Alabama submission and established June 16, 1980, the 104th day after program submission, as the final date for submission of a revised program.

Alabama has not submitted major additions and/or modifications to the incomplete program of March 3, 1980. On June 26, 1980, the Secretary published notice in newspapers of general circulation within Alabama and in the Federal Register (45 FR 43220–43221) of a public hearing and its procedures and of the comment period to review the substance of the Alabama program submission. On July 11, 1980, public comment was invited on a tentative list of provisions in the Alabama program which appeared to be based on suspended and remanded Federal rules (45 FR 46820–46826).

On July 24, 1980 the public hearing on the Alabama program submission was held in Jasper, Alabama. The public comment period on the Alabama program ended on July 28, 1980.

On August 4, 1980, the OSM Regional Director submitted to the Director of OSM his recommendation that the Alabama program be disapproved, together with copies of the transcript of the public meeting and the public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the administrative record.

On August 13, 1980, the Secretary, pursuant to 30 CFR 732.13(b)(1), publicly disclosed the comments received on the Alabama program from the Environmental Protection Agency, the Secretary of Agriculture, and other Federal agencies (45 FR 53841).

On September 16, 1980, the Director recommended to the Secretary that the Alabama program be disapproved.

On September 17, 1980, the Secretary disapproved the Alabama program submission.

Secretary's Findings

The Secretary, pursuant to Section 503 of SMCRA and 30 CFR 732.15, finds that the State of Alabama at this time lacks the capability to carry out the provisions of SMCRA and 30 CFR Chapter VII. This finding is based on the fact that Alabama does not have fully enacted laws and regulations and has not submitted them as part of its program submission.

30 CFR 732.11(d), as amended, requires disapproval of a state program submission which does not contain all required and fully enacted laws and regulations by 104 days from the date of submission. By June 16, 1980, the 104th day from the date of submission of the Alabama program, the state had not submitted any required, enacted laws or regulations.

By letter to Director Willett the Director of OSM will identify and discuss solutions to apparent deficiencies in certain narrative portions of the submission and in the proposed Alabama laws and regulations which have been submitted with the program. The identification and discussion of solutions to apparent deficiencies will be for Alabama's guidance in preparing its resubmission and will represent only a tentative evaluation of the alabama program. Approaches and solutions other than those proposed in the letter may be equally acceptable. A copy of the letter will be available for public review at the addresses listed above.

All required laws and regulations should be made a part of Alabama's resubmission, due within 60 days of this notice, if the Secretary is to be able to approve the Alabama program. The resubmission, and other program elements, will be subject to further review by the Secretary and the public in accordance with 30 CFR 732.13.

Disposition of Public and Federal Agency Comments

Comments have been received and considered on Alabama's initial program submission of March 3, 1980 (Administrative Record Document Reference Number AL–56). The pubic comment periods during which comments were received are described in this notice under "Background on the Alabama Program Submission." All comments received were considered in evaluating the Alabama program for the Secretary's initial decision and in writing the letter to Director Willett providing a discussion of apparent deficiencies in the Alabama proposed program. Responses to the comments are included below and are organized into three groups as follows: Federal Agencies Within Interior. Federal Agencies Outside Interior, and Public.

Frequently, phrases such as "appears to be consistent" and "appears to be less stringent" are used. These phrases are intended to make clear that the Secretary is making no conclusive judgments at this time on the proposed elements of the Alabama program. Once enacted laws and regulations have been submitted by Alabama and reviewed by the public in accordance with 30 CFR Part 732, the Secretary will make his final, conclusive decision.

Comments of Federal Agencies Within Interior

1. The National Park Service suggested on May 14, 1980, that the Regional Director, Southeast Region, National Park Service, should be notified before any decision is made to approve or deny exploration or mining and reclamation permits in areas where mining may have the potential to affect the resources of the National Park System units.

The Alabama program submission appears not to establish an acceptable process for coordinating the review and issuance of permits with other federal or state agencies as requuired by 30 CFR 731.14(g)(9) and (10). The type of notification procedures requested by the NPS should be included in those process descriptions in the Alabama program resubmission, but the specific notification requested by the National Park Service is not required by the federal rules, which specify newspaper notice only (See 30 CFR 776.14 and 776.12(b)).

2. The National Park Service also commented that it be given the opportunity to be involved in setting bond amounts for surface mining and reclamation activities that may have an impact on units under its jurisdiction.

Although 30 CFR 806.12 directs that the state regulatory authority shall determine the amount of the bond, 30 CFR 786.12 and 786.14 provide opportunity for public comment on all aspects of permit applications, including bond amount. Comparable proposed Alabama regulation Sections 786.12 and 786.14 appear consistent with the federal counterparts. It would be inappropriate for the Secretary to require that the state provisions be more stringent than the federal provisions.

3. The National Park Service commented that it should be allowed to participate in inspections in cases where National Park Service units may be affected, especially when these inspections are in response to a petition or notification of violation or for release of performance bond.

Section 842.12 of the Alabama proposed regulations allows for public participation (including federal agencies) in inspections and proposed Alabama Section 807.11 outlines provisions for public involvement prior to bond release. 30 CFR 807.11(e), dealing with informal conferences relating to bond release, was remanded (Round I Opinion February 26, 1980, pp. 41 and 42) because it lacked a priviso for citizen access to the mine site. However, Alabama proposed regulation § 807.11(e) will not be affirmatively disapproved for this reason since it is being disapproved because it is only proposed for this reason since it is being disapproved because it is only proposed. Further, Alabama could retain the provision under certain circumstances (see paragraph 1 under General Background, above). Other subsections of proposed Alabama regulation Section 807.11 appear to contain provisions inconsistent with 30 CFR 807.11 because the regulation omits the requirement to publish notice of a request for release twice a week for two weeks and to be published in a State register if there is one.

4. The National Park Service commented that it should be given the opportunity to participate in developing criteria for designating lands unsuitable for surface coal mining near units in NPS jurisdiction, i.e., buffer zones around NPS lands where the scenic and environmental integrity of the park lands may be involved, and where visual resources seen from the park may be significantly altered.

Proposed Alabama regulation Section 761.11(c) includes a provision for joint approval by the regulatory authority and the federal, state or local agency with jurisdiction over the park near any mine land which will adversely affect the park. This section appears consistent with 30 CFR 761.11(c).

The Secretary has instructed the Park Service not to seek criteria in State programs which would establish "buffer zones" adjacent to national parks as automatically unsuitable for coal mining, unless these lands meet one or more of the other specific criteria for designation. On June 4, 1979, the Secretary made final decisions on the Federal Coal Management Program. Included in those decisions were numerous changes in the proposed unsuitability criteria for Federal lands. The Secretary chose to delete the automatic "buffer zone" language for national parks and certain other Federal lands from the first criterion (43 CFR 3461.1(a)). Instead, he stated lands adjacent to a national park should only be found unsuitable if they are covered by one of the other specific criteria (43 CFR 3461.1(b)–(t)). This instruction to the National Park Service assures that that agency's approach to State unsuitability criteria will be compatible with the Secretary's policy on Federal unsuitability criteria.

5. The National Park Service suggested that the Alabama Division of Surface Mining Control and Reclamation should refer permit applicants to the National Park Service, Air Quality Office, for pre-permit consultation where the proposed mine may have adverse impacts on National Park Service areas that fall under the purview of Section 522(e) of SMCRA.

Since NPS would seem to have ample opportunity to comment on any permit application having potential adverse effect on NPS management units under proposed Alabama regulation Sections 786.12 and 786.14, the objective of the comment appears to be satisfied without a change in the program being required.

6. The Fish and Wildlife Service (FWS) commented that the definition of "Best Technology Currently Available" in Section 700.5 of the Alabama proposed regulations does not conform with the corresponding definition in 30 CFR 701.5, in that Alabama omitted the phrase "within the constraints of the permanent program."

The Secretary agrees that the omission appears to allow the Alabama regulatory authority much more discretion than the federal counterpart in determining the "best technology currently available." A definition consistent with the Federal definition will have to be provided in the program resubmission before the Alabama program could be fully approved.

7. The FWS suggested that the terms "Secretary" and "Regional Director" be defined within the proposed program in order to clearly distinguish between federal and state titles (e.g. 761.11(b)).

As proposed, the Alabama program does not appear to conflict with federal requirements. Therefore, the suggested change would be discretionary with the state.

8. The FWS suggested that the actual or potential presence of wildlife should be evaluated with regard to the vegetation information requirements of Section 779.19 of the proposed Alabama regulations. FWS also suggested that FWS and the state fish and wildlife agency should be consulted and made a part of the decision making process pertaining to the initial determination of land use as well as proposed land use changes (30 CFR 816.133(c)(8) and 817.133(c)(8)).

Alabama proposed regulations appear to contain no provision comparable to 30 CFR 779.19(b) which states that when a map aerial photopraph is required by the regulatory authority, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife for those species of fish and wildlife identified under 30 CFR 779.20. Therefore, provisions authorizing the regulatory authority to require mapping and evaluation of adjacent areas, under certain circumstances, appear necessary. Also, the Secretary agrees that the Alabama program appears to contain no proposed regulation corresponding to 30 CFR 816.133(c)(8).

9. The FWS recommended that the Alabama regulatory authority consult with the FWS before developing a final data base and inventory for lands designated as unsuitable for mining.

According to proposed Alabama regulation section 764.21(b), which appears consistent with 30 CFR 764.21, the Alabama regulatory authority shall include in the system information "including but not limited to" information received from FWS. Therefore, no change appears necessary.

10. The FWS recommended that the title of proposed Alabama regulation Section 770.12 be changed to include specific reference to federal laws as well as state laws. FWS also suggested restructuring proposed Alabama regulation Section 770.12 to specifically reference the applicable requirements of the Endangered Species Act of 1973, as amended, the Fish and Wildlife Coordination Act, as amended, the Migratory Bird Treaty Acts, and the Bald Eagle Act of 1973, as amended.

While a change in the section's title would not be substantive, and the restore is not required, the Secretary agrees that proposed Alabama regulation Section 770.12 concerning coordination with requirements of other laws appears to lack reference to federal and state statutes, and therefore apparently is not consistent with 30 CFR 770.12.

11. The FWS commented that proposed Alabama regulation Sections 779.20(c) and 783.20(c) do not specify consulation with FWS, other appropriate federal agencies or the state fish and wildlife agency as do 30 CFR 779.20(c) and 783.20(c).

The requirements for consultation in the Federal rules were remanded by the District Court in its February 26, 1980, opinion. See discussion above under "General Background on State Program Approval Process."

12. The FWS commented that although proposed State regulation Sections 780.16 and 784.21 are consistent with the federal regulations, consultation with FWS was important from a technological standpoint.

Provisions for consultation with FWS apparently consistent with 30 CFR 780.16 and 784.21 are contained in proposed Alabama regulation Sections 780.16 and 784.21. Therefore, no change seems required.

13. The FWS recommended a 60 day, as opposed to a 30 day, period for filing written objections to permit applications under proposed Alabama regulation Section 786.13(a), and for requesting and informal conference on permit applications under proposed Section 786.14(a). The FWS also expressed concern that delay in providing FWS with notification of newspaper publication might decrease actual comment time to less than 30 days.

The time periods provided in proposed Alabama regulation Sections 786.13(a) and 786.14(a) appear the same as contained in their federal counterparts. Therefore, no charge appears necessary.

14. The FWS recommended that Section 786.29 of the proposed Alabama regulations include a process through which recommendations made by the state fish and wildlife agency and the FWS on permit applications can be incorporated into and made a part of any permit issued.

Section 786.29 of 30 CFR Chapter VII does not require routinely incorporating into the permit all suggestions made by state fish and wildlife agencies and FWS. Consequently, it would appear inappropriate for the Secretary to require the suggested changes.

15. The FWS commented that although Section 788.12(b)(2) of the proposed Alabama regulations was consistent with the federal counterpart, the term "significant alterations in the operation" should be clearly defined.

Since the federal counterpart does not define this term, the Secretary will not require its definition in the state regulations.

16. The FWS suggests that proposed Alabama regulation Section 807.11 be changed to extend the bond release comment period to 60 days, to provide that FWS be notified directly, and to provide that FWS be invited to participate in any field investigations of reclamation work involving previously identified important fish and wildlife issues.

30 CFR 807.11 does not require any of these suggested provisions, and the comment period in proposed Alabama regulation Section 807.11 appears consistent with the federal counterpart. The types of suggestions for notifying FWS could be included in the states description of its process for public participation (State System 731.14(g) (8) and (10)) in the program resubmission rather than regulations, but are not required by the federal rules.

17. The FWS commented that Section 815.15(a) of the proposed Alabama regulations is less stringent than the federal counterpart due to the addition of the word "unnecessarily" before the word "disturbed."

The Secretary agrees that the addition of the word "unnecessarily" would seem to make the section less stringent than

required because the applicable performance standards would apply only to coal exploration which "unnecessarily" disturbs the land surface.

18. The FWS commented that proposed Alabama regulations Sections 816.57 and 817.57 do not distinguish among stream types, leaving these sections less stringent.

The Secretary agrees that the failure to distinguish among stream types appears to make the sections less stringent than required. Proposed Alabama regulation Sections 816.57 and 817.57 prohibit mining within 100 feet of a stream, unless approved by the regulatory authority, and proposed Alabama regulation Section 700.5 defines "stream" to mean "a natural watercourse that drains a watershed of at least one square mile." In combination, these proposed Alabama regulations would be less stringent than the Federal requirements in 30 CFR 816.57 and 817.57 which prohibit mining within 100 feet of a perennial stream or a stream with a biological community as defined in 30 CFR 816.57(c) and 817.57(c). As written, the proposed Alabama regulations would not protect perennial streams or streams with biological communities in watersheds of less than one square mile.

19. The FWS commented that Sections 816.116 and 817.116 of the proposed Alabama regulations are less stringent than the federal counterparts due to omission of technical guidance procedures, substitution of the word "or" for the word "and," and changes in revegetation and ground cover criteria.

The Secretary agrees that these provisions in Alabama's proposed regulations seem to be less stringent than required because they contain revegetation success standards which do not require comparison of ground cover or productivity standards established by reference areas of Department of Agriculture or Interior publications. The word "or" has been substituted for "and" in the phrase "ground cover and productivity" in proposed Alabama Section 816.116(a) and 817.116(a) which provides discretion not included in the Federal regulations to measure only ground cover or only productivity, and not both, and there are no counterparts to 30 CFR 816.116(c) and 817.116(c).

20. The FWS commented that Sections 816.133(c) and 817.133(c) of the proposed Alabama regulations are less stringent than the federal counterparts due to the omission of requirements equivalent to 30 CFR 816.133(c)(1–9) and 817.133(c)(1–9).

The Secretary agrees that the omission of such requirements appears to make the regulations less stringent. Due to the omission, the regulations appear to mean that alternative postmining land use proposals would not have to meet all the requirements of 30 CFR 816.133(c)(1–9) and 817.133(c)(1–9) prior to approval by the regulatory authority and after consultation with the landowner or land management agency.

21. The FWS commented that Sections 816.44 and 817.44 of the proposed Alabama regulations do not include provisions for compliance with federal and local laws and regulations, and the methods for coordination and consulting with other agencies were not described in accordance with 30 CFR 731.14(g) (9) and (10).

The Secretary agrees that regulatory provisions for compliance with federal and local laws and regulations have been omitted and are required. In addition, the state's processes for consulting with other agencies are not adequately addressed in the systems section.

22. The FWS made several comments regarding the systems section of the Alabama program submission:

a. Section 731.14(f) should contain the statement that a cooperative agreement is expected between the regulatory authority, FWS and the state fish and wildlife agency.

b. Section 731.14(g)(1) does not provide that the regulatory authority will solicit comments from FWS and FWS suggested that such a provision be included.

c. Section 731.14(g)(1) does not contain sufficient material to constitute a permitting system.

d. Section 731.14(g)(9) and (10) should contain flow charts depicting consultation procedures and suggested that TWS be specifically referenced with regard to forwarding applications for review and comment.

e. Section 731.14(h) does not contain sufficient information regarding exploration for an projected mining of lignite.

f. The Alabama regulatory authority states in § 731.14(k) that the Technical Division of the state regulatory authority is intended to be self-sufficient which is in apparent conflict with 30 CFR 779.20, 783.20 and other sections of the federal regulations and suggested that the regulatory authority specifically acknowledge and categorize personnel within the FWS and other agencies.

The Secretary agrees that additional information and details appear to be needed regarding interrelationships between the regulatory authority and other agencies. However, the Federal requirements in 30 CFR 731.14 do not require the type of detail the FWS requested, especially a cooperative agreement or the use of personnel from FWS and other agencies.

Comments of Federal Agencies Outside Interior

1. On May 13, 1980, the U.S. Department of Labor, Mine Safety and Health Administration, commenting on proposed Alabama regulation Sections 816.55 and 817.55 (discharge of water into an underground mine), stated that MSHA requires the district manager to look at each situation, and if a hazard exists, require a plan.

Both 30 CFR 816.55 and 817.55 require that the discharge meet the approval of the Mine Safety and Health Administration, a requirement that appears to have been omitted from proposed Alabama regulation counterpart Sections 816.55 and 817.55. The Alabama regulations must be corrected in the program resubmission before the Alabama program could be fully approved.

2. The U.S. Department of Labor, Mine Safety and Health Administration, commenting on proposed Alabama regulation Sections 816.88 and 817.88 (return of coal processing waste to underground workings), stated that MSHA requires the district manager to look at each situation, and if a hazard exists, a plan then is required.

Proposed Alabama regulation Section 816.88 appears consistent with 30 CFR 816.88 in that MSHA approval is required for return of coal processing waste to underground workings. Proposed Alabama regulation Section 817.88 appears consistent with 30 CFR 817.88 in that the Alabama section references proposed Alabama Section 784.25 which requires plan approval of proposed coal processing waste disposal facilities. Therefore, these sections appear consistent with the counterpart federal regulations and the MSHA approval provisions, and no change appears necessary.

3. The U.S. Department of Labor, Mine Safety and Health Administration, commenting on proposed Alabama regulation Sections 816.86 and 817.86 (burning of coal processing waste), stated that prior to extinguishing a fire, a plan must be approved by MSHA.

The current Alabama program proposal appears to fail to include the MSHA approval requirement of 30 CFR 816.86 and 817.86 which must be corrected in the program resubmission before the Alabama program could be fully approved.

4. The U.S. Department of Labor, Mine Safety and Health Administration,

commented on proposed Alabama regulation Sections 816.92 and 817.92 concerning diversions that are designed to divert drainage for an upstream area away from an impoundment area. MSHA guidelines call for the diversion to designed to carry the peak runoff from a 100-year, 6-hour precipitation, as compared to the 100-year, 24-hour precipitation event requirement in 30 CFR Chapter VII.

Proposed Alabama regulation Sections 816.92 and 817.92 appear consistent with 30 CFR 816.92 and 817.92. Therefore, no change appears necessary.

5. The Department of the Army, Corp of Engineers, reviewed the Alabama proposed program but did not provide any specific comments.

6. The Tennessee Valley Authority commented that the surface water information required by Alabama's proposed regulation Section 779.16 will often be difficult and expensive to obtain. TVA further commented that the data gathered is to be used to determine under proposed Alabama regulation Section 780.21(c) the probable hydrologic consequences (PHC) of the proposed mining operation; however, Alabama's proposed submission does not elaborate on how the required hydrologic data might be utilized on the PHC determination.

The hydrologic data to be required by Alabama's proposed regulations will be used by the permit applicant to identify, evaluate, and describe the probable hydrologic consequences. This same data would also have utility to the regulatory authority in its technical evaluation and in reaching a decision on the permit.

The comment relating to the cost of acquiring data under proposed Alabama regulation Section 779.16 is not relevant to the Alabama program evaluation since the comment applies to 30 CFR Part 779 which has already undergone national rulemaking and public review.

7. The Department of Energy (DOE) commented that proposed Alabama regulation Section 816.57 should include the reference to "biological community" as described in 30 CFR 816.57(c).

The Secretary agrees that the reference to "biological community" apparently should be made. See discussion in response to comment No. 18 above from the Fish and Wildlife Service.

8. The DOE commented that 30 CFR 816.65(f)(2) requires 500 feet between blasting operations and facilities, while proposed Alabama regulation Section 816.65(f)(2) reduces this distance to 100 feet, based on studies conducted by the State. DOE suggested that these studies be documented.

The proposed Alabama regulation appears unacceptably to reduce the requirements from 500 feet to 100 feet, which must be corrected before the Alabama program could be fully approved. The proposed Alabama regulation does, however, require that decisions for allowing blasting within a distance lesser than prescribed in the regulation be based on a pre-blast survey, seismic investigation or other appropriate investigation as the Federal rules require for all blasting within 500 feet. Such studies reasonably would result in documentation, but the Secretary will require such studies for blasting within 500 feet not just within 100 feet.

9. The DOE commented that proposed Alabama regulation Section 776.3 has a paragraph which exempts drilling of small diameter exploratory holes from the exploration requirements. DOE pointed out that the equipment and methods used to drill small diameter exploratory holes involve potential environmental impacts and the State exemption should be deleted.

The Secretary agrees with DOE that proposed Alabama regulation Section 776.3(c) appears inconsistent with the Federal requirements in its exemption of drilling of small diameter exploratory holes from the exploration requirements.

10. The DOE commented that proposed Alabama regulation Section 779.27(b)(4) allows surface mining activities in an area that encompasses 10 acres or less of prime farmland.

The Secretary agrees that the proposed Alabama regulations appear unacceptably to allow an exemption from compliance with the strict standards applicable on prime farmlands for areas up to 10 acres. Neither SMCRA nor 30 CFR 779.27 allows such exemption.

Public Comments

1. Auburn University commented on May 2, 1980, that it would be in the best interests of the State of Alabama to include a section in its regulations that addressed experimental practices. Included with this comment was a proposed section prepared by Auburn (proposed as Section 780.28) pertaining to experimental practices and proposals for reclamation research to be included in the Alabama regulations.

Section 711 of SMCRA provides for experimental practices in surface mining. The proposed Alabama statute has a similar provision in Section 33. However, the State is not required to have a section in its regulations such as the one proposed by Auburn. Therefore, no change appears necessary.

2. Joey Stephenson of Jasper, Alabama, commented on June 30, 1980, that he was opposed to the movement of the main office of the Alabama Surface Mining and Reclamation Commission from the present location in Jasper, Alabama, to Montgomery, Alabama.

No provisions exist under Federal requirements for the determination of locations for offices of the regulatory authority. Therefore, the State has the discretion to select the location for its office.

3. On April 10, 1980, Drummond Coal Company commented that the Alabama program submission; (a) was not in the form of a legal opinion from the Attorney General of the State or the chief legal officer of the State regulatory authority, (b) did not have the required legal opinion stating that Alabama has the legal authority or will have the legal authority to administer the program, and (c) did not contain the required section-by-section comparison of the State's proposed laws and amendments with SMCRA and Chapter VII of the Federal regulations; pursuant to 30 CFR 731.14(c).

The Secretary agrees with comments (a) and (b) that the Alabama program submission does not appear to contain a legal opinion. The Secretary also agrees with (c) that the Alabama program submission does not have a section-by-section comparison of the States proposed law with SMCRA (See 45 FR 42330, June 26, 1980). The Secretary is requesting Alabama to provide these documents upon enactment of its law and regulations and upon resubmission of its program.

4. Drummond Coal Company also commented that the information required by 30 CFR 731.14(h)(8) did not appear to be complete in the Alabama program submission and that the graphs presented for compliance with the section were confusing and the required projections were not present in the submission.

The Regional Director's Federal Register notice of April 29, 1980 reflected that Section 731.14(h)(8) of the Systems section of the Alabama program submission was complete with respect to the requirements of 30 CFR 731.14(h)(8). It appears that the statistical information in Alabama systems Section 731.14(h)(8) is acceptable. Projections referred to by the comment are discretionary and are dependent upon the availability of existing studies. Accordingly, the suggested changes will not be required in the State program resubmission.

5. In a letter dated May 22, 1980, Mining Services, Inc., commented that Section 779.26 of the proposed Alabama regulations implied but did not make clear that preliminary, progress and final stage maps are required. Mining Sources, Inc., also suggested that proposed Alabama regulation Section 779.26 be clarified by specifying that maps will be required at preliminary, progress and final stages.

Preliminary, progress and final stage maps are not required specifically by SMCRA or the Federal regulation. The State's proposed regulation appears to be an additional requirement and thus appears more stringent. Therefore, it would seem inappropriate to require the State to modify proposed State Section 779.26 as suggested.

6. Lawrence Beckerle of Bryant, Alabama, representing Invesco International Corporation, commented at the public hearing in Jasper, Alabama on July 24, 1980, that he was in favor of a variance which would allow retention of highwalls and selective placement of topsoil because it would reduce erosion and increase productivity.

Both the federal and proposed state laws and regulations provide for authorized departures from specific performance standards under limited circumstances and for the purpose of experimentation. However, the suggested variance would be contrary to SMCRA. Therefore, no change is necessary.

7. Lawrence Beckerle of Bryant, Alabama, representing Invesco International Corporation, also commented at the public hearing that he was in favor of a ten percent rule with regard to land use changes. According to the commenter, such a rule decreases cost and increases efficiency by avoiding lengthy procedures for small changes.

Neither Alabama's proposed regulation Sections 780.23 and 784.15 nor the federal counterparts provide for alternate procedures based on the amount or percentage of land for which the usage change is desired. In this respect, Alabama's proposed regulations appear consistent with 30 CFR Chapter VII and the legislative intent of SMCRA.

8. Lawrence Beckerle of Bryant, Alabama, representing Invesco International Corporation, suggested the elimination of the hydrology plan requirement in Alabama on the grounds that hydrology plans were intended for western states only.

Section 515 of SMCRA and 30 CFR 816.52 and 817.52 make no provisions for phasing out or eliminating the hydrology plan in the East. Consequently, it seems clear that hydrologic plans and monitoring should be equally applicable in western and eastern areas.

9. The Environmental Policy Institute (EPI) commented on July 28, 1980, that necessary wording had been omitted from Section 764.15(b)(2) of the Alabama draft regulations. The federal counterpart, 30 CFR 764.15(b)(2), requires announcing petitions for designating lands unsuitable for mining in the newspaper of largest circulation in the state. This provision is lacking the Alabama draft regulation.

The Secretary agrees and the state will have to include a provision consistent with the Federal requirement before the Alabama program could be fully approved.

10. The EPI commented that the requirement of proposed Alabama regulation Sections 787.11(a)(6) and 787.11(b)(3) that the "record shall not be transcribed unless further appeal is taken or the State Regulatory Authority so directs" is not the same as the requirement in 30 CFR 787.11(b)(3) that provides for a transcript to be made on the motion of any party or by the hearing authority.

The Secretary agrees that the proposed Alabama procedure for transcripts appears inconsistent with its federal counterpart. The State regulation does not provide assurance that the regulatory authority will make a transcript available upon motion of any party, as prescribed in the Federal regulation. Thus, a party would not necessarily have the opportunity to review a transcript of the hearing to decide whether or not to appeal.

11. The EPI also commented that Section 787.11(b)(1)(b) of the proposed Alabama regulations allows for automatic affirmance if the Board of Appeals grants the petition for review but fails to act on it within 90 days and that there is no counterpart for this automatic affirmance in the federal regulations.

The Secretary agrees that the proposed Alabama provision appears inconsistent with federal requirements. The federal regulations require that, if an appeal is taken, a decision must be made by the appellate body.

12. The EPI also commented that the provision in proposed Alabama regulation Section 787.12(f)(2) that "If any party unreasonably refuses to stipulate to limit the record, he may be assessed by the court for such additional costs as occasioned by the refusal" is without a federal counterpart and subject to discriminatory abuse. EPI further maintained that unwarranted additions and corrections to the record are permitted.

The Secretary agrees that the cited provision of proposed Alabama regulation Section 787.12(f)(2) appears inconsistent with federal requirements. Without further information as to how this provision is to operate, the Secretary cannot judge whether it may be subject to abuse.

13. The EPI also commented that Section 788.12(a)(1) of the proposed Alabama regulations inappropriately tracks the federal counterpart in that the state fails to provide parameters for determining significant departures from the original application.

The Secretary agrees that proposed Section 788.12(a)(1) apparently is deficient. 30 CFR 788.12(a)(1) requires each regulatory authority to provide such parameters in its regulatory program.

14. The EPI also commented that proposed Alabama regulation Sections 816.41(c), 816.42(a)(2), 816.45, 816.49 and their counterparts to 30 CFR 817 omit the requirement for compliance with applicable federal laws.

The Secretary agrees that such requirements apparently have been omitted from the cited sections. Provisions consistent with the federal requirements must be provided before the Alabama program could be fully approved.

15. The EPI commented on July 28, 1980 that Section 807.11(e) of the proposed Alabama regulations does not provide for access to the minesite as part of the informal conference procedures consistent with the court decision of February 6, 1980.

Assuming the court's decision is not challenged on appeal, the Secretary will undertake rulemaking to bring the Federal rules into compliance with the court's order. After the rules have been modified, the states will be given the opportunity to revise any provisions inconsistent with those new rules. In the meantime, the Secretary only requires that the State act be consistent with the Federal act.

16. The EPI commented that Alabama has not proposed a regulatory counterpart to 43 CFR Part 4, and hence, there is no reference to it in Section 840.15 of Alabama's proposed regulations.

The Secretary agrees that a counterpart to 43 CFR Part 4 apparently has been omitted from the Alabama program submission. Provisions consistent with the applicable provisions of 43 CFR Part 4 must be provided before the Alabama program could be fully approved.

17. Archie Patterson, Jr., commented as a private citizen that the Alabama program submission is insufficient. He

noted in particular that the sections covering air and water pollution pursuant to 30 CFR 732.13(b)(2) have not been drafted and are not included in the submission.

The state is not required to comply with 30 CFR 732.13(b)(2). That regulation requires the Secretary of the Interior to obtain concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the program that relate to air and water quality prior to approval of a State program. The Alabama program submission does include proposed regulations for permitting and performance standards that relate to air and water quality. The state is being advised that some of those provisions must be revised and included in the program resubmission before the Alabama program could be fully approved.

18. The Alabama Historical Commission suggested that Alabama's state mining plan incorporate provisions to provide protection of cultural resources eligible for the National Register as well as those actually listed on the Register.

Proposed Alabama regulation Section 761.11(c) appears to provide protection for cultural resources eligible for listing on the National Register of Historic Places. Proposed Section 761.12(f)(1) appears not to provide protection for cultural resources eligible for listing. However 30 CFR 761.11(c) and 761.12(f)(1) have been suspended by court order insofar as they would apply to privately-owned places listed on the National Register of Historic places as opposed to publicly-owned places and to places eligible for listing. Because of this suspension, the Secretary may not require any changes in the proposed Alabama program regulations.

Disapproval

As indicated under Secretary's Findings, the Alabama program does not meet the criteria for approval in Section 503 (a) and (b) of SMCRA and in 30 CFR 732.15. Accordingly, the Alabama program is initially disapproved.

Effect of This Action

Disapproval means that Alabama is not now eligible to assume primary jurisdiction over implementation of the permanent regulatory program pursuant to SMCRA. Alabama may submit additions or revisions to its proposed program to correct the disapproved parts within 60 days from the effective date of this decision. Fully enacted regulations and law, consistent with SMCRA and 30 CFR Chapter VII which must be effective before the Secretary's final decision, are required.

If no resubmission is made within 60 days, the Secretary will take appropriate steps to promulgate and implement a federal program for the State of Alabama. If the disapproved parts of the Alabama program are revised and resubmitted within the 60 day time limit, the Secretary will have an additional 60 days to review the revised program, to solicit comments from the public, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies, and to approve, disapprove, or conditionally approve the final Alabama program submission pursuant to Section 503 (a) and (b) of SMCRA and 30 CFR 732.

This disapproval only relates to the permanent regulatory program under Title V of SMCRA. The disapproval does not constitute disapproval of any provisions related to implementation of Title IV of SMCRA, the abandoned mine lands reclamation program (AML). In accordance with 30 CFR 884 (State Reclamation Plans), Alabama may submit a state AML reclamation plan at any time. Final approval of an AML plan, however, cannot be given by the Director of OSM until the state has an approved permanent regulatory program.

There are no coal-bearing Indian lands in Alabama. Coal development is anticipated in federal lands in Alabama, and such development will be regulated by the initial federal lands program according to 30 CFR 211. If a state regulatory program is approved, the federal lands program will be governed by Subchapter D of 30 CFR Chapter VII.

The Secretary does not intend to promulgate rules in 30 CFR 901 until the Alabama program has been either finally approved or disapproved following opportunity for resubmission.

Additional Findings

The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this disapproval.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this disapproval.

Dated: October 8, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

[FR Doc. 80-32112 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 915

Partial Approval/Partial Disapproval of the Permanent Program Submission From the State of Iowa Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: On February 28, 1980, the State of Iowa submitted to the Department of the Interior its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The purpose of the submission is to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII.

After providing opportunities for public comment and a thorough review of the program submission, the Secretary of the Interior has determined that the Iowa program partially meets the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has approved in part and disapproved in part the Iowa program. Iowa will not assume primary jurisdiction for implementing the permanent regulatory program until its entire program receives approval.

DATE: Iowa has until December 15, 1980 to submit revisions of the disapproved portions of the program for the Secretary's consideration.

ADDRESSES: Copies of the Iowa program and the administrative record on the Iowa program are available for public inspection and copying during business hours at:

Office of Surface Mining Reclamation and Enforcement, Region IV, 5th Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106;

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 65101;

Office of Surface Mining Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–4728.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–4225.

SUPPLEMENTARY INFORMATION:

General Background on the Permanent Program

The environmental protection provisions of SMCRA are being implemented in two phases—the initial program and the permanent program—in accordance with Sections 501–503 of SMCRA, 30 U.S.C. 1251–1253. The initial program became effective on February 3, 1978, for new coal mining operations on non-federal and non-Indian lands that received state permits on or after that date, and on May 3, 1978, for all coal mines existing on that date. The inital program rules were promulgated by the Secretary on December 13, 1977, under 30 CFR Parts 710–725 and 795, 42 FR 62639 et seq.

The permanent program will become effective in each state upon the approval of a state program by the Secretary of the Interior or implementation of a federal program within the state. If a state program is approved, the state, rather than the federal government, will be the primary regulator of activities subject to SMCRA.

The federal regulations for the permanent program, including procedures for states to follow in submitting state programs and minimum standards and procedures the state programs must include to be eligible for approval, are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064), and Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published March 13, 1979 (44 FR 15312–15463). Corrections were published March 14, 1979 (44 FR 15485), August 24, 1979 (44 FR 49673–49687), September 14, 1979 (44 FR 53507–53509), November 19, 1979 (44 FR 66195), April 16, 1980 (45 FR 26001), June 5, 1980 (45 FR 37818), and July 15, 1980 (45 FR 47424).

Amendments to the regulations were published October 22, 1979 (44 FR 60969), as corrected December 19, 1979 (44 FR 75143), December 19, 1979 (44 FR 75302–75303), December 31, 1979 (44 FR 77440–77447), January 11, 1980 (45 FR 2626–2629), April 16, 1980 (45 FR 25998–26001), May 20, 1980 (45 FR 33926–33927), June 10, 1980 (45 FR 39446–39447), and August 6, 1980 (45 FR 52306–52324). Portions of these regulations have been suspended, pending further rulemaking. *See* 44 FR 67942 (November 27, 1979), 44 FR 77447–77454 (December 31, 1979), 45 FR 6913 (January 30, 1980) and 45 FR 51547–51556 (August 4, 1980).

General Background on State Program Approval Process

Any state wishing to assume primary jurisdiction for the regulation of coal mining under SMCRA may submit a program for consideration. The Secretary of the Interior has the responsibility to approve or disapprove the submission.

The federal regulations governing state program submissions are found at 30 CFR Parts 730–732. After review of the submission of OSM and other agencies, an opportunity for the state to make additions or modifications to the program, and an opportunity for public comment, the Secretary may approve the program, approve it conditioned upon minor deficiencies being corrected in accordance with a specified timetable, or disapproved the program in whole or in part. If any part of the program is disapproved, the state may submit revisions to correct the items that need change to meet the requirements of SMCRA and the applicable federal regulations. If the revised program is also disapproved, SMCRA requires the Secretary of the Interior to establish a federal program in that state. The state may again request approval to assume primary jurisdiction after the federal program has been implemented.

The procedure and timetable for the Secretary's review of state programs were initially published March 13, 1979 (44 FR 15326), to be codified at 30 CFR Part 732.

As a result of litigation in the U.S. District Court for the District of Columbia, the deadline for states to submit proposed programs was extended from August 3, 1979, to March 3, 1980. 30 CFR 732.11(d) required that if all required and fully enacted laws and regulations were not part of the program by November 15, 1979, the program would be disapproved. Because the submission deadline had been changed to March 3, 1980, 30 CFR 732.11(d) was amended to provide that program submissions that do not contain all required and fully enacted laws and regulations by the 104th day following program submission will be disapproved pursuant to the procedures for the Secretary's initial decision in Section 732.13 (45 FR 33927, May 20, 1980). The 104th day after the Iowa program was submitted was June 11, 1980.

The Secretary's rules for the review of State programs implement his policy that industry, the public, and other agencies of government should have a meaningful opportunity to participate in his decisions. The Secretary also has a policy that a State should be afforded the maximum opportunity possible to change its program, when necessary, to cure any deficiencies in it.

To accomplish both of these policy objectives the Secretary determined that the laws and rules upon which the State bases its program must be finalized at the beginning of the public comment period. By identifying the laws and rules in effect on the 104th day as the basis of his program approval decision, the Secretary assists commenters by informing them of program elements which should be reviewed. Meaningful public comment would be undermined if the program elements were constantly changing up until the day before the Secretary's decision.

The 104th day rule affords the State 3½ months following submission within which it may modify its laws and rules. In addition, after the Secretary's initial program decision, the States have additional opportunities to revise their laws and regulations.

All program elements other than laws and rules, including Attorney General's opinions, program narratives, descriptions and other information, may be revised by the State at any time prior to program approval. The Secretary will provide opportunity for public comment on those changes, as appropriate.

The Secretary, in reviewing state programs, is complying with the provisions of Section 503 of SMCRA, 30 U.S.C. 1253, and 30 CFR 732.15. In reviewing the Iowa program, the Secretary has followed the federal rules as cited above under "General Background on the Permanent Program," and as affected by decisions of the U.S. District Court for the District of Columbia in *In Re: Permanent Surface Mining Regulation Litigation*. That litigation is the consolidation of several lawsuits challenging the Secretary's permanent regulatory program.

Three recent decisions from the district court affect the decision-making process. Because of the complex litigation, the court issued its initial decision in two "rounds." The Round I opinion, dated February 26, 1980, denied several generic attacks on the permanent program regulations, but resulted in suspension or remanding of all or part of twenty-two specific regulations.

The Round II opinion, dated May 16, 1980, denied additional generic attacks on the regulations, but remanded some 40 additional parts, sections or subsections of the regulations. The court also ordered the Secretary to "affirmatively disapprove, under Section 503 (of SMCRA), those segments of a state program that incorporate a suspended or remanded regulation"

(Mem. Op., May 16, 1980, p. 49). However, on August 15, 1980, the court stayed this portion of its opinion. The effect of this stay is to allow the Secretary, when requested by a state, to approve state program provisions equivalent to remanded or suspended federal provisions in the three circumstances described in paragraph one below.

Therefore, the Secretary is applying the following standards in the review of permanent program submissions.

1. The Secretary need not affirmatively disapprove state provisions similar to those federal regulations which have been suspended or remanded by the District Court where the state has adopted such provision in a rulemaking or legislative proceeding which occurred either (1) before the enactment of SMCRA or (2) after the date of the Round II District Court decision, since such state regulations clearly are not based solely upon the suspended or remanded federal regulations. (3) The Secretary need not affirmatively disapprove provisions based upon suspended or remanded Federal rules if a responsible state official has after May 16, 1980, requested the Secretary to approve them.

2. The Secretary will affirmatively disapprove, to the extent required by the Court's decisions, all provisions of a state program which incorporate suspended or remanded Federal rules and which do not fall into one of the three categories in paragraph one, above. The Secretary believes that the effect of his "affirmative disapproval" of a section in the state's regulations is that the requirements of that section are not enforceable in the permanent program at the federal level to the extent they have been disapproved. That is, no cause of action for enforcement of the provisions, to the extent disapproved, exists in the federal courts, and no federal inspection will result in notices of violation or cessation orders based upon the "affirmatively disapproved" provisions. The Secretary takes no position as to whether the affirmatively disapproved provisions are enforceable under state law and in state courts. Accordingly, these provisions are not being pre-empted or suspended, although the Secretary may have the power to do so under Section 504(g) of SMCRA and 30 CFR 730.11.

3. A state program need not contain provisions to implement a suspended regulation and no state program will be disapproved for failure to contain a suspended regulation. Nonetheless, a state must have authority to implement all permanent program provisions of SMCRA, including those provisions of SMCRA upon which the Secretary based remanded or suspended regulations.

4. A state program may not contain any provision that is inconsistent with a provision of SMCRA.

5. Programs will be evaluated only on those provisions other than the provisions that must be disapproved because of the court's order. The remaining provisions will be approved, approved conditionally, or disapproved, in whole or in part in accordance with 30 CFR 732.13.

6. Upon promulgation of new regulations to replace those that have been suspended or remanded, the Secretary will afford states that have approved or conditionally approved programs a reasonable opportunity to amend their programs, as appropriate. In general, the Secretary expects that the provisions of 30 CFR 732.17 will govern this process.

A list of the regulations suspended or remanded as a result of the Round I and Round II litigation was published in the **Federal Register** on July 7, 1980 (45 FR 45604–45607).

To codify decisions on state programs, federal programs, and other matters affecting individual states, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T will consist of Parts 900 through 950. Provisions relating to Iowa will be found in 30 CFR Part 915.

Background on the Iowa Program Submission

On February 28, 1980, OSM received a proposed regulatory program from the State of Iowa. The program was submitted by the Iowa Department of Soil Conservation, the agency designated as the primary regulatory authority under the Iowa permanent program. Notice of receipt of the submission initiating the program review was published in the March 6, 1980, **Federal Register** (45 FR 14598–14599) and in newspapers of general circulation in Iowa. The announcement invited public participation in the initial phase of the review process as it related to the regional director's determination of whether or not the submission was complete.

On April 15, 1980, the regional director held a public review meeting in Des Moines, Iowa, on the program submission and its completeness. The public comment period on completeness began on March 10, 1980, and closed April 15, 1980.

On April 25, 1980, the regional director published notice in the **Federal Register** announcing that the program submission had been determined to be incomplete (45 FR 27953–27954).

On June 11, 1980, the Iowa Department of Soil Conservation submitted to OSM numerous revisions to the Iowa permanent program submission. On June 18, 1980, the regional director published in the **Federal Register** (45 FR 41164–41166) and in newspapers of general circulation within the state notice of receipt and a summary of the revisions to the Iowa program submission. The notice also set forth procedures for the public hearing and comment period on the substance of the Iowa program.

On July 11, 1980, the Secretary invited public comment on a tentative list of provisions in the Iowa program which appeared to be based on those federal rules suspended or remanded by the U.S. District Court for the District of Columbia. (*See* 45 FR 46820.)

On July 17, 1980, the regional director held a public hearing on the adequacy of the Iowa submission, in Des Moines, Iowa. The list of suspended and remanded federal regulations was also made available to the public during the July 17, 1980, public hearing and placed in the OSM Region IV Kansas City, and Iowa Department of Soil Conservation's public records. The public comment period on the Iowa permanent regulatory program ended on July 25, 1980.

On August 4, 1980, the regional director submitted to the Director of OSM, his recommendation that the Iowa program be approved in part and disapproved in part, together with copies of the transcripts of the public meeting and public hearing, written presentations, exhibits, copies of all public comments received and other documents comprising the administrative record.

On August 15, 1980, the Secretary published a notice announcing the solicitation and public disclosure of comments from other federal agencies on the Iowa permanent program submission (45 FR 54371).

On August 21, 1980, the Director asked the state to inform OSM whether there were any provisions in the Iowa program based on regulations suspended or remanded by the U.S. District Court, which the State wished the Secretary not to affirmatively disapprove. The State has not yet replied to this inquiry.

On September 5, 1980, the Director recommended to the Secretary that the Iowa program be approved in part and disapproved in part.

On September 5, 1980, the Administrator of the Environmental Protection Agency concurred in the

Secretary's approval of those provisions of the Iowa program relating to air and water quality standards being approved today.

Elements Upon Which the Iowa Program Is Being Evaluated for This Decision

The State of Iowa has enacted surface coal mining legislation, but has not adopted final regulations. Neither the proposed regulations submitted on February 28, 1980, nor the revised proposed regulations submitted on June 11, 1980, were fully enacted by June 11, 1980, the 104th day after program submission. Because of the 104 day rule promulgated May 20, 1980, (30 CFR 732.11(d), (45 FR 33926)), only those statutory provisions and regulations that were fully enacted on or before June 11, 1980, are being considered as a basis for this decision. Nevertheless, the Secretary has reviewed the proposed regulations and is providing his preliminary analysis of those proposed regulations in a letter from the Director of OSM to the State. That letter is available for public review at the places listed above under "Addresses." When Iowa resubmits its program, an opportunity will be provided for formal public comment on its enacted regulations pursuant to 30 CFR 732.13(f).

In consideration of these matters and those discussed above under "General Background on State Program Approval Process," the Secretary hereby sets forth the elements of the proposed Iowa program upon which the findings and decision below are being made:

(a) The Iowa Surface Coal Mining Act, and

(b) The balance of the proposed program received on February 28, 1980, as amended through June 11, 1980, except the proposed regulations.

Secretary's Findings:

In reaching his decision to approve in part and disapprove in part the Iowa program submission, the Secretary makes the following findings pursuant to Section 503 of SMCRA and 30 CFR 732.15. Also, see the paragraph below entitled "Additional Findings."

1. The Secretary makes the following findings for the provisions of Section 503(a) of SMCRA:

(a) The Iowa Surface Coal Mining Act (ISCMA), and Iowa Administrative Procedures Act (IAPA) provide for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands in Iowa in accordance with SMCRA, with the exceptions identified in finding 1(b);

(b) The ISCMA provides sanctions for violations of Iowa laws, regulations or conditions of permits concerning surface coal mining and reclamation operations, and these sanctions meet the requirements of SMCRA, including civil and criminal actions, forfeiture of bonds, suspensions, revocations, withholding of permits, and the issuance of cessation orders by the Iowa Department of Soil Conservation or its inspectors, except as noted below in findings 4 (h), (i) and (o);

(c) The Iowa Department of Soil Conservation does not have sufficient administrative and technical personnel nor does it have sufficient funds to enable Iowa to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA;

The Secretary's analysis of the proposed permanent program reveals that Iowa has underestimated professional staff needs for exploration, surface mining, permit processing, inspection, enforcement, and bonding. The Secretary believes that Iowa will need additional professional staff to administer adequately the permanent program. (*See* Administrative Record Document No. IA–101, OSM analysis of Iowa staffing needs.) The Director of the Iowa Department of Soil Conservation, in a letter to the Regional Director, OSM Region IV, has acknowledged that staffing is deficient both for the interim and the permanent regulatory programs. (*See* Administrative Record Document No. IA–53.) The Iowa Director stated with respect to the interim program "Our most immediate need is for another one or two people to assist with inspection, enforcement and permitting in conjunction with the requirements of the interim program." As to the permanent program, he stated, ". . . we have determined that as many as three to six additional positions may ultimately be necessary to carry out our responsibilities to the permanent regulatory program." Therefore, the Secretary is unable to find that the proposed staffing and budget in the Iowa program would be sufficient to enable Iowa to regulate surface coal mining and reclamation operations in accordance with the requirements of SMCRA. The Director of the Iowa Department of Soil Conservation has indicated that he plans to request additional staff positions and funding for 1981–1983. The new budget information should be included with the resubmission.

(d) The ISCMA provides for the effective implementation, maintenance, and enforcement of a permit system that meets the requirements of SMCRA for the regulation of surface coal mining and reclamation operations on non-Indian and non-federal lands within Iowa;

(e) The ISCMA has established a process for the designation of areas as unsuitable for surface coal mining in accordance with Section 522 of SMCRA, 30 U.S.C. 1272;

(f) Iowa has established, for the purpose of avoiding duplication, a process for coordinating the review and issuance of permits for surface coal mining and reclamation operations with other federal and state permit processes applicable to the proposed operations;

(g) Iowa does not have fully enacted regulations consistent with federal regulations issued pursuant to SMCRA. The Secretary finds that the state program must include regulations consistent with 30 CFR Chapter VII;

2. As required by Sections 503(b)(1)–(3) of SMCRA, 30 U.S.C. 1253(b)(1)–(3), and 30 CFR 732.11–732.13, the Secretary has, through OSM:

(a) Solicited and publicly disclosed the views of the Administrator of the Environmental Protection Agency, the Secretary of Agriculture, and the heads of other federal agencies concerned with or having special expertise pertinent to the proposed Iowa program;

(b) Obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those aspects of the Iowa program being approved at this time that relate to air or water quality standards promulgated under the authority of the Clean Water Act as amended (33 U.S.C. 1151–1175) and the Clean Air Act as amended (42 U.S.C. 7401 *et seq.*); and

(c) Held a public review meeting in Des Moines, Iowa, on April 15, 1980, to discuss the completeness of the Iowa program submission and subsequently held a public hearing in Des Moines, Iowa, on July 17, 1980, on the substance of the program submission.

3. In accordance with Section 503(b)(4) of SMCRA, 30 U.S.C. 1253(b)(4), the Secretary finds the State of Iowa does not have the qualified personnel necessary nor does it have the legal authority for the enforcement of the environmental protection standards of SMCRA and 30 CFR Chapter VII, because necessary regulations have not been enacted and because the proposed staff does not include sufficient funding or personnel to administer adequately the permanent program. (*See* finding 1(c) above.)

4. In accordance with 30 CFR 732.15, the Secretary finds, on the basis of information in the Iowa program submission, including the section-by-section comparison of the Iowa law and proposed rules with SMCRA and 30 CFR Chapter VII, public comments,

testimony and written presentations at the public meeting and hearing, and other relevant information, that:

(a) Pursuant to 30 CFR 732.15(a) the proposed Iowa program does not provide for Iowa to carry out the provisions and meet the purposes of SMCRA and 30 CFR Chapter VII because the program does not include fully enacted regulations consistent with 30 CFR Chapter VII and because the program submitted four proposed alternatives pursuant to 30 CFR 731.13. The Secretary has reviewed each of the four proposed alternatives under 30 CFR 731.13 and makes the following findings:

(1) Iowa proposes to exempt from the permit application requirements of 30 CFR 779.27 and 783.27 (and as a result, from the performance standards of 30 CFR Part 823) prime farmland units of less than 10 acres that are too irregular in shape "to permit differential treatment and efficiency of modern farm machinery operation." (*See* Iowa program, Vol. 4.) The Secretary finds that this proposed alternative is inconsistent with SMCRA because SMCRA does not authorize any such exemption to the prime farmlands permitting or performance standards. (*See* Sections 507(b)(16), 510(d), 515(b)(7), 519(c)(2) and 701(20) and the preamble to the permanent regulations at 44 FR 15046 and 15047 (March 13, 1979).) Therefore, the Secretary is disapproving this proposed alternative.

(2) Iowa proposes to replace the moist bulk density standard for soil compaction contained in 30 CFR 823.14(c) with a more general standard requiring soil replacement practices that minimize soil compaction and require remedial practices if excessive compaction occurs. Since 30 CFR 823.14(c) has been suspended (44 FR 77455), this proposed alternative rule need not be submitted as an alternative under 30 CFR 731.13. The Secretary finds subject to further public comment that proposed Iowa Rule 4.55(4)(c) appears consistent with Section 515(b)(C) of SMCRA. (30 U.S.C. 1265(b)(7)(C).)

(3) Iowa proposes to allow certain small structures to be designed by or under the direction of "qualified professional," rather than "a qualified registered professional engineer or registered land surveyor," as required by 30 CFR 780.25(a)(3)(i). With regard to Iowa's proposed alternative the Secretary has examined the administrative record to determine (1) Iowa's definition of "small structure," (2) Iowa's definition of "qualified professional," and (3) the adequacy of information submitted in support of the proposal. Iowa's definition of small structure in proposed rule 4.323(10) a.2 is identical to the definition in 30 CFR 780.25(a)(3)(i), that is, a structure that does not meet the size or other criteria of 30 CFR 77.216(a) (MSHA standards). However, 30 CFR 780.25(a)(3)(i) requires that design plans for small structures be prepared by, or under the direction of, and certified by a qualified registered professional engineer or registered land surveyor.

In its original program submission, Iowa proposed to allow a qualified registered professional engineer, registered land surveyor, or professional geologist to prepare and certify design plans for small structures. Subsequently the state submitted, as an alternative under 30 CFR 731.13, its proposal to allow an unspecified "qualified professional" to perform these funtions. The term "qualified professional" is not defined, either in the Iowa program, or in the statement submitted in support of the proposed alternative. This is the principal problem with Iowa's proposal to use "qualified professional." Iowa will be given the chance to define the term upon resubmission. If the proper showings are made, Iowa's proposal could be approved.

In support of the proposed alternative, the state submitted a short narrative stating that small structures have in the past been designed by "qualified professionals," and that these structures have not proven unsafe. In addition, the state noted that each permit application would be reviewed by a qualified registered engineer, who would presumably check on the adequacy of small structure design plans.

Because of the lack of definition and the lack of supporting information, the record currently before the Secretary does not support a conclusion that the proposed alternative fulfills the criteria in 30 CFR 731.13 (c)(1). Iowa will be able to provide further information on its proposal with its resubmission.

(4) Iowa proposes to change the definition of sedimentation pond to exclude secondary sedimentation structures such as straw dikes and check dams to the extent that discharges from the permit area meet the effluent limitations. 30 CFR 701.5 excludes those structures from the definition of sedimentation pond to the extent that their discharges drain to a sedimentation pond. It appears that Iowa interpreted the definition of sedimentation pond in 30 CFR 701.5 to require that flow from these secondary sedimentation structures drain to a sedimentation pond. However, both 30 CFR 816.42(c)(1) and proposed Iowa Rule 4.522911) require all surface drainage to pass through a sedimentation pond. Therefore, Iowa's proposal to alter the definition does not alter the requirement that all surface drainage pass through a sedimentation pond nor does it change any of the performance standards or afford less protection of the environment. The Secretary finds that the proposed change in the definition of sedimentation pond need not be submitted as an alterantive under 30 CFR 731.13. The Secretary preliminarily finds that the language of the proposed regulation appears to be in accordance with the provisions of the Act and consistent with 30 CFR Chapter VII and that Iowa's proposed regulation will not change the requirement of 30 CFR 816.42(a)(1) adopted by reference as proposed Iowa Rule 4.522(11), that all surface drainage pass through a sedimentation pond before leaving the permit areas.

(b) Pursuant to 30 CFR 732.15(b)(1), the Secretary finds that the Iowa Department of Soil Conservation has the authority under Iowa laws but does not have authority under enacted regulations to implmentation, administer and enforce all applicable requirements consistent with 30 CFR Chapter VII, Subchapter K, because the necessary regulations have not been fully enacted.

(c) Pursuant to 30 CFR 732.15(b)(2), the Secretary finds that the Iowa Department of Soil Conservation has the authority under the ISCMA, but does not have authority under enacted state regulations, the implement, administer and enforce a permit system consistent with 30 CFR Chapter VII, Subchapter G, and to prohibit surface coal mining and reclamation operations without a permit issued by the Iowa Department of Soil Conservation.

(d) Pursuant to 30 CFR 732.15(b)(3), the Secretary finds that the Iowa Department of Soil Conservation has the authority under ISCMA Section 18 but does not have authority under enacted regulations to regulate coal exploration consistent with 30 CFR, Parts 776 and 815, and to prohibit coal exploration that does not comply with those requirements.

(e) Pursuant to 30 CFR 732.15(b)(4), the Secretary finds that the Iowa Department of Soil Conservation has the authority under ISCMA Section 26 but the Iowa program does not include enacted regulations to require that persons extracting coal incidental to government-financed construction maintain information on-site consistent with 30 CFR Part 707.

(f) Pursuant to 30 CFR 732.15(b)(5), the Secretary finds that the Iowa Department of Soil Conservation has the authority under Section 13 of the ISMCA to enter, inspect and monitor all coal

exploration and surface coal mining and reclamation operations on non-Indian and non-federal lands within Iowa; however, the Secretary finds that Iowa has not enacted regulations consistent with 30 CFR Chapter VII, Subchapter L. The Secretary finds that Section 13(2)(a) of ISCMA is unclear in that it fails specifically to provide that both partial and complete inspections occur on an irregular basis, in accordance with Section 517(c)(1) of SMCRA. Proposed Iowa rule 4.6(1)(c)(1), however, unambiguoulsy states that all inspections conducted under ISCMA 13(2)(a) shall be on an irregular basis. Based on the understanding that this proposed rule reflects the correct interpretation of ISCMA 13(2)(a), the Secretary preliminarily determines that Iowa's program will be consistent with SMCRA Section 517(c)(1), if the rule is enacted as proposed.

(g) Pursuant to 30 CFR 732.15(b)(6), the Secretary finds that the Iowa Department of Soil Conservation has the authority in Sections 10 and 16 of the ISCMA to implement, administer and enforce a system of performance bonds and liability insurance in accordance with Sections 507(f), 509, 510 and 519 of SMCRA, but the program does not include regulations consistent with 30 CFR Chapter VII, Subchapter 3.

(h) Pursuant to 30 CFR 732.15(b)(7), the Secretary finds that the Iowa Department of Soil Conservation has the authority under Section 15 of the ISOMA (with the exceptions noted specifically below), but does not have authority under fully enacted regulations, to provide for civil and criminal sanctions for violations of Iowa law, regulations, and conditions of permits and exploration approvals including civil and criminal penalties in accordance with Section 518 of SMCRA (30 USC 1268) and consistent with 30 CFR Part 845 (except to the extent remanded) including the same or similar procedural requirements. However, the Secretary finds that Section 15 of the ISCMA is inconsistent with Section 518 of SMCRA in the following respects:

(1) Iowa has proposed a judicial system of penalty assessment, rather than the administrative system prescribed in 30 CFR 845.17–845.20. The preamble to the permanent regulatory program, at 44 FR 15296 (March 13, 1979), discusses five considerations in determing whether a judicial system for the proposal and assessment of civil penalties is the same as or similar to the administrative system under Section 518 of SMCRA. The Secretary has reviewed the information in the administrative record, and has determined that the procedure proposed by Iowa for judicial assessment of civil penalties does not adequately address these considerations, and hence will not satisfy the requirements of the Act and regulations pursuant to 30 CFR 732.15(b)(7) and (c).

(2) The proposed Iowa program does not provide procedures for proposing assessments of civil penalties and informing operators of the amount of those proposed assessments prior to a formal assessment hearing. Indeed, the program does not seem to provide an operator with the opportunity to pay a penalty the necessity of a formal hearing. Without such procedures, the program is inconsistent with the requirements of Section 518(i) of SMCRA.

(3) The proposed Iowa program does not not provide for mandatory assessment of civil penalties for cessation orders as requirements of Section 518(a) of SMCRA.

(4) It is unclear in what circumstances a civil penalty or an injunction will be sought when a notice of violation is issued under Sections 14.8 and 15.1 of the ISCMA. The state must implement criteria for seeking such relief in order to comply with Sections 518 and 521 of SMCRA.

(5) The proposed Iowa program does not provide for prepayment of civil penalties into an escrow account, as required by Section 518(c) of SMCRA. Pursuant to the order of the United States District Court for the Southern District of Iowa in *Star Coal Co. v. Andrus,* 14 ERC 1325 (1980), the Secretary is enjoined from requiring Iowa to include in its program a provision comparable to Section 518(c)'s prepayment requirement. *Star Coal Co. v. Andrus* has been appealed to the United States Supreme Court (appeal filed March 13, 1980). should the injuntion in *Star Coal Co. v. Andrus,* be vacated, stayed, reversed on appeal, or otherwise dissolved, the Secretary will then take steps to require the Iowa permanent program to comply with the requirements of Section 518(c) of SMCRA, relating to prepayment of civil penalties into escrow accounts.

(i) Pursuant to 30 CFR 732.15(b)(8), the Secretary finds that the Iowa Department of Soil Conservation has the authority under Section 14 of ISCMA, but does not have regulations consistent with 30 CFR Chapter VII, Subchapter L, to issue, modify, terminate and enforce notices of violation, cessation orders and show cause orders in accordance with Section 521 of SMCRA (30 USC 1271) (with the exception noted specifically below) including the same or similar procedural requirements. However, according to the opinion of the Attorney General of Iowa, Section 17A.18(3) of the Iowa Administrative Procedures Act requires that an administrative hearing be held prior to the issuance of a cessation order for failure to abate a violation. (*See* Iowa program, Vol. 3.) The Secretary finds that this procedure is inconsistent with Section 521(a)(3) of SMCRA and it is, therefore unacceptable.

(j) Pursuant to 30 CFR 732.15(b)(9), the Secretary finds that the Iowa Department of Soil Conservation has statutory authority under Section 8 of the ISCMA to provide for the designation of areas as unsuitable for surface coal mining, but the program does not include enacted regulations consistent with 30 CFR Chapter VII, Subchapter F.

(k) Pursuant to 30 CFR 732.15(b)(10), the Secretary finds that the Iowa Department of Soil Conservation has authority under ISCMA to provide for public participation in the development, revision and enforcement of Iowa regulations, but the state has not enacted regulations consistent with the public participation requirements of 30 CFR Chapter VII. Iowa also has the authority under ISCMA, but has not enacted regulations to provide for public participation in the permitting process and the enforcement of its laws consistent with 30 CFR Chapter VII and 43 CFR Part 4.

(l) Pursuant to 30 CFR 732.15(b)(11), the Secretary finds that the Iowa Department of Soil Conservation has the statutory authority under ISCMA Section 15, but does not have authority under enacted regulations to monitor, review, and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the Iowa Department of Soil Conservation, consistent with 30 CFR Part 705.

(m) Pursuant to 30 CFR 732.15(b)(12), the Secretary finds that the Iowa Department of Soil Conservation has the statutory authority under Section 6.2 of the ISCMA to require the training, examination, and certification of persons engaged in or responsible for blasting and the use of explosives in accordance with Section 719 of SMCRA. Iowa has no regulations on the training, examination, and certification of persons engaged in blasting, but 30 CFR 732.15(b)(12) does not require the state to implement regulations governing such training, examination and certification until six months after federal regulations for these provisions have been promulgated. These federal regulations have not been promulgated at this time.

(n) Pursuant to 30 CFR 732.15(b)(13), the Secretary finds that the Iowa Department of Soil Conservation has authority under Section 4.1(d) of the ISCMA, but does not have authority under enacted regulations to provide for small operator assistance, consistent with 30 CFR Part 795.

(0) Pursuant to 30 CFR 732.15(b)(14), the Secretary finds that the Iowa program contains authority in Section 718.4 of the Iowa Code to provide for protection of state employees of the Iowa Department of Soil Conservation in accordance with the protection afforded federal employees under Section 704 of SMCRA; however, the Iowa Code provides a maximum penalty of 30 days imprisonment and a $100 fine for violation of Section 718.4. Section 704 of SMCRA provides a maximum penalty of 1 year imprisonment and a $5,000 fine. The Secretary finds that the Iowa sanctions are inconsistent with Section 704 of SMCRA.

(p) Pursuant to 30 CFR 732.15(b)(15), the Secretary finds that the Iowa Department of Soil Conservation has authority under Section 14 of the ISCMA and the Iowa Administrative Procedures Act to provide for administrative and judicial review of state program actions in accordance with Section 525 and 526 of SMCRA, but the State has not enacted regulations consistent with 30 CFR Chapter VII, Subchapter L.

(q) Pursuant to 30 CFR 732.15(b)(16), the Secretary finds that the Iowa Department of Soil Conservation has authority under Iowa laws and the Iowa program contains provisions to cooperate and coordinate with and provide documents and other information to the Office of Surface Mining under the provision of 30 CFR Chapter VII.

(r) Pursuant to 30 CFR 732.15(c) the Secretary finds that the ISCMA and the other laws and regulations of Iowa contain provisions that would interfere with or preclude implementation of the provisions of SMCRA and 30 CFR Chapter VII, as noted in findings 4 (f), (h) and (i).

(s) Pursuant to 30 CFR 732.15(d) the Secretary finds that the Iowa Department of Soil Conservation and other agencies having a role in the program do not have sufficient legal, technical, and administrative personnel or sufficient funds to implement, administer, and enforce the provisions of the program, the requirements of 30 CFR 732.15(b), and other applicable state and federal laws. (*See* finding 1(c).)

Additional Findings

None of Iowa's regulations are being approved today because they have not been fully enacted as required by Section 503(a)(7) of SMCRA and 30 CFR 732.15(b) (See finding 1(g) above). However, the Secretary has reviewed through OSM the proposed Iowa regulations and has made a preliminary analysis whether these regulations meet the requirements of SMCRA and 30 CFR Chapter VII. The Secretary is providing his analysis of Iowa's proposed rules in a letter from the Director, OSM, to the State. This letter will be sent shortly and entered into the administrative record. Copies of the letter will be available for public review at the addresses shown above under "Addresses."

Disposition of Comments

A discussion follows of all significant issues raised in comments which OSM and the Secretary received concerning the Iowa program submission. Where the Secretary has addressed a comment concerning Iowa's proposed regulations, the disposition is subject to reconsideration by the Secretary pending the completion of rulemaking and further public review.

1. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture (USDA) recommended that the 10 acre exemption on prime farmland proposed as a variance to the prime farmland performance standards of 30 CFR Part 823, be eliminated and that decisions on small units of prime farmland (less than 10 acres) be made by the Iowa Soil Conservation Committee. Iowa has proposed such an exemption as a "state window" under 30 CFR 731.13. The Secretary is disapproving that proposed alternative. (*See* finding 4(a)(1).) Decisions on small parcels of prime farmland will therefore be made by the Division of Mines and Minerals, which is a division of the Department of Soil Conservation, which in turn is administered by the Soil Conservation Committee.

2. The SCS suggested that the Iowa program address the fact that it is theoretically possible to restore original productivity to prime farmland disturbed by surface mining, but that it is highly unlikely that it can actually be done with equipment currently being used in coal mining operations in Iowa. The Secretary has determined that Section 4.55 of the proposed Iowa regulations, governing mined prime farmland productivity, appears consistent with 30 CFR Part 823. If proposed Iowa rule 4.55 is enacted as proposed, no further program change will be required.

3. The SCS suggested that Iowa's program narrative under Section 731.14(g)(9)–(10)–1, Vol. 4 include a statement that any permit for mining that includes areas of prime farmland shall be provided to the State Conservationist of the SCS. Section 731.14(g)(9)–(10) (Volume 4) of the Iowa program narrative identifies the SCS as an agency to be consulted prior to the issuance of mining permits. (Section 4.34(4) of the proposed Iowa regulations has been amended to include a provision which appears comparable to 30 CFR 785.17(c), requiring that the regulatory authority consult with the SCS prior to issuing a permit for an area containing prime farmland. Therefore, no further program change is required.

4. The SCS suggested that "prime farmland" be added to the list of those areas that may be classified as unsuitable for surface coal mining shown at Iowa program narrative Section 731.14(g)(11), Vol. 4. The Secretary has preliminarily determined that the State of Iowa will have the authority to find prime farmland unsuitable for surface coal mining because of its unique or fragile nature, under Section 4.2 of the proposed regulations. Therefore, if proposed Iowa rule 4.2 becomes fully enacted, no further program change will be necessary.

5. The SCS suggested that the definition of "land use" could be more specific. The Iowa definition in proposed Rule 4.1(2)bn appears consistent with the definition found in 30 CFR 701.5. Therefore, no further program change is required.

6. The SCS suggested that the term "agricultural school" be changed to "land grant university." The use of the term "agricultural school" is consistent with terminology in 30 CFR 785.17(b)(5). Therefore, no program change is required.

7. The SCS commented that the map scale referenced in proposed Iowa Rule 4.311(2)(e)(1), should be 1"=100' not 1:100. Iowa adopted this suggested change. (*See* administrative record number IA–75.)

8. The SCS suggested that the terms "certified engineer," "professional geologist," "certified surveyor," and "landscape architect" be defined. Although the Secretary agrees that definitions of these terms in Iowa's program submission would be useful, neither SMCRA nor 30 CFR Chapter VII require these definitions in a state program. Therefore, no program change is required.

9. The SCS indicated that the term "soil scientist" should be defined as someone employed in that capacity by

the USDA–SCS or a certified soil scientist. Such a definition is not required by SMCRA or 30 CFR Chapter VII. Therefore, no program change is required.

10. The SCS suggested that a formula be used to differentiate between prime farmland and non-prime farmland. The proposed formula is the product of the erodibility factor K times the percent slope, with the cutoff point occurring when the value is less than 2 to be defined as prime farmland. The proposed Iowa rule 4.1(2)cn, definition of prime farmland, appears consistent with the 30 CFR Chapter 701.5 definition of prime farmland. Therefore no change is required in this section of the Iowa program.

11. The SCS commented that the term "foundation characteristics" was not defined and suggested that a definition should be included in the glossary. The term, as used in Section 4.332(11)a(2) of Iowa's proposed rules, is self-explanatory and no change is needed. This term is not defined in 30 CFR Chapter VII and the Secretary finds that Iowa's intended use of the term appears consistent with its usage in 783.22(a)(2)(i).

12. The SCS commented that proposed Iowa Rule 4.55(2)(a)(2), "Soil removal," should be changed to require separate removal and replacement of each soil horizon. The proposed Iowa regulations are identical to the federal regulations, 30 CFR 832.12, with regard to removal and replacement of soil horizons. If proposed Iowa Rule 4.55(2)(a)(2) becomes enacted, no further program change will be required.

13. The U.S. Geological Survey (USGS) suggested that OSM inform the state regulatory authority about the Bureau of Land Management (BLM), USGS, and Office of Surface Mining memorandum of understanding. OSM has informed Iowa of the BLM/GS/OSM memorandum of understanding.

14. The USGS suggested that each state program should include procedures for processing proposed mining and reclamation plans or permits that include federal lands. In states that do not have an approved state-federal cooperative agreement under 30 CFR Part 745, the Secretary has sole responsibility for review and approval or disapproval of permit applications for surface coal mining and reclamation operations on federal lands (30 CFR 741.4(a)). Procedures for processing mining and reclamation plans and permits could be addressed in a state and federal cooperative agreement should Iowa request such an agreement under 30 CFR 745.11(a). There is no need for the state program submission to address procedures for processing mining and reclamation plans and permits for federal lands.

15. The USGS suggested that states be apprised of exploration requirement on federal lands and that reference to these requirements and procedures be included in the state's permanent program. Iowa has been advised of exploration responsibilities through the BLM/GS/OSM memorandum of understanding that has been supplied to Iowa. BLM and USGS procedures for review of exploration plans on federal lands require public notification prior to approval of the plan (30 CFR 211.5 and 43 CFR 3410.2). Therefore, the state regulatory agency would have the opportunity to comment on a plan prior to its approval.

16. The U.S. Fish and Wildlife Service (FWS) commented that the state program submission is missing the FWS coordination and consultation processes comparable to 30 CFR 770.12(c) and the coordination provisions of 30 CFR 731.14(g)(10). The commentor proposed this could be remedied with a memorandum of understanding between the State of Iowa and FWS to coordinate aspects of the state program with reference to the Fish and Wildlife Coordination Act, Migratory Bird Treaty Act, Fish and Wildlife Improvement Act and Endangered Species Act. The required coordination is included in proposed Iowa Rule 4.35(1)(c) and 4.35(2)(a). If proposed Iowa Rules 4.35(1)(c) and 4.35(2)(a) are fully enacted, no further program change will be required.

17. The FWS made several suggestions concerning the format of the Iowa submission. The Secretary did not require a specific format for states to use when submitting information in state program submissions under 30 CFR 731.14. Therefore, no change in the Iowa program format is required.

18. The FWS noted deficiencies in Iowa's checklist proposed for use by the state regulatory authority to judge completeness of permit applications. The Secretary does not approve or disapprove any specific forms submitted with proposed programs. The Secretary will evaluate the use of forms when he initiates the state program monitoring phase under 30 CFR Part 733.

19. The FWS suggested that item 9.b. of the "Surface Coal Mine Inspection Report" on pages g(4)–(6) of Vol. 4, "Use of introduced species," be changed to "Use of native species" to satisfy more specifically the requirements of 30 CFR 816.112. This comment concerns a form Iowa has included in the program. Although the Secretary is not approving or diapproving any specific forms submitted with the proposed program, OSM has passed this suggestion to Iowa. (Also, *see* the disposition of comment 18 above.)

20. The FWS suggested that there is a need for a narrative or graphic depiction of the coordination and consultation process between the Iowa Department of Soil Conservation and the various state and federal agencies included in the State Soil Conservation Committee. Neither SMCRA nor the regulations require a graphic depiction of the coordination/consultation process. The Secretary finds the State has given an adequate narrative description of the consultation process as required by 30 CFR 731.14(g)(9) and (10), in proposed Iowa rules 4.35(1)(c) and 4.35(2)(a).

21. The FWS requested that it be included as an additional agency of the State Soil Conservation Committee referenced in the Iowa program submission. The Secretary believes there is adequate FWS notification in the Iowa Program under proposed Rule 4.35(1)(c), page 125. Enactment of proposed Iowa rule 4.35(1)(c) would appear to meet this concern of the FWS. Furthermore, the Secretary has no authority under SMCRA to require FWS membership on a state committee.

22. The FWS commented that only two copies of the permit application are required under the Iowa proposed program, while federal regulations require seven copies. (The Secretary notes that the federal regulations referred to by FWS here only applies on federal lands, and state programs need not include the requirement). FWS is concerned that copies may not be available for review by other agencies. The Secretary has preliminarily determined that proposed Iowa Rules 4.35(1)(d)(l) and 4.35(5) provide for public availability of permit applications and the information contained in those applications. The Secretary expects that the state regulatory authority will make copies of the permit application available for review by those agencies that have an interest in the proposed operation, including FWS.

23. The FWS commented that the Iowa program does not include provisions comparable to 30 CFR 779.20 for consultation with state and federal fish and wildlife management agencies to determine the detail and areas of studies related to fish and wildlife resource information. 30 CFR Section 779.20 has been remanded by the U.S. District Court for the District of Columbia (Mem. Op., February 26, 1980), and therefore the Secretary may not at this time require Iowa to include a regulation implementing this suspended

regulation. (*See* "General Background on State Program Approval Process.")

24. The FWS commented that the proposed Iowa rules 4.323(6) and 4.333(11), relating to fish and wildlife plans for surface and underground mining, should include a reference to proposed Iowa rules 4.322(9) and 4.332(9) to be consistent with 30 CFR 780.16 and 784.21 which in turn refer to 30 CFR 779.20(c) and 783.20(c). Sections 30 CFR 779.20, 780.16, 783.20, and 784.21 have been remanded by the U.S. District Court for the District of Columbia and consequently the Secretary may not at this time require Iowa's program to contain provisions implementing these suspended rules. *See* "General Background on State Program Approval Process."

25. The FWS stated that Iowa's program does not include a process for determining in writing that the granting of a permit will not affect the continued existence of threatened or endangered species or result in the destruction or adverse modification of their critical habitats. Iowa has amended its proposed Rule 4.35 to include a section comparable to 30 CFR 786.19, "Criteria for permit approval or denial," which requires that the regulatory authority find that mining activities will not adversely affect endangered or threatened species or their habitats. (*See* Administrative Record Document Number IA–75.)

26. The FWS commented the objectives stated in 30 CFR Part 810 should be collected into one general section of the state program as they appear in the federal regulations. The commenter stated that these sections can all be found in the state program submission, but they are not included in one general section. 30 CFR 731.14 does not require a specific format for the state regulations, as long as the state rules are as stringent as the federal regulations. A consolidated objectives section is not required.

27. The FWS commented that the proposed Iowa regulations lacked provisions requiring consultation with the FWS on fish and wildlife plans prior to approval by the regulatory authority. The requirement for submission of a fish and wildlife plan in Sections 779.20 and 780.16 and 784.21 of the federal regulations has been remanded by the District Court of the District of Columbia. Therefore, no change is required in the Iowa regulations. When federal regulations are repromulgated, Iowa will be required to amend its program to reflect the new requirements.

28. The FWS commented that the State of Iowa has never contacted them to develop a coordination and consultation process or a memorandum of understanding. Because the regulations requiring a fish and wildlife plan have been remanded, no consultation process on these plans is required at this time. Proposed Iowa Rules 4.35(1)(c) and 4.35(2)(a) appear to provide for consultation with and comment from FWS before permits are issued. The Secretary assumes that if consultation on such a plan is required in the future, the State of Iowa and the FWS will jointly establish a process for consultation pursuant to federal regulations applicable at that time.

29. The U.S. Bureau of Mines (BOM) commented that the State Act does not contain language equivalent to Sections 507(b)(3)–(8) of SMCRA, which contain the permit application requirements, and does not explain the deletion. Section 4 of ISCMA contains enabling language to allow implementation of all of the provisions of Section 507 of SMCRA by the adoption of appropriate regulations. Iowa has proposed rules which appear consistent with the requirements of Section 507 of SM RA and 30 CFR Parts 778, 779 and 780.

30. The BOM commented that Iowa's Act does not include the provisions relating to confidential information comparable to those in Sections 508(a)(12) and (b) of SMCRA. Chapter 68A of the Iowa Code entitled "Examination of Public Records" provides the Department of Soil Conservation with authority to protect confidential information in a permit application. Additionally, proposed Iowa Rule 4.35(5) appears consistent with 30 CFR 786.15, relating to confidential information in permit applications.

31. The BOM noted that Iowa has no self-bonding provisions as provided for under Section 509(c) of SMCRA. Under Section 509(c) of SMCRA a state program is not required to include provisions for self-bonding, and the Secretary may not require such a provisions. Therefore, no program change is required.

32. The BOM commented that Section 525(c) of SMCRA, regarding applications for temporary relief from enforcement orders, has no state counterpart. The Secretary finds a counterpart in Section 14(7) of the Iowa Act, which is consistent with Section 525(c) of SMCRA. Therefore, no program change is required.

33. The BOM commented that Iowa's program narrative pursuant to 30 CFR Section 731.14(g)(13) should be expanded to include a requirement for keeping records of blast designs. The Secretary's requirements for record keeping of blast designs are in 30 CFR 816.68 which Iowa has proposed to adopt by reference. If adopted, record keeping requirements need not be included in the program narrative pursuant to 30 CFR Section 731.14(g)(13).

34. The BOM commented that Iowa's submissions of flow charts pursuant to 30 CFR 731.14(g)(1), (4) and (16) should include statements of time and cost associated with each task. There is no requirement in SMCRA or in 30 CFR Chapter VII for such statements in state program submissions, and the Secretary will not require any.

35. The Heritage Conservation and Recreation Service (HCRS) urged that the results of ongoing consultations between the Advisory Council on Historic Preservation (ACHP) and OSM concerning state program approval be considered in the Secretary's decision on the Iowa program. Ths State Historic Preservation Officer suggested that additional language be included in the Iowa program to assure compliance with the National Historic Preservation Act and Presidential Executive Order 11593. The Secretary will not, at this time, require adoption of the suggested language since it is not required under 30 CFR Chapter VII. However, if the Secretary promulgates rules on historic preservation to replace those suspended by OSM on November 27, 1979 (44 FR 76942), Iowa will be required to amend its program to be consistent with the new rules. The Secretary further notes that the Director of OSM has proposed to enter into a Programatic Memorandum of Agreement with the ACHP (See 45 FR 41988, June 23, 1980) which, when signed and implemented, will allow the State Historic Preservation Officer, to have an integral role in assuring identification of historic land for each permit application.

36. The National Park Service (NPS) requested that Iowa provide it an opportunity to be involved in the review of mining and reclamation plans for surface mining that may affect national park units. Specifically, NPS is concerned with potential impacts on the Lewis and Clark National Historic Trail and the Mormon Pioneer National Historic Trail designated under Pub. L. 94–527, and that portion of the Iowa River designated for study under Pub. L. 90–542. The NPS also requested an opportunity to participate in the development of criteria for protecting critical areas around parks and lands administered by NPS from mining that occurs adjacent to parks. Sections 4.35(1) (b) and (c) of Iowa's proposed surface coal mining rules require that the regulatory authority issue written notification of permit applications to

federal agencies with jurisdiction over or an interest in the area of the proposed operation. Proposed Section 4.35(2)(a) allows public entities to whom written notification is provided to comment on the permit application. The Secretary finds that these sections, when enacted, would appear to provide the NPS with the opportunity to be involved in the permit process and no additional change is needed.

The Secretary has instructed the Park Service not to seek criteria in State programs which would establish "buffer zones" adjacent to National parks as automatically unsuitable for coal mining, unless these lands meet one or more of the other specific criteria for designation. On June 4, 1979, the Secretary made final decisions on the Federal Coal Management Program. Included in those decisions were numerous changes in the proposed unsuitably criteria for Federal lands. The Secretary chose to delete the automatic "buffer zone" language for national parks and certain other Federal lands from the first criterion (43 CFR 3461.1(a)). Instead, he stated lands adjacent to a national park should only be found unsuitable if they are covered by one of the other specific criteria (43 CFR 3461.1(b)–(t)). This instruction to the Park Service assures that that agency's approach to State unsuitability criteria will be compatible with the Secretary's policy on Federal unsuitability criteria.

37. The NPS commented that it should be allowed to participate in inspections where NPS units are involved. Neither SMCRA nor 30 CFR Chapter VII requires the states to allow the NPS to participate routinely in inspections. The NPS may, or course, participate in any inspection which results from its request for an inspection based upon a suspected violation of the Iowa program by the operator.

38. The NPS requested that ISCMA Section 8(5) be expanded to incorporate the "fragile" and "historic" lands definitions of 30 CFR 762.5. Proposed Iowa Rules 4.1(2)(av) and (bf) contain definitions which would appear to be consistent with those contained in 30 CFR 762.5, if enacted.

39. The NPS stated that it should be consulted regarding the adequacy of the bond amount when issuance of a permit for surface mining and reclamation activities may affect any NPS jurisdictional unit. Iowa proposed Rules 4.41, 4.42 and 4.323(7)(b)(2) appear consistent with 30 CFR 800.11, 800.13, and 780.18(b)(2), concerning determination of the amount of performance bonds. The Secretary believes that the information required of the applicant for a permit under the Iowa proposed Rules 4.321, 4.322, and 4.323 and the procedures for public review and comment on permit applications are adequate to afford federal agencies an opportunity to comment on proposed bond amounts prior to issuance of a permit.

40. The MSHA noted that Iowa proposed to adopt OSM's regulations allowing diversion ditches to be designed to the 100 year-24 hour precipitation event while MSHA guidelines call for design to a 100 year-6 hour precipitation event. The Iowa proposed regulation, 4.522(48), adopts 30 CFR 816.92 by reference. The proposed rules, if enacted, would meet the Secretary's requirements, which are more stringent than MSHA's suggested standard.

41. The Department of Energy (DOE) commented that the Iowa civil penalty system, by requiring that civil penalties be assessed by the courts, does not correspond to the federal system. The Secretary agrees that Iowa's proposal for assessment of civil penalties by the courts rather than by the regulatory authority is unacceptable because it fails to require the same or similar procedural requirements as SMCRA Section 518 and the regulations adopted thereunder. (*See* finding 4(h).)

42. The DOE suggested that the Iowa program should contain an affirmative statement about public participation in inspections. OSM advised Iowa in a May 19, 1980 letter, that to be consistent with Section 517(h) of SMCRA and 30 CFR Parts 840 and 842, the Iowa Act or the rules should contain provisions for citizen participation in inspection and enforcement activities. (*See* Administrative Record No. IA–69.) Iowa has amended its proposed rules. The Secretary has determined that the proposed rules as amended appear consistent with 30 CFR Parts 840 and 842, except that the rules do not provide for citizen access to a mine site without a warrant, as required by 30 CFR 842.12. See the letter from the Director of OSM to state officials referred to above under "Elements Upon Which the Iowa Program Is Being Evaluated for the Decision."

43. The DOE commented that Iowa failed to submit a section-by-section comparison of the Iowa rules and the federal regulations. Iowa submitted such a comparison on June 11, 1980.

44. The Environmental Protection Agency (EPA) commented that the Iowa submission does not include a rule comparable to 30 CFR 817.15, "Casing and sealing of underground openings: Permanent." Iowa has amended its proposed rules to include a proposed rule which appears comparable to 30 CFR 817.15. (*See* Iowa Rule 4.523(4), as revised on June 11, 1980.)

45. The EPA commented that Iowa does not have rules comparable to 30 CFR Part 822, "Special Permanent Performance Standards—Operations in Alluvial Valley Floors." Iowa is not required to have rules comparable to 30 CFR Part 822, since these standards apply only to alluvial valley floors west of the 100th meridian west longitude. Iowa is east of the 100th meridian.

46. The EPA commented that Section 7 of the ISCMA should be amended to ensure that Iowa has the authority to amend its program to be consistent with new federal rules promulgated under SMCRA. Section 7 of the ISCMA now provides authority to adopt performance standards in accordance with federal regulations promulgated only as of March 13, 1979. The Secretary agrees that Iowa must have authority to promulgate regulations consistent with changes or amendments to federal regulations adopted since March 13, 1979. In a letter to the Regional Director of OSM's Region IV, dated June 10, 1980, the Iowa Attorney General stated that Iowa has authority under Section 25 of the ISCMA to adopt additional regulations as necessary, with certain limitations. Therefore, this issue is not a problem at this time. If at some future time, Iowa is unable to adopt a necessary regulation, the Secretary has authority under 30 CFR Part 733 to assure maintenance of an adequate state program, to substitute federal enforcement for the state program, or to withdraw approval of the state program.

47. The EPA commented that the ISCMA Section 13.2(a) requires only eight partial and four complete inspections per mine per year as compared to the SMCRA requirement in 517(c)(1). The Secretary interprets Section 517(c) of SMCRA and 30 CFR Part 840.11 to require an average of one inspection per month, including one complete inspection per quarter. Therefore, the twelve inspections (one per month) required by the Iowa law are adequate.

48. The EPA commented that there are no formal memoranda of agreement with other state agencies, which could result in a lack of adequate consideration of measures to ensure protection of air and water quality standards. The June 11, 1980 amendments to the Iowa program contained an executed copy of an interagency agreement for review of hydrologic impacts of mining by the Iowa Geological Survey. Further, the Iowa program will address adequately the coordination and consultation

requirements if Iowa Rule 4.35(1)(c) is enacted as proposed.

49. The EPA commented that the Iowa submission does not provide for formal coordination with the state hygienic laboratory. It is beyond the scope of the Secretary's regulations to require the state regulatory authority to enter into an agreement with a particular laboratory for analytical services.

50. Pursuant to Section 7 of the Endangered Species Act of 1973, as amended, OSM Region IV initiated consultation with the U.S. Fish and Wildlife Service (FWS). The FWS regional office in Denver, Colorado, rendered a biological opinion and commented that the proposed Iowa program does not adequately protect the continued existence and the habitat of an endangered species.

The Secretary finds that the Iowa program has proposed a regulation equivalent to 30 CFR 786.19(o) which would prohibit issuance of a permit without a finding by the regulatory authority that mining will not affect the critical habitat of a threatened or endangered species. Iowa also has proposed to adopt by reference 30 CFR 816.97, "Protection of fish and wildlife resources." A June 10, 1980 memorandum of understanding between OSM and FWS provides OSM's monitoring obligations of state programs as they relate to endangered species.

The Secretary is not approving the Iowa program at this time. It appears that upon resubmission, Iowa's proposed regulations will meet the FWS concerns and comply with applicable OSM regulations. The FWS will have the chance to closely evaluate Iowa's resubmitted program and its potential effect on threatened or endangered species prior to final program approval or disapproval.

51. The Environmental Policy Institute (EPI) commented that ISCMA Section 25 neglects to mention the 30-day required advance public notice, public hearing and public comment period contained in Section 501 of SMCRA, relating to rulemaking. Neither SMCRA nor the Secretary's regulations require a state to adopt precisely these procedures. However, the Iowa Administrative Procedures Act, 17A.4, "Procedure for adoption of rules," provides that any notice of intended action shall be published at least 35 days in advance of the action, and that interested persons be afforded not less than 20 days to submit written comments. These provisions meet the minimum requirements under SMCRA for public participation in development and revision of a state program's regulations.

52. The EPI commented that Section 4.4 of the ISCMA does not require operators, who expect to be mining eight months after program approval, to file a permit application within two months after program approval. In addition EPI stated that Iowa must act on permit applications within eight months of the Secretary's approval of Iowa's program. The Secretary has preliminarily determined, based on the Iowa Attorney General's opinion submitted pursuant to 30 CFR 731.14(c), that Iowa will have the necessary authority under Section 4.311(1) of the proposed Iowa regulations to require and process permit applications in accordance with Section 502(d) of SMCRA. In addition, Section 502(d) imposed directly upon the state the requirement that the regulatory authority grant or deny a permit within 8 months of program approval, and thus the state law need not repeat this requirement.

53. The EPI recommended that Section 4(4)(b) of the ISCMA be revised by adding "and the approved state plan" to conform to language in Section 506(d)(1)(8) of SMRCA. This section provides that a permit renewal shall be issued unless the regulatory authority finds, among other things, that the existing operation is not in compliance with the environmental protection standards of the Act and the approved state plan. Iowa deleted "and the approved state plan." The Secretary believes the suggested addition is unnecessary because the Iowa Act creates and authorizes all the environmental protection standards of the state program.

54. The EPI recommended that language found at Section 4(4) of the ISCMA be changed from "the department establishes" to "it is established," in order to be consistent with Section 506(d)(1) of SMCRA. EPI feels this change is necessary to allow public participation in the decision making process with regard to applications for permit renewal. EPI also commented that the Iowa program did not contain provisions requiring public notice for permit review, or provisions requiring the regulatory authority to make available written findings on permit review. The Secretary finds that the language of ISCMA Section 4(4), while different from that of Section 506(d)(1) of SMCRA, demonstrates the same intent and accomplishes the same result. The Secretary believes that Sections 4.35(1–5) of the proposed Iowa regulations, as amended, appear to provide adequate public participation in the permit review process consistent with 30 CFR Part 786. More specifically, Section 4.35 of the proposed Iowa regulations, as amended, provides for the distribution of the regulatory authority's written findings as required by 30 CFR Section 786.23. Assuming Section 4.35 is enacted as proposed, it appears no further program changes will be necessary.

55. The EPI stated that Section 4.1 of the ISCMA should provide that the permit application fee must cover the cost of administering and enforcing permit provisions of SMCRA. Section 507(a) of SMCRA does not require that the application fee cover these costs; it provides only that the fee cannot exceed such costs. Therefore, no program change is required.

56. The EPI commented that Section 4 of the ISCMA should specifically require that no permit be approved unless information regarding the probable hydrologic consequences is available. Although the language of Section 4.1(d) of the ISCMA is different from Section 507(b)(11) of SMCRA, it is nonetheless clear that under Section 4.1(d) and proposed Rule 4.322(2), a permit application must contain a determination of hydrologic balance, and under a proposed amendment to Rule 4.35 (comparable to 30 CFR 786.19(c)), no permit may be issued until the assessment of probable hydrologic impacts has been made by the regulatory authority. If proposed rules 4.322(2) and 4.35 are enacted, as proposed, the Secretary anticipates no further program change will be required.

57. The EPI commented that the ISCMA should include the specific requirements for permit applications found in Section 507(b)(1)–(17) of SMCRA, unless Iowa can demonstrate comparable provisions in its regulations. The Iowa program includes provisions comparable to Section 507(b)(1)–(17) in proposed Rules 4.321, 4.322, 4.331, and 4.332. If these proposed rules are enacted, as proposed, no further program change will be required.

58. The EPI stated that the ISCMA should include a provision comparable to Section 507(c) of SMCRA for a Small Operators Assistance Program (SOAP). Section 4(1)(d) of the ISCMA is consistent with Section 507(c) of SMCRA regarding SOAP. Therefore, no program change is required.

59. The EPI commented that ISCMA should require submission of a reclamation plan consistent with Section 507(d) of SMCRA. Section 4(1)(c) of the Iowa Act requires the submission of a reclamation plan.

60. The EPI commented that Sections 6(4) and 10 of ISCMA are internally inconsistent on whether the state itself may accept the bond of the applicant,

without separate surety. ISCMA does not contain a Section 6(4), and the Secretary has found no section which conflicts with ISCMA Section 10 on bonding.

61. The EPI commented that the ISCMA does not contain provisions comparable to Section 508 of SMCRA, which establishes reclamation plan requirements. Although the ISCMA does not contain a provision directly comparable to Section 508, the Iowa program as a whole fulfills the requirements of Section 508 of SMCRA. In particular, ISCMA Section 4.1(c) requires submission of a reclamation plan and the proposed Iowa regulations Sections 4.323(7) and 4.333(3) appear consistent with the reclamation plan requirements of 30 CFR Parts 780 and 784. If these proposed regulations are enacted, as proposed, the Secretary anticipates that no program change will be required.

62. The EPI suggested that Section 9(2)(e)(1) of the ISCMA should include the phrase "by surface mining methods" to ensure that there will be no misinterpretation of the law, and to protect surface owners by preventing surface mining under the guise of underground mining. The intent of ISCMA Section 9(2)(c)(1) appears the same as Section 510(b)(6)(A) of SMCRA. This conclusion is supported by the fact that proposed Iowa Rule 4.321(3)(b) appears identical to 30 CFR 778.15.

63. The EPI commented that Section 9(2)(e)(3) of the ISCMA, concerning the documents required of a permit applicant in cases where the private mineral estate has been severed from the private surface estate, should be amended to include the words "shall be" instead of "as" to be consistent with Section 510(b)(6)(C) of SMCRA. This difference in wording does not alter the requirement that the surface-subsurface legal relationship will be determined by applicable state law in those situations where the conveyance relied upon by the applicant does not expressly grant the right to extract coal by surface mining methods. Therefore, no change is necessary.

64. The EPI commented that Section 9(3) of the ISCMA (criteria for disapproving a permit application from an operator with a demonstrated pattern of willful violations) should define willful violation as one "of such nature and duration with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the SMCRA." By omitting the quoted language, ISCMA apparently created a more stringent definition of willful violation than that of Section 510(c) of SMCRA.

65. The EPI commented that Section 9(3) of the ISCMA should refer to criteria for denial of "no permit" rather than "the permit." The Secretary finds that although the language of Section 9(3) of the ISCMA differs from that of Section 510(c) of SMCRA, the intent and effect of both statutes is the same, and that Section 9(3) of ISCMA sets criteria for permit denial sufficiently protective of the public interest.

66. The EPI commented that Section 18 of the ISCMA ("Coal Exploration Permits") should specify which lands are disturbed during exploration. While the language of Section 18.1 is different from Section 512(a) of SMCRA in this regard in that the Iowa statue fails to enumerate certain types of lands as "disturbed areas," the Secretary believes that this omission in no way narrows the coverage of the Iowa statue. Furthermore, Iowa proposed Rules 4.312 and 4.521 appear to be consistent with 30 CFR Parts 776 and 815. If these rules are enacted, as proposed, the Secretary anticipates no further program change will be required.

67. The EPI commented that Section 9.1 of the ISCMA should specify "a reasonable time" for permit application decisions as does Section 514 of SMCRA, However, Section 510(a) of SMCRA, the provision corresponding to Section 9.1 of ISCMA, merly requires the regulatory authority to make permit decisions within "a reasonable time." Therefore, the ISCMA provision agrees with SCMRA. Furthermore, Iowa has proposed to adopt a rule consistent with 30 CFR 786.23, which specified time limits for permit decisions.

68. The EPI commented that the ISCMA should include a provision comparable to Section 514(d) of SMCRA, authorizing the regulatory authority to grant temporary relief when an adminstrative hearing is requested on a permit decision. Iowa has given OSM notice of its intent to adopt a rule consistent with 30 CFR 787.11(b), which implements the temporary relief aspect of Section 514 (*See* Administrative Record No. IA–75, p. 13). If Iowa adopts such a rule fully providing for such temporary relief, the Iowa program will comply with SMCRA on this point.

69. The EPI commented that Section 13(2) of the ISCMA should require that all inspections be conducted on an irregular basis. Iowa proposed rule 4.6(1)d requires that all inspections be conducted on an irregular basis. If this rule is enated, as proposed, no further program change appears required. (*See* finding 4f.)

70 The EPI commented that Section 13(6) of the ISCMA should require information to be made available to the public at locations in the county, multicounty, and state area of mining, as provided in Section 517(f) of SMCRA. Section 13(6) of ISCMA requires that such information shall be conveniently available to the public at central locations in the mining area. The Secretary has determined that these requirements are consistent. Therefore, no change is required

71. The EPI commented that the ISCMA should require that all penalties be prepaid and should set a 30-day time limit for payment. Neither the ISCMA nor the proposed regulations include provisions for administrative proposal and assessment of civil penalties as provided by Section 518(c) of SMCRA and 30 CFR Part 845. The Secretary finds that the Iowa program must include the same or similar procedures as Section 518(c) of SMCRA to the extent not enjoined by the U.S. District Court for the Southern District of Iowa, and consistent with 30 CFR SPart 845, to the extent not remanded by the U.S. District Court for the District of Columbia. (*See* finding 4(h).)

72. The EPI commented that Section 15.3 of the ISCMA should provide a penalty for a corporate officer for refusal to comply with an order instead of for refusal or failure to comply with any provision of the Iowa Act. The Iowa Attorney General has stated, and the Secretary agrees, that refusal to comply with an order is a refusal to comply with the Act (*See* Iowa Program Submission, Vol. 3, p. 118.)

73. The EPI commented that Section 13(3) of the ISCMA should provide that the 10-day notification period should be waived if the violation is alleged to be an imminent danger of significant environmental harm and the state has failed to take an appropriate action. However, Section 13(3) of the ISCMA does not require a 10-day notification in such instances. Furthermore, Section 521(a)(1) of SMCRA waives the notification requirement, thereby giving the Secretary the authority to take a direct enforcement action in these instance without first notifying the state. Therefore, no program change is required.

74. The EPI commented that the ISCMA fails to provide for inspections to be conducted in responde to citizen requests and for citizens to accompany OSM inspectors on such inspections. The Secretary has determined that the Iowa laws and proposed regulations adequately provide for citizen participation in inspection and enforcement activities, except that Iowa proposed Rule 4.6 is inconsistent with 30 CFR 842.12(c). (*See* finding 4(f).)

75. The EPI commented that the ISCMA should require that all interested persons be notified of hearings on suspension or revocation of permits. Section 14(3) of the Iowa Act requires that hearings on these actions be conducted pursuant to Chapter 17A of the Iowa Code. That chapter requires notice to all parties. It further requires the proceedings to be open to the public. Under Chapter 28 of the Iowa Code, such open meetings are subject to public notice requirements including posting at the office of the agency holding the meeting and notifying the news media. Iowa's provisions for notice to all parties and public notice of the open meeting are consistent with the requirements in SMCRA Section 521(a)(4) and 30 CFR 843.13(c).

76. The EPI commented that Section 8 of the ISCMA deleted Section 522(a)(1) of SMCRA's requirement that the state develop a planning process based upon scientifically sound data to determine areas unsuitable for all or certain types of surface coal mining operations. The Iowa program, as proposed, adequately demonstrates the State's intent to base unsuitability decisions on scientifically sound data. (*See* proposed Iowa Rule 4.2(9), "Data base and inventory requirements," and Volume 4, Section 731.14(g)(11) of the program narrative for a detailed description of the basis for the lands unsuitable determination decisions.) If this rule is enacted, as proposed, no further program change will be required.

77. The EPI commented that the ISCMA omits a provision comparable to Section 522(a)(5) of SMCRA which requires the designation of lands unsuitable system to be integrated as closely as possible with land use planning and regulation processes. The proposed rule 4.2(8), if enacted, would provide that the Department of Soil Conservation use information supplied by other agencies and develop a detailed statement of the impact of such designation on the environment and economy. This requirement would entail coordination and consultation with land use planning agencies. In addition, hearings associated with the petitioning process must be conducted according to the procedures of the Iowa Administrative Procedures Act, including notification of all interested parties. The Secretary presumes that "all interested parties" will include land use planning agencies, when appropriate.

78. The EPI stated that the ISCMA should define the term "approximate original contour" as that term is defined in Section 701(2) of SMCRA. Iowa has proposed to adopt the SMCRA definition of "approximate original contour" in Rule 4.1(2)k. If this rule is enacted, as proposed, no further program change will be required.

79. The EPI commented that the Iowa Administrative Procedures Act, Chapter 17A.12(7), which provides that "oral proceedings . . . shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party," is inconsistent with Section 519(h) of SMCRA. The Secretary believes this means that, while an electronic recording will be made of all proceedings, the recording will be transcribed only upon request. For public hearings required by SMCRA, Section 519(h) of SMCRA provides that a "verbatim record" be made, and that a transcript be made available on the motion of any party or by order of the regulatory authority. The Secretary's regulations establishing procedures for hearings and appeals under SMCRA appear at 43 CFR Part 4. These regulations do not address the issue of whether the cost of transcription may be charged to a party requesting a transcript. The Secretary finds that, under SMCRA and the regulations in 43 CFR Part 4, the regulatory authority must bear the cost of recording the hearing whenever SMCRA requires a public hearing or a hearing "of record." Neither SMCRA nor the Secretary's regulations require the regulatory authority to bear the cost of providing a copy of the transcript to a party, or of creating a transcript from a recording. Furthermore, Iowa Code Section 68A.2, "Citizen's Right to Examine," provides that every citizen has the right to examine all public records.

80. Two federal agencies pointed out that the Iowa program appears to contain typographical errors. First, proposed Iowa Rule 4.35(6) references proposed Rule 4.333(10), "Subsidence Control," while the correct reference should be to proposed Rule 4.333(11), "Fish and Wildlife Plan." Second, on page 103 of Volume 1, proposed Rule 4.333(6)a(2) references 30 CFR 77.217(a) while the correct reference should be to 30 CFR 77.216(a). The Secretary concurs with the commenters and is confident that Iowa will correct the first error; the Secretary notes that the second error has been corrected by an amendment to proposed Iowa Rule 4.333(b)a(2).

Approval in Part/Disapproval in Part

The Iowa program is approved in part and disapproved in part. As indicated above under the Secretary's Findings, certain parts of the program meet the criteria for State program approval in 30 CFR 732.15 and certain parts of the program do not meet the criteria. Partial approval means that Iowa may revise and resubmit the disapproved portions of the program within 60 days of the effective date of the decision. The resubmission will then be reviewed and approved or disapproved under procedures in 30 CFR Part 732. Until the entire program is approved, however, the State will not assume primary jurisdiction to implement and enforce the permanent program under SMCRA.

The following program parts are approved:

(a) The Iowa Surface Coal Mining Act, except Section 15, as set forth in paragraph (a) below. ISCMA 13.2(a) is approved to the extent that it is interpreted as in Proposed Iowa Rule 4.6(1)(d)(1) to require that both partial and complete inspections be conducted on an irregular basis. (*See* Finding 4(f).)

The following program parts are disapproved:

(a) Section 15 of the ISCMA which is inconsistent with SMCRA in that it fails to provide an administrative system for proposing and assessing civil penalties similar to Section 518 of SMCRA. (*See* Finding 4(h).)

(b) All the proposed regulations contained in the Iowa program submission.

(c) The non-statutory program provisions to:

(1) Implement, administer and enforce all applicable performance standards. (*See* Finding 4(b).)

(2) Implement, administer and enforce a permit system and prohibit surface coal mining and reclamation operations without a permit issued by the regulatory authority. (*See* Finding 4(c).)

(3) Regulate coal exploration and prohibit coal exploration that does not comply with the requirements of 30 CFR Parts 776 and 815. (*See* Finding 4(d).)

(4) Require that persons extracting coal incidental to Government-financed construction maintain information on site. (*See* Finding 4(e).)

(5) Enter, inspect and monitor all coal exploration and surface coal mining and reclamation operations consistent with the requirements of Section 517 of SMCRA and 30 CFR Chapter VII, Subchapter L. (*See* Finding 4(f).)

(6) Implement, administer and enforce a system of performance bonds and liability insurance, or other equivalent guarantees. (*See* Finding 4(g).)

(7) Provide for civil and criminal sanctions for violations of State law, regulations and conditions of permits and exploration approvals including civil and criminal penalties. (*See* Finding 4(h).)

(8) Issue, modify, terminate and enforce notices of violations, cessation

orders and show cause orders. (*See* Finding 4(i).)

(9) Designate areas as unsuitable for surface coal mining. (*See* Finding 4(j).)

(10) Provide for public participation in the development, revision and enforcement of State regulations and the State program. (*See* Finding 4(k).)

(11) Monitor, review and enforce the prohibition against indirect or direct financial interests in coal mining operations by employees of the State regulatory authority. (*See* Finding 4(l).)

(12) Provide for small operator assistance. (*See* Finding 4(n).)

(13) Provide for administrative review of State program actions. (*See* Finding 4(p).)

(d) The statutory provisions which provide for protection of State employees of the regulatory authority in accordance with the protection afforded Federal employees under Section 704 of SMCRA. (*See* Finding 4(o).)

(e) The two alternatives proposed under 30 CFR 731.13 dealing with (1) the 10 acre exemption for prime farmland and (2) the qualification of persons who may prepare design plans and certify certain small structures. (*See* Findings 4(a)(1) and 4(a)(3).)

(f) The statutory provisions of the Iowa Administrative Procedures Act (Section 17A.18(3)), to the extent they require an administrative hearing prior to issuance of a cessation order for failure to abate a violation. (*See* Finding 4(i).)

Effect of this Action

Iowa is not now eligible to assume primary jurisdiction to implement the permanent program. Iowa may submit additions or revisions to its proposed program to correct those parts of the program being disapproved within 60 days of this decision.

If Iowa does not submit a revised program within 60 days, the Secretary will take appropriate steps to promulgate and implement a federal program for the State of Iowa. If the disapproved portions of the state regulatory program are revised and resubmitted within the 60 day time limit, the Secretary will have an additional 60 days to review the revised program, solicit comments from the public, the Administrator of the Environmental Protection Agency, the Secretary of Agriculture and the heads of other federal agencies concerned with or having special expertise pertinent to the proposed state program and to approve, disapprove, or conditionally approve the final Iowa program submission.

This approval in part and disapproval in part relates only to the permanent regulatory program under Title V of SMCRA. The Secretary's partial approval of Iowa's program does not constitute approval or disapproval of any state provisions related to the implementation of Title IV of SMCRA, the abandoned mine lands reclamation program. In accordance with 30 CFR Part 884 (State Reclamation Plans), Iowa may submit a state AML reclamation plan at any time. Final approval of an AML plan, however, cannot be given by the Director of OSM until the state has an approved permanent regulatory program.

No coal development is anticipated on federal lands in the State. In the event that surface mining and reclamation operations on federal lands are proposed, however, the initial federal lands program will be governed by regulations in 30 CFR Part 211. When a state regulatory program is approved, the federal lands program, if one is necessary, will be governed by 30 CFR Part 740, or by 30 CFR Part 745 if Iowa chooses to enter into a cooperative agreement with the Secretary.

The Secretary does not intend to promulate rules in 30 CFR Part 915 until the Iowa program has been either finally approved or disapproved following opportunity for resubmission.

Additional Findings

The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this approval in part.

The Secretary has determined that this document is not a significant rule under E.O. 12044 or 43 CFR Part 14, and no regulatory analysis is being prepared on this approval in part.

Dated: October 9, 1980.

Joan M. Davenport,

Assistant Secretary of the Interior.

[FR Doc. 80-32159 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 10

Proposed Regulation to Set Standards for Opinions by Practitioners Before the Internal Revenue Service Used in the Promotion of Tax Shelters; Public Hearing

AGENCY: Department of the Treasury.

ACTION: Proposed rule; additional time to submit written comments and notice of public hearing.

SUMMARY: A notice of proposed rulemaking to amend the regulations governing practice before the Internal Revenue Service for the purpose of setting standards relative to opinions used in the promotion of tax shelters was published in the **Federal Register** on Thursday, September 4, 1980 (45 FR 58594). The public was invited to submit written comments on the proposal on or before November 3, 1980. No public hearing was contemplated unless requested. It has been determined that the time to submit written comments be extended, and, while to date there has been no request to be heard, the Department believes a hearing on the proposed rule is warranted.

DATES: The time in which to submit written comments is extended until Friday, November 14, 1980. The hearing on the proposed rule is scheduled for Tuesday, November 25, 1980, beginning at 10:00 a.m.

ADDRESS: All written comments on the proposed amendment and all requests for an opportunity to be heard, together with required statements, should be sent to the Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220. The hearing will be held in the Cash Room, Main Treasury Building, 15th Street and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice 202-376-0767

SUPPLEMENTARY INFORMATION: The hearing will be open to the public as space is available. Persons wishing to make statements at the hearing should advise the Director of Practice in writing by November 14, 1980, and should submit in triplicate the text or, at a minimum, an outline of comments they propose to make. Comments will be restricted to 10 minutes in length. Written comments also should be sent in triplicate.

Dated: October 10, 1980.

David R. Brennan,

Acting General Counsel.

[FR Doc. 80-32196 Filed 10-15-80; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF DEFENSE

National Security Agency

32 CFR Part 286f

Policies and Procedures for Obtaining Information From Financial Institutions

AGENCY: National Security Agency.

ACTION: Notice of proposed rule making.

SUMMARY: This proposed rule establishes the National Security

Agency (NSA) policies and procedures for obtaining information from financial institutions in accordance with Pub. L. 95–630, The Right to Financial Privacy Act of 1978.

DATES: Comments must be received by November 17, 1980.

ADDRESSES: Comments should be directed to the Office of General Counsel, National Security Agency, Fort George C. Meade, MD, 20755.

FOR FURTHER INFORMATION CONTACT: LCDR M. E. Bowman, JAGC, USN, Telephone: (area code 301) 688–6054.

Accordingly it is proposed to add a new part to Title 32 of the Code of Federal Regulations which if adopted will read as follows:

PART 286f—OBTAINING INFORMATION FROM FINANCIAL INSTITUTIONS

Sec.

Authority: 92 Stat. 3697, et seq., 12 U.S.C. 3401, et seq.

§ 286f.1 Purpose and applicability.

(a) This part establishes procedures for the NSA/CSS to obtain records from financial institutions and implements 12 U.S.C. Sec. 3401, 92 Stat. Sec. 3697, and Pub. L. 95–630.

(b) The provisions of this part apply only to financial records maintained by any office of a bank, savings bank, credit card issuer, industrial loan company, trust company, savings and loan, building and loan, homestead association (including cooperative banks), credit union, or consumer finance institution that is located in any district, state or territory of the United States.

(c) All NSA/CSS elements are subject to the provisions of this part.

§ 286f.2 Policy.

(a) Financial records shall be sought regarding any individual who is an applicant for employment with the NSA/CSS or who has a current security clearance and/or access granted by the NSA/CSS, and regarding any other individual assigned or detailed to the NSA/CSS when such records are relevant to a final determination with respect to employment, continued assignment or detail, clearance, access or other related actions.

(b) The NSA/CSS shall seek the consent of an individual when obtaining that individual's financial records from a financial institution. Refusal of an individual to provide such consent may be grounds for denying access to all Sensitive Compartmented Information (SCI) and to other classified information in NSA/CSS custody if the circumstances of such refusal or the nature of the records sought prevent the NSA/CSS from determining that such access is or would be clearly consistent with the national security.

(c) Any actions relative to obtaining financial records without an individual's consent shall be conducted in accordance with the provisions of DoD Directive 5400.12, found in 32 CFR Part 294, as appropriate.

§ 286f.3 Procedures.

(a) Representatives of NSA/CSS Security shall use a consent form as set out in Enclosure 2 of 32 CFR Part 294, relative to obtaining financial records. A copy of the consent form shall be made a part of the individual's NSA/CSS security file, and an additional record copy of the form kept by security for the purpose of an annual report. A certification form as set out in Enclosure 4 of 32 CFR Part 294 shall be provided to financial institutions by security representatives along with the consent form certifying compliance with 12 U.S.C. Sec. 3401 *et seq.*

(b) Procedures used by security regarding matters referenced in paragraph (a) of this section, shall be established on a case-by-case basis and shall be in consonance with the appropriate provisions of 32 CFR Part 294.

(c) Financial records obtained under 12 U.S.C. Sec. 3401 *et seq.* shall be marked: "This record was obtained pursuant to the Right to Financial Privacy Act of 1978, 12 U.S.C. Sec. 3401 *et seq.*, and may not be transferred to another federal agency or department without prior compliance with the transferring requirements of 12 U.S.C. Sec. 3412." Except in accordance with paragraph (e) of this section, such records shall not be transferred to another agency or department outside the Department of Defense unless the Chief, Security, or delegate certifies in writing that there is reason to believe that the records are relevant to a legitimate law enforcement inquiry within the jurisdiction of the receiving agency or department. Such certificates shall be maintained in the appropriate NSA/CSS security file with copies of the released records.

(d) Unless alternate procedures are involved as referenced in paragraph (b) of this section, when financial records have been transferred to another agency, a security representative shall, within 14 days, personally serve or mail to the individual whose records have been transferred, at his or her last known address, a copy of the certificate required by paragraph (c) of this section, and the following notice: "Copies of or information contained in your financial records lawfully in possession of the NSA/CSS have been furnished to (name of agency) pursuant to the Right to Financial Privacy Act of 1978 for the following purpose(s): (state reason). If you believe that this transfer has not been made to further a legitimate law enforcement inquiry, you may have legal rights under the Financial Privacy Act of 1978 or the Privacy Act of 1974."

(e) In cases where another federal agency authorized to conduct foreign intelligence or foreign counterintelligence activities requests a financial record held by the NSA/CSS, and makes such a request for the purpose of conducting that Agency's protective functions, the NSA/CSS may release the information without notifying the individual to whom the financial record pertains.

§ 286f.4 Reports.

Security shall compile an annual report setting forth the data required in the Right to Financial Privacy Act of 1978. The report shall be submitted to the Defense Privacy Board, Office of the Deputy Assistant Secretary of Defense (Administration), by February 15 annually, and shall be assigned the Report Control Symbol DD-COMP(A) of 1538.

§ 286f.5 Implementation.

This NSA/CSS Regulation is effective immediately.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.
October 10, 1980.

[FR Doc. 80-32207 Filed 10-15-80; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Grand Teton National Park; Proposed Rulemaking and Publication of Noise Abatement Plan for Jackson Hole Airport

AGENCY: National Park Service.

ACTION: Proposed Rule and Publication of Noise Abatement Plan.

SUMMARY: The purpose of this proposed rulemaking is to redescribe the location of the area assigned for the Jackson Hole Airport and provide for regulations

necessary to enforce certain provisions of the Jackson Hold Airport Noise Abatement Plan, which is published in its final form in the attached appendix. These proposed regulations deal with such issues as aircraft noise limitations, curfew, and preferential runway.

DATES: Written comments, suggestions or objections on the proposed rulemaking will be accepted by the National Park Service until December 15, 1980.

ADDRESS: Comments should be directed to: Superintendent, Grand Teton National Park, P.O. Drawer 170, Moose, Wyoming 83012.

FOR FURTHER INFORMATION CONTACT: Robert Yearout, Superintendent's Office, Grand Teton National Park, telephone (307) 733–2880; or Neil J. Reid, Chief, Division of Science and Resource Preservation, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225, telephone (303) 234–2764. The Noise Abatement Plan is available from these two offices.

SUPPLEMENTARY INFORMATION:

Background

Designated Airstrip: On September 10, 1979, the National Park Service and the Jackson Hole Airport Board signed Special Use Permit No. SP 1460–9–9022, a revision of an earlier permit, authorizing the use of described lands in Grand Teton National Park for the purpose of operating a public airport facility. The permit, which expires on April 28, 1995, prescribes the conditions under which the airport is to be operated, and assigns ±533 acres for this purpose. This is a reduction of some 227 acres, and therefore a revision of the existing description of the Airport's location is required and is included in this proposed regulation.

Noise Abatement Plan: A proposed noise abatement plan was prepared in 1979 by the Airport Board and the National Park Service in consultation with the Federal Aviation Administration (FAA) and the Environmental Protection Agency (EPA) for the purpose of mitigating the adverse effects of airport use on park users and environment. Following publication in the Federal Register of November 9, 1979, (44 FR 65206), public hearings were held at Jackson, Wyoming, and Denver, Colorado, on December 10 and 11, 1979. Public comments were compiled and evaluated by the park staff. Copies of this document are available at the addresses listed above. After public comments were evaluated the Service had further consultation with the Airport Board, FAA, and EPA, and there was general agreement about the elements of the plan except for aircraft noise limitation.

Section 2(d) of the cited Special Use Permit provides for the Service to proceed with noise control regulations should the parties fail to agree upon a noise control plan.

The Service, as airport proprietor, has completed and approved an Airport Noise Abatement Plan. Although some revisions were made to clarify and simplify plan elements, basic plan components remain essentially as proposed. The plan includes some new facilities (air traffic control tower, advisory signs, Airport Terminal Information System, Visual Approach Slope Indicator), procedures (arrival and departure flight patterns, altitude assignments, proposed restricted airspace, proposed preferential runways, local traffic patterns, aircraft noise abatement operating procedures, proposed aircarft noise limitations, proposed curfew), educational efforts, noise monitoring and research, and enforcement procedures. The proposed restricted airspace and a curfew are additions to the proposed plan.

Three proposed elements of the plan require promulgation of regulations by the airport proprietor, the National Park Service, for enforcement. Other procedures in the plan are already enforceable through use of existing Federal Aviation Administration regulations.

In addition to redescribing the area for Jackson Hole Airport, the following are the other components of the proposed regulation:

1. *Aircraft noise limitations.* The proposed aircraft noise limitations are to restrict use of the Airport by aircraft exceeding certain noise levels. Federal Aviation regulations (FAR) Part 36 Stage 3 certification noise levels of 89 Effective Perceived Noise Decibels (EPNdB) for takeoff, 98 EPNdB on approach and 94 EPNdB on sideline are standards determined to be appropriate noise levels for this purpose for all turbojet-powered airplanes, regardless of category, and all transport-category airplanes. All propeller-driven small airplanes (12,500 pounds or less) whose certificated values exceed the FAR Part 36 1980 sound levels of 80 A-weighted decibels, dB(A), (corrected) will, also, be excluded from use of the Airport.

Noise generated by nearly all aircraft in use today is cited in FAA Advisory Circulars by EPNdB (Effective Perceived Noise Decibels) or dBA ("A" Weighted Decibels). Turbojet and transport category aircraft noise is measured by EPNdB, while FAA uses dBA for propeller-driven aircraft. When compared, the proposed noise level restrictions for all aircraft are roughly equivalent. The FAA Advisory Circulars will control as to whether an airplane meets the required noise levels.

The proposed aircraft noise limitations will result in an inconvenience to some aircraft users, i.e., those with the noisier early model turbojets and propeller-driven airplanes. Many of the newer model airplanes, and older models which have been modified can meet the noise limitations listed in the plan. The Service is of the opinion that the inconvenience will not translate into an economic impact of any consequence to the Jackson Hold area. The public benefits from control and reduction of aircraft noise are considered to outweigh such inconveniences and economic factors that may occur.

2. *Curfew.* A curfew on use of the airport between 9 p.m. and 6 a.m. is to restrict the nighttime use of the Airport, an impact which affects the developing residential area south of the Airport as well as park visitors. The curfew is similar to those at over 40 airports across the country.

3. *Preferential Runway.* The preferential runway for landing aircraft is to be Runway 36 (to the north) and for departing aircraft is to be Runway 18 (to the South), except when the air traffic controller decides and instructs otherwise. Safety will be of paramount consideration. Because this involves a ground operation, it also requires a special regulation. The conditions under which the preferential runways would be in effect will be detailed in a Letter of Agreement between the FAA and the Service based upon guidelines and requirements generally used by air traffic controllers.

Public Participation

The policy of the National Park Service is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding this proposed regulation to the address noted at the beginning of this rulemaking.

Impact Analysis

The National Park Service has determined that the proposed regulation contained in this rulemaking is not significant, as that term is defined in 43 CFR Part 14, nor does it require the preparation of a regulatory analysis pursuant to the provisions of this authority.

In addition, a Finding of No significant Impact (FONSI) has been made pursuant

to 40 CFR 1500 (CEQ's Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act), and the Department of the Interior's compliance procedures (516 DM). A copy of the FONSI is available for public inspection during regular business hours at the Park Superintendent's office and the National Park Service, Rocky Mountain Regional Office, Denver, Colorado (see above address).

Drafting Information

The following individuals participated in the writing of this proposed regulation; Robert Yearout, Grand Teton National Park and Neil J. Reid, Rocky Mountain Regional Office, National Park Service, Denver.

(Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. § 3); the Act of March 18, 1950, as amended (16 U.S.C. §§ 7a through 7e); 245 DM 1 (44 FR 23384); and National Park Service Order No. 77 (38 FR 7478), as amended)

Ira J. Hutchison,

Acting Director,
National Park Service.

In consideration of the foregoing, it is proposed to amend § 7.22(a) of Title 36 of the Code of Federal Regulations as follows:

§ 7.22 Grand Teton National Park.

(a) *Aircraft.* (1) *Designated airstrip.* Jackson Hole Airport, located in NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼ Sec. 11; NW¼NE¼, W½ Sec. 14; SE¼NE¼ Sec. 15; NW¼NW¼ Sec. 23, T. 42 N., R. 116 W., 6th Principal Meridian.

(2) *Aircraft noise limitations.* Except in an emergency, only those category airplanes and turbojet-powered airplanes, regardless of category, whose certificated values or equivalent tests according to FAR Part 36, Appendix C, for uncertificated and unlisted aircraft do not exceed 89 Effective Perceived Noise Decibels (EPNdB) for take-off and 98 EPNdB on approach, and a certificated (or equivalent test as defined above), or estimated according to standard FAA procedures, value of 94 EPNdB on sideline are permitted to use the Jackson Hole Airport. Except in an emergency, propeller-driven small airplanes (12,500 pounds maximum takeoff weight) whose certificated noise value meet the Far Part 36 1980 sound level of 80 A-weighted decibels, dB(A), (corrected) will be permitted to use the Jackson Hole Airport. Airplanes whose measured or estimated sound levels as listed in Federal Aviation Administration (FAA) advisory circulars AC 36–1B or AC 36–2A (or later revisions) do not exceed the above limits are assumed to be in compliance with this regulation.

(3) *Curfew.* Except in an emergency, all aircraft are prohibited from landing or taking off from the Jackson Hole Airport between the hours of 9 p.m. and 6 a.m.

(4) *Preferential Runway.* Runway 36 will be the preferential runway for landing, and Runway 18 will be the preferential runway for takeoff at the Jackson Hole Airport, except (i) when the air traffic controller determines that weather, wind, or other conditions preclude their safe use; or (ii) when touch-and-go training flight exercises are authorized by the air traffic controller.

The following appendix will not appear in the Code of Federal Regulations.

Appendix—Jackson Hole Airport Noise Abatement Plan

(Prepared by National Park Service, U.S. Department of the Interior, in consultation with Jackson Hole Airport Board, Environmental Protection Agency and Federal Aviation Administration)

1. Introduction and Objectives

Jackson Hole Airport is located on Federal land within the southern portion of Grand Teton National Park. This park was established by Congress because of the ambience and uniqueness of the area. The Service is managing and operating the park to maintain, recreate, and enhance the mood of the area. Within this context, the Service finds the ambient environment in the park is sensitive to the intrusion of aircraft noise. It is extremely important that the airport and aircraft operations do not detract unnecessarily from the tranquility of the park which is enjoyed annually by 4,000,000 visitors. Noise intrusions are generally identified as the greatest concerns by those who question the compatibility of an airport in a national park.

The aircraft noise problem will be dealt with through this Noise Abatement Plan (NAP). A proposed Noise Abatement Plan was published in the Federal Register on November 9, 1979 (44 FR 65206) and public hearings were held at Jackson, Wyoming and Denver, Colorado. Public comments were compiled and evaluated by the park staff. Copies of this document are available at Grand Teton National Park, P.O. Drawer 170, Moose Wyoming, and Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, Colorado 80225.

The purpose of the Noise Abatement Plan is twofold. First, to provide for safe operation of the airport during its remaining years of use. Second, to reduce aircraft noise within and adjacent to the park, including within the immediate vicinity of the airport. While the NAP is designed to mitigate adverse aircraft noise impacts in and over the park, it must be recognized that the various elements of the NAP will not, and cannot, eliminate all such impacts. Each element of the plan will undergo periodic evaluation as to its effectiveness, and the Service plans to consult periodically with the Jackson Hole Airport Board, the Environmental Protection Agency (EPA), the Federal Aviation Administration (FAA), and others, relative to any potential changes in the Plan.

2. Noise Sensitive Areas

The Service finds that the most noise sensitive area of the park is that portion lying west of the Snake River flood plain from the south boundary northward to Moose Village, thence northerly along U.S. Highway 26–187 from Moran Junction to the east park boundary. All parkland lying east of that line of demarcation is determined to be less noise sensitive and is the portion to which aircraft operations will be confined, except as set forth in paragraph 4c(1) below. A map delineating the noise sensitive areas appears at the end of this appendix.

3. Facilities

a. Air Traffic Control Tower: An air traffic control tower will be installed by the Service adjacent to the airport terminal building. The tower is classed as a temporary structure, and could be easily disassembled in 1995. The FAA will provide all communication and other equipment for the tower. Target date for tower completion is October 1981.

Air traffic control operations will be initiated early summer 1981 from a mobile unit to be furnished by FAA until the tower facility is ready.

b. Advisory Signs: Advisory signs, with messages to alert pilots of the noise sensitivity of the area and with brief instructions about procedures to be used to implement this Plan, will be placed adjacent to both ends of the taxiways and at conspicuous locations adjacent to the parking ramp. These messages are to assist the traffic controllers with their role and to avoid repeated and lengthy verbal advisories.

c. Visual Approach Slope Indicator on Runway 36: A Visual Approach Slope Indicator (VASI), set at a minimum glide path angle of three degrees, will be commissioned in fiscal year 1981 for aircraft landings on Runway 36. This navigation aid will assist pilots in maintaining a safe glide path and from flying too low over a low-density rural area south rural area south of the airport.

d. Airport Terminal Information System (ATIS): An ATIS, a continuous broadcasting system, will be installed in the temporary airport traffic control tower to inform pilots desiring to use the airport of procedures required by this Plan (flight paths, altitudes, preferential runways etc.).

4. Noise Abatement Procedures

a. Aircraft Arrival Routing: When at a minimum of 30 nautical miles, pilots of aircraft enroute to the airport shall contact the air traffic controller for incoming flight pattern information. Insofar as possible, aircraft will be directed to approach from the east, south and southwest of the park for landing on Runway 36. The ATIS (item 3d above) also will alert pilots about this approach pattern to the airport.

b. Aircraft Departure Routing: Control of departing aircraft will be more precise:

(1) Upon arrival at the airport, transient pilots will be given a notice describing departure flight paths, altitudes and other procedures required by this Plan.

(2) Prior to taxing, pilots of departing aircraft must consult with the air traffic controller for departure instructions. Aircraft departing the area to the south or east will exit the area on an easterly, southerly, or southwesterly direction. Aircraft departing to the north or west will promptly proceed either easterly or southwesterly (south of the designated noise sensitive area) prior to assuming their final course. On takeoff, jet aircraft must use established procedures for abatement of engine noise.

c. Restricted Airspace and Altitude Assignments: (1) The Service will request FAA to designate, by Federal regulation, a restricted airspace over noise sensitive areas (see attached map) of the park. Navigation exceptions within the airspace would be allowed only for: (a) emergency operations, (b) search and rescue operations, and (c) official business conducted by Federal, State or local agencies when specifically authorized by the Superintendent, Grand Teton National Park.

(2) Until the restricted airspace regulation is promulgated, pilots, who for some reason must overfly the park, will be requested to: (a) confine operations to the area of the park east of the line of demarcation of the noise sensitive area; (b) maintain a minimum altitude of 3,000 feet above ground level until necessary to descend for landing or until departing the park; and (c) avoid overflight of the Teton Range within the park under all circumstances.

d. Preferential Runway: The preferential runway for landing aircraft is Runway 36 and for departing aircraft is Runway 18, except when the air traffic controller decides and instructs otherwise. Safety will be of paramount consideration. Decisional factors which the controller will use to allow landing on Runway 18 or takeoff on Runway 36 include, but are not limited to:

(1) Weather which requires the use of the precision instrument landing system (from the north),

(2) Wind conditions which exceed the tailwind component of the aircraft,

(3) Air traffic safety considerations, and

(4) Tough-and-go training flight exercises.

e. Local Traffic Patterns: A left hand pattern will be used for landing on Runway 18 and a right hand pattern for landing on Runway 36. These patterns will concentrate air operations to the east of the airport.

For local training flights of category "A" and "B" (light aircraft) where patterns are flown in close proximity to the airport, and when the air traffic controller consents that air traffic conditions will so allow, pilots may fly a continuous pattern without regard to the preferential runway. This will allow touch-and-go landing training exercises. This exception is viewed as an energy conservation and additional noise reduction measure but does constitute visual intrusion. Practice instrument approaches, instrument landings, and pilot examinations will only occur when the official meteorological weather observations at the Jackson Hole Airport are at or above basic Visual Flight Rules (VFR) weather conditions. No flight training exercises other than Instrument approaches will take place within the area of the park designated as noise sensitive.

f. Aircraft Operating Procedures: Pilots of air carrier and other commercial aircraft, high performance aircraft, and large private transport aircraft will use established proceduresd for abatement of engine noise during approaches, landings, takeoffs and departures. The ATIS will include this requirement.

g. Aircraft Noise Limitations: Aircraft noise limitations—Except in an emergency, only those transport category airplanes and turbojet-powered airplanes, regardless of category whose certificated values or equivalent tests according to FAR Part 36, Appendix C, for uncertificated and unlisted aircraft do not exceed 89 Effective Perceived Noise Decibels (EPNdB) for take-off, and 98 EPNdB on approach, and a certificated (or equivalent test as defined above), or estimated according to standard FAA procedures, value of 94 EPNdB on sideline are permitted to use the Jackson Hole Airport.

Propeller-driven small airplanes (less than 12,500 pounds maximum takeoff weight) which do not exceed a maximum A-weighted sound level of 80 decibels under a test performed according to FAR Part 36, Appendix F are permitted to use the airport. Airplanes whose measured or estimated sound levels as listed in Federal Aviation Administration (FAA) Advisory Circulars AC 36–1B or AC 36–2A (or later revisions) do not exceed the above limits are assumed to be in compliance with this regulation.

h. Curfew: Except in emergency situations (e.g., an aircraft in distress, search and rescue operations, etc.) all aircraft will be prohibited from landing or taking off from the Airport between the hours of 9:00 p.m. and 6:00 a.m.

5. Air Traffic Controller Responsibilities and Operating Procedures

FAA Standards and guidelines establish the basic procedures for air traffic controllers. This Plan's success places heavy reliance on the controller's careful routing assignment of the incoming and departing aircraft into the preferred flight pattern and altitudes as set forth in this Plan. Control tower personnel will not compromise safety in implementing any procedure. Tower personnel will maintain required logs and when workload permits, shall record their observations of pilot noncompliance with flight paths, altitudes and other elements of this Plan.

6. Enforcement

a. Existing Regulations: Existing regulations will apply to the elements of this Plan requiring enforcement regulations except for items 4d, 4g, and 4h, above. The Service will review periodically the air traffic controller records, initiate additional investigation, and take enforcement action, as required. Detailed investigative and supplemental investigative procedures will be prepared and implemented by the Service; the target date is August 1, 1981.

b. New Regulations: The Service will promulgate appropriate Federal regulations to enforce items 4d, 4g, and 4h. The proposed regulations will be published in the Federal Register and other appropriate places for public comment. The Service will request FAA to promulgate appropriate Federal regulations to enforce 4c.

7. Pilot and Public Education

a. National Actions: The Plan will be circulated for inclusion in Federal airway and airport informational documents (military and commercial) and to non-Federal publications such as those produced by the Aircraft Owners and Pilots Association, General Aviation Aircraft Manufacturers Association, Jeppesen Sandersen, Inc., and the World Aviation Directory. Articles will be circulated to magazines published by aviation-oriented organizations and others.

b. Local Actions: Copies of the Plan will be provided by the Service to the Airport Manager for distribution.

A copy of the Plan will be sent by the Service to the Fixed Base Operator, all local pilots, Frontier Airlines, unscheduled air carriers known to use the Airport, private pilots known to frequent the Airport, and Federal, State, and local agencies which have occasion to use the Airport. Upon arrival, the Airport Manager will give transient pilots a condensed version of the Plan so that they are able to plan their flight departure in accordance with the requirements of the Plan.

8. Aircraft Noise Monitoring and Research

As part of a general regionwide noise research program, an ongoing noise monitoring effort has been initiated for the purposes of measuring noise impact by aircraft over the park, determining the effectiveness of the airport noise abatement plan, and relating aircraft noise to other noise sources in the total sound environment. This program is co-sponsored and funded by the Service and the EPA with participation by the FAA.

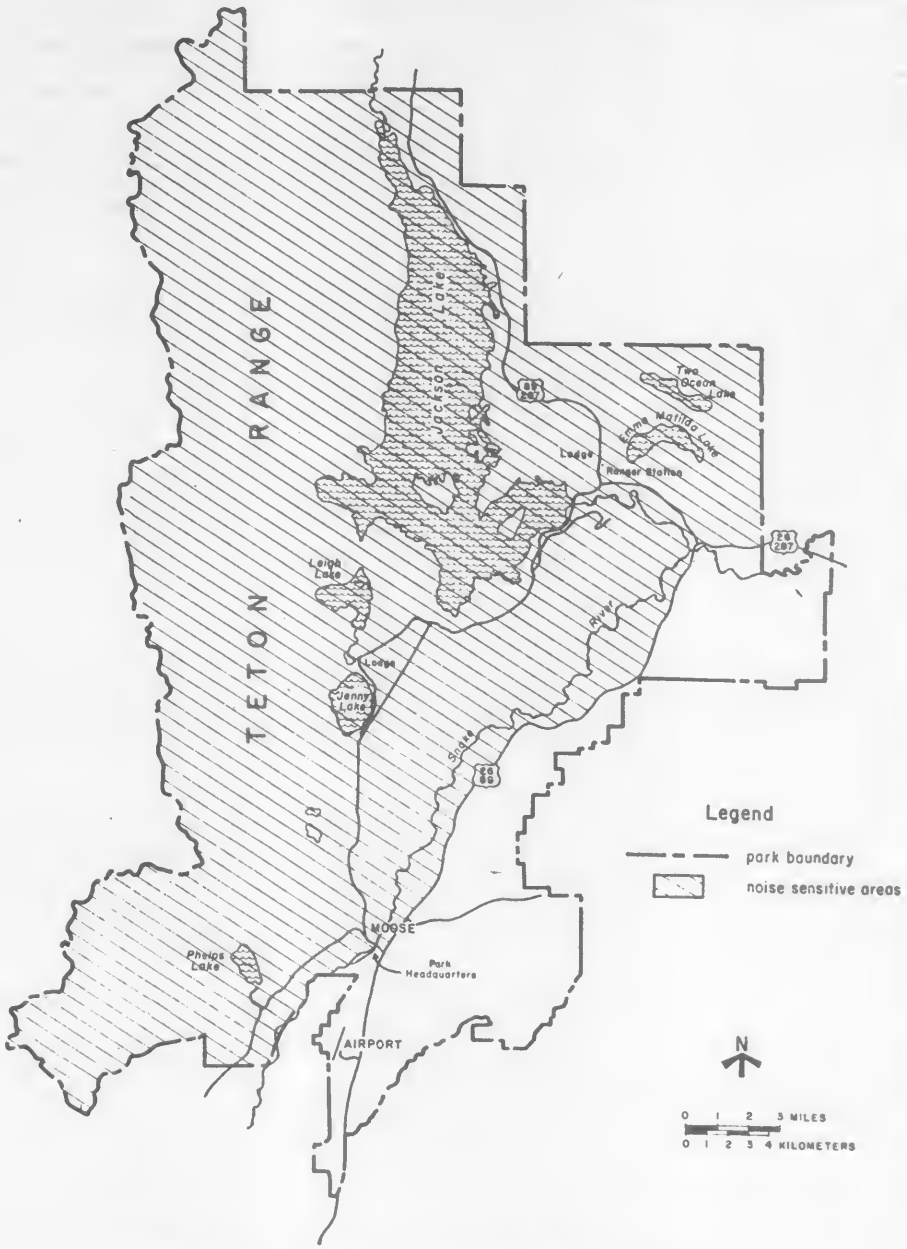
Representatives from the Airport Board, Teton County, the Forest Service, and the U.S. Fish and Wildlife Service (National Elk Refuge) will be invited to participate in this effort, as it particularly concerns the area south and east of the airport. Periodic reports will be made available to all other interested agencies and the general public. Information gained from this effort will be used as appropriate in the annual evaluation of the Plan.

9. Effective Date

This plan will be effective ———— (30 days after publication in the Federal Register). Full implementation will occur over a period of a few months with initiation of air traffic controller service in the summer of 1981.

This plan was approved by Rocky Mountain Regional Director Lorraine Mintzmyer on July 25, 1980.

BILLING CODE 4310-70-M



NOISE SENSITIVE AREAS
GRAND TETON NATIONAL PARK
TETON COUNTY, WYOMING
UNITED STATES DEPARTMENT OF THE INTERIOR · NATIONAL PARK SERVICE

136 | 80,021
4-30-80 | RMRO

[FR Doc. 80-32382 Filed 10-15-80; 8:45 am]
BILLING CODE 4310-70-C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AI FRL 1636-6]

Notice of Proposed Rulemaking: Attainment Status Redesignation: Fitchburg, Mass.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted on September 10, 1979 a request to redesignate the City of Fitchburg as attainment with respect to the secondary total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS). Additional technical support was submitted on April 18, 1980. Based on the information submitted, EPA proposes to approve the redesignation of the City of Fitchburg from non-attainment to attainment.

DATE: Comments must be received on or before November 17, 1980.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; and the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.; and The Massachusetts Department of Environmental Quality Engineering, Division of Air and Hazardous Materials, Room 320, 600 Washington Street, Boston, Massachusetts 02111.

Comments should be submitted to Harley Laing, Chief, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: The Massachusetts Department requested on March 30, 1979 an extension of the statutory timetable for submission of a plan for attainment and maintenance of the secondary standard for particulate matter as provided for in Section 110(b) of the Clean Air Act. On January 10, 1980 (45 FR 2036) EPA granted an extension until July 1, 1980. On September 10, 1979 and April 18, 1980 the Massachusetts Department submitted technical support demonstrating that the City of Fitchburg is attainment with respect to secondary TSP NAAQS. Therefore, as provided for in Section 107(d)(5) of the Clean Air Act, the Commonwealth of Massachusetts is requesting a revision of the designation of the attainment status of the City of Fitchburg.

The September 10, 1979 submittal included a summary of the most recently available TSP air quality data collected in Fitchburg. No violations of the secondary TSP standard were recorded at any representative state monitoring stations (13 consecutive quarters of data) or at any privately operated monitoring stations (6 consecutive quarters).

However, EPA determined that complete 1979 TSP monitoring data from all Fitchburg stations (not included in the September 10, 1979 submittal) and a statistical analysis of the data were necessary to evaluate the proposed redesignation. On April 18, 1980, the Massachusetts Department submitted additional technical support consisting of 1979 TSP data for all Fitchburg monitoring stations and predictions of the second-maximum 24-hour TSP level at each station using a statistical analysis (Larsen Technique).

Based on the information submitted by the Massachusetts Department, EPA proposes that the City of Fitchburg be redesignated to attainment with respect to the secondary particulate standard.

The Environmental Protection Agency has determined that this document is not a "significant" regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 107(d)(5) and 301(a) of the Clean Air Act as amended.

Dated: September 29, 1980.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 80-32157 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 52

[A1-FRL 1636-5]

Receipt of Maine Implementation Plan Revision: Secondary TSP Attainment Plan for Augusta.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt of submittal to satify conditions of plan approval.

SUMMARY: This is to announce the receipt of a State Implementation Plan (SIP) revision for Maine. The secondary total suspended particulate (TSP) plan for Augusta was submitted on July 31, 1980 to satisfy two conditions of the EPA's February 19, 1980 (45 FR 10766) final approval of Maine's Attainment Plan SIP revisions which were required under Part D of the Clean Act. Maine's submittal amends the SIP by completing the Attainment Plan for Augusta.

DATES: See Supplementary Information.

ADDRESSES: Copies of the Maine submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460; and Bureau of Air Quality Control, Department of Environmental Protection, State House, Augusta, Maine 04330.

FOR FURTHER INFORMATION CONTACT: Margaret McDonough, Air Branch, Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203 (617) 223-4448.

SUPPLEMENTARY INFORMATION: EPA published a final rulemaking in the Federal Register on February 19, 1980 (45 FR 10766) conditionally approving Maine's Attainment Plan SIP revisions submitted on May 1, 1979. These revisions were found to be in substantial compliance with the requirements of Part D of the Clean Air Act, since they implement new measures for controlling air pollution which will result in attainment of primary National Ambient Air Quality Standards by December 31, 1982. However, two conditions of approval of the Attainment Plan was that by April 30, 1980 the state must submit as a SIP revision:

By April 30, 1980:

(1) A schedule for evaluating, adopting and implementing a vacuum street sweeping program throughout Augusta, contingent on the successful demonstration of this measure's control effectiveness in Bangor/Brewer and

By August 1, 1980:

(1) An Analysis of Reasonably Available Control Technology (RACT) for sources of TSP in the City of Augusta.

(2) An assessment of the impact of sources which do not meet RACT.

(3) Evidence of the adoption of RACT where and if it will expedite attainment of secondary TSP standards.

Maine's July 31, 1980 submittal addresses the above conditions. EPA is presently reviewing the state's submittal and intends to publish a final rulemaking notice in the Federal Register by October 30, 1980. The conditional approval of the SIP will continue until EPA's final action is published in the Federal Register.

Dated: September 24, 1980.

Willaim R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 80-32158 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 123

[SW10 FRL 1636-8]

Oregon Application for Interim Authorization, Phase I; Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the Federal Register on May 19, 1980 (45 *FR* 33063). These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Oregon application for Phase I Interim Authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATE: Comments on the Oregon interim authorization application must be received by November 24, 1980.

Public Hearing: EPA will conduct a Public Hearing for the Oregon Interim Authorization application at 10:00 a.m. on November 17, 1980. EPA reserves the right to cancel the Public Hearing if significant public interest in a hearing is not expressed. The State of Oregon will participate in the Public Hearing held by EPA on this subject.

ADDRESSES: The Public Hearing will be held at: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, Oregon.

Copies of the Interim Authorization application are available at the following addresses for inspection and copying by the public:

Oregon Department of Environmental Quality, Solid Waste Division, 14th Floor, 522 S.W. 5th Street, Portland, Oregon, (503) 229-5913;

Environmental Protection Agency, Region 10, Library, M/S 541 (12th Floor), 1200 Sixth Avenue, Seattle, Washington, (206) 442-1289.

Written comments and requests to speak at the hearing should be sent to: Environmental Protection Agency, Region 10, David Hanline, Program Development Section, M/S 530, 1200 Sixth Avenue, Seattle, Washington, (206) 442-1260.

FOR FURTHER INFORMATION CONTACT: Same as above.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 Federal Register (45 *FR* 33063) the Environmental Protection Agency promulgated Phase I of its regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. EPA's Phase I regulations establish, among other things: the initial identification and listing of hazardous wastes; the standards applicable to generators and transporters of hazardous wastes, including a manifest system; and the "interim status" standards applicable to existing hazardous waste management facilities before they receive permits.

The May 19 regulations also include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for Interim Authorization, the State hazardous waste program must, among other things:

(1) Have been in existence prior to August 17, 1980, and

(2) Be "substantially equivalent" to the Federal program.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F (45 *FR* 33479).

The State of Oregon has submitted a complete application to EPA for Phase I Interim Authorization. Copies of the State submittal are available for public inspection and comment as noted above.

Public Hearing:

(1) *Hearing time and place.* A public hearing on the Oregon application for Interim Authorization will be held by EPA on November 17, 1980 (10:00 a.m.) at the Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, Oregon. EPA reserves the right to cancel the public hearing if no significant interest is expressed.

(2) *Conduct of hearing.* The hearing is intended to provide an opportunity for interested persons to present their views and submit information for consideration by EPA in the decision whether to grant Oregon Interim Authorization for Phase I of the RCRA program. A panel of EPA employees involved in relevant aspects of the decision will be presented to receive the testimony. Also, a representative of the State will be present to answer questions about the State's program.

The hearings will be informally structured. Individuals providing oral comments will not be sworn in nor will formal rules of evidence apply. Questions may be posed by panel members to persons providing oral comments; however, no cross-examination by other participants will be allowed.

The State will testify first and present a short overview of the State program. Public comments will then be taken in the order in which requests to comment were received, after which unscheduled commenters will be heard. Each organization or individual will be allowed as much time as possible for oral presentation based on the volume of requests to participate. As a general rule, in order to ensure maximum participation and allotment of adequate time for all speakers, participants should try to limit the length of their statements to 10 minutes. The Public Hearing will be followed, as time permits, by a question and answer session during which participants may pose questions to members of the panel.

Preparation of Transcripts

Transcripts of the oral comments received will be prepared. To ensure accurate transcription, participants should, if possible, provide written copies of prepared statements to the hearing chairperson. Transcripts will be available from Environmental Protection Agency, Region 10, Attn: David Hanline, Program Development Section, M/S 530, 1200 Sixth Avenue, Seattle, washington 98101 approximately 10 days after the hearing at the cost of reproduction.

Major Issues of Interest to EPA

In order for a State program to receive Interim Authorization, it must be substantially equivalent to the Federal program. EPA is soliciting comment on all aspects of the substantial equivalence of the Oregon program to the Federal Hazardous waste

management program. The Agency is particularly interested in public comment on the following issues:

(1) The universe of wastes regulated under Oregon's program, and the extent to which the following aspects of Oregon's program significantly restrict Oregon's ability to regulate hazardous wastes which are handled in Oregon: (a) exclusion of wastes from the leather tanning finishing and primary aluminum industries from regulation; (b) lack of an EP toxicity test in the hazardous waste definition; (c) regulation of certain wastes defined as acutely hazardous under the Federal definition when generated in quantities greater than 10 lbs/month, rather than 2.2 lbs/month as in the Federal definition; (d) certain exemption for mining wastes and waste explosives; and (e) exemptions of government-owned vehicles, vehicles under 8,000 lbs., and shipments of less than 2,000 lbs. from manifest requirements.

(2) Oregon's inability to apply standards substantially equivalent to the interim status standards to facilities which are not required to have licenses in Oregon (i.e., on-site treatment and collection facilities).

(3) The existence of licenses which do not fully incorporate the interim status standards (disposal and off-site treatment and collection facilities).

Dated: Octoberd 9, 1980.

Daniel Petke,

Regional Administrator.

[FR Doc. 80-32178 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-30-M

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40 CFR Part 123

[CSW-6-FRL 1633-8]

Texas: Submission for Approval of Interim Authorization Plan, Phase I, Hazardous Waste Management Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearings.

SUMMARY: In the May 19, 1980 Federal Register (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which become effective 6 months from the date of promulgation, were provisions for a transitional stage in which states would be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

As noted in the May 19, 1980 Federal Register, copies of state submittals for Phase I Interim Authorization are to be available for public inspection and comment. The purpose of this notice is to announce the availability of the Texas submittal for Phase I Interim Authorization for public review, to invite public comment, and give notice of a public hearing to be held on Texas' application. A listing and a description of requirements for interim authorization are stated in 40 CFR Section 123, Subpart F.

DATE: Comments on the Texas Interim Authorization application must be received by November 25, 1980.

Public hearing: EPA will hold a public hearing on Texas' application for Interim Authorization on Tuesday, November 18, 1980, at 7:00 p.m.

ADDRESSES: Copies of the Phase I Interim Authorization plan are available during normal business hours at the following addresses for inspection and copying:

Environmental Protection Agency, Region VI, Library, 28th floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341;

Texas Department of Health, Division of Solid Waste Management, Room T-713, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7271;

Texas Department of Water Resources, Stephen F. Austin State Office Building, Library—Room 511, 1700 N. Congress Avenue, Austin, Texas 78711, (512) 475-3781.

Written comments should be sent to: Environmental Protection Agency, Region VI, Air and Hazardous Materials Division, Attention: Beverly Foster, Solid Waste Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

The public hearing will be held in the Stephen F. Austin State Office Building, Room 118, 1700 N. Congress Avenue, Austin, Texas.

FOR FURTHER INFORMATION CONTACT: Beveral Foster, Solid Waste Branch, U.S. EPA, Region VI, Dallas, Texas 75270, (214) 767-2645.

Date: October 7, 1980.

Adlene Harrison,

Regional Administrator.

[FR Doc. 80-32156 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-09; Notice 8]

Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration, (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice grants, in parts, a petition for rulemaking by General Motors (GM) seeking a change in the padding requirements of Standard No. 213. In response to the GM petition, the notice proposes to allow the use of the thinner padding materials in some child restraints. The notice denies GM request to lower the minimum compression—deflection resistance of padding materials. The notice also denies another GM petition seeking a change in or a delay of the buckle release requirements of the standard. On June 16, 1980, the agency delayed the effective date of the standard, in part to allow the development of new buckles. Thus, GM and other manufacturers will have adequate time to develop new buckles to meet the requirements.

DATES: Comments on the notice of proposed rulemaking must be received on or before Nov 17, 1980. Proposed effective date: date of publication of the final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours: 8:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Vladislav Radovich, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: On December 13, 1979, NHTSA issued Standard No. 213, *Child Restraint Systems* (44 FR 72131). The standard established new performance requirements for child restraints, including requirements for the padding and buckles used in these devices. On April 1, 1980, General Motors (GM) filed two petitions for rulemaking seeking changes, discussed below, in the padding and buckle release requirements. This notice grants, in part, the GM padding petition and denies the buckle petition.

Padding

Standard No. 213, *Child Restraint Systems,* establishes requirements for the padding used in child restraint systems recommended for use by children under 20 pounds (i.e., infant carriers). The requirements provides that surfaces of the infant carrier which can be contacted by the test dummy's head during dynamic testing must be padded with a material that meets certain thickness and static compression requirements. The standard requires that the padding must have a 25 percent compression-deflection resistance of no less than 0.5 and no more than 10 pounds per square inch (psi). Material with a resistance of between 3 and 10 psi must have a thickness of ½ inch. If the material has a resistance of less than 3 psi, it must have a thickness of at least ¾ inch.

On April 11, GM petitioned the agency for a change in the padding requirement "to permit continued use of padding materials and thickness currently used in restraints." GM said the change was necessary to allow use of padding with a "proven level of performance" and to avoid use of more expensive padding which would raise the cost of child restraints.

GM explained that its infant carrier currently uses ⅜ inches of padding with a compression-deflection resistance of at least 0.2 psi. GM said that "This material, in combination with the energy absorption characteristics and shaped configuration of the Infant Seat body shell helps retain the infant and to minimize injuries due to head impact in a vehicle crash." GM emphasized that, "the primary energy absorbing component in our Infant Seat is the body shell, not the padding." GM said that it has used the same padding since 1973 and it knows of "no instance where infants involved in vehicle crashes, while being transported in our Infant Seats, have incurred injuries due to padding deficiencies."

The agency has decided to deny GM's petition to permit the use of padding with a compression-deflection resistance of 0.2 psi and a thickness of ⅜ inch.

Based on the field experience of GM's infant carrier, it appears that a child restraint with an energy absorbing shell can provide effective protection with padding having a compression-deflection resistance of 0.2 psi. Many infant carriers, however, do not have energy absorbing shells. If a restraint does not have an energy absorbing shell, it is important that the padding have a sufficient compression-deflection resistance and thickness to provide head impact protection. At present, manufacturers of infant carriers with rigid plastic use padding material with a compression-deflection resistance of at least 0.5 psi, more than twice the resistance of 0.2 psi material. The agency does not want to degrade that level of performance by allowing the use of 0.2 psi material.

At present there is no established test for effectively distinguishing between the energy absorbing capability of different infant carrier's structures. Having such a test would eliminate the need for establishing specific requirements for the padding. As noted in the December 1979 final rule on the standard, the agency eventually wants to establish a dynamic test to measure the energy absorption capability of an infant carrier's structure and the padding. Currently, there are no instrumented infant test dummies, which would be needed for dynamic testing of infant carriers. Therefore, the agency will continue to specify static tests for the padding to ensure that infants will be adequately protected in all types of infant carriers.

GM said that if the agency did not grant its request to use its current ⅜ inch thick padding material with a compression-deflection resistance of 0.2 psi, then the agency should "revise the padding requirements to comprehend the characterstics of other protective energy absorbing padding material that are currently available. Such a change would permit the selection of a specific material from a wider range of effective materials," GM said.

GM specifically requested the agency to change the requirements to allow the use of "currently used slow recovery rate padding materials in a thickness of ½ inch by providing for less stringent deflection-resistance characteristics (1.8 psi minimum instead of 3.0 psi minimum)." At present, the standard requires padding that has a compression-deflection resistance of less than 3.0 psi to have a thickness of ¾ inch.

In addition, GM requested the agency to permit the use of 0.2 psi padding materials, if they have a thickness of ¾ inch. GM said the change "would allow continued use of current infant carrier padding materials but require the thickness of those paddings to be increased.

GM noted that the compression-deflection resistance of padding is sensitive to the rate at which deflection occurs during the test procedure. As the deflection rate increases during testing, so does the measured resistance of the material. GM said that the padding used in the head impact areas of its child seat has a maximum compression-deflection resistance of 3 psi. However, several permissible deflection rates are permitted in the padding tests by the American Society for Testing and Materials test procedures incorporated into Standard No. 213. GM reported that the measured 25 percent compression-deflection value of the padding it uses can be as low as 1.8 psi. To accommodate the differences attributable to use of different deflection rates permitted in the testing, the agency is proposing to permit padding with a compression-deflection resistance of 1.8 psi or more to have a minimum thickness of ½ inch. As discussed previously, the agency has decided to deny GM's petition to use material with a compression-deflection resistance of 0.2 psi. Even if that material is used in thickness of ¾ inch, it still has less than half the resistance of the minimum material currently permitted by the standard.

GM also requested the agency to delete the current requirement that the padding not have a compression-deflection resistance greater than 10 psi. GM argued that "materials that exceed a compression-deflection resistance of about 5 psi would probably meet with objections for potential purchasers because they would be too hard. Thus, we do not believe an upper limit is necessary because of the demands of the market place to provide a comfortable restraint system."

The agency agrees with GM that as a practical manner, consumer preference for a comfortable restraint will limit the hardness of materials used in portions of the restraint that are in constant contact with the child. However, there are designs utilizing impact shields that a child may only contact when he or she strikes it during a crash. The agency wants to ensure that such shields do not use padding with a high compression-deflection resistance that does not have an adequate energy-absorbtion capability. Therefore, GM's petition to delete the current limitation on the maximum compression-deflection resistance is denied.

Buckle Release Force

Standard No. 213 establishes the buckle release force required for the harness used to restrain a child within a child restraint. The requirement sets a minimum release of 12 pounds and a maximum release force of 20 pounds. The minimum force of 12 pounds should prevent small children from opening the buckle and thus defeating the protection of the harness system. The maximum release force of 20 pounds is to enable adults to easily open the buckle.

In its petition, GM requested the agency to exempt certain buckles from the buckles release force requirements. The requested exemption would cover "buckles which require multiple steps for opening, or other designs which would tend to frustrate the child's attempts to open the buckle," such as designs that would locate the buckle so that it is not accessible to a restrained child. GM believes that "such design will effectively inhibit the operation of the belt release by the child in the child restraint system." GM asked that if the agency denied its petition, then the effective date of the standard shoulds be postponed by six months to allow time for development of a buckle to meet the new release force requirements.

The agency has decided to deny GM's request to add an exemption to the buckle force requirements. The agency adopted the buckle force release requirements because of reports that a child could easily open many current buckles, thus defeating the harness system. These reports included instances of children being able to open buckles, such as GM's current design, which require two or more operations before the buckle can be opened and the harness system completely defeated. Thus, current experience shows that buckles requiring several steps to operate will not satisfactorily prevent children from opening the buckle.

Likewise the agency is concerned about buckles that rely exclusively on their inaccessible location as a means of preventing a child from opening the buckle. Given the ingenuity of children, few if a any locations on the relatively small surfaces of a child restraint may be inaccessible. Likewise, if the location is inaccessible to the child, it may be difficult for an adult to quickly locate and readily unbuckle the harness in an emergency.

On May 1, 1980, the agency published a notice in the Federal Register extending the effective date of Standard No. 213, for seven months, from June 1, 1980 until January 1, 1981 (45 FR 29045). One purpose of that extension was to provide manufacturers with sufficient time for the design, testing and tooling of new buckles that meet the release force requirements. Because of this additional leadtime, GM and other manufacturers will be able to have new buckles in time to comply with the January 1, 1981, effective date. Thus, GM's request for a further postponement is denied.

Costs

The agency has assessed the economic and other impacts of the proposed change to the padding requirements and determined that they are not significant within the meaning of Excecutive Order 12044 and the Department of Transportation's policies and procedures for implementing that order. Based on that assessment, the agency concludes that the economic and other consequences of this proposal are so minimal that additional regulatory evaluation is not warranted. When Standard No. 213 was published in the Federal Register on December 12, 1979, the agency placed in the docket for that rulemaking a regulatory evaluation assessing the effect of the padding requirements set by the standard. The effect of the amendment proposed today is to permit the use of some padding materials in a thickness of ½ inch rather than ¾ inches. Such a change will reduce manufacturer padding costs. Because the impact is minimal, the agency is also setting a 30-day comment period on the proposal.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier dsisclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant matertial as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

The principal authors of this notice are Vladislav Radovich, Office of Vehicle Safety Standards, and Stephen Oesch, Office of Chief Counsel.

In consideration of the foregoing, the following amendment is proposed in Standrard No. 213, *Child Restraint Systems* (49 CFR 571.213):

1. Section 5.2.3.2(b) would be revised to read as follows:

(b) A thickness of not less than ½ inch for materials having a 25 percent compression-deflection resistance of not less than 1.8 and not more than 10 pounds per square inch when tested in accordance with S6.3. Materials having a 25 percent compression-deflection resistance of less than 1.8 pounds per square inch shall have a thickness of not less than ¾ inch.

(Secs. 103, 119, Pub. L. 89–563; 80 Stat. 718 (15 U.S.C. 1407); delegation of authority at 1.50)

Issued on October 8, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80–32076 Filed 10–9–80; 4:26 pm]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1034

[Ex Parte No. 376]

Railroads; Rerouting of Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes rules to permit carriers to reroute traffic automatically for 30 days when necessary for reasons beyond their control. The rules would also allow the carriers to extend the rerouting periods for additional 30-day increments. The rerouting carriers would have to notify the Commission, the shippers affected, other carriers affected, the Association of American Railroads, and the American Short Line Railroad Association of all rerouting activity. Carriers and shippers affected by rerouting are urged to resolve among themselves all controversies that arise and may seek the informal or formal opinion of the Commission.

DATES: Comments must be received on or before December 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Richard Felder, (202) 275–7693.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1980, we published in the **Federal Register** an Advance Notice of Proposed Rulemaking at 45 FR 9027. We announced our intention to propose changing the procedures by which carriers obtain orders permitting them to reroute traffic. Comments on our proposals were received and have been considered. We now propose specific rules changing the procedures, and we request comments on them.

The rerouting procedures currently used require prior approval by the Commission. Under 49 CFR 1034—Routing of Traffic, the Commission appoints agents to issue orders permitting carriers to reroute traffic on a case-by-case basis whenever the carriers are unable to move traffic over their lines. Rerouting orders are issued under 49 U.S.C. 11124.

The need for the Commission to issue these rerouting orders arises only occasionally—typically averaging two or three times per month. The process itself is ministerial, consuming little time. Only in rare instances do rerouting orders impose potential undue harm to shippers, consumers, or other carriers.

The process typically begins when a carrier contacts the Commission by telephone or wire, and requests an order permitting it to reroute traffic to another carrier. Rerouting is necessary when a portion of the carrier's system is disabled as a result of natural disasters, such as floods, or due to other reasons, such as derailments. Service Order No. 1344, served May 28, 1980, (45 FR 66796, Oct. 8, 1980), now in effect, appointed the Director and the Assistant Director of the Commission's Office of Consumer Protection as the Commission's agents for handling these requests.

The Commission's agent quickly assesses the situation and usually issues an order permitting the carrier to reroute traffic to a different carrier or carriers. Prompt action is necessary, for the situation often affects traffic already in route. Typically, the agent notifies the carrier that a rerouting order with a specific order number has been issued, even before that order is issued in writing and published in the **Federal Register**, so that the carrier may immediately refer to the order as authority when it reroutes. Usually, the carriers involved have standing agreements among themselves, so that rerouting can take place efficiently, shippers can be notified, and revenues can be divided accordingly.

Consistent with our authority under Section 11124, we now propose new rules to govern the handling of rerouting and propose to vacate Service Order No. 1344. With the exception of one participant, all those commenting agreed that the Commission's present role as a clearinghouse for these orders unnecessarily interferes with the carriers' day-to-day management of rerouting operations, is unwieldy, and creates an unwarranted paperwork burden. Based on our experience, we concur.

The proposed rules reflect present concurrence and notification practices. Many of the ministerial procedures which our agents have routinely authorized would continue. For example, the AAR would continue to notify involved carriers, and all shippers would continue to be notified of rerouting. The primary change from present practices would be the elimination of the requirement for prior Commission approval. The proposed rules establish a standard for when rerouting is appropriate. They reflect the same standard now being used in the granting of rerouting orders. To implement the rules, the carriers would cite them, and comply with them.

Remedies of affected persons are not changed. In response to the concern of Patrick Simmons, Illinois Legislative Director for United Transportation Union, we note that any person affected by a rerouting action may challenge the lawfulness of the action before the Commission. To provide an additional avenue for informal resolution of any disputes, we also propose an informal advice and mediation procedure through the Railroad Service Board.

Four issues discussed in the comments merit some additinonal discussion.

Duration of Rerouting

The proposed rules provide that a carrier may automatically reroute its traffic for up to 30 days following the day the disability begins. This time period is adequate to cure most disabilities. The rerouting carrier may extend the 30-day period for additional 30-day increments by submitting a notice and explanation for the extension to the commission's Railroad Service Board.

Any shipper who believes the duration of rerouting—the initial 30-day period of 30-day extensions—is being used to circumvent shipper-designated routing without justification and who cannot reach an understanding with the carrier may immediately request the Commission's Railroad Service Board to issue an informal opinion on the matter.

Situations Qualifying for Rerouting

The proposed rules do not list the situations in which rerouting is necessary, e.g., natural disasters such as floods, or other problems such as derailments. Rather, the justification for rerouting would encompass all these situations by establishing the standards as those situations in which the carrier is unable to move the traffic for reasons beyond its control.

If it is believed that the rerouting is not in fact justifed, then any interested person any request the railroad Service Board's opinion and, if not satisfied, file a request for formal Commission review.

Concurrence by Receiving Carriers

The proposed rules provide that if a disabled carrier cannot accept cars received in interchange from a carrier which then must reroute the traffic, the rerouting carrier must confirm the inability of the disabled receiving carrier to handle the traffic before rerouting that traffic. In this way, if the receiving carrier is no longer disabled, it must accept the traffic, and reinstate the original routing.

Remedies

If disputes arise over any of these or any other issues concerning rerouting, the proposed rules assure that all traditional remedies will remain intact. In the event of a dispute, however, we urge all parties affected to work out any controversies among themselves. The parties may request an informal opinion from the Commission's Railroad Service Board to help them resolve any problem. Ultimately, the parties may seek formal adjudication of their dispute. While

formal proceedings and traditional Commission remedies cannot instantly respond to immediate problems inherent in rerouting traffic, they can afford remedies for unreasonable or otherwise unlawful practices.

For example, the Delaware and Hudson Railway Company in its comment discusses a situtation in which a disabled carrier (Penn Central) purportedly had no incentive to replace washed out track and for 2½ months delayed doing so. Delaware and Hudson states that in order to reroute, the disabled carrier diverted the traffic nearly 200 additional miles along its system to interchange with the receiving carrier, and thereby received a greater share of the revenues than it would otherwise have received. Delaware and Hudson states that the damage done, lost profits, was unrecoverable. It would propose a rule requiring any disabled carrier to compensate the rerouting carrier for 90 percent of the revenues lost based on prior traffic volumes.

We believe, contrary to Delaware and Hudson's statements, that damages are recoverable when justified in such situations. We express no opinion concerning the accuracy of the facts alleged or the merits of any claim implied in the above example. However, the example demonstrates the type of situation in which we would first hope to ameliorate any controversy and, if necessary, without prejudice allow for formal resolution. We cannot prejudge in a rulemaking whether or not specific practices are reasonable. Such determinations require case-by-case assement.

Proposed Rules

We propose to add the following rules under Chaper X of Title 49 of the Code of Federal Regulations:

§ 1034.1 Temporary authority.

(a) Authority. Any railroad subject to regulation under 49 USC 10501 may reasonably divert or reroute traffic to other carriers, if it is unable due to circumstances beyond its control promptly to transport traffic over a portion of its lines. This authority may be exercised for no more than 30 days following the day on which the rerouting begins. If a carrier needs more than 30 days before its disability or the disability of a receiving carrier is cured, it may automatically extend its rerouting for additional 30-day periods. To extend the period, it must submit a written or telegraphic notice and explanation to the Commission's Railroad Service Board explaining why the rerouting is necessary, when it began, when the disability occurred, why an extension is necessary, the specific lines disabled, the rerouting to be continued, which shippers are affected, and any other important facts. It must also submit a certification to the railroad Service Board that divisions of revenues have been agreed upon with other carriers involved in the rerouting.

(b) Concurrence by carriers. A railroad rerouting traffic must receive the concurrence of other railroads to which the traffic will be diverted or rerouted, before the rerouting or diversion begins. A rerouting carrier must also confirm the inability of a disabled receiving carrier to handle the traffic before rerouting that traffic. If the receiving carrier is no longer disabled, it must accept the traffic according to the routing originally designated.

(c) Notice by rerouting carrier. A rerouting carrier must notify the Commission's Railroad Service Board, the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to car service and car hire agreements, and the American Short Line Railroad Association before the rerouting or diversion begins. The rerouting carrier must notify each shipper at the time each shipment is rerouted or diverted and furnish to each shipper the rerouting. When a rerouting carrier submits to the Commission a notice and explanation for an extension of the rerouting period, it must immediately also submit a copy of that notice and explanation to the AAR, the American Short Line Railroad Association, and all shippers that have been affected or that the carrier believes will be affected or that request a copy.

(d) Notice by AAR. The Association of American Railroads shall notify all carriers affected by rerouting or by an extension of a rerouting period.

(e) Applicable rates. The rates applicable on shipments rerouted or diverted will be the rates applicable at the time shipments are originally routed.

(f) Divisions. The cariers involved in the rerouting or diversion shall proceed even though no contracts, agreements, or arrangements exist between them at the time concerning the divisions of the rates applicable to the traffic. Divisions shall be, during the time the rerouting is in effect, those voluntarily agreed upon by and between the carriers.

(g) Disputes and remedies. The Railroad Service Board of this Commission will help all parties informally resolve any controversies between them brought to the Board's attention concerning rerouting or diversion. If a controversy cannot be resolved informally, any party may file a complaint or petition for an investigation in a formal proceeding, seeking damages, prescriptions, cease and desist orders, or any other appropriate remedies. These rules and any action taken under them will not prejudice the right of any person to file a formal complaint or petition.

(49 U.S.C. 11124)

Conclusion

Any interested persons may file comments on these proposed rules on or before December 1, 1980.

While we believe that this decision will not significantly affect the quality of the human environment or conservation of energy resources, comments on this subject are invited.

(49 U.S.C. 10321, 11124, 5 U.S.C. 553)

Decided: September 25, 1980.

By the commission, Chairman Gaskins, Vice-Chairman Gregham, Commissioners Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32295 Filed 10-15-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries; Public Hearing

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

ACTION: Notice of public hearing.

SUMMARY: A public hearing will be held by the National Marine Fisheries Service (NMFS) to solicit comments on the proposed closure of an area of the fishery conservation zone (FCZ) offshore and south of Chincoteague, Va., to surf clam fishing. The area proposed for closure (approximately 130 square miles) is located between (18) eighteen and (27) twenty-seven miles offshore between Chincoteague Inlet and Wachapreague Inlet.

This proposal is based on reports from commerical fishermen which indicate that the surf clams in this area are smaller than 4½ inches; thus the area falls within the criteria governing closure.

DATES: Comments on the proposed area closure are invited until October 31, 1980. A public hearing will be held on October 31, 1980, between 4:00 and 7:00 p.m., in conjunction with the regularly scheduled meeting of the Mid-Atlantic Fishery Management Council's Surf Clam Industry Advisory Subpanel.

ADDRESSES: The hearing will be held at the Sheraton Inn, Dupont Highway, Dover, Delaware. Written comments should be sent to the Regional Director, Northeast Region, National Marine Fisheries Service, at the address listed below. Mark "Surf Clam Comments" on the outside of the envelope.

FOR FURTHER INFORMATION CONTACT:

Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: Section 652.23(b) of the final regulations governing the Atlantic surf clam and ocean quahog fisheries, which were published January 3, 1980 (45 FR 786), provides that areas may be closed to surf clam fishing when a determination is made by the Regional Director. That determination may be based on logbook entries, processors' reports, survey cruises, and other sources, which show that the area in question contains surf clams of which: (1) 60 percent or more are smaller than 4½ inches in size, and (2) not more than 15 percent are larger than 5½ inches in size.

A number of areas have been closed in the past under this provision. They include areas offshore of Atlantic City, N.J., and Ocean City, Md. The area currently proposed for closure lies offshore and several miles to the south of Chincoteague, Va. Over the last eighteen months fishermen have occasionally reported significant amounts of small surf clams in this vicinity, In August, 1980, significant amounts of small clams were reported by fishermen in this vicinity, and special scientific studies were funded by the Mid-Atlantic Fishery Management Council (Council) to locate and define the area where small clams predominate. Those studies have delineated an area within which the surf clam size distribution meets the criteria for closure under provisions of § 652.23 of the regulations.

The area proposed for closure (approximately 130 square miles) is defined beginning at a point at 75°0.8′ W. longitude and 37°43.15′ N. latitude; thence southeasterly in a straight line to 74°55′ W. longitude and 37°42.47′ N. latitude; thence southwesterly in a straight line to 75°0.3′ W. longitude and 37°27.65′ N. latitude; thence northwesternly in a straight line to 75°14.3′ W. longitude and 37°28.3′ N. latitude; thence northeasterly in a straight line to 75°0.8′ W. longitude and 37°43.15′ N. latitude, point of beginning. Closure of the area for a period of at least one year has been recommended by the Council.

The public hearing has been scheduled to provide fishermen and others who may depend on the area, or who have information pertinent to the proposed area closure, an opportunity to comment. It is also intended that comments and information presented at the hearing will facilitate an accurate assessment of the economic importance of the area proposed for closure. On the basis of substantive information presented at the hearing, the Regional Director will decide whether the proposed area closure should be effected.

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

Signed at Washington, D.C. this 9th day of October, 1980.

T. L. Leitzell,

Assistant Administrator for Fisheries.

[FR Doc. 80–32241 Filed 10–15–80; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 45, No. 202
Thursday, October 16, 1980

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

DEPARTMENT OF AGRICULTURE

Forest Service

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 1:00 p.m., December 10, 1980, at the U.S. Forest Service Office, 2517 S.W. Hailey Avenue in Pendleton, Oregon. The purpose of the meeting is to examine, in detail, the Forest's 1982 range improvement proposals and to make recommendations on the range betterment program to the Forest Supervisor.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office at 2517 S.W. Hailey Avenue, Pendleton, Oregon, 97801, or call 276–3811, ext. 231. Written statements may be filed with the Forest Service before or after the meeting.

The established rules for public participation are that a time period will be set up for the public to participate. Time limits may be set on individual public participation.

Dated: October 3, 1980.

H. B. Rudolph,

Forest Supervisor.

[FR Doc. 80-32174 Filed 10-15-80; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket No. 37392; Order 80-10-31]

Transatlantic, Transpacific and Latin American Service Mail Rates Investigation; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1980.

By Order 78–12–159, the Board adopted a review procedure and updating formula for establishing final international service mail rates for future periods on a semi-annual basis. The present order reflects all revisions adopted subsequently by the Board [1] and proposes tentative final rates for the last quarter of calendar year 1980. The rates shall serve as temporary rates for that quarter until the final rate order is issued. Since these rates are subject to retroactive adjustment, we waive the procedural requirements of Rule 310 with respect to the establishment of these temporary rates.

The tenative final service mail rates set forth in the attached Appendix A [2] reflect the application of the following cost escalation factors:

1. Fuel Cost: The change in average price per gallon over the four months from March through July is added to the July 1980 average price per gallon to arrive at the projected average price per gallon at November 15, 1980, the midpoint of the quarter for which the rates are to be effective; and

2. Other costs: Cost escalation from October 1, 1979, to October 1, 1980, is based on a comparison of unit costs for the year ended March 31, 1979, with unit costs for the year ended March 31, 1980.

These rates reflect decreases in the linehaul charges in the Atlantic and Latin American areas of about 1.4 and 3.5 percent, respectively, and an increase of approximately 2.4 percent in Pacific linehaul charges from the final rates established for the third quarter of 1980. The cause for the decreases is attributed to a continuing moderation in the rate of increase in fuel prices. Our fuel price projections in Order 80–7–10 were based on average monthly rates of increase of 3.22 cents in the Atlantic and 3.84 cents in Latin America. The actual average monthly rate of increase over the last four months was only 1.11 cents in the Atlantic and 1.06 cents in Latin America.

The Board tentatively finds and concludes that:

(1) The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of space-available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific, and Latin American rate areas, the facilities used and useful therefor, and the services connected therewith, for the period from October 1 through December 31, 1980, are those set forth in the attached Appendix A.

(2) The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period January 1, 1981, until further Board order shall be the final rates established for the period October 1 through December 31, 1980.

(3) The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79–7–16.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR, Part 302.

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above to be effective October 1, through December 31, 1980.

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objection within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order.

3. If no notice is filed, or if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth in the attached Appendix A.

4. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period October 1, 1980, until further Board order are the rates set forth in the attached Appendix A.

[1] See Orders 79–7–16, 79–7–95, 79–12–128, 80–3–160, 80–3–161, 80–6–173 and 80–7–10.

[2] Appendix A filed as part of the original document.

5. We shall serve this order upon all parties to the proceeding in Docket 37392.

We shall publish this in the Federal Register.[3]

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-32191 Filed 10-15-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37392; Order 80-10-30]

Transatlantic Transpacific and Latin American Service Mail Rates Investigation; Order Fixing Final Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of October 1980.

By Order 80-7-10, served July 9, 1980, the Board directed all interested persons to show cause why we should not establish the international service mail rates proposed therein as final rates of compensation for the period July 1 through September 30, 1980. Pan American World Airways, Inc. and the Flying Tiger Line Inc. filed notices of objection and answers to that order. Trans World Airlines, Inc. filed a motion for leave to file an otherwise unauthorized document and consolidated notice and answer to that order.[1]

Pan Am and TWA reiterate their earlier objections to the proposed rates since they are based on the same methodology which they have challenged in the United States Court of Appeals for the Second Circuit.[2] Otherwise, they have no objection to the proposed rates.

FTL objects to the cost escalation factors used to determine the rates in the Pacific rate area. It alleges that the cost data for Northwest are distorted and unreliable and produce improper escalation factors. The carrier believes that the effects of a strike [3] and alleged incorrect reporting of foreign exchange gains coupled with a change in allocation procedures by Northwest distorts any comparison of unit costs.

Upon consideration of all of the arguments presented, we have determined that no modification of Order 80-7-10 is warranted.

FTL states that it has not been able to ascertain the bases for Northwest's reporting changes. It believes that Northwest has not complied with the Board's Economic Regulations,[4] which call for the filing of a revised policy statement when changes in procedures occur, because Northwest has not filed a policy statement (AP-1) since 1977. We cannot agree. An examination of that policy statement does reveal that there are several items which are allocated on the basis of weighted aircraft movements, weighted revenue passenger-miles, fixes assignments and special analysis. However, the policy statement does not and need not specify precisely how these types of allocations are calculated and, under current procedures, these items can be changed without the carrier being required to file a new AP-1. This is what has occurred in Northwest's case. We would note that the change in allocation procedures shifted costs from the Pacific to the domestic entity. Northwest has little incentive to manipulate costs in this fashion, and no reason appears to question the data. Our staff has reviewed most of the changes in the course of its ongoing supervision of carrier accounting procedures and is satisfied that the adjustments fall well within managerial discretion.[5]

FTL also alleges that Northwest has been incorrectly reporting foreign exchange gains in the general and administrative expense account which materially affects the Board's calculation of total expenses for the Pacific rate area. It believes that they should be reported as a nonoperating expense item because gains of such a large amount (almost $22 million) could not have resulted from ordinary transactions. We believe, however, that Northwest has reported correctly. To warrant treatment as a nonoperating item, gains or losses from transactions involving currency translations must be of a nonroutine abnormal character.[6] At best, the evidence here shows an ascendant rate of growth in gains. While the amount of gains certainly seems substantial in size, the transactions themselves appear to be normal and routine for Northwest, and it has, therefore, properly treated them as an operating expense item.[7] A review of Northwest's reports reveals that it has been consistent in its treatment of these transactions at least since 1975, the base year used to establish the current rate structure, and that these gains total almost $36 million over the five-year period.

With regard to the impact of the strike on costs, our position has been, and remains, that no adjustment is required. Any adjustments to reported data for the impact of a strike are usually speculative and, as such, open to debate. We have opted to make no adjustment on the premise that any distortions will even out over the long-run. The effect on the rates has been that the carriers probably received a small overpayment in calendar year 1979 which will be offset by a small underpayment in 1980. On balance, it is anticipated that the carriers will receive adequate compensation for providing mail services. Reason dictates that we must be consistent in our treatment of this matter throughout the entire period that the rates are affected by the strike.

FTL notes that in the case of the Standard Foreign Fare Levels, the Board added an additional five percent fare flexibility to serve as a counterweight for these anomalies, and should do likewise for mail rates. It should be noted that while flexibility is statutorily mandated for passenger fares, it is not for mail rates. Competition is relied upon as the principal regulator of fares in those foreign and domestic areas where fare flexibility exceeds statutory mandates. Mail rates are currently unaffected by competition. The cost pass through system takes carrier costs as we find them, without adjustment, so that accurate results are obtained over the long term. There is no basis to believe that a series of time consuming and probably controversial *ad hoc* adjustments would provide better results. We note that the Congress has taken the same view when it has legislated in this area. See sections 1002(d)(6)(B) and 1002(j)(9) of the Federal Aviation Act. We note also that a pending rulemaking proceeding has as its focus the proposed establishment of mail rate zones defined by a maximum and minimum rate.[8]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations

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[3] All Members concurred.

[1] We grant the motion of TWA for the Board to accept the filing of its notice and answer out of time.

[2] *Pan American World Airways, Inc.* v. *CAB*, No. 79-4132 and *Trans World Airlines, Inc.* v. *CAB*, No. 79-4131.

[3] FTL states that Northwest was on strike from April 29 to August 14, 1979. The strike actually occurred in 1978.

[4] 14 CFR 241.22(d).

[5] If, despite these considerations, FTL continues to believe that a basis for challenging the calculations exists, our staff is prepared to explore with the parties involved how the necessary non-proprietary information could be obtained.

[6] 14 CFR 241.12(61) and 241.2-3(f).

[7] This is supported by Board audit staff reports.

[8] See EDR-387, August 31, 1979. The staff is currently preparing a supplemental notice which will propose a broadening of the EDR-387 zones.

promulgated in 14 CFR, Part 302.

1. The fair and reasonable rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of Section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transportation by aircraft of space-available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific and Latin American rate areas, the facilities used and useful therefor, and the services connected therewith, for the period from July 1 through September 30, 1980, or until further Board order, are those set forth in the attached Appendix.[9]

2. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period October 1, 1980, until further Board order shall be the final rates established for the period July 1 through September 30, 1980.

3. The terms and conditions applicable to the transportation of each class of mail at the rates established by this order are those set forth in Order 79–7–16.

4. A copy of this order shall be served upon all parties in this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board:

Phyllis T. Kaylor [10]

Secretary.

[FR Doc. 80–32192 Filed 10–15–80; 8:45 am]

BILLING CODE 6320–01–M

[Docket 38620]

Yukon Air Service, Inc., d.b.a. Air North; Fitness Investigation; Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-titled proceeding is assigned to be held on October 27, 1980, at 10:00 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., October 7, 1980.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80–32190 Filed 10–15–80; 8:45 am]

BILLING CODE 6320–01–M

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[9] Appendix filed as part of the original document.

[10] All Members concurred.

DEPARTMENT OF COMMERCE

International Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Thursday, October 30, 1980, at 10:00 a.m. in Room 6A110, Department of Energy, Forrestal Building, 1000 Independence Ave., SW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, August 28, 1978, and August 29, 1980 the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(h)(1) of the Export Administration Act of 1979, 50 U.S.C.A. App. 2401 *et seq.* and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of product and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to any goods or technology, and (D) exports subject to unilateral and multilateral controls in which the United States establishes or in which it participates including proposed revisions of any such controls.

The Committee meeting agenda has five parts:

General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Discussion of new operating procedures as defined in the recent renewal of TAC charter.

(4) Review observations at the recent IMTS–80. Discuss preparation of a committee report on observed foreign availability.

(5) Continuation of discussion pertaining to robots. A key issue is the degree of involvement of the Numerically Controlled Machine Tool Technical Advisory Committee in this subject.

(6) Any new business.

Executive Session

(7) Discussion of matters properly classified under Executive Order 11652, or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1978 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

A copy of the Notice of Determination to close meetings or portions thereof is available for public insection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202–377–2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Dated: October 8, 1980.

Saul Padwo,

Acting Director, Office of Export Administration, Department of Commerce.

[FR Doc. 80–32278 Filed 10–15–80; 8:45 am]

BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), will meet to discuss lobsters, the Scientific and Statistical Committee Report, environmental affairs, regulatory measures, groundfish, and other business as necessary.

DATES: The meeting, which is open to the public, will convene on Wednesday, October 29, 1980, at approximately 10 a.m., and will adjourn on Thursday, October 30, 1980, at approximately 5 p.m.

ADDDRESS: The meeting will take place at the Sheraton-Regal Inn, Route 132 and Bearses Way, Hyannis, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906. Telephone: (617) 231–0422.

Dated: October 14, 1980.

William H. Stevenson,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 80–32342 Filed 10–15–80; 8:45 am]

BILLING CODE 3510–22–M

COMMUNITY SERVICES ADMINISTRATION

Funding for Center for Rural Affairs, Inc., an Emergency Energy Conservation Program To Operate in Nebraska; Potential Interest to Rural Community Action Agencies in Every State

AGENCY: Community Services Administration.

ACTION: Notice to all Boards of Directors of CAA(s) and SEOO(s).

SUMMARY: The Community Services Administration is notifying Boards of Directors of Community Action Agencies (CAAs) and all State Economic Opportunity Offices (SEOO's), in accordance with section 222(a) of the Economic Opportunity Act of 1964, as amended, that CSA has made a decision to fund the Center for Rural Affairs, Walthill, Nebraska (telephone 402–846–5428) to carry out a two-year project of information dissemination, training, and monitoring of on-farm small-scale appropriate technologies based on the work of the previously CSA-funded Small Farm Energy Project. The project will operate primarily in Nebraska, but training and information dissemination are of potential interest to rural CAAs throughout the country.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Kate Jackson, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone: (202) 632–6503, Teletypewriter: (202) 254–6218.

(Catalogue of Federal Domestic Assistance: 49.014)

(Sec. 602, 78 Stat. 5301; 42 U.S.C. 2942)

Joe Maldonado,

Deputy Assistant Director for Community Action

[FR Doc. 80–32246 Filed 10–15–80; 8:45 am]

BILLING CODE 6315–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 2, 1980.

The USAF Scientific Advisory Board Ad Hoc Committee on Turbine Engine Monitoring Systems will meet at the Northrop Electronics Division, Hawthorne, California, on November 5–6, 1980. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on both days.

The Committee will review and evaluate the A–10/TF34 turbine engine monitoring system development. The briefings and discussions will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (4).

For further information, contact the Scientific Advisory Board Secretariat (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–32173 Filed 10–15–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Surgery; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Surgery.

Date of Meeting: 3 November 1980.

Time and Place: 0900 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meeting will be open to the public on 3 November 1980 from 0900–0930 hrs to discuss the scientific research program of the Surgery Division, Letterman Army Institute of Research. Attendance by the public at open session will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 0930–1715 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

J. Ryan Neville, Ph. D., Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129, (415) 561–4367, will furnish summary minutes, roster of Committee members and substantive program information.

For the Commander:

Harry G. Dangerfield, M.D.,

Colonel, MC, Deputy Commander

[FR Doc. 80–32185 Filed 10–15–80; 8:45 am]

BILLING CODE 3710–08–M

Continuing Operation of Fort Carson, Colo.; Filing of Environmental Impact Statement

October 9, 1980.

The Army, on October 10, 1980, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the continuing operation of Ft. Carson, Colorado. The alternatives of maintaining, discontinuing, or changing missions at Fort Carson are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, 4th Infantry Division (mechanized) and Fort Carson, ATTN: AFZC-FE-EQ, Fort Carson, CO 80913.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room

1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 80–32180 Filed 10–15–80; 8:45 am]

BILLING CODE 3710–08–M

World War II Debris Removal and Cleanup, Aleutian Islands and Lower Alaska Peninsula, Alaska; Filing of Draft Environmental Impact Statement

The Army, On 10 October 1980, provided the Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for the World War II Debris Removal and Cleanup, Aleutian Islands and Lower Alaska Peninsula, Alaska.

The proposed action would remove and dispose of derelict buildings, machinery and other obsolete and abandoned material remaining from military operations and construction during the World War II period. Alternatives considered are no action, minimal level, mid-level and total cleanup. Impacts range from the removal of safety hazards and existing or potential pollutants; employment stimulus to local labor force; visual aesthetic enhancement and long term improvement of surface/groundwater quality to the disruption of fragile ecosystems with 100 or more years recovery time.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested organizations or individuals may obtain copies from Mr. R. M. Oenbrink, Engineering Division, Alaska District, U.S. Army Corps of Engineers, Box 7002, Anchorage, Alaska 99510.

In the Washington area, copies may be seen during normal duty hours, in the Army Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310, telephone: (202) 694–3434.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupatianal Health, OASA (IL&FM).

[FR Doc. 80–32179 Filed 10–15–80; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board intinerary for September 1980 through January 1981 has been approved, but remains subject to modification if required:

September 29 through October 10, 1980—Chicago, IL; Minneapolis, MN;
October 20 through 31, 1980—San Diego, CA;
October 27 through November 7, 1980—Dallas, TX; St. Louis, MO;
December 1 through 15, 1980—Atlanta, GA; New Orleans, LA; Tampa, FL;
December 8 through 12, 1980—Albany, NY;
January 11 through 23, 1981—San Diego and San Francisco, CA.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application which location is preferred.

Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and/or their representatives will be notified by mail of the date and place of their hearing when personal appearance has been requested.

For further information concerning the Naval Dischage Review Board, contact: Captain James C. Price, U.S. Naval Reserve, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone No. (202) 696–4881.

Dated: October 7, 1980.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 80–32178 Filed 10–15–80; 8:45 am]

BILLING CODE 3810–71–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant special temporary public interest exemptions from the prohibitions of Sections 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, pursuant to Section 311(e) of FUA, 10 CFR 501.68, and 10 CFR Part 508, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
50441–2716–21–41	Carolina Power & Light Company	W. H. Weatherspoon.	GT 1	Lumberton, N.C.
50441–2716–22–41			GT 2	
50441–2716–23–41			GT 3	
50441–2716–24–41			GT 4	
50467–1130–21–41	Cedar Falls Utilities	Cedar Falls	GT 1	Cedar Falls, Iowa.
50484–2480–01–41	Central Hudson Gas & Electric Corporation.	Danskammer	No. 1	Newburgh, N.Y.
62004–9076–21–41	City of Fayetteville	Fayetteville	CT 1	Fayetteville, N.C.
62004–9076–22–41			CT 2	
62004–9076–23–41			CT 3	
62004–9076–24–41			CT 4	
54015–2393–54–41	Jersey Central Power & Light Company	Gilbert	CC 4	Milford, N.J.
54015–2393–55–41			CC 5	
54015–2393–56–41			CC 6	
54015–2393–57–41			CC 7	
56516–6081–52–41	Massachusetts Municipal Wholesale Electric Company.	Stony Brook	CC 2	Ludlow, Mass.
52117–3344–21–41	Northwestern Public Service Co	Huron Gas Turbine	GT 1	Huron, S. Dak.
52304–3156–26–41	Philadelphia Electric Company	Barbadoes	Ct 6	Norristown, Pa.
52304–3156–27–41			Ct 7	
53370–2067–02–41	Public Service Commission of Yazoo City	Yazoo City Steam Plant.	No. 2	Yazoo City, Mo.
53370–2067–03–41			No. 3	
53370–2067–04–41			No. 4	
53370–2067–25–41			CT 5	
52564–0147–03–41	Salt River Project	Kyrene	No. 3	Tempe, Ariz.
52564–0147–04–41			No. 4	

Case control No.	Petitioner	Generating station	Unit identification	Location
52855-1336-25-41	Sunflower Electric Coop	Garden City	CT 5	Garden City, Kans.
52987-3393-37-41	Tennessee Valley Authority	Thomas H. Allen	GT 17	Memphis, Tenn.
52987-3393-38-41			GT 18	
52987-3393-39-41			GT 19	
52987-3393-40-41			GT 20	
53256-3527-51-41	West Texas Utilities	Sen Angelo	CC 1	San Angelo, Tex.

I. Statutory Prohibitions

The above listed powerplants are prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using gas as a primary energy source in excess of the average base year proportions allowed in Section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a special temporary public interest exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979, from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in Section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil; and

2. Will not displace the use of coal or any other alternate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption petition was submitted.

III. Rationale

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a singificant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in § 508.2 of the Special Rule (April 9, 1979, 44 FR 21230), ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. In no case will any exemption granted extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending if the petitioner used natural gas in excess of that allowed under Sections 301(a)(2) and (3) of FUA during such period), whichever termination point occurs first.

2. To those facilities that will displace middle distillate fuel oil, grant exemptions until June 30, 1985, subject to the limitations described in item 1, above.

3. To those facilities that will displace residual oil with a sulfur content of 0.5 percent or less, grant exemptions for an initial period of two years, with an automatic extension of up to three years, subject to the limitations described in item 1, above, and upon ERA's written acceptance of a system-wide fuel conservation plan filed by the petitioner consistent with the terms and conditions set forth below.

4. To those facilities that will displace residual oil with a sulfur content greater than 0.5 percent, grant exemptions for an initial period ending November 30, 1981, with provision for an extension, subject to the limitations described in item 1. above, and at ERA's option based on an appropriate request filed by the petitioner.

These proposed temporary exemptions are subject to termination by ERA upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of Section 314 of FUA and 10 CFR 508.6, ERA will require the order recipient upon issuance of a final order to: (1) Report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption periond; (2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption; and (3) submit annually to ERA a report on progress achieved in implementing the system-wide fuel conservation plan.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-32294 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978 and Proposed Order Granting the Temporary Exemptions.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of petitions and proposed orders.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq., November 9, 1978, (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner/generating station	Unit identification	Maximum quantity of oil to be displaced (barrels/per day)	Type of oil to be displaced	Coal or alternate fuel to be displaced
Carolina Power & Light Company (W. H. Weatherspoon).	GT 1	136	Distillate	No.
	GT 2	136	Distillate	No
	GT 3	133	Distillate	No.
	GT 4	133	Distillate	No
Cedar Falls Utilities (Cedar Falls)	GT 1	27	Distillate	No.
Central Hudson Gas & Electric Corporation (Danskammer).	#1	1,408	Residual[1]	No

Petitioner/generating station	Unit identification	Maximum quantity of oil to be displaced (barrels/per day)	Type of oil to be displaced	Coal or alternate fuel to be displaced
City of Fayetteville (Fayetteville)	CT 1	68	Distillate	No.
	CT 2	68	Distillate	No.
	CT 3	68	Distillate	No.
	CT 4	68	Distillate	No.
Jersey Central & Light Company (Gilbert).	CC 4	266	Distillate	No.
	I73CC 5	266	Distillate	No.
	CC 6	268	Distillate	No.
	CC 7	266	Distillate	No.
Massachusetts Municipal Wholesale Electric Company (Stony Brook).	CC 2	1,202	Distillate	No.
Northwestern Public Service Co. (Huron Gas Turbine).	GT 1	19	Distillate	No.
Philadelphia Electric Co. (Barbadoes)	CT 6	1,737	Distillate	No.
	CT 7	265	Distillate	No.
Public Service Commission of Yazoo City (Yazoo City Steam Plant).	#2	7.3	Residual[1]	No.
	#3	22	Residual[1]	No.
	#4	177	Residual[1]	No.
	CT 5	463	Distillate	No.
Salt River Project (Kyrene)	#3	27	Distillate	No.
	#4	27	Distillate	No.
Sunflower Electric Coop. (Garden City).	CT 5	47	Distillate	No.
Tennessee Valley Authority (Thomas H. Allen).	GT 17	80	Distillate	No.
	GT 18	80	Distillate	No.
	GT 19	80	Distillate	No.
	GT 20	80	Distillate	No.
West Texas Utilities (San Angelo)	CC 1	33	Distillate	No.

[1] High sulfur residual fuel (greater than 0.5 percent sulfur).

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes an exemptions procedure in regard to that and other prohibitions.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the powerplants listed above, pursuant to the authority of Section 311(e) of FUA and 10 CFR Part 508, published by ERA on April 9, 1979 (44 FR 21230). These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in Sections 301(a) (2) and (3) of FUA.

ERA is publishing this notice of petitions filed and its proposed orders granting these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of Section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed orders are due on or before November 24, 1980. Requests for a public hearing are also due on or before November 24, 1980.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: William L. Webb (office of Public Information), Economic Regulatory Administration, Department of Energy, Room B–110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4055.

Elmer Lee (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3308, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4201.

Marx Elmer (Office of General Counsel), Department of Energy, Room 6G–087, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing the authority granted to DOE by Section 311(e) of FUA. This final rule, set forth in 10 CFR Part 508, establishes the policy ERA has adopted in implementing its authority under Section 311(e) of FUA, and the eligibility criteria, which petitioners for the temporary exemption must demonstrate.

These temporary exemptions will allow certain existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by Sections 301(a) (2) and (3) of FUA. The use of natural gas, permitted under these temporary exemptions, will result in displacing distillate and residual fuel oils in existing electric powerplants.

This expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term, and will help the United States in meeting its goals to reduce its demand for imported oil, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices.

The above-listed owners/operators have filed petitions with ERA for temporary public interest exemptions for certain existing electric powerplants. ERA has reviewed these petitions and has determined that the powerplants meet the eligibility criteria established in § 508.2 of the final rule (44 FR 21230).

ERA intends to grant temporary public interest exemptions for the above listed powerplants. The proposed orders are set forth following this notice.

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with the requirements of Section 701(c) of FUA and will publish further notices as petitions are received and accepted.

Special temporary public interest exemptions granted to the above listed powerplants will not in any case extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending if the petitioner used natural gas in excess of that allowed under Sections 301(a) (2) and (3) of FUA during such period), whichever termination point occurs first.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition of the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–32279 Filed 10–15–80; 8:45 am]

BILLING CODE 6450–01–M

Powerplant and Industrial Fuel Use Act Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on October 9, 1980, it issued an order granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 et seq., 10 CFR 501.68 and 10 CFR 508,

from the prohibitions of Sections 301(a)(2) and (3) of the Act to the following powerplants in order to displace low sulfur residual fuel oil:

Docket No.	Petitioner	Generating station (location)	Powerplant identification
50103-0201-01-41	Arkansas Electric Cooperative.	Fitzhugh	#1
51691-0399-01-41	City of Los Angeles Department of Water and Power.	Harbor	#1
51691-0399-02-41			#2
51691-0399-03-41			#3
51691-0399-04-41			#4
51691-0399-05-41			#5
51691-0408-01-41		Valley	#1
51691-0408-02-41			#2
51691-0408-03-41			#3
51691-0408-04-41			#4
52224-0273-01-41	Pacific Gas and Electric Company.	Potrero	#1
52224-0273-02-41			#2
52224-0273-03-41			#3
52224-0260-01-41	Pacific Gas and Electric Company.	Moss Landing	#1
52224-0260-02-41			#2
52224-0260-03-41			#3
52224-0260-04-41			#4
52224-0260-06-41			#6
52224-0228-01-41		Contra Costa	#1
52224-0228-02-41			#2
52224-0228-03-41			#3
52224-0228-04-41			#4
52224-0228-05-41			#5
52224-0228-06-41			#6
52224-0228-07-41			#7
52224-0259-02-41		Morro Bay	#2
52224-0247-04-41		Hunter's Point	#4

Petitions were received and filed with ERA, pursuant to 10 CFR Part 508 (Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source.

A notice of the petitions and the proposed order granting these temporary exemptions was published in the Federal Register on March 21, 1980 (45 FR 18423). This notice presented an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed orders. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on August 25, 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested the hearing lacked the requisite interest to request a hearing and ruled, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decisions without a hearing.

These temporary exemptions will allow the above-named units to burn natural gas, notwithstanding the prohibitions of Sections 301(a)(2) and (3) of FUA, to displace low sulfur residual fuel oil.

The order granting these temporary exemptions shall become effective sixty calendar days following publication in the Federal Register (December 15, 1980) in accordance with Section 702(a) of FUA. The owners of the above-mentioned powerplants have been sent the Decision and Order by certified mail.

The order is set forth following this notice. These temporary exemptions shall be in effect, subject to terms and conditions stated in the order, for a period of two years. The temporary exemptions may be extended for an additional period upon written acceptance by ERA of a system-wide fuel conservation plan. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn gas while their petitions were pending, may not exceed the statutory maximum five year period authorized by the Act, or extend beyond June 30, 1985. The temporary public interest exemptions granted by the Decision and Order may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B-110, 2000 M Street, NW., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-4268.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-32315 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Powerplant and Industrial Fuel Use Act; Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on October 9, 1980, it issued an order granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, 10 CFR 501.68 and 10 CFR 508, from the gas use prohibitions of Sections 301(a)(2) and (3) of the Act to the following powerplants in order to displace middle distillate fuel oil:

Docket No.	Owner	Generating station (location)	Powerplant identification
50126-8008-21-41	Atlantic City Electric Company.	Mikleton	CT 1
50135-3548-01-41	City of Austin	Decker	#1
50135-3549-04-41		Holly	#4
50868-9005-21-41	El Paso Electric Company.	Copper	CT 1
51209-3457-01-41	Gulf States Utilities Company.	Lewis Creek	#1
51209-3457-02-41			#2
51209-1394-02-41	Gulf States Utilities Company.	Willow Glen	#2
51209-1393-01-41		Nelson	#1
51209-1393-02-41			#2
51209-1393-03-41			#3
51209-3458-07-41		Neches	#7
51209-3458-08-41			#8
51209-3459-02-41		Sabine	#2
63001-9067-58-41	Hutchinson Utilities Commission.	Plant #1	CC 8
63001-9103-29-41		Plant #2	CT 9
51388-6060-21-41	Imperial Irrigation District.	Coachella	CT 1
51388-6060-22-41			CT 2
51388-6060-23-41			CT 3
51388-6060-24-41			CT 4
51392-2132-21-41	City of Independence.	Blue Valley	CT 1
51392-2135-22-41		Station H	CT 2
51434-0667-23-41	Jacksonville Electric Authority.	Northside	CT 3
51434-0667-24-41			CT 4
51434-0667-25-41			CT 5
51434-0667-26-41			CT 6
51476-1295-22-41	City of Kansas City	Quindaro	GT 2
51476-1295-23-41			GT 3
51478-1245-03-41	Kansas Gas & Electric Co.	Wichita	#3
51478-1245-04-41			#4
51649-9151-21-41	Lincoln Electric System.	8th and J Street	CT 1
51575-0676-22-41	City of Lakeland	Larsen	GT 2
51575-0676-23-41			GT 3
51691-0399-26-41	City of Los Angeles, Dept. of Water and Power.	Harbor	CT 6
51691-0399-27-41			CT 7
51691-0399-28-41			CT 8
51691-0399-29-41			CT 9
51702-4937-01-41	Lower Colorado River Authority.	Ferguson	#1
51702-3601-01-41		Gideon	#1
51702-3601-02-41			#2
51702-3601-03-41			#3
52413-2966-24-41	Public Service Company of Oklahoma.	Weleetka	CT 4
52413-2966-25-41			CT 5
52413-2966-26-41			CT 6
51915-2184-01-41	Montana Power Company.	Frank Bird	#1
52542-1458-01-41	City Ruston	Ruston	#1
52570-0307-21-41	San Diego Gas and Electric Company.	North Island	GT 1
52570-0310-21-41		South Bay	GT 1
52570-0300-21-41		Division Street	GT 1
52727-1011-21-41	Southern Indiana Gas and Electric.	Broadway	GT 1
53010-0970-05-41	University of Illinois	Abbott	#5
53010-0970-06-41			#6
53010-0970-07-41			#7
53146-3803-21-41	Virginia Electric and Power Company.	Portsmouth	CT 1
53332-4059-21-41	Wisconsin Power and Light Company.	Sheepskin	CT 1
53332-4057-25-41		Rock River	CT 5
53332-4057-26-41			CT 6

Petitions were received and filed pursuant to 10 CFR, Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) with ERA for temporary public interest exemptions for the use of natural gas as a primary energy source.

A notice of the petitions and a proposed order granting these temporary exemptions was published in

the Federal Register on March 21, 1980, (45 FR 18423). This presented an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on 25 August 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested the hearing lacked the requisite interest to request a hearing and ruled, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decisions without a hearing.

These temporary exemptions will allow the above-named units to burn natural gas, notwithstanding the prohibitions of Sections 301(a)(2) and (3) of FUA, to displace middle distillate fuel oil.

The order granting these temporary exemptions shall become effective sixty calendar days following its publication in the Federal Register, (December 15, 1980) in accordance with Section 702(a) of FUA. The owners of the above-named powerplants have been sent the Decision and Order by certified mail.

The order is set forth following this notice. These temporary exemptions shall be in effect, subject to the terms and conditions stated in the order, for a period of five years including the period during which the petitioners were allowed to burn gas while their petitions were pending, but not to extend beyond June 30, 1985. The temporary exemptions may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, NW., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, NW., Washington, D.C. 20461, (202) 653–4268.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–32316 Filed 10–15–80; 8:45 am]

BILLING CODE 6450–01–M

Powerplant and Industrial Fuel Use Act Issuance of an Order Granting Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice that on October 9, 1980, it issued an order granting temporary public interest exemptions, pursuant to the authorities granted it by Section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act, 42 U.S.C. 8301 *et seq.*, 10 CFR 501.68 and 10 CFR 508, from the prohibitions of Sections 301(a)(2) and (3) of the Act to the following powerplants in order to displace high sulfur residual fuel oil:

Docket No.	Petitioner	Generating station (location)	Powerplant identification
50135-3549-01-41	City of Austin	Holly	#1
50135-3549-02-41	"	"	#2
50135-3549-03-41	"	"	#3
50135-3550-05-41	"	Seaholm	#5
50135-3550-06-41	"	"	#6
50135-3550-07-41	"	"	#7
50135-3550-08-41	"	"	#8
50135-3550-09-41	"	"	#9
50514-1267-03-41	City of Chanute	Municipal	#3
50514-1267-04-41	"	"	#4
50610-1271-01-41	City of Coffeyville	Coffeyville	#1
50622-0493-01-41	City of Colorado Springs.	Birdsall	#1

Docket No.	Petitioner	Generating station (location)	Powerplant identification
50622-0493-02-41			#2
50622-0493-03-41			#3
50622-0492-01-41	City of Colorado Springs.	Drake	#1
50622-0492-02-41			#2
50622-0492-04-41			#4
50643-0881-05-41	Commonwealth Edison.	Ridgeland	#5
50643-0881-96-41			#6
50658-1696-01-41	Consumers Power Company.	B. E. Morrow	#1
50658-1696-02-41			#2
50658-1696-03-41			#3
50658-1696-04-41			#4
50807-0599-01-41	City of Dover	McKee Run	#1
50807-0599-02-41			#2
50807-0599-03-41			#3
51006-6246-51-41	Florida Power and Light Company.	Putnam	CC 1
51006-6246-52-41			CC 2
51208-0641-01-41	Gulf Power Company.	Crist	#1
51208-0641-02-41			#2
51208-0641-03-41			#3
51209-3459-05-41	Gulf States Utilities Company.	Savine	#5
51209-1391-07-41		Louisiana	#7
51209-1391-08-41			#8
51209-1391-09-41			#9
51209-1394-03-41		Willow Glen	#3
51209-1394-04-41			#4
51209-1394-05-41			#5
51209-1393-04-41		Nelson	#4
51259-2244-04-41	City of Hastings	North Denver	#4
51259-2244-05-41			#5
56514-9059-06-41	City of Holyoke	Electric Station	#6
56514-9059-08-41			#8
56514-9059-09-41			#9
51388-9054-01-41	Imperial Irrigation District.	El Centro	#1
51388-9054-02-41			#2
51388-9054-03-41			#3
51388-9054-04-41			#4
51434-0667-01-41	Jacksonville Electric Authority.	Northside	#1
51434-0667-02-41			#2
51434-0667-03-41			#3
51478-1243-03-41	Kansas Gas and Electric Company.	Neosho	#3
51478-1240-01-41		Gordan Evans	#1
51478-1240-02-41			#2
51478-1244-01-41		Ripley	#1
51478-1244-02-41			#2
51478-1244-03-41			#3
51478-1242-01-41		Murray Gill	#1
51478-1242-02-41			#2
51478-1242-03-41			#3
51478-1242-04-41			#4
51575-0676-04-41	City of Lakeland	Larsen	#4
51575-0676-05-41			#5
51575-0676-06-41			#6
51575-0676-07-41			#7
51596-1299-03-41	City of Larned	Municipal	#3
51694-9038-02-41	Louisiana Power and Light.	Waterford	#2
51694-1403-02-41		Ninemile Point	#2
51694-1403-03-41			#3
51888-2046-01-41	Mississippi Power Company.	Eaton	#1
51888-2046-02-41			#2
51888-2046-03-41			#3
51888-2048-01-41		Sweatt	#1
51888-2048-02-41			#2
51988-2276-03-41	Nebraska Public Power District.	Bluffs	#3
51988-2276-04-41			#4
52224-0246-01-41	Pacific Gas and Electic Company.	Humboldt Bay	#1
52224-0246-02-41			#2
52786-2098-04-41	St. Joseph Light and Power Company.	Lake Road	#4
52786-2097-20-41		Edmond Street	#20
53146-3809-03-41	Virginia Electric and Power Company.	Yorktown	#3

Petitions were received and filed with ERA, pursuant to 10 CFR Part 508 (Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230) for temporary public interest exemptions for the use of natural gas as a primary energy source.

A notice of the petitions and the proposed order granting these temporary exemptions was published in the **Federal Register** on March 21, 1980 (45 FR 18423). This notice presented an opportunity for public comments and for interested persons to request a hearing relating to the petition and the proposed order. All comments that referred to specific petitions were supportive of them.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on August 25, 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested a hearing lacked the requisite interest to request a hearing and ruled, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decision without a hearing.

These temporary exemptions will allow the above-named units to burn natural gas, notwithstanding the prohibitions of Sections 301(a)(2) and (3) of FUA, to displace high sulfur residual fuel oil.

The order granting these temporary exemptions shall become effective sixty calendar days following publication in the **Federal Register** (December 15, 1980) in accordance with Section 702(a) of FUA. The owners of the above-mentioned powerplants have been sent the Decision and Order by certified mail.

The Order is set forth following this notice. These temporary exemptions shall be in effect, subject to terms and conditions stated in the order, until December 7, 1981. Upon the request of the petitioners, these exemptions may

be extended for an additional period at the discretion of ERA. However, a temporary public interest exemption, including all extensions and the pendency period during which the petitioners were allowed to burn gas while their petitions were pending, may not exceed the statutory maximum five year period authorized by the Act, or extend beyond June 30, 1985. The temporary public interest exemptions granted by the Decision and Order may be terminated by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Copies of all comments received during the public comment period will be available for public inspection and copying in the Public Information Office located in Room B–110, 2000 M Street, NW., Washington, D.C. 20461.

Any questions regarding these temporary exemptions should be directed to Mr. James W. Workman, Acting Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3128, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant of Fuel Conversion, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–32317 Filed 10–15–80; 8:45 am]

BILLING CODE 6450–01–M

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Sections 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Petitioner	Generating station (location)	Powerplant identification	Maximum duration date[1]
50103-0201-01-41	Arkansas Electric Cooperative.	Fitzhugh	#1	Nov. 27, 1984.
51691-0399-01-41	City of Los Angeles, Department of Water and Power.	Harbor	#1	July 11, 1984.
51691-0399-02-41			#2	
51691-0399-03-41			#3	
51691-0399-04-41			#4	
51691-0399-05-41			#5	
51691-0408-01-41		Valley	#1	July 11, 1984.
51691-0408-02-41			#2	
51691-0408-03-41			#3	
51691-0408-04-41			#4	
52224-0273-01-41	Pacific Gas and Electric Company.	Potrero	#1	Dec. 27, 1984.
52224-0273-02-41			#2	
52224-0273-03-41			#3	
52224-0260-01-41		Moss Landing	#1	Dec. 27, 1984.
52224-0260-02-41			#2	
52224-0260-03-41			#3	
52224-0260-04-41			#4	
52224-0260-06-41			#6	
52224-0228-01-41		Contra Costa	#1	Dec. 10, 1984.
52224-0228-02-41			#2	
52224-0228-03-41			#3	
52224-0228-05-41			#4	
52224-0228-05-41			#5	
52224-0228-06-41			#6	
52224-0228-07-41			#7	
52224-0259-02-41		Morro Bay	#2	Dec. 27, 1984.
52224-0247-04-41		Hunter's Point	#4	Dec. 27, 1984.

[1]Maximum date to which the exemption can be extended.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notice of the petitions and a proposed order granting these temporary exemptions was published in the March 31, 1980, **Federal Register** (44 FR 18423) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on August 25, 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested the hearing lacked the requisite interest to request a hearing and ruling, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decision without a hearing.

Based on the information provided by the petitioners, the listed powerplants are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Sections 301(a)(2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help

the United States reduce its dependence on imported petroleum.

This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioners have met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions from the effective date of this Decision and Order until December 8, 1982. These exemptions will be automatically extended for an additional period upon written acceptance by ERA of a system-wide fuel conservation plan. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn gas while their petitions were pending may not exceed the maximum five year period authorized by the Act, or extend beyond June 30, 1985. The maximum durations of the temporary public interest exemptions granted by this Order are listed in the table on the first page. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the **Federal Register** (December 15, 1980) in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If a petitioner has received temporary public interest exemptions under previous orders for other powerplants within his utility system, the first granted exemption order establishes the due date for the system-wide fuel conservation plan.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period to the maximum duration date, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1981, a report on progress achieved in implementing the pertinent fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-32318 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the natural gas use prohibitions of Sections 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Owner	Generating station (location)	Powerplant identification	Maximum duration date[1]
50126-8008-21-41	Atlantic City Electric Company.	Mickleton	CT 1	Feb. 13, 1985.
50135-3548-01-41	City of Austin	Decker	#1	Oct. 12, 1984.
50135-3549-04-41		Holly	#4	
50868-9005-21-41	El Paso Electric Company.	Copper	CT 1	Dec. 19, 1984.
51209-3457-01-41	Gulf States Utilities Company.	Lewis Creek	#1	July 16, 1984.
51209-34573457-0202-41			#2	
51209-1394-02-41		Willow Glen	#2	July 16, 1984.
51209-1393-01-41		Nelson	#1	July 16, 1984.
51209-1393-02-41			#2	
51209-1393-03-41			#3	
51209-3458-07-41		Neches	#7	July 16, 1984.
51209-3458-08-41			#8	
51209-3459-02-41		Sabine	#2	July 16, 1984.
63001-9067-58-41	Hutchinson Utilities Commission.	Plant #1	CC 8	June 1, 1984.
63001-9103-29-41		Plant #2	CT 9	June 1, 1984.
51388-6060-21-41	Imperial Irrigation District.	Coachella	CT 1	May 16, 1984.
51388-6060-22-41			CT 2	
51388-6060-23-41			CT 3	
51388-6060-24-41			CT 4	
51392-2132-21-41	City of Independence.	Blue Valley	CT 1	Jan. 3, 1985.
51392-2135-22-41		Station H	CT 2	Jan. 3, 1985.
51434-0667-23-41	Jacksonville Electric Authority.	Northside	CT 3	Feb. 8, 1985.
51434-0667-24-41			CT 4	
51434-0667-25-41			CT 5	
51434-0667-26-41			CT 6	
51476-1295-22-41	City of Kansas City	Quindaro	GT 2	Jan. 8, 1985.
51476-1295-23-41			GT 3	
51478-1245-03-41	Kansas Gas & Electric Co.	Wichita	#3	Oct. 10, 1984.
51478-1245-04-41			#4	
51649-9151-21-41	Lincoln Electric System.	8th and J Street	CT 1	Jan. 22, 1985.
51575-0676-22-41	City of Lakeland	Larsen	GT 2	June 30, 1985.
51575-0676-23-41			GT 3	
51691-0399-26-41	City of Los Angeles Dept. of Water and Power.	Harbor	CT 6	July 11, 1984.
51691-0399-27-41			CT 7	
51691-0399-28-41			CT 8	
51691-0399-29-41			CT 9	
51702-4937-01-41	Lower Colorado River Authority.	Ferguson	#1	Oct. 29, 1984.
51702-3601-01-41		Gideon	#1	Oct. 29, 1984.
51702-3601-02-41			#2	
51702-3601-03-41			#3	
52413-2966-24-41	Public Service Company of Oklahoma.	Weleetka	CT 4	July 30, 1984.
52413-2966-25-41			CT 5	
52413-2966-26-41			CT 6	
51915-2184-01-41	Montana Power Company.	Frank Bird	#1	Dec. 17, 1984.
52542-1458-01-41	City of Ruston	Ruston	#1	Jan. 8, 1985.
52570-0307-21-41	San Diego Gas & Electric Company.	North Island	GT 1	Oct. 10, 1984.
52570-0310-21-41		South Bay	GT 1	Oct. 10, 1984.
52570-0300-21-41		Division Street	GT 1	Oct. 10, 1984.
52727-1011-21-41	Southern Indiana Gas & Electric.	Broadway	GT 1	Aug. 30, 1984.
53010-0970-05-41	University of Illinois	Abbott	#5	Feb. 26, 1985
53010-0970-06-41			#6	
53010-0970-07-41			#7	
53146-3803-21-41	Virginia Eectric & Power Company.	Portsmouth	CT 1	Feb. 11, 1985.
53332-4059-21-41	Wisconsin Power & Light Company.	Sheepskin	CT 1	Oct. 10, 1984.
53332-4057-25-41		Rock River	CT 5	Oct. 10, 1984.
53332-4057-26-41			CT 6	

[1] Maximum date to which exemption can be extended.

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notices of the petitions and proposed orders granting these temporary exemptions were published in the March 21, 1980, **Federal Register** (45 FR 18423) presenting an opportunity for public comments and for interested persons to request a hearing relating to the petitions and the proposed order.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on August 25, 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested the hearing lacked the requisite interest to request a hearing and ruled, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decision without a hearing.

Based on the information provided by the petitioners, the powerplants listed in the above table are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Sections 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a)(2) or (3) of FUA, will displace consumption of middle distillate fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioners have met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for the maximum statutory period of five years, which includes the period during which the petitioners were allowed to burn gas while their petitions were pending, to the extent that such period will not extend beyond June 30, 1985. The termination dates of these temporary public interest exemptions are listed in the table on the first page. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following publication in the Federal Register (December 15, 1980). However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, comply with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of middle distillate fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the five year period covered by this temporary exemption, including the means by which the petitioner will measure progress in implementing this plan. If a petitioner has received temporary public interest exemptions under previous order for other powerplants within his utility system, the first granted exemption order establishes the due date for the system-wide fuel conservation plan.

(3) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the system-wide fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-32319 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the prohibitions of Sections 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioners who own or operate the powerplants listed in the table below

Docket No.	Petitioner	Generating station (location)	Powerplants identification
50135-3549-01-41	City of Austin	Holly	#1
50135-3549-02-41	"	"	#2
50135-3549-03-41	"	"	#3
50135-3550-05-41	"	Seaholm	#5
50135-3550-06-41	"	"	#6
50135-3550-07-41	"	"	#7
50135-3550-08-41	"	"	#8
50135-3550-09-41	"	"	#9
50514-1267-03-41	City of Chanute	Municipal	#3
50514-1267-04-41	"	"	#4
50610-1271-01-41	City of Coffeyville	Coffeyville	#1
50622-0493-01-41	City of Colorado Springs.	Birdsall	#1
50622-0493-02-41	"	"	#2
50622-0493-03-41	"	"	#3
50622-0492-01-41	"	Drake	#1
50622-0492-92-41	"	"	#2
50622-0492-04-41	"	"	#4

Docket No.	Petitioner	Generating station (location)	Powerplants identification
50643-0881-05-41	Commonwealth Edison.	Ridgeland	#5
50643-0881-06-41			#6
50658-1696-01-41	Consumers Power Company.	B. E. Morrow	#1
50658-1696-02-41			#2
50658-1696-03-41			#3
50658-1696-04-41			#4
50807-0599-01-41	City of Dover	McKee Run	#1
50807-0599-02-41			#2
50807-0599-03-41			#3
51006-6246-51-41	Florida Power and Light Company.	Putnam	CC 1
51006-6246-52-41			CC 2
51208-0641-01-41	Gulf Power Company.	Crist	#1
51208-0641-02-41			#2
51208-0641-03-41			#3
51209-3459-05-41	Gulf States Utilities Company.	Sabine	#5
51209-1391-07-41		Louisiana	#7
51209-1391-08-41			#8
51209-1391-09-41			#9
51209-1394-03-41		Willow Glen	#3
51209-1394-04-41			#4
51209-1394-05-41			#5
51209-1393-04-41		Nelson	#4
51259-2244-04-41	City of Hastings	North Denver	#4
51259-2244-05-41			#5
56514-9059-06-41	City of Holyoke	Electric Station	#6
56514-9059-08-41			#8
56514-9059-09-41			#9
51388-9054-01-41	Imperial Irrigation District.	El Centro	#1
51388-9054-02-41			#2
51388-9054-03-41			#3
51388-9054-04-41			#4
51434-0667-01-41	Jacksonville Electric Authority.	Northside	#1
51434-0667-02-41			#2
51434-0667-03-41			#3
51478-1243-03-41	Kansas Gas and Electric Company.	Neosho	#3
51478-1240-01-41		Gordan Evans	#1
51478-1240-02-41			#2
51478-1244-01-41		Ripley	#1
51478-1244-02-41			#2
51478-1244-03-41			#3
51478-1242-01-41		Murray Gill	#1
51478-1242-02-41			#2
51478-1242-03-41			#3
51478-1242-04-41			#4
51575-0676-04-41	City of Lakeland	Larsen	#4
51575-0676-05-41			#5
51575-0676-06-41			#6
51575-0676-07-41			#7
51596-1299-03-41	City of Larned	Municipal	#3
51694-9038-02-41	Louisiana Power and Light.	Waterford	#2
51694-1403-02-41		Ninemile Point	#2
51694-1403-03-41			#3
51888-2046-01-41	Mississippi Power Company.	Eaton	#1
51888-2046-02-41			#2
51888-2046-03-41			#3
51888-2048-01-41		Sweatt	#1
51888-2048-02-41			#2
51988-2276-03-41	Nebraska Public Power District.	Bluffs	#3
51988-2276-04-41			#4
52224-0246-01-41	Pacific Gas and Electric Company.	Humboldt Bay	#1
52224-0246-02-41			#2
52786-2098-04-41	St. Joseph Light and Power Company.	Lake Road	#4
52786-2097-20-41		Edmond Street	#20
53146-3809-03-41	Virginia Electric and Power Company.	Yorktown	#3

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notice of the petitions and a proposed order granting these temporary exemptions was published in the March 21, 1980, **Federal Register** (44 FR 18423) presenting an

opportunity for public comments and for interested persons to request a public hearing relating to the petitions and the proposed order.

The Process Gas Consumers Group, American Iron and Steel Institute and Georgia Industrial Group requested a hearing. ERA scheduled and convened a hearing on August 25, 1980. Several preliminary motions were filed by other hearing participants to dismiss the hearing upon the ground that the requesting persons were not interested persons as contemplated by Section 701 of FUA and 10 CFR 501.33 and 501.34. The Presiding Officer at the hearing, after receiving written submissions supporting and opposing the motions, granted the motions to dismiss. In so doing he found that the persons who requested the hearing lacked the requisite interest to request a hearing and ruled, therefore, that in the absence of a competent request for a hearing ERA should proceed with the processing of the petitions for decision without a hearing.

Based on the information provided by the petitioners, the listed powerplants are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) or (3) of FUA, to displace consumption of high sulfur residual fuel oil.

Statement of Reasons

Because world oil supplies continue to be unstable, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of high sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioners have met the eligibility criteria set out in § 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions until December 7, 1981. Upon the request of the petitioners these exemptions may be extended for an additional period at the discretion of ERA. However, a temporary public interest exemption, including all extensions and the period during which the petitioners were allowed to burn gas while their petitions were pending, may not exceed the maximum 5 year period authorized by the Act, or extend beyond June 30, 1985. All requests for extensions must be filed with ERA by September 7, 1981. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the Federal Register (December 15, 1980), in accordance with section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan. If a petitioner has received temporary public interest exemptions under previous orders for other powerplants within his utility system, the first granted exemption order establishes the due date for the system-wide fuel conservation plan.

(3) If the petitioner seeks to have the exemptions extended, the fuel conservation plan must cover both the initial period covered by these temporary exemptions and the additional period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1981, a report on progress achieved in implementing the pertinent fuel conservation plan, if the petitioner's exemptions are extended beyond December 7, 1981.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C., on October 9, 1980.

Robert L. Davies,

Assistant Administrotor, Office of Fuels Conversion, Economic Regulotory Administrotion.

[FR Doc. 80-32320 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 3135, 3277]

American Hydro Power Corp. and City of Philadelphia, Pa.; Applications for Preliminary Permit

October 9, 1980.

Take notice that the American Hydro Power Corporation filed on April 14, 1980, and the City of Philadelphia filed on June 24, 1980, competing applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for a proposed project that would be known as the Fairmount Dam Project FERC Projects Nos. 3135 and 3227, respectively. The proposed project would be located on the Schuykill River in Philadelphia, Pennsylvania. Correspondence with the American Hydro Power Company should be directed to: Mr. Peter A. McGrath, American Refining Company, Inc., One Aldwyn Center, Villanova, Pennsylvania 19085. Correspondence with the City of Philadelphia should be directed to: Mr. Kenneth J. Zitomer, Commissioner, Water Department, Room 1160, Municipal Service Building, Philadelphia, Pennsylvania 19107.

Project Description—The proposed project would consist of: (1) An existing 32-foot high, 1,025-foot long timber and concrete dam currently owned by the City of Philadelphia; (2) a reservoir having a maximum storage capacity of 4,000 acre-feet; (3) a proposed conduit leading from the reservoir (east of the dam) directly underground to; (4) an existing historic structure known as the New Mill House, which would contain six 600-kW generating units having a total installed capacity of 3,600 kW; and (5) appurtenant works. The estimated average annual energy output would be between 17,500 and 26,000 megawatt-hours.

Purpose of Project—Project energy developed from Project No. 3135 would be sold to local customers or used by the American Hydro Power Corporation. Project energy developed from Project No. 3227 would be used by the City of Philadelphia.

Proposed Scope and Cost of Studies under Permit—Each Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would conduct surveys, an engineering feasibility study, and an economic and environmental assessment of the proposed project. Depending upon the outcome of the studies, each of the Applicants would decide whether to proceed with an application for license. The American Hydro Power Company estimates that the cost of studies under the permit would be $71,000. The City of Philadelphia estimates the cost of studies under the permit would be between $75,000 and $80,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32269 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3317]

Atlantic Power Development Corp.; Application for Preliminary Permit

October 9, 1980.

Take notice that the Atlantic Power Development Corporation (Applicant) filed on August 14, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3317 to be known as the Morgantown Project located on the Monongalia River in Monongalia County, West Virginia. Correspondence with the Applicant should be directed to: Mr. Thomas F. Nolan IV, Attorney at Law, 401 C Street, N.E., Washington, D.C. 20002.

Project Description—The proposed project would utilize the Corps of Engineers' Morgantown Lock and Dam facility and would consist of: (1) A new powerhouse at the east end of the dam; (2) turbine/generators rated at 4.3 MW; (3) a 1,320-foot long transmission line; and (4) appurtenant facilities.

The Applicant estimates the annual generation would average 24,108,000 kWh.

Purpose of Project—Applicant intends to sell the entire project output to the local electric public utility.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sales of the project's power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for an FERC license, including an environmental report. The Applicant estimates that the cost of studies under the permit would be approximately $88,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing appliction must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application shold file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not because a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 6, 1980. The Commission's address is: 825 North Capitol Street, N.E.. Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32266 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3314]

Atlantic Power Development Corp.; Application for Preliminary Permit

October 9, 1980.

Take notice that the Atlantic Power Development Corporation (Applicant) filed on August 14, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 3314 to be known as Hildebrand Project located on the Monongahela in Monongalia County, West Virginia. Correspondence with the Applicant should be directed to: Thomas V. Nolan IV, Attorney at Law, 401 C Street, NE., Washington, D.C. 20002.

Project Description—The proposed project would utilize Hildebrand Lock and Dam under jurisdiction of the Corps of Engineers and would consist of: (1) A new powerhouse at the north end of the dam; (2) turbine/generating units rated at 5.3 MW; (3) a 500-foot long primary transmission line and (4) appurtenant facilities.

The Applicant estimates that annual generation would average 29,714,000 kWh.

Purpose of Project—Project energy would be sold to the local electric utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sales of the project's power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for a FERC license, including an environmental report. Applicant estimates that the cost of studies under the permit would be approximately $100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasiblity of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 51328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 6, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32267 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3230]

Chasm Power; Application for Preliminary Permit

October 1, 1980.

Take notice that Chasm Power (Applicant) filed on June 30, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3230 to be known as the Chateaugay Chasm Project located on the Chateaugay River in Franklin County, New York. Correspondence with the Applicant should be directed to: John H. Dowd, General Delivery, Chateaugay, New York 12920.

Project Description.—The proposed project would redevelop the existing but inoperative Chateaugay Chasm Hydroelectric Plant and would consist of : (1) A 60-foot-high and 42-foot-long reinforced concrete dam; (2) a reservoir with a surface area of about 1.8 acres at spillway crest elevation 730 feet U.S.G.S.: (3) a screened and gated intake and sluice structure located at the dam's right (north) abutment; (4) a 7-foot-diameter and 200-foot-long riveted steel penstock; (5) a native stone and masonry powerhouse containing a generating unit having a rated capacity of 820–kW; and (6) appurtenant facilities. Project energy would be transmitted over a short transmission line to a transformer directly connected to existing New York State Electric and Gas Corporation's transmission lines. Applicant estimates the annual generation would average about 6,141,000 kWh.

Purpose of Project.—Project energy would be sold to New York State Electric and Gas Corporation.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform the studies, investigations, tests, and surveys, and prepare maps, plans, and specifications necessary for the preparation of an application for an FERC license. Applicant estimates the cost of the work under the permit would be $15,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 1, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 2, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, Octoberr 25, 1979.)

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 1, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32263 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-549]

Colorado Interstate Gas Co.; Application

October 9, 1980.

Take notice that on September 15, 1980, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP80–549 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for and exchange of natural gas with Western Gas Interstate Company (Western), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the terms of a gas transportation, exchange and, sales agreement dated July 18, 1980, Applicant proposes to transport up to 5,000 Mcf of natural gas per day for a term of five years. It is asserted the gas would be delivered to Applicant at a delivery point to be established on Applicant's southern system in Oklahoma. Applicant asserts that it would redeliver equivalent volumes to Western Gas at existing system interconnections in Texas and Oklahoma.

It is stated that minor required facilities for connection to Western's gathering system would be installed under Applicant's budget authority.

Applicant asserts it would have the option to purchase 25 percent of the gas transported. It is stated that Western would pay Applicant a current rate of 22.1 cents per Mcf for the transportation service. Applicant, it is further asserted, would pay Western a rate to reflect Western's monthly average purchase price plus 30.52 cents per Mcf for cost of service. Both the purchase rate and cost-of-service charge may change from time to time, it is stated.

Applicant states that the supplies of gas involved are available to Western in the Oklahoma Panhandle area.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 if timely filed, or if the Commission on its own motion believes that a formal hearing is required, futher 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. 80-32276 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-35-M

[Docket No. CP80-567]

Columbia Gulf Transmission Co.; Application

October 9, 1980.

Take notice that on September 22, 1980, Columbia Gulf Transmission Company, P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-567 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 19,000 Mcf of natural gas per day for Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Southern would have available for delivery to Applicant for transportation, gas that is produced in East Cameron Block 23, offshore Louisiana. It is stated that Southern would transport the gas from a producer platform in East Cameron Block 23 through approximately 17.8 miles of 16-inch pipeline, to be constructed and owned by Southern and applicant, to a point of interconnection with Applicant's 16-inch pipeline near the South Pecan Lake Amoco Plant, Cameron Parish, Louisiana.

Applicant states it would transport the gas received at the interconnection in Cameron Parish on a best-efforts basis through its 16-inch pipeline to a tie-in with its existing lateral line in Jefferson Davis Parish, Louisiana, and then through Applicant's available capacity in the West Lateral and mainline systems for delivery to Southern at the interconnection of Applicant's mainline facilities and Southern's measurement facilities in East Carroll Parish, Louisiana.

Applicant avers that it has sufficient available capacity to receive, transport and deliver up to 19,000 Mcf of natural gas per day and that the transportation would have no effect on any of Applicant's other sales, services or operations.

Applicant states is would charge Southern 13.665 cents per Mcf for the transportation service. It is further stated that the transportation would commence upon initial deliveries, for a term of 15 years and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 80-32277 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-93]

El Paso Natural Gas Co.; Application for Staff Exemptive Order

October 9, 1980.

Take notice that on March 14, 1980, El Paso Natural Gas Company (El Paso) petitioned the Federal Energy Regulatory Commission (Commission) (1) to amend a temporary order concerning a certificate of public convenience and necessity in order to authorize withdrawal of working gas, injected cushion gas, and native gas from the Rhodes Reservoir Storage Project (*see*, Docket No. CP76-87), and (2) to grant an exemption from incremental pricing under Title II of the Natural Gas Policy Act of 1978 (NGPA) for the above-described injected cushion gas. The Commission will treat the second portion of this petition as a request for an exemptive order by the Staff pursuant to § 282.206(b) of the Commission's regulations.

El Paso states that it proposes to withdraw from Rhodes Reservoir and sell volumes of injected cushion gas to low priority, east-of-California (EOC) customers who originally sustained curtailment during the 1973 injection process.[1] El Paso proposes to charge the 1973 price of the gas plus the current transmission charge. Because the injected cushion gas was curtailed from El Paso's low-priority EOC customers prior to enactment of the NGPA and the implementation of the Title II

[1] Pursuant to the Commission's temporary order issued August 7, 1973, 50 FPC 500, as subsequently confirmed by a final permanent order issued October 10, 1973, 50 FPC 1036, at Docket No. CP73-334, El Paso curtailed its low-priority EOC customers and concurrently injected into Rhodes Reservoir during the 1973 summer season volumes of natural gas which include the subject 2,900,000 Mcf of cushion gas, all as necessary for the reactivation of Rhodes Reservoir as a storage facility to assist El Paso in fully protecting Priority 1 and 2 service to its EOC customers. Said volumes of natural gas injected into Rhodes Reservoir in 1973 were not subject to the restitution plan approved by the Commission in Opinion No. 800-B (*see*, Opinion Nos. 800, *et seq.* dated May 23, 1977, July 20, 1977, and December 30, 1977).

incremental pricing regulations, El Paso believes that the application of incremental pricing to these sales would result in inequity and unfair distribution of burdens to those customers. For this reason El Paso requests an exemption from incremental pricing for this gas.

The procedures applicable to the conduct of this proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure as revised in Docket No. RM80–78 (September 23, 1980).

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 31, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32272 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-81]

Gulf States Utilities Co.; Application

October 8, 1980.

Take notice that on September 24, 1980, Gulf States Utilities Company (Applicant) filed an application seeking authorization to issue up to $200,000,000 of short-term notes to be issued from time to time with a final maturity date of December 31, 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 24, 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. 80-32254 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3290]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

October 9, 1980.

Take notice that Hydro Corporation of Pennsylvania (Applicant) filed on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3290 to be known as the Shenango River Dam Project located on the Shenango River in Mercer County, Pennsylvania. The proposed project would utilizer Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, President and Treasurer, P.O. Box 34, Chatham, Pennsylvania 19318.

Project Description.—The proposed project would utilize the U.S. Army Corps of Engineer's existing Shenango River Dam and Reservior. The project would consist of the following unconstructed works: (1) A penstock extending from a series of existing outlet gates to a powerhouse located on the southwest bank of the river; (2) a powerhouse; and (3) apurtenant facilities. The installed capacity would be about 2,100 kW and have an estimated average annual energy production of 8,65,000 kWh.

Purpose of Project.—Project energy would be sold to local public utilities.

Proposed Scope and Cost of the Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for an FERC license. Applicant estimates that cost of the studies would be $50,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protect with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32268 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-804]

Indiana & Michigan Electric Co.; Filing

October 8, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 29, 1980, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (Indiana Company), Modification No. 9 dated May 1, 1980 to the Interconnection Agreement dated June 1, 1968, between Indiana & Michigan Electric Company and Central Illinois Public Service Company designated Indiana's Rate Schedule FPC No. 67.

The Modification includes a new Service Schedule H which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule H provides for a transmission service charge of 1.7 and 1.2 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Central Illinois Public Service Company or Indiana Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Indiana Company is the delivering party and (b) 7.2 mills per kilowatt-hour plus incremental costs, plus 2 mills when Central Company is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Central Illinois Public Service Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 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. 80-32252 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-810]

Indiana and Michigan Electric Co.; Filing

October 8, 1980.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 29, 1980, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), Modification No. 12 dated May 1, 1980 to the Interconnection Agreement dated December 30, 1960, between Indiana & Michigan Electric Company and Indianapolis Power & Light Company, designated I&M's Rate Schedule FPC No. 21.

The Modification includes a new Service Schedule K which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule K provides for a transmission service charge of 1.7 and 1.6 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Indianapolis Power & Light Company or Indiana & Michigan Electric Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when I&ME is the delivering party and (b) 6 mills per kilowatt-hour plus incremental costs, plus 2 mills when Indianapolis is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Indianapolis Power & Light Company, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32259 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3297]

James M. Knott; Application for Preliminary Permit

October 8, 1980.

Take notice that James M. Knott (Applicant) filed on August 11, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)) for proposed Project No. 3297 to be known as the Riverdale Project located on the Blackstone River in the Town of Northbridge and the County of Worcester, Massachusetts. Correspondence with the Applicant should be directed to: Mr. James M. Knott, 130 Riverdale Street, Northbridge, Massachusetts 01534.

Project Description—The proposed project would consist of the following exising facilities which would be renovated: (1) A dam approximately 7 feet high and 142 feet long; (2) three sluiceways providing a head of almost 10 feet; (3) an 18 acre mill pond; (4) a small powerhouse integral with the mill plant containing; (5) three turbines rated at 200, 100, and 75 horsepower connected to generators rated at 200, 100, and 75 kW; and (6) appurtenant facilities. Annual generation would average 894,000 kWh.

Purpose of Project—Project energy would be sold to the New England Power Service Company and local industries.

Proposed Scope and Cost of Studies under Permit—The work proposed under this preliminary permit would include preliminary designs, an economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to rehabilitate and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $15,000. The proposed term of the requested permit is 24 months.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other

formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 5, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32260 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3275 and 3361]

Kansas Electric Power Cooperative, Inc., and Continental Hydro Corp.; Applications for Preliminary Permit

October 9, 1980.

Take notice that Kansas Electric Power Cooperative, Inc. (Applicant/KEPCO) and Continental Hydro Corporation (Applicant/CHC) filed on July 30, 1980, and August 25, 1980, respectively, competing applications for preliminary permits (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed hydroelectric projects, each to be known as the John Redmond Project, FERC Projects Nos. 3275 and 3361, respectively, located on the Upper Grand (Neosho) River near Burlington, in Coffey County, Kansas. Correspondence with KEPCO should be directed to: Mr. Charles Ross, Executive Vice President, Kansas Electric Power Cooperative, Inc., 5709 West 21st Street, P.O. Box 4267, Gage Center Station, Topeka, Kansas 66604. Correspondence with CHC should be addressed to: Mr. A. Gail Staker, President, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' John Redmond Dam and would consist of: (1) A penstock; (2) a powerhouse containing a generating unit having a total rated capacity of 7,000-kW (KEPCO) or 6,000-kW (CHC); (3) a short tailrace; and (4) appurtenant facilities. KEPCO would construct a project switchyard and deliver project energy to existing transmission lines at Burlington through a 2.5-mile long transmission line. CHC would deliver project energy to existing power lines serving the dam or would connect to Kansas Power and Light Company's 345-kV transmission lines within ten miles of the project. KEPCO estimates the annual generation would average about 21,400,000 kWh; CHC estimates the annual generation would average about 26,000,000 kWh.

Purpose of Project—KEPCO would utilize the project energy within its system to displace power which would otherwise be purchased from other member cooperatives. CHC would sell the project energy to Kansas Power and Light Company.

Proposed Scope and Cost of Studies under Permit—Both Applicants seek issuance of preliminary permits for a period of 36 months. Each Applicant proposes that is would perform data acquisition, investigations, studies, feasibility evaluation, would consult with Federal, State, and local government agencies, and prepare an application for an FERC license, including an environmental report. KEPCO and CHC estimate that the cost of studies under the permit would not exceed $320,000 and $75,000, respectively.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the application may be obtained directly from the respective Applicants.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32265 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-561]

Locust Ridge Gas Co.; Application

October 9, 1980.

Take notice that on September 18, 1980, Locust Ridge Gas Company (Applicant), 4100 Southwest Freeway, Suite 320, Houston, Texas 77027, filed in Docket No. CP80-561 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.221 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas for other interstate pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests blanket authorization to transport gas for other interstate pipeline companies for periods of up to two years. It states that it would comply with §284.221(d) of the Commission's Regulations under the NGPA.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 23, 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 if timely filed, or if the Commission on its own motion believes that a formal hearing is required, futher 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. 80-32274 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-553]

Michigan Gas Storage Co.; Application

October 9, 1980.

Take notice that on September 16, 1980, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP80-553 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 a 4½-inch O.D. pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 0.34 mile of 4½-inch O.D. pipeline extending from Applicant's Riverside Storage Field to a tap site at Applicant's McBain City Gate Station, Missaukee County, Michigan, it is stated. The pipeline would parallel Applicant's existing 2-inch pipeline thereby connecting its Riverside Storage Field with its McBain City Gate Station, it is asserted. It is asserted the subject facilities would cost $44,000 which would be financed internally.

Applicant indicates that the proposed pipeline is necessary to meet the demand of its customer, Consumers Power Company, for an increased volume of gas at the McBain City Gate Station which is currently served by a single 2-inch line.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 Enegy 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. 80-32275 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3241, 3242, 3243, 3244, 3245 and 3246]

Missouri Joint Municipal Electric Utility Commission; Applications for Preliminary Permit

October 8, 1980.

Take notice that Missouri Joint Municipal Electric Utility Commission (Applicant) filed on July 8, 1980, six applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for the project described below. Correspondence with the Applicant should be direced to: Mr. Richard E. Malon, Chairman, Missouri Joint Municipal Electric Utility Commission, P.O. Box N, Columbia, Missouri 65201.

Projects Nos. 3241, 3242, 3243, 3244 3245 and 3246 would be located at Mississippi River Lock and Dam Numbers 20, 21, 22, 24, 25 and 26R, respectively.

Project Description —The six proposed projects would each utilize an existing U.S. Army Corps of Engineers Lock and Dam.

Project No. 3241 would consist of: (1) A powerhouse constructed at or near the west abutment of the existing lock and dam in Lewis County, Missouri,

containing 1 or 2 generating units with a total plant capacity in the range of 15 to 25 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation be in the range of 79,000 to 131,000 MWH.

Project No. 3242 would consist of: (1) A powerhouse, constructed at or near the west abutment of the existing lock and dam in Marion County, Missouri, containing 1 or 2 generating units with a total plant capacity in the range of 15 to 25 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation to be in the range of 79,000 to 131,000 MWH.

Project No. 3243 would consist of: (1) A powerhouse, constructed at or near the west abutment of the existing lock and dam in Ralls County, Missouri, containing 1 or 2 generating units with total plant capacity in the range of 15 to 25 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation to be in ther range of 79,000 to 131,000 MWH.

Project No. 3244 would consist of: (1) A powerhouse, constructed at or near the west abutment of the existing lock and dam in Pike County, Missouri, containing 1 or 2 generating units with a total plant capacity in the range of 15 to 25 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation to be in the range of 79,000 to 131,000 MWH.

Project No. 3245 would consist of: (1) A powerhouse, constucted at or near the west abutment of the existing lock and dam in Lincoln County, Missouri, containing 1 or 2 generating units with a total plant capacity in the range of 15 to 25 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation to be in ther range of 79,000 to 131,000 MWH.

Project No. 3246 would consist of: (1) A powerhouse constructed at or near the west abutment of navigation lock No. 26R, presently under construction in St. Charles County, Missouri, containing several generating units with a total plant capacity in the order of 60 MW; (2) transmission lines with the number, length and voltage to be determined during the studies under the preliminary permit; and (3) appurtenant facilities. Applicant estimates the annual generation to be in the order of 366,000 MWH.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), as amended, 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 80-32261 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-82]

Missouri Utilities Co.; Application

October 8, 1980.

Take notice that on September 29, 1980, Missouri Utilities Company (Applicant) filed an application seeking an order pursuant to Section 204 authorizing the issuance of up to $7,500,000 of unsecured primissory notes to be issued from time to time, with a final maturity date of not later than December 31, 1982.

Any person desiring to be heard or to make any protest with reference to the application should on or before October 31, 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). 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 proceedings: Persons wishing to become parties to the preceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32253 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-571]

Montana-Dakota Utilities Co.; Application

October 9, 1980.

Take notice that on September 23, 1980, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP80-571 an application

pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render natural gas storage service to Frontier Gas Storage Company (Frontier), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to receive gas for the account of Frontier, store it, and redeliver it for sale back by Frontier to Applicant as an integral part of a gas storage finance project. Applicant states the gas storage finance project is designed to allow Applicant to purchase and store natural gas while financing such purchases entirely by means of debt obligations of Frontier.

Applicant maintains that it would physcially continue to operate its system as it has in the past and that the proposed service would be rendered by means of the existing storage facilities located in its Baker, Elk Basin, and Billy Creek storage fields.

Pursuant to a natural gas sale for storage agreement, Applicant states it would transfer to Frontier title to all gas which Applicant injects into storage on and after December 1, 1980, in addition to transferring to Frontier the quantity of gas held in storage on December 1, 1980, which exceeds the balances in Applicant's storage fields on December 31, 1978. It is stated that since Frontier has no facilities of its own, Applicant must provide a storage service for the benefit of Frontier when it takes title. Applicant states that it would then withdraw from the storage fields whatever volumes are required to meet the needs of its customers pursuant to a sellback agreement with Frontier. The sellback agreement also provides, it is asserted, that Applicant would regain title to the withdrawn gas at the outlet flanges of the master meters serving the storage fields.

Since there is no regularly scheduled flow of gas in and out of storage but rather a use of storage to husband available production and then a withdrawal based on Applicant's customer requirements, Applicant states it would charge Frontier a flat monthly fee of $64,974 for the proposed storage service. It is stated that the charge allocates 25.5557 percent of the allocated storage cost of service to Frontier which reporesents the ratio of total unused storage capacity on December 31, 1978, to total available storage capacity on that date. Moreover, Applicant asserts that it would charge Frontier $3,000 per month for clerical services performed in connection with the finance project.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 80-32270 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3299]

New Hampshire Water Power, Inc.; Application for Preliminary Permit

October 8, 1980.

Take notice that New Hampshire Water Power, Inc. (Applicant) filed on August 6, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3299 to be known as the Penacook Hydroelectric Project located on the Contoocook River in Penacook, Merrimack County, New Hampshire. Correspondence with the Applicant should be directed to: New Hampshire Water Power, Inc., Box 134, Franklin, New Hampshire 03235.

Project Description.—The proposed project would consist of: (1) A dam and intake structure, about 220 feet long and 19 feet high (to be constructed at the former site of a dam that was breached); (2) a reservoir of negligible storage capacity at surface elevation between 312 and 314 feet m.s.l.; (3) a powerhouse integral with the dam, or located about 40 feet downstream of the dam on the south (right) bank of the river; (4) a penstock (if powerhouse location is 40 feet downstream of the dam); (5) a tailrace; and (6) other appurtenances. Installed capacity of the powerhouse is proposed to be 1,530 kW, and Applicant estimates average annual generation would be 6,530,000 kWh.

Purpose of Project.—Project energy would be sold to the local electric utility, the Concord Electric Company.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issurance of a preliminary permit for a period of 36 months. During the term of the permit Applicant would perform economic, environmental, and hydrologic studies, engineering surveys and investigations, and prepare preliminary designs of the project works. Applicant estimates costs of studies under a preliminary permit would be approximately $42,000. If the project proves feasible, Applicant would prepare an application for FERC license.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or

before December 5, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, NE, Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32257 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-149]

Paxton Petroleum, Ltd.; Application for Adjustment and Request for Interim Relief

October 8, 1980.

On September 12, 1980, Paxton Petroleum, Ltd. ("Applicant") filed with the Federal Energy Regulatory Commission ("Commission") an application for adjustment under section 502(c) of the Natural Gas Policy Act (NGPA), 15 U.S.C. 3301 *et seq.* (1978), and 18 CFR 1.41 *et seq.* Applicant is located at 2102 Hollydale Avenue, Baton Rouge, Louisiana 70808.

Applicant requests that the Commission grant an adjustment from the requirement of 18 CFR 271.804(c). Section 271.804(c) requires that applications for determination of stripper well classification pursuant to section 108 of the NGPA, be based on a 90-day production period falling entirely within the 180 days prior to the date of application.

Applicant states that it acquired ownership rights of the W.O. Watson No. 1 well, Parish of Pointe Coupee, Baton Rouge, Louisiana in Agust of 1980. The previous owner established for the well a production period of 90 consecutive days during July, August and September of 1979. The production data indicates that the well produced less than 60 Mcf per day during the 1979, 90-day production period. See 18 CFR 271.803(c)(2). However, the former owner allowed the 180-day filing period required under 18 CFR 271.804(c) to expire. The well was subsequently shut-in.

Applicant requests that the Commission grant applicant an adjustment from 18 CFR 271.804(c), so that applicant may apply for a section 108 determination for the subject well based on the 1979, 90-day production period. Such relief would save applicant from having to re-open the well to establish a new, more recent 90-day production period, and from having to sell the gas during that period at the NGPA section 104 price.

Applicant further requests interim relief, pursuant to 18 CFR 1.41(m), from the 180-day requirement of 18 CFR 271.804(c).

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, 18 CFR 1.41.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed no later than October 29, 1980, and should be sent to the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32258 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-805]

Southern California Edison Co.; Filing

October 8, 1980.

The filing Company submits the following:

Take notice that on September 25, 1980, Southern California Edison Company ("Edison") tendered for filing, as an initial rate schedule an Agreement dated, April 25, 1980, with Portland General Electric Company ("Portland") and which is titled "Edison-Portland 1980 Exchange Agreement."

Under the terms of the Agreement, Edison is to make available to Portland 300,000 MWH of off-peak energy each of the periods January 1, 1980, through May 31, 1980, and October 1, 1980, through May 31, 1981, and Portland is to make available to Edison up to 200 MW of capacity and associated energy during the period June 1, 1980, through September 30, 1980, all at prices and conditions as set forth in the Agreement.

Edison has requested that the prior notice requirement be waived and that the Agreement be made effective as an initial rate schedule as of January 1, 1980.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Portland.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 27, 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. 80-32256 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-138]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition for Declaratory Order

October 9, 1980.

Take notice that on September 8, 1980, Pennsylvania Gas and Water Company (Penn G&W) filed with the Commission a petition for a declaratory order pursuant to section 1.7(c) of the Commission's Rules of Practice and Procedure. Penn G&W requests that the Commission determine, under the factual circumstances summarized below and set out in detail in the petition, that Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), is authorized to, and

should waive the overrun penalty which Tennessee has charged and collected from Penn G&W.

A summary of the facts provided in Penn G&W's petition is as follows. On January 2, 3, 4, 5 and 7, 1980, deliveries by Tennessee to Penn G&W exceeded Penn G&W's 57,120 Mcf per day contract entitlement by a total overrun of 14,781 Mcf (an approximate 2,600 Mcf to 3,200 Mcf overrun for each day). Tennessee has charged and collected a $10.00 per Mcf overrun penalty amounting to a total penalty of $147,810.

Penn G&W states that the overrun was unintentional and due to a malfunction of its telemetering equipment at the Uniondale delivery point. Under such circumstances Penn G&W asserts that a fair reading of sections 6.2 and 6.3 of Tennessee's FPC Gas Tariff, Ninth Revised Volume No. 1, Original Sheet No. 17, indicates that Tennessee should waive any overrun penalty in this instance.

Any person desiring to be heard or to make any protest with reference to said petition on or before October 31, 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. 80-32264 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP69-222]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

October 9, 1980.

Take notice that on September 5, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP69-222 a petition to amend the order issued August 27, 1969,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize service to the City of Ripley, Mississippi (Ripley) under Petitioner's Rate Schedule G-1 in lieu of service under Petitioner's Rate Schedule GAS-1, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner proposes to serve Ripley under its Rate Schedule G-1 pursuant to the terms of a gas sales contract dated April 1, 1980. Petitioner asserts its Rate Schedule GS-1 ceased to be available to Ripley on March 31, 1980. It is further asserted that service under Petitioner's Rate Schedule G-1 commenced on April 1, 1980. Petitioner states that its Rate Schedule GS-1 was no longer available to Ripley because in January 1980 Ripley received in excess of 5,100 Mcf of gas on three different days.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 29, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32273 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP75-19 (Remand)]

Texas Gas Transmission Corp.; Rescheduling Informal Technical Conference

October 8, 1980.

Take notice that the informal technical conference previously scheduled to be held on October 14, 1980, (Tr. 28) is hereby rescheduled for October 20, 1980, at 10:00 a.m. The conference will be held at the offices of the Federal Energy Reglatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Any interested person may attend the conference, but attendance alone does not constitute Commission authorization to intervene in the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32255 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-244]

United Gas Pipe Line Co., and Mid Louisiana Gas Co.; Petition To Amend

October 9, 1980.

Take notice that on September 23, 1980, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Mid Louisiana Gas Company (Mid Louisiana), 2100 Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP75-244 a joint petition to amend the order issued in the instant docket of February 9, 1976[1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional exchange point between the parties at Geismar, Ascension Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

United and Mid Louisiana state that they are presently authorized in the instant docket by order issued on February 9, 1976, to exchange up to 20,000 MdF of natural gas per day at various points pursuant to their gas exchange agreement dated March 25, 1968, as amended.

United and Mid Louisiana propose herein to implement the terms of an August 21, 1980, amendatory agreement between the parties wherein they agreed to establish an additional exchange point for delivery and receipt of up to 6,000 Mcf of gas per day located on United's existing 30-inch Kosciusko main line, near Geismar. It is further proposed that United would construct, own, and operate the necessary metering, regulating and connecting facilities required to establish the proposed exchange point and that Mid Louisiana would reimburse United for the costs expended in the construction of such facilities. In addition, Petitioners assert that the volumes to be exchanged at the proposed exchange point would be within the presently authorized maximum daily quantity.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

[1] This proceeding was commenced before the FPC. By joint regulations of October 1, 1977 (10 CFR 1000.0), it was transferred to the Commission.

[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.

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 Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32271 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3315]

Water Power Development Corp.; Application for Preliminary Permit

October 8, 1980.

Take notice that the Atlantic Power Development Corporation (Applicant) filed on August 14, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for proposed Project No. 3315 to be known as the Opekiska Project located on the Monongahela River in Monongalia County, West Virginia. Correspondence with the Applicant should be directed to: Thomas V. Nolan IV, Attorney at Law, 401 C Street, NE., Washington, D.C. 20002.

Project Description.—The proposed project would utilize the Opekiska Lock and Dam under jurisdiction of the Corps of Engineers and would consist of: (1) A new powerhouse on the west side of the dam; (2) turbine/generating units rated at 5.6 MW; (3) a new 200-foot long transmission line; and (4) appurtenant facilities.

The Applicant estimates that annual generation would average 31,396,000 kWh.

Purpose of Project.—Project energy would be sold to the local electric utility.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sales of the project's power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for a FERC license, including an environmental report. The Applicant estimates that the cost of studies under the permit would be approximately $88,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirments of 18 CFR, 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 6, 1980. The Commission's address is: 825 North Capitol St., NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32262 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-802]

Canal Electric Co.; Filing

October 8, 1980.

The filing company submits the following:

Take notice that on September 29, 1980, pursuant to Section 35.12 of the Commission's Regulations, Canal Electric Company ("Canal") tendered for filing as an initial rate schedule a Capacity Acquisition Agreement ("Agreement") by and between itself, Cambridge Electric Light Company ("Cambridge") and New Bedford Gas and Edison Light Company ("New Bedford").

The tendered initial rate schedule constitutes a vehicle whereby bulk electric power may be procured by Canal for sale to Cambridge and New Bedford. Canal has heretofore been functioning as a wholesale supplier to Cambridge and New Bedford, *inter alia*. Under the terms of the Agreement, the existing relationship between Canal, Cambridge and New Bedford will be further developed and formalized as Canal increases its role and responsibilities as a wholesale supplier to Cambridge and New Bedford. Canal has requested the Commission to allow the tendered initial rate schedule to become effective as proposed on December 1, 1980, an even date approximately sixty days following filing.

Copies of this filing have been served upon Cambridge and New Bedford.

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 October 27, 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. 80-32137 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-2-000]

Consumers Power Co.; Application

October 8, 1980.

Take notice that Consumers Power Company (Applicant) on October 3, 1980, filed an Application for Authority to Issue Securities Under Section 204 of the Federal Power Act. Consumers intends to enter into a Construction Financing Agreement (the "Financing Agreement") with a special purpose corporation (the "Company") for the purpose of financing a Nuclear Training Center (the "Center") located in Midland County, Michigan. Concurrently with the execution of the Financing Agreement, the Company will enter into a Credit Agreement (the "Credit Agreement") with The Toronto Dominion Bank, Atlanta Agency, (Toronto Dominion). Pursuant to the Credit Agreement, Toronto Dominion will accept a note from the Company which in aggregate amount will not exceed $40,000,000. The commitment will be available to the Company until 364 days from the date of executive of the Financing Agreement.

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 Sections 1.8 and 1.10). All such petitions or protests should be filed on or before October 30, 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. 80-32142 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-806]

Duke Power Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on September 29, 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 the following changes in designated and SEPA demands: Delivery point No. 8 from 2,200 KW to -0- KW and Delivery Point No. 16 from 1,500 KW to 2,500 KW with a SEPA Reallocation to this Delivery Point.

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 September 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 October 27, 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. 80-32139 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3266]

Harrison County, Ohio; Application for Preliminary Permit

October 8, 1980.

Take notice that Harrison County (Applicant) filed on July 24, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3266 to be known as Piedmont Dam Hydropower Project located on the Stillwater Creek near the Village of Freeport, in Harrison County, Ohio. Correspondence with the Applicant should be directed to: Harrison County, Ohio 449 East Market Street, Cadiz, Ohio 43907, and Mr. Robert A. Barnes, P.E., Ayres, Lewis, Norris & May, Inc., 3983 Research Park Drive, Ann Arbor, Michigan 48104.

Project Description—The project would utilize the existing U.S. Army Corps of Engineers' Piedmont Dam, a rolled earth-fill embankment 1,750 feet long and 56 feet high, with an uncontrolled saddle spillway at the north (left) abutment with a crest length of 130 feet at elevation 924.6 feet m.s.l., a reservoir with a surface area of 3,270 acres at elevation 924.6 feet m.s.l. and a storage capacity of 66,700 acre-feet, outlet works northwest of the north abutment, and a stilling basin. The proposed project would consist of: (1) a penstock; (2) a powerhouse with an installed capacity of 300 kW; (3) a transmission line of undetermined voltage rating, about 1½ miles long; (4) a discharge channel; and (5) other appurtenances. Applicant estimates annual generation based on an average effective head of 33 feet would be 2.3 million kWh.

Purpose of Project—Project energy would be sold to the local electric utility company, sold directly to private businesses or industries, utilized directly by county-owned facilities, or utilized by a combination of the three options.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During the term of the permit the Applicant would perform site investigations, develop hydrologicial data and power production characteristics of the site, identify markets for project energy, develop and perform economic analyses of design alternatives, finalize its feasibility report, and if feasible, prepare an application for FERC license. Applicant estimates the cost of studies under a preliminary permit would not exceed $20,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the

proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the applicaiton may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 17, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 16, 1980. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR § 4.33(h). A notice of intent must conform with the requirements of 18 CFR § 4.33(b) and (c), as amended 44 Fed. Reg. 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR § 4.33(a) and (d), as amended, 44 Fed. Reg. 613238 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 17, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 80-32134 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3288]

Hydro Corp. of Pennsylvania; Application for Preliminary Permit

October 8, 1980.

Take notice that the Hydro Corporation of Pennsylvania (Applicant) filed on August 4, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3288 to be known as Youghiogheny Lake Dam Project located on the Youghiogheny River in Fayette County, Pennsylvania. The proposed project would utilized Federal lands and a Federal dam under the jurisdiction of the U.S. Army Corps of Engineers. Correspondence with the Applicant should be directed to: Mr. Fred Fiechter, President and Treasurer, Hydro Corporation of America, P.O. Box 34 Chatham, Pennsylvania 19318.

Project Description—The proposed project would utilize the U.S. Army Corps of Engineers' existing Youghiogheny Lake Dam and Reservior. The project would consist of (1) a proposed penstock extending from an existing water control structure to (2) a powerhouse to be located on the western bank of the Youghiogheny River; and (3) appurtenant facilities. The installed generating capacity would be 8,000 kW, with an average annual energy production of 32,930,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would study the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for an FERC license. Applicant estimates the cost of studies under the permit would be $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 6, 1980. A notice of intent must conform with the requirements of 18 C.F.R. § 4.33(b) and (c), as amended, 44 Fed. Reg. 61328 (October 25, 1979). A competing application must conform with the requirements of 18 C.F.R. § 4.33(a) and (d), as amended, 44 Fed. Reg. 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32132 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-807]

Idaho Power Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that on September 29, 1980, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during August, 1980, along with cost justification for the rate charged.

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 October 27, 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. 80-32140 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-2-000]

Indiana & Michigan Electric Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on October 2, 1980 tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company, Modification No. 1 dated May 1, 1980 to the Interconnection Agreement dated January 2, 1977 between Indiana & Michigan Electric Company and Richmond Power & Light Company (R & L) designated I&ME's Rate Schedule FPC No. 70.

The Modification includes a new Service Schedule F which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule F provides for a transmission service charge of 1.7 and .24 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Richmond Power & Light Company or Indiana & Michigan Electric Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when I&ME is the delivering party and (b) 4.34 mills per kilowatt-hour plus incremental costs, plus 2 mills when Richmond is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Richmond Power & Light, the Public Service Commission of Indiana, the Michigan Public Service Comission.

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 October 27, 1980. Protests will be considered by the Commission in determining the appropriate acton 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. 80-32147 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-808]

Indiana & Michigan Electric Co. and Ohio Power Co.; Notice of Filing

October 8, 1980.

The filing company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 29, 1980, tendered for filing on behalf of its affiliates Indiana & Michigan Electric Company and Ohio Power Company (American Central Parties), Modification No. 5 dated May 1, 1980 to the Interconnection Agreement dated December 12, 1949 among the American Central Parties and The Cincinnati Gas & Electric Company (Cincinnati) designated Rate Schedule FPC No. 16 (Indiana) and FPC No. 21 (Ohio).

The Modification includes a new Service Schedule E which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule E provides for a transmission service charge of 1.7 and 1.3 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is The Cincinnati Gas & Electric Company or the American Central Parties, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when the American Central Parties is the delivering party and (b) 6.5 mills per kilowatt-hour plus incremental costs, plus 2 mills when Cincinnati is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon the Cincinnati Gas & Electric Company, The Public Utilities Commission of Ohio, the Public Service Commission of Indiana and the Michigan 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, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.1). All such petitions or protests should be filed on or before October 27, 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. 80-32144 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3318]

James M. Knott; Application for Preliminary Permit

October 8, 1980.

Take notice that James M. Knott (Applicant) filed on August 14, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3318 to be known as the Pleasant Street Project located on the Charles River in South Natick, Middlesex County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. James M. Knott, 130 Riverdale Street, Northbridge, Massachusetts 01534.

Project Description—The proposed project would consist of: (1) an existing 10-foot-high, 125-foot-long concrete dam; (2) an existing reservoir with negligible storage capacity; (3) an existing 980-foot-long, 25-foot-wide earth lined canal; (4) a powerhouse containing two new or reconditioned turbine-generators with a total rated capacity of 250 kW; and (5) appurtenant facilities. Total estimated annual energy production of the project would be approximately 775,625 kWh saving the equivalent of 1,275 barrels of oil or 360 tons of coal.

Purpose of Project—Applicant proposes to sell energy generated at the project to Boston Edison Company for distribution to its customers.

Proposed Scope and Cost of Studies under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $18,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 6, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 4, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 6, 1980. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32135 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-795]

Montana Power Co.; Notice of Filing

October 2, 1980.

The filing Company submits the following:

Take Notice that The Montana Power Company ("Montana") on September 25, 1980, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, Contract No. 14–03–39212 dated February 6, 1973 and Amendatory Agreement No. 1 to Contract No. 14–03–39212 dated May 31, 1974, each among the Bonneville Power Administration ("BPA"), Washington Public Power Supply System (WPPSS), and Montana providing for power exhange.

Montana requests waiver of the Commission's notice requirements to permit this rate schedule to become effective July 1, 1980, which it claims is the date of commencement of service.

Copies of the filing were supplied to BPA and WPPSS.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 24, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-31410 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Projects Nos. 3342, 3343 and 3402]

New Hampshire Hydro Associates and New Hampshire Water Power, Inc.; Applications for Preliminary Permit

October 8, 1980.

Take notice that [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] New Hampshire Hydro Associates (Applicant) filed on August 19, 1980, applications for preliminary permit for proposed Projects Nos. 3342 and 3343, to be known as the Penacook Upper Falls Project and the Penacook Lower Falls Project, respectively, and New Hampshire Water Power, Inc., filed on August 27, 1980, an application for

preliminary permit for proposed Project No. 3402, to be known as the Penacook Hydroelectric Project (Dam 51.06). The three applications are competing in that Project No. 3402 proposes to develop the same reach of river proposed for development under Projects Nos. 3342 and 3343. The three projects would be located on the Contoocook River in the Towns of Penacook and Boscawen, Merrimack County, New Hampshire. Correspondence with the Applicants should be directed to: Mr. Richard A. Norman, New Hampshire Hydro Associates, 3 Capitol Street, Concord, New Hampshire 03301, and Mr. George McNamara, Jr., New Hampshire Water Power, Inc., P.O. Box 134, Franklin, New Hampshire 03235.

Project Description—The proposed run-of-the-river Project No. 3342 would consist of: (1) an existing concrete dam, about 300 feet long and 8 feet high; (2) an existing reservoir with negligible storage capacity at surface elevation 270 feet m.s.l.; (3) a new intake structure and powerhouse with an installed capacity of 3,000 kW (two 1,500 kW tube turbine-generator units); (4) a tailrace channel about 60 feet wide and 450 feet long; (5) a 500-foot transmission line; and (6) other appurtenances. Applicant estimates the annual generation would average about 13 million kWh.

Proposed run-of-the-river Project No. 3343 would consist of: (1) an existing concrete masonry dam, about 300 feet long and 12 feet high; (2) an existing reservoir with negligible storage capacity at surface elevation 300 feet m.s.l.; (3) a new intake structure and powerhouse with an installed capacity of 2,200 kW (two 1,100 kW tube turbine-generator units); (4) a tailrace channel about 60 feet wide and 250 feet long; (5) a 500-foot long transmission line; and (6) other appurtenances. Applicant estimates the annual generation would average about 11 million kWh.

Proposed Project No. 3402 would consist of new project works including: (1) a new dam and intake structure (at the site of existing Dam No. 51.06), about 200 feet long and 10.5 feet high; (2) a reservoir with a surface area of 25,000 square feet and a storage capacity of 1.3 acre feet at surface elevation 297 feet m.s.l.; (3) a new penstock about 2,900 feet long; (4) a new powerhouse with an installed capacity of 1,960 kW; (5) a tailrace; and (6) other appurtenances. Applicant estimates the annual generation would average about 12,430,000 kWh.

Purpose of Projects—Applicants propose to sell energy produced at the projects to the local utility Company(s).

Proposed Scope and Cost of Studies under Permit—New Hampshire Hydro Associates, seeks issuance of a preliminary permit for a period of 18 months, and New Hampshire Water Power, Inc., seeks issuance of a preliminary permit for a period of 36 months, during which time each Applicant would accomplish hydrological, engineering, environmental, and economic feasibility studies on the projects and prepare applications for FERC licenses. New Hampshire Hydro Associates estimates costs of studies under each permit would not exceed $37,500, and New Hampshire Water Power, Inc. estimates costs of studies under its permit would be about $49,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (A copy of the applications may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 5, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 3, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33(b) and (c), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 *Fed. Reg.* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about these applications should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32133 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-809]

Ohio Power Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 29, 1980, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 8 dated May 1, 1980 to the Facilities and Operating Agreement dated May 1, 1967 between Ohio Power Company and Dayton Power & Light Company (Dayton) designated Ohio's Rate Schedule FPC No. 36.

The Modification includes a new Service Schedule I which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule I provides for a transmission service charge of 1.7 and 1.3 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Dayton Power & Light Company or Ohio Power Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 6.5 mills per kilowatt-hour plus incremental costs, plus 2 mills when Dayton is the delivering party.

The filing parties have requested that these Schedules be permitted to be

effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Dayton Power & Light Company and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 October 27, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32145 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-811]

Ohio Power Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on September 19, 1980 tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 7 dated May 1, 1980 to the Facilities and Operating Agreement dated September 6, 1962 between Ohio Power Company and Duquesne Light Company (Duquesne) designated Ohio's Rate Schedule FPC No. 33.

The Modification includes a new Service Schedule G which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule G provides for a transmission service charge of 1.7 and 1.6 mills per kilowatt-hour for deliveries of Fuel Conservation Energy, when such receiving company is Duquesne Light Company or Ohio Power Company, respectively, and for generation of (a) 6 mills per kilowatt-hour plus incremental energy costs, plus 2 mills when Ohio is the delivering party and (b) 6 mills per kilowatt-hour plus incremental costs, plus 2 mills when Duquesne is the delivering party.

The filing parties have requested that these Schedules be permitted to be effective immediately should circumstances arise requiring their use.

Copies of this filing were served upon Duquesne Light Company, the Public Utilities Commission of Ohio and the Pennsylvania Public Utility 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 October 27, 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. 80-32146 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-812]

Public Service Company of Colorado; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on September 29, 1980, tendered for filing a rate schedule, an agreement between Mountain Parks Electric, Inc. (Mt. Parks) and PSCo which provides for the construction of facilities by PSCo and Mt. Parks.

This agreement provides for the construction of facilities by PSCo and Mt. Parks to enable PSCo to deliver power and energy to Mt. Parks over the transmission portion of PSCo's facilities and the remainder of PSCo's system.

PSCo states that copies of the filing were served upon all parties 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 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 before October 27, 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 proceedings. 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. 80-32143 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-1-000]

Union Electric Co.; Notice of Filing

October 8, 1980.

The filing Company submits the following:

Take notice that on October 2, 1980, Union Electric Company tendered for filing under Appendix C of the Interconnection Agreement between Central Illinois Public Service Company, Illinois Power Company, and Union Electric Company a revision to an existing connection point.

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 should be filed on or before October 27, 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 available for public inspection at the Federal Energy Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32138 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-1-000]

Union Light, Heat & Power Co.; Application

October 8, 1980.

Take notice that on October 1, 1980, The Union Light, Heat and Power Company filed an application pursuant to Section 204 of the Federal Power Act, seeking authority to issue up to $10 million unsecured short-term notes and commercial paper, from time to time with a final maturity date of not later than December 31, 1982.

Any person desiring to be heard or to make any protest with reference to said Application should file petitions or protests on or before October 31, 1980,

with the Federal Energy Regulatory Commission, Washington, D.C. 20426, 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 and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32141 Filed 10-15-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3440]

Western States Energy & Resources, Inc.; Application for Preliminary Permit

October 6, 1980.

Take notice that Western States Energy & Resources, Inc. (Applicant) filed on September 5, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3440 to be known as the Cochiti Project located on the Rio Grande in Sandoval County, New Mexico. Correspondence with the Applicant should be directed to: Jeffrey M. Kossak, Esq., Suite 1900, 14 Wall Street, New York, New York 10005.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Cochiti Dam and would consist of: (1) a penstock; (2) a powerhouse containing a generating unit having a rated capacity of 11,000-kW; (3) a transmission substation; and (4) appurtenant facilities. Applicant estimates the annual generation would average about 44,000,000 kWh.

Purpose of Project—Applicant would conduct studies to identify a purchaser of the project energy.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $57,500.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 8, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 9, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended,* 44 *FR* 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 *FR* 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 8, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32136 Filed 10-15-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-329]

Central Power & Light Co.; Order Granting Stay and Granting Rehearing for Purposes of Further Consideration

October 9, 1980.

On September 10, 1980, Central Power and Light Company (CP&L) filed an application for rehearing or, alternatively, stay of a Commission letter order dated August 14, 1980. The letter order was transmitted by the Secretary, by direction of the Commission, in response to CP&L's April 14, 1980 filing of an interconnection agreement between the company and the City of Brownsville, Texas. While the letter order accepted CP&L's submittal for filing and allowed the rate schedules to become effective as of April 4, 1980, the fuel adjustment clause embodied in the interconnection agreement was found to be inconsistent with the requirements of section 35.14 of the Commission's regulations. CP&L was therefore required to file a revised fuel adjustment clause in compliance with the regulations. CP&L has requested rehearing or in the alternative, stay, of that part of the order which directed the company to file a conforming fuel adjustment clause.

In order to afford additional time for consideration of the issues raised in CP&L's application, we will grant rehearing of our August 14, 1980 letter order for the limited purpose of further consideration. We shall also grant CP&L's request for stay of the August 14, 1980 order pending our consideration of CP&L's September 10, 1980 application.

The Commission orders:

(A) Rehearing of the August 14, 1980 order is hereby granted for the limited purpose of further consideration.

(B) CP&L's request for stay of that part of the August 14, 1980 order directing CP&L to revise its fuel adjustment clause is hereby granted pending further consideration.

(C) The Secretary shall promptly publish this order in the Federal Register.

By the Commission. Chairman Curtis voted present.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32222 Filed 10-15-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-122]

City Council and Citizens of Erie, Pennsylvania; Petition for Declaratory Order

October 1, 1980.

Take notice, that on July 2, 1980, the City Council and Citizens of Erie, Pennsylvania (the Erie Council), 601 State Street, Erie, Pennsylvania 16501, pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure filed in Docket No. RP80-122 a petition for a declaratory order.[1] The Erie Council seeks, inter alia, a declaration regarding the jurisdictionality of certain sales of synthetic natural gas purchased by National Fuels Gas Distribution Corporation (Distribution) from Ashland Oil, Inc.

In addition to the request for a declaratory order, the Erie Council has requested an investigation regarding proposed rate increases by National Fuel Gas Supply Corp. (Supply) and Distribution and whether the Commission should revoke Supply's certificates of public convenience and necessity, a refund of charges paid by Pennsylvania ratepayers to Distribution, a determination as to whether certain costs are properly included in the rate base of Distribution and a suspension of Supply's and Distribution's applications for rate increases pending before the Commission and the Pennsylvania Public Utilities Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 31, 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, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32225 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The Erie Council's petition is styled "Petition for Intervention, Declaratory Judgment and Investigation by the Federal Regulatory (sic) Commission."

[Docket No. CP80-94]

Columbia Gas Transmission Corp.; Petition To Amend

October 9, 1980.

Take notice that on September 10, 1980, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-94 a petition to amend the order issued February 13, 1980, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transfer of delivery point to Columbia Gas of Ohio, Inc., 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 issued February 13, 1980, it was authorized to construct and operate 154 interconnecting tap facilities to provide additional points of delivery to certain of Petitioner's existing wholesale customers.

It is stated that included in this authorization was one point of delivery incorrectly requested for Columbia Gas of West Virginia, Inc. This point of delivery was included as:

Harrison County, WV; Residential 150, John Coskey, Rt. 3, Oak Park, Cadiz, OH.

This point of delivery should have been included as:

Harrison County, Rt. 3, Oak Park, Cadiz, OH.

Petitioner proposes to transfer the above enumerated point of delivery to Columbia Gas of Ohio, Inc., as described herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32217 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3360]

Continental Hydro Corp.; Application for Preliminary Permit

October 1, 1980.

Take notice that Continental Hydro Corporation (Applicant) filed on August 25, 1980, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for the proposed Coralville Dam Project, FERC No. 3360, to be located at the U.S. Corps of Engineers' Coralville Dam and Reservoir, a flood control project, on the Iowa River near Iowa City, Johnson County, Iowa. Correspondence with the Applicant should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 141 Milk Street, Suite 1143, Boston, Massachusetts 02109.

Project Description.—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 3360 would consist of: (1) A proposed penstock extending from the 23 feet outlet conduit; (2) a powerhouse located on the eastern bank of the river; (3) transmission lines; and (4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 6.3 MW, and the annual energy output to be 27.5 GWh.

Purpose of Project.—Energy produced at the proposed project would be sold to Iowa Electric Light and Power Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant has requested a 36 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological, environmental and social studies, and soils and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State and local agencies is estimated by the Aplicant to be $75,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for the power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application

for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

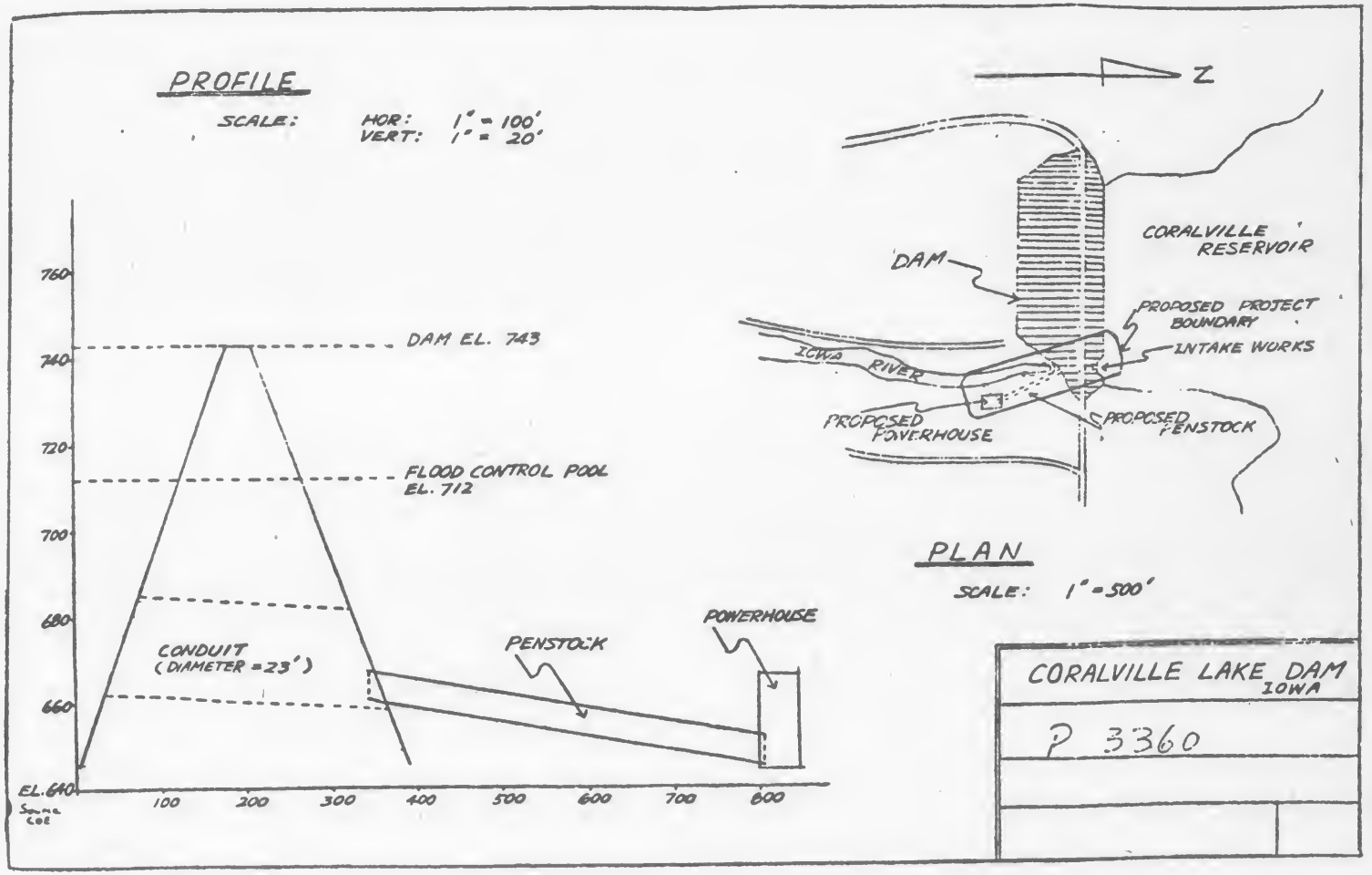
Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 1, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 27, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328, (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 1, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

BILLING CODE 6450-85-M



[FR Doc. 80-32230 filed 10-15-80; 8:45 am]
BILLING CODE 6450-85-C

[Docket No. CP80-570]

Frontier Gas Storage Co.; Application

October 9, 1980.

Take notice that on September 23, 1980, Frontier Gas Storage Company, 220 Montgomery Street, San Francisco, California 84104, filed in Docket No. CP80-570 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sell back of natural gas to Montana-Dakota Utilities Co. (MDU), 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 a sellback agreement with MDU whereby Applicant proposes to sell to MDU the volumes of natural gas purchased from MDU in connection with a gas storage finance project.

Applicant states that the purpose of the gas storage finance project is to minimize the cost of maintaining the necessary storage inventory and that Applicant has been structured to allow for the financing of its purchases from MDU almost entirely by means of debt. Applicant asserts that the debt financing would be accomplished by assuring recovery of its interest and incidental storage and other costs on a current basis.

It is stated that when Applicant pays MDU for gas injected into storage, it would borrow the necessary funds by selling commercial papers and then bill MDU for the carrying costs of the borrowed funds. It is stated that MDU would then buy back from Applicant whatever gas MDU needs to meet its customer requirements. Applicant maintains that this form of financing storage injections would improve its ability to sell commercial paper at highly favorable interest rates which in turn would produce significant reductions in service costs for MDU's customers.

Applicant proposes to sell back storage volumes to MDU under a formula whereby Applicant would charge MDU a net amount reflecting essentially amounts which are currently due and owing as of the date of Applicant's statement to MDU. Applicant states that it would realize no net income as MDU would be charged costs incurred in the month-to-month operation of its business.

Applicant states that its qualification for favorable interest rates also rests on the support provided by a credit agreement between Applicant and Security Pacific National Bank (Bank). Pursuant to the agreement, it is stated, the Bank would issue a letter of credit, assure buyers of Applicant's commercial paper that it would make available sufficient funds for payment of the rates at their maturity, and make revolving credit loans to Applicant. Applicant states that in accordance with the sellback agreement, MDU would reimburse it for the commitment, usage and facility fees Applicant pays to the Bank. It is asserted that the Bank's credit support would be based on MDU's willingness to enter an agreement making it assume responsibility for Applicant's obligations to the Bank in the event Applicant cannot meet its obligations under the credit agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before

October 30, 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. 80-32223 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2725]

Georgia Power Co.; Application for Amendment of License

October 1, 1980.

Take notice that the Georgia Power Company (Applicant) filed on November 8, 1979, an application for amendment of its license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for the Rocky Mountain Pumped Storage Project No. 2725 located on Heath Creek in Floyd County, Georgia. Correspondence with the Applicant should be directed to: Mr. W. L. Westbrook, Vice President, Secretary, and Treasurer, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302.

The license for the Rocky Mountain Pumped Storage Project was issued January 21, 1977. The project, as licensed, includes a powerhouse containing three 225-MW reversible pump generator units, a 947-acre lower reservoir on Heath Creek, a 221-acre upper reservoir on top of Rocky Mountain, and a three-mile long, 230 kV transmission line.

Extensive geotechnical explorations have revealed unsuitable geologic conditions at the lower reservoir main dam site. The Applicant now proposes to relocate the lower reservoir main dam to a site approximately 4,400 feet downstream of the license dam site. Relocation of the main dam would necessitate the construction of two smaller dams and a permanent diversion channel. With the relocation of the main dam site, approximately 250 acres of additional land would be inundated increasing the lower reservoir area to approximately 1,200 acres. Operating pool levels are proposed to be set at 710.5 msl normal maximum and 690.5 msl normal minimum.

The 800-foot long and 85-foot high relocated main dam and spillway would lie across Heath Creek and would consist of an earth and rockfill section, a gated concrete gravity spillway, and concrete gravity non-overflow sections. The second dam, Dam A, a 1,200-foot long and 70-foot high earth and rockfill structure would be located between two ridges approximately 1,600 feet west of the main dam. The third dam, Dam B, a 335-foot long and 12-foot high earthfill structure would be located approximately 2,400 feet southeast of the main dam. Both Dams A and B would be located across Antioch Road. In addition to these structures a permanent diversion channel, approximately 4,000 feet long, would be excavated adjacent to Dam A.

Anyone desiring to be heard or to make any protest about this application

should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 10, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32229 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 946]

Hyrum City Corp.; Application for Short-Form License (Minor) for a Constructed Project

October 1, 1980.

Take notice that an application was filed on February 4, 1980, under the Federal Power Act, 16 U.S.C. 791(a)–825(r), by the Hyrum City Corporation for an existing water power project known as the Hyrum Hydroelectric Project, FERC Project No. 946, located on the Blacksmith Fork River, near the City of Hyrum, in the County of Cache, Utah. Correspondence with the Applicant should be directed to Clain Smith, Mayor, Hyrum City Corporation, Hyrum, Utah 84319. The project occupies approximately 27 acres of lands of the United States administered by the U.S. Forest Service.

Purpose of the Project.—Project energy is used by the Applicant, for sale to its domestic, commercial, and industrial customers in and around the vicinity of Hyrum, Utah. Construction of this project was completed in 1931.

Project Description.—The existing run-of-river project, consists of: (1) A reinforced concrete and earthfill dam, about 260 feet long including (a) an earth-fill embankment with concrete core wall about 70 feet long and 15 feet high at the north (right) abutment, (b) a concrete gravity spillway section about 65 feet long and 14 feet high at the spillway crest elevation of 5,225 feet msl with provisions for 18-inch-high flashboards, and (c) an earth-fill embankment with a concrete core wall about 125 feet long and 15 feet high at the south abutment; (2) a reservoir with a surface area of 8.6 acres and maximum gross storage capacity of 50 acre-feet; (3) a reinforced concrete intake structure at the north end of the spillway section; (4) a pressure pipeline consisting of 3,419 feet of 48-inch-diameter concrete pipe connnected to 132 feet of 42-inch-diameter steel penstock; (5) a surge tank; (6) a brick-masonry powerhouse containing a turbine-generator unit having a rated capacity of 400 kW; (7) a tailrace, about 500 feet long, conveying power plant discharge into the Balcksmith Fork River; and (8) appurtenant facilities. Annual generation for the project averages 3,000,000 kWh.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other application statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 10, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 8, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended 44 FR 61328, October 25, 1979. A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979).

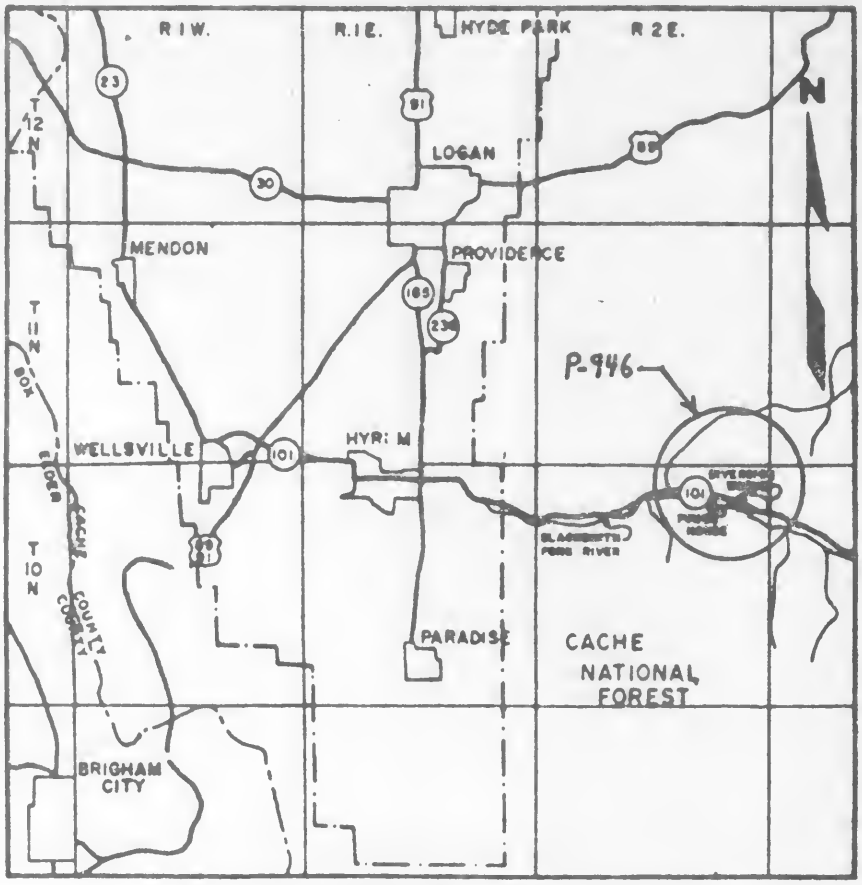
Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before November 10, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file the with Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

BILLING CODE 6450-85-M

STATE OF UTAH



VICINITY MAP

SCALE 1" = 4 MILES

4 3 2 1 0 2 4 6 8 10

[FR Doc. 80-32231 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-C

[Docket No. CP70-239]

Kansas-Nebraska Natural Gas., Inc.; Petition To Amend Further

October 9, 1980.

Take notice that on September 22, 1980, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP70-239 a petition to amend further the order issued in the instant docket on July 22, 1970,[1] as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize an additional point of exchange with Cities Service Gas Company (Cities) and for authorization for Petitioner to add and delete delivery points as required from time to time under its March 28, 1970, exchange agreement, as amended, with Cities, 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 on July 22, 1970, the Commission issued an order in Docket Nos. CP70-239, *et al.*, authorizing, *inter alia*, the exchange of natural gas by Petitioner and Cities in accordance with an exchange agreement dated March 27, 1970, between the two companies. Petitioner further states that the exchange agreement provides for the exchange of up to 150,000 Mcf of natural gas per day between it and Cities.

Petitioner proposes to establish the Stock Pond Delivery Point in Sweetwater County, Wyoming, as an additional point of delivery to Cities under the stated exchange agreement.

Petitioner submits that both it and Cities obtained the right to purchase a portion of the gas from the Stock Pond W.I. Unit No. 1 well in Sweetwater County. It is further submitted that while Cities had facilities in the area near this well, Petitioner does not. Accordingly, Cities' facilities were extended to connect this well to its system, it is said. Petitioner asserts that with said additional delivery point, it can obtain its share of gas from the Stock Pond Well and avoid the unnecessary and expensive duplication of facilities.

To facilitate the expeditious addition of new delivery points, Petitioner further proposes to add and delete delivery points under the exchange agreement as required from time to time and to file with the Commission on or before January 31 of each year pursuant to Part 154 of the Commission's Regulations a tariff filing showing the addition or deletion of delivery points under the exchange agreement.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 30, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32219 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was comenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Project No. 2866]

Metropolitan Sanitary District of Greater Chicago; Application for Major License for Constructed Project

October 1, 1980.

Take notice that an application was filed on September 5, 1978, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Metropolitan Sanitary District of Greater Chicago (Applicant) for a license for its major project. The Lockport Project FERC No. 2866 is located on the Chicago Sanitary and Ship Canal in Will County, Illinois. Correspondence with the Applicant on this matter should be addressed to: Mr. Allen S. Lavin, Attorney, The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Illinois 60611.

Project Description.—The run-of-river Lockport Project would consist of: (1) An existing 385-foot long powerhouse containing two generating units with a total installed capacity of 13.5 MW; (2) a dam between the Federal Navigation Lock and the powerhouse consisting of concrete and masonry structures, including a 22-foot wide abandoned lock, a 20-foot wide sluice-gate section, and a 111-foot section of bulkheads and guard walls; (3) a transmission line approximately three miles long; (4) an access road approximately one mile long; and (5) appurtenant facilities. The estimated average annual output of the project would be 70,000 MWh.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before November 10, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 10, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), as amended 44 FR 61328 (October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), as amended, 44 FR 61328 (October 25, 1979).

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 10, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32226 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TC80-93]

Mid Louisiana Gas Co.; Supplemental Notice of Tariff Filing

October 1, 1980.

Take notice that on September 23, 1980, Mid Louisiana Gas Company (Mid Louisiana), 21st Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. TC80-93 substitute sheets as part of its FERC Gas Tariff, First Revised Volume No. 1 to implement changes in its plans for the curtailment of deliveries of natural gas, all as more fully set forth in such sheets

which are on file with the Commission and open to public inspection.

Applicant submits the following tariff sheets to revise certain tariff sheets previously filed and currently pending in the above-referenced docket.

	Superseding
Substitute Fourth Revised Sheet No. 23.	Third Revised Sheet No. 23
Substitute Third Revised Sheet No. 23a.	Second Revised Sheet No. 23a
Substitute Third Revised Sheet No. 23b.	Second Revised Sheet No. 23b
Substitute Third Revised Sheet No. 23c.	Second Revised Sheet No. 23c
Substitute Fourth Revised Sheet No. 23c.	Third Revised Sheet No. 23d
Substitute Third Revised Sheet No. 23e.	Second Revised Sheet No. 23e
Substitute Fourth Revised Sheet No. 23i.	Third Revised Sheet No. 23i
Substitute Second Revised Sheet No. 23j.	Third Revised Sheet No. 23j

In making the instant filing, Mid Louisiana states that the revised sheets would make the following change in Section 13.

Section 13.3, "Curtailment Procedure", has been revised in order to clearly set forth that, in the event Mid Louisiana has a shortage of gas in its system all deliveries to Interruptible Service shall be interrupted in full before any reduction is made in daily deliveries to any Buyer of its requirements up to such Buyer's daily contract volume for other than Interruptible Service as specified in the Service Agreement or Direct sales Contract between Buyer and Seller.

Mid Louisiana requests that the revised tariff sheets be substituted for those previously filed and be accepted for filing to become effective November 1, 1980.

Any person desiring to be heard or to make protest with reference to said filing should on or before October 10, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32227 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-572]

Montana-Dakota Utilities Co.; Application

October 9, 1980.

Take notice that on September 23, 1980, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP80-572 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Frontier Gas Storage Company (Frontier), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Frontier the approximately 29,000,000 Mcf of natural gas left in its Baker Field, Montana, Elk Basin Field, Wyoming, and Billy Creek Storage Fields, as of December 1, 1980. In addition, Applicant proposes to sell to Frontier beginning December 1, 1980, gas volumes which are in excess of Applicant's daily requirements and which it desires to sell. It is stated that Applicant would then store the gas sold to Frontier and buy back from Frontier the volumes it needs to meet its customer's requirements.

The sale, storage, and resale would be part of Applicant's gas storage finance project the purpose of which, it is stated, is to maintain Applicant's ability to continue purchasing the gas needed for injection into storage, to lower the cost of maintaining such volumes in storage, and to maintain Applicant's ability to raise capital at a reasonable cost for its other needs. Applicant states that it has created Frontier as a vehicle to secure debt financing which is less expensive than more traditional financing methods. Applicant states that it would minimize the cost of maintaining the necessary storage inventory by assuring Frontier's recovery of its interest and incidental storage costs on a current basis and that in the first three years of the project it estimates a savings of $13,248,000.

Applicant states that it would charge Frontier a lump sum of $48,000,000 for the initial sale of the 27,000,000 Mcf of gas currently stored by Applicant. Applicant asserts that it would charge Frontier for the injection gas sold on and after December 1, 1980, under the applicable jurisdictional rate set forth in Applicant's gas tariff.

It is asserted that since the sale to Frontier is not a sale for consumption but rather a sale in order to husband the gas for the subsequent benefit of Applicant's customers, Applicant requests that the proposed sale of gas to Frontier be excluded from Applicant's FERC curtailment plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 80-32218 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-568]

National Fuel Gas Supply Corp.; Application

October 9, 1980.

Take notice that on September 22, 1980, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP80-568 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the establishment of a new delivery point to an existing wholesale customer,

all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter and regulator station in Pleasant Township, Warren County, Pennsylvania, to deliver gas to National Fuel Gas Distribution Corporation (Distribution), an existing wholesale customer, for resale to Pennsylvania Electric Company's Warren turbine peaking plant (Penelec-Warren).

It is stated that the proposed facilities would consist of two 8-inch turbine meters, two 8-inch filters, four 8-inch valves, two 6-inch regulators, four 4-inch valves, a 6-inch by 8-inch relief valve and a 6-inch valve.

Applicant submits that Penelec-Warren has requested Distribution to supply natural gas to meet the needs of its turbine peaking plant at Warren, Pennsylvania. Applicant further submits that Penelec-Warren has informed Distribution that the gas provided would replace the use of No. 2 fuel oil.

The facilities proposed herein are estimated to cost $104,900, which cost would be financed by Applicant with internally generated funds, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 80-32224 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-569]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

October 9, 1980.

Take notice that on September 23, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-569 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Western Massachusetts Electric Company (Western Mass) for a period ending November 1, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Western Mass during the period ending November 1, 1980, up to 15,000 Mcf of natural gas per day which Western Mass has arranged to purchase from New York State Electric & Gas Corporation (NYSEG). Applicant asserts that the subject gas would be used by Western Mass to displace fuel oil it would otherwise use in its West Springfield, Massachusetts, electric generating station. Applicant further asserts that Western Mass has agreed it would not request Applicant to transport and deliver any gas which would exceed the volumetric limitations imposed on such use of natural gas by Western Mass by the Powerplant and Industrial Fuel Use Act of 1978 (FUA) including the exemption provisions thereof.

It is submitted that gas would be made available to Applicant by NYSEG at Applicant's existing Lockport Sales Meter Station delivery point in Niagara County, New York, and that Applicant would deliver equivalent volumes, less transportation fuel and use volumes, to Bay State Gas Company (Bay State) an existing gas distribution customer of Applicant, at Applicant's Agawam Sales Meter Station in Hamden County, Massachusetts. Bay State would then deliver equivalent volumes to Western Mass, it is said.

Applicant states that assuming this transportation could commence on September 25, 1980, Applicant contemplates that it could transport up to 500,000 Mcf for Western Mass during the period ending November 1, 1980.

Applicant submits that it would charge Western Mass 14.24 cents for each Mcf of natural gas transported. Additionally, Applicant submits that Bay State would charge Western Mass a transportation rate of 10.0 cents per Mcf delivered.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 30, 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. 80-32220 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-534]

Transcontinental Gas Pipe Line Corp.; Amendment to Application

October 9, 1980.

Take notice that on September 19, 1980, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-534 an amendment to its pending application in the instant docket pursuant to Section 7(b) of the Natural Gas Act so as to delete permission and approval to abandon certain facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant, in its application filed in the instant docket on September 4, 1980, listed numerous transmission purchase lines, metering and regulator facilities, and related facilities which it proposed to abandon due to exhaustion of gas reserves which were previously purchased by means of such facilities, it is said.

Applicant further states that included in the items to be abandoned was approximately 11,397 feet of 8-inch lateral known as the Coastal States—South Delcambre transmission purchase lateral, in Vermilion Parish, Louisiana.

Applicant asserts that drilling activity and resulting gas production available in the area of the above described facilities indicate a need to retain such facilities in service for the present and the foreseeable future. Accordingly, Applicant proposes to delete the request for permission and approval to abandon such facilities.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 30, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-32221 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 459]

Union Electric Co.; Application for Approval of Change in Land Rights

October 1, 1980.

Take notice that an application was filed on July 31, 1980, under the Federal Power Act, 16 U.S.C. 791(a)-825(r) by Union Electric Company (Applicant) for approval of a change in land rights at Osage Project No. 459. The project land and waters affected are located in the Osage River Arm and the Nianqua River Arm of Lake of the Ozarks, in Camden County, Missouri. Correspondence with the Applicant in this matter should be addressed to: Charles A. Bremer, General Attorney, Union Electric Company, P.O. Box 149, St. Louis, Missouri 63166; and to Carl M. Herren, General Manager, Central Electric Power Cooperative, Box 269, Jefferson City, Missouri 65102.

Applicant seeks Commission authorization to permit Central Electric Cooperative (Central) to construct a non-project, 161 kV, single circuit, three phase transmission line. The line would generally parallel Highway 5 and would cross project land and waters adjacent to Hurricane Deek Bridge and Nianqua Arm Bridge. Applicant states that no structures would be placed on project property by Central, and that the conductors, at their lowest point, would be at least 71 feet above the full pool level of the Lake of the Ozarks.

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before November 10, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-32228 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3271]

Water Power Development Corp.; Application for Preliminary Permit

October 3, 1980.

Take notice that Water Power Development Corporation (Applicant) filed on July 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3271 to be known as the Collins Company Dams Project located on the West Branch of the Farmington River in Hartford and Litchfield Counties, Connecticut. Correspondence with the Applicant should be directed to: Mr. Kenneth E. Mayo, President, Water Power Development Corporation, 23 Temple Street, Nashua, New Hampshire 03060.

Project Description.—The proposed project would consist of the following existing works: (1) the Collins Company Upper Dam, a stone structure 18 feet high and 350 feet long. The structure is listed in the National Register of Historic Places; (2) the Collins Company Lower Dam, a concrete structure 20 feet high and 350 feet long, located 1.2 miles downstream of the Upper Dam; (3) two small reservoirs associated with the Upper and Lower Dams, having negligible storage capacities; (4) two existing powerhouses associated with the Upper and Lower Dams; (5) the Nepaug Reservoir, located approximately a quarter-mile from the other project facilities; and (6) appurtenant works.

The project would be operated as a two dam, combined hydro-electric/pumped storage facility connected with the Nepaug Reservoir. The Upper and Lower Collins Company Dams are currently owned by the Connecticut Department of Environmental Protection. The Nepaug Reservoir is owned by the Hartford Metropolitan District.

The project would have a total installed generating capacity of at least 3,000 kW. It is estimated that the average annual net generation would be at least 10,000,000 kWh.

Purpose of Project.—Project power would be sold to a local public utility.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time

Applicant would investigate the power generation, construction, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide how to proceed with further environmental studies, project designs, and an application for an FERC license.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, give the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comment.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

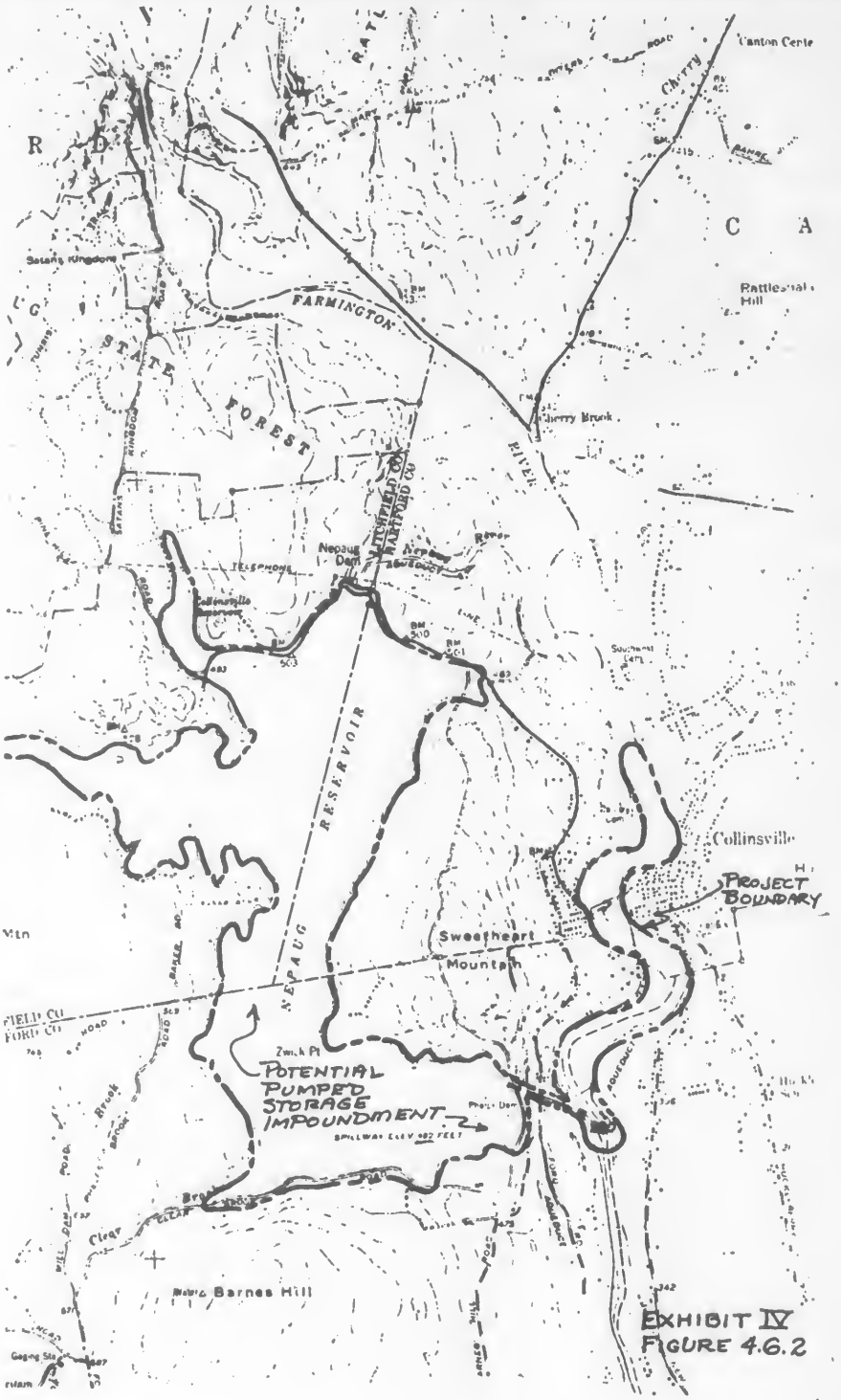
Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before December 5, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than February 5, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (as amended, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (as amended, 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene.—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 5, 1980. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

BILLING CODE 6450-85-M



[FR Doc. 80-32232 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-85-C

Office of Conservation and Solar Energy

Automotive Propulsion Research and Development; Automotive Technology Development Contractor Coordination Meeting

AGENCY: Department of Energy.

ACTION: Notice of meeting.

SUMMARY: The Department of Energy will hold the Automotive Technology Development Contractor Meeting on automotive propulsion systems, and members of the public are hereby invited to attend as observers. Papers will be presented on the current state of research and development on automotive propulsion systems and on alternative fuels.

DATES: November 11–14, 1980.

ADDRESS: Hyatt Regency Dearborn Hotel, Dearborn, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. George Thur, U.S. Department of Energy, Mail Station 5H–039, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone (202) 252–8064.

SUPPLEMENTARY INFORMATION: Today's notice follows through on a statement in the notice of proposed regulations (43 FR 31929, 21932 (July 24, 1978)) under Section 304(f) of the Department of Energy Act of 1978—Civilian Applications (Act), 15 U.S.C. 2703(f), in which the Department of Energy (DOE) announced its intention to open meetings to public attendance. Section 304(f) requires the DOE to issue administrative regulations prescribing procedures, standards, and criteria for review and certification of automotive propulsion research and development to be funded by new grants, cooperative agreements, or contracts, or as new DOE or agency projects under the Act. The purpose of the review and certification process is to insure that research and development newly funded under the Act will supplement rather than supplant, duplicate, displace, or lessen the same activities in the private sector.

The final regulations (43 FR 55228, November 24, 1978) provide for notice to the public of proposed research and development and an opportunity to file written objections. To enable the public to avail itself of the opportunity to participate in the review and certification process, the DOE stated in the notice of the proposed regulations that it would give notice of meetings, such as the one announced today, since relevant information is to be presented.

Below is a preliminary agenda:

Date, topic, and session

November 11: Stirling Engine Systems and Ceramics (concurrent sessions), Afternoon.
November 12: Gas Turbine Systems, Morning; Gas Turbine Systems and Alternative Fuels (concurrent sessions) Afternoon.
November 13: Alternative Fuels and Vehicle Systems (concurrent sessions), Morning; Alternative Fuels, Afternoon.

The meeting registration times are scheduled as follows:

Monday, November 10, 5:00 p.m. to 7:00 p.m.
Tuesday, November 11, 8:00 a.m. to 3:00 p.m.
Wednesday, November 12, 8:00 p.m. to 3:00 p.m.
Thursday, November 13, 8:00 p.m. to 12:00 p.m.

Registrants at the meeting pay a $30 registration fee which includes admission to all technical sessions, refreshments, and subsequently a copy of the report of the proceedings. Members of the public may register and pay the fee if they wish to avail themselves of these services and materials. However, if they do not, they are free simply to attend meeting sessions and listen to the proceedings. Members of the public intending to respond to this notice are requested to so advise the information contact named above in advance so that appropriate seating arrangements can be made.

Issued in Washington, D.C., October 3, 1980.

T. E. Stelson

Assistant Secretary, Conservation and Solar Energy.

[FR Doc. 80–32251 Filed 10–15–80; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Applications for Exception; Cases Filed; Week of September 19 through September 26, 1980

During the week of September 19 through September 26, 1980, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

October 9, 1980.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 19 through Sept. 26, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 19, 1980	Butler, Binion, Rice, Cook and Knapp (Leidl), Washington, D.C..	BFA–0474	Appeal of Information Request Denial. If granted:The August 22, 1980, Information Request Denial issued by the Office of Hearings and Appeals would be rescinded, and Butler, Binion, Rice, Cook and Knapp would receive access to a December 20, 1979, memorendum from former OHA Director Melvin Goldstein to Deputy Secretary John Sawhill and a January 18, 1980, memorandum from Hazel Rollins, Administretor of ERA to Secretary Charles Duncan.
Sept. 22, 1980	Chevron U.S.A. Inc./Saber Refining Co., Washington, D.C.	BEJ–0137, BED–0137.	Motions for Discovery and Protective Order. If granted: Discovery would be granted to Chevron U.S.A. Inc. in connection with Saber Refining Company's Applications for Exception and Temporary Exception (Case Nos. BEE–1386 and BEL–1386) and Chevron would enter into a Protective Order with Saber Refining regarding the exchange of proprietary informetion between the two firms.
Sept. 22, 1980	Cities Service Co., Tulsa, Oklehoma	BEL–0059	Request for Temporery Exception. If granted: Participants in Cities Service Company's gasohol test marketing program would be permitted to receive 100 percent of their bese period supply allocation without regerd to Cities Service's allocation fraction pending a final determination on Cities Service's Application for Exception (Case No. BEE–0367).
Sept. 22, 1980	Cities Service Co./USA Petroleum Corp., Tulsa, Oklahoma.	BEJ–0136	Motion for Protective Order. If grented: Cities Service Company would enter into a Protective Order with USA Petroleum Corp. regarding the exchange of proprietary information between the two firms in connection with the USA Petroleum Corp. Application for Exception (Case No. BEE–1357).
Sept. 22, 1980	Duffy's Car Wash, Inc., Nowport, Kentucky	BEX–0097	Supplemental Order. If grented: Duffy's Car Wash, Inc. would be granted partial interim relief pending a final determination on the firm's eppeel to the Federal Energy Regulatory Commission (Case No. RA80–56).

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 19 through Sept. 26, 1980]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 22, 1980	Institute of Scrap Iron and Steel, Washington, D.C.	BMR-0059	Request for Modification. If granted: The Department of Energy would modify the recovered materials utilization target established at 10 CFR 445.45 for the ferrous subdivision of the metals and metal products industry.
Sept. 22, 1980	International Processors, St. Rose, Louisiana	BEA-0475	Appeal of Buy/Sell Order. If granted: The August 22, 1980, Decision and Order issued to International Processors by the Economic Regulatory Administration regarding the firm's participation in the Crude Oil Buy/Sell Program would be modified.
Sept. 22, 1980	Marathon Oil Co./Little America Refining Co., Washington, D.C.	BED-0138, BEJ-0138.	Motions for Discovery and Protective Order. If granted: Discovery would be granted to Marathon Oil Company in connection with the Little America Refining Co. Application for Exception (Case No. BEE-1064) and Marathon would enter into a Protective Order with Little America Refining Co. regarding the exchange of proprietary information between the two firms.
Sept. 22, 1980	Natchez Refining, Inc., Washington, D.C.	BEE-1415, BEL-1415.	Exception and Temporary, Exception from the Entitlements Program. If granted: Natchez Refining Inc. would receive an exception and a temporary exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Sept. 22, 1980	Standard Oil Company of Ohio (SOHIO), Cleveland, Ohio.	BEE-1414, BEL-1414.	Price Exception and Temporary Exception. If granted: Standard Oil Company of Ohio would receive a temporary exception and an exception from the provisions of 10 CFR 212.112 which would permit the firm to establish a base price for unleaded premium motor gasoline.
Sept. 22, 1980	Total Petroleum, Inc., Washington, D.C.	BEL-0065	Temporary Price Exception. If granted: Total Petroleum, Inc. would receive a temporary exception from the provisions of 10 CFR 212.83 with respect to its acquisition of Vickers Energy Corporation.
Sept. 23, 1980	J. D. Streett Co., Inc., Washington, D.C.	BRS-0107	Request for Stay. If granted: J. D. Streett Co., Inc. would receive a stay of its obligation to file within 30 days a response to the August 5, 1980, Notice of Probable Violation issued to the firm.
Sept. 23, 1980	True Oil Purchasing Company, Casper, Wyoming	BFA-0476	Appeal of Information Request Denial. If granted: The August 15, 1980, Information request Denial issued by the ERA Office of Enforcement would be rescinded, the True Oil Purchasing Company would receive access to certain DOE data concerning crude oil reseller compliance with 10 CFR, Part 212, Subpart F.
Sept. 24, 1980	Amerada Hess Corporation, *et al.*, Washington, D.C.	BEN-0055, to BEN-0065 and BEN-0067 to BEN-0070.	Interim Decision and Order. If granted: Amerada Hess Corp., *et al.*, would be permitted to add to the maximum lawful selling prices for covered products sold in Connecticut the cost of a Connecticut state gross receipts tax on sales of petroleum products by integrated refiners.
Sept. 24, 1980	Eldon Spencer, Inc., McLean, Virginia	BRD-1273	Motion for Discovery. If granted: Discovery would be granted to Eldon Spencer, Inc. in connection with the Statement of Objections to the June 12, 1980, Proposed Remedial Order (Case No. BRO-1273) issued to Eldon Spencer, Inc. by the Economic Regulatory Administration.
Sept. 24, 1980	Exxon Company, U.S.A., Washington, D.C.	BRH-1271, BRD-1271.	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Exxon Company's Statement of Objections submitted in response to a Proposed Remedial Order (Case No. BRO-1271) issued to the firm.
Sept. 24, 1980	Flint Ink Corp., Detroit, Michigan	BEL-0288	Temporary Exception from the Reporting Requirements. If granted: Flint Ink Corp. would receive a temporary exception which would grant the firm an extension of time in which to file Form EIA-25, "Prime Suppliers Monthly Report."
Sept 25, 1980	C.F.M. #35-03, Inc., Kansas City, Missouri	BEA-0477	Appeal of ERA Assignment Order. If granted: The March 7, 1980, Assignment Order issued by the Economic Regulatory Administration, Region VII, regarding the assignment of a base period supplier and volume to C.F.M. #35-03, Inc. would be modified.
Sept. 25, 1980	Caribou Four Corners, Inc., Afton, Wyoming	BEE-1416	Price Exception. If granted: Caribou Four Corners, Inc. would receive an exception from the provisions of 10 CFR 212.131, regarding crude oil purchases and sales for the period February 1976 through June 1976.
Sept 25, 1980	Douglas L. Miller, *et al.*, Washington, D.C.	BFA-0480	Appeal of Information Request Denial. If granted: The September 23, 1980, Information Request Denial issued by the DOE Office of Personnel would be rescinded, and Douglas L. Miller, Earl M. Carstens, Alvin L. Richardson, and Paul J. McGuire, would receive access to certain DOE personnel data.
Sept. 25, 1980	K & L Retail, Inc., Kansas City, Missouri	BEA-0479	Appeal of ERA Assignment Order. If granted: The August 5, 1980, Assignment Order issued by the Economic Regulatory Administration, Region VII regarding the assignment of a base period supplier and volume to K & L Retail, Inc. would be modified.
Sept. 25, 1980	Kirtron, Inc., Lincoln, Nebraska	BEA-0478	Appeal of ERA Assignment Order. If granted: The August 4, 1980, Assignment Order issued by the Economic Regulatory Administration, Region VII, regarding the assignment of a base period supplier and volume to Kirtron, Inc. would be modified.
Sept. 26, 1980	MGPC, Inc., Los Angeles, California	BRS-0108, BRT-0108, BRR-0061.	Requests for Stay, Temporary Stay and Modification. If granted: The October 26, 1979, and May 22, 1980, Decisions and Orders issued to McCulloch Gas Processing Corporation regarding motions for discovery and evidentiary hearing would be modified. The firm would receive a stay and a temporary stay pending a final determination on its Request for Modification.

Notices of Objection Received

[Week of Sept. 19 to Sept. 26, 1980]

Date	Name and location of applicant	Case No.
9/22/80	MoCar Oil Corp., Pensacola, FL.	BEE-0698.
9/22/80	Texaco, Inc., White Plains, NY.	BEE-0525.
9/22/80	American Agri-Fuels Corp., Kansas City, MO.	BXE-1255.
9/22/80	Amtood Industries, Inc., Arlington Heights, IL.	DEE-5085.
9/22/80	Getty Refining & Marketing Co., Tulsa, OK.	BXE-1330 to BXE-1335.
9/23/80	Campbell Oil Co., Houston, TX.	BEE-0743.
9/25/80	Keller Oil Co., Enfield, CT.	BEE-0753.
9/25/80	Commonwealth Oil Refining Co., Inc., San Antonio, TX.	BEE-1308.

[FR Doc. 80-32121 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Application for Exception; Issuance of Proposed Decisions and Orders; Week of September 1 through September 5, 1980

During the week of September 1 through September 5, 1980 the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a

proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

October 9, 1980.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

American Agri-Fuels Corporation, Konsas City, Missouri, BXE–1255, Gosohol

American Agri-Fuels Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would permit American Agri-Fuels to purchase 159,433 barrels of unleaded motor gasoline for use in its gasohol blending and marketing operations. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part and that American Agri-Fuels' base period allocation of unleaded gasoline be established at 380,000 gallons per month.

Atlontic Richfield Compony, Dollos, Texos, BXE–1369, Crude Oil

Atlantic Richfield Company filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from Platform Spark for the benefit of the working interest owners at market prices. On September 3, 1980, the DOE issued a Proposed Decision and Order in which it tentatively determined that an extention of exception relief should be granted.

Butler County Oil Co., Inc., Poplor Bluff, Missouri, DEE–8283, Gosohol

Butler County Oil Company, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would permit Butler to receive an increased allocation of unleaded gasoline with which to blend gasohol. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Cobean Corporotian, Everett, Washington, BEE–0812, Motor Gasaline

Cabeon Corporation filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would permit Cabeon to receive increase supplies of unleaded gasoline to produce gasohol. However, Cabeon has not used any of its current base period supply to produce gasohol. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Campbell Oil Campany, Olean, New York, BEE–0743, Motar Gosaline

Campbell Oil Company filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would permit Campbell to receive an increase in its base period obligation of motor gasoline for the purpose of blending and marketing gasohol. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Craft Petraleum, Campany, Inc., Jacksan, Mississippi, BEE–1035, (Crude Oil)

Craft Petroleum Company, filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the J. W. Richardson No. 1 Lease located in Lincoln County, Mississippi, at market price levels. On September 3, 1980, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied.

Dovid Douglos Public Schools, Portlond, Oregon, BEE–1124, Motor Gasaline

David Douglas Public Schools filed an Application for Exception from the provisions of 10 C.F.R. Part 211. The exception request, if granted, would result in the assignment of Mobil Oil Corp. as the school district's sole supplier of motor gasoline. On September 5, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Environmentol Protection Carparation, Bokersfield, Califarnia, Reparting Requirements, Bee–1290

Environmental Protection Corporation (EPC) filed an Application for Exception from the provisions of 10 C.F.R. 212.187. The exception request, if granted, would exempt EPC from the requirement that it file the Crude Oil Resellers Self Reporting Form, ERA–69. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Gosohol Enterprises Compony, Gigerorgio, Colfiornio, Bee–0819, Gosohal

Gasohol Enterprises Company filed an Application for Exception from the provisions of 10 C.F.R., Part 211. The exception request, if granted, would permit Gasohol Enterprises Co. to receive an allocation of unleaded motor gasoline in order to blend and sell gasohol. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Guom Oil ond Refining Compony, Inc., Dollas, Texas, BEE–1247, Crude Oil

Guam Oil and Refining Company, Inc. (Gorco) filed an Application for Exception from the provisions of 10 C.F.R. 211.65. The exception request, if granted, would permit Gorco to participate in the Crude Oil Buy/Sell Program as a refiner-buyer. On September 5, 1980, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Mocor Oil Company, Pensacolo, Florida, BEE–0698 Gasohal

The Mocar Oil Company filed an Application for Exception from the provisions of 10 C.F.R., Part 211. The exception request, if granted, would increase the firm's allocation of unleaded motor gasoline so that it could blend and market gasohol. On September 3, 1980, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Texoco Inc., White Ploins, N.Y., BEE–0525, Motor Gasoline

Texaco Inc. filed an Application for Exception from the provisions of 10 C.F.R. 211.9 in which the firm sought the termination of its supplier/purchaser relationship with Edward J. Sweeney & Sons, Inc., a Texaco-branded jobber. On September 5, 1980, the DOE issued a Proposed Decision and Order in which it tentatively concluded that the Texaco request should be denied.

Dallar Rent-a-Car, Frisca, Calarada, DEF–7215

Scatt Boulevord Chevron, Decatur, Georgia, BXE–0453

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Boulder Volley Oil Co., Lafoyette, Colorado, BXE–0203

Chouteou Oil Compony, El Posa, Texas, DEE–7637

Tom McDonold Oil Compony, Inc., Tompo, Florida, DEE–2309

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued

Proposed Decisions and Orders which determined that the exception requests be denied.

[FR Doc. 80-32120 Filed 10-15-80; 8:45 am]

BILLING CODE 6450-01-M

Applications for Exception; Week of August 18 through August 22, 1980

During the week of August 18 through August 22, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 9, 1980.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

Appeals

Oleum Corporation, Naples, Florida, BFA-0431, Freedom of Information

Oleum Corporation filed an appeal from a partial denial by the District Manager of the DOE Southeast District of Enforcement of a request for information which the firm had submitted under the Freedom of Information Act. In considering the appeal, the DOE found that certain documents which were originally withheld should be released. The DOE also determined that the case should be remanded due to the inadequacy of the initial determination, and upon remand the possibility of the applicability of Exemption 5 should be considered. An important issue that was considered in the Decision and Order was the applicability of Exemption 7(A) to documents gathered in the course of a preliminary investigation of a firm when no formal charges have been made.

United Refining Company, Washington, D.C., BEA-0361, Crude Oil

The United Refining Company filed an Appeal of a Decision and Order issued to the firm by the Economic Regulatory Administration (ERA) on April 30, 1980. The Order denied an Application that United had filed under Section 211.65(c)(2) of the DOE Crude Oil Buy/Sell Program. In considering United's Appeal, the DOE determined that the ERA Order did not contain sufficient findings of fact to support the conclusions reached. The DOE concluded that the April 30 Order should be rescinded and that the matter be remanded to ERA. The important issues discussed in this case are (i) whether OHA has the authority to consider arguments that a regulation is inconsistent with the DOE's statutory mandates and is therefore invalid and (ii) whether the establishment of $41 as a trigger price for crude oil allocations is inconsistent with the objectives of the EPAA in general and of the Buy/Sell program in particular.

Requests for Exception

Hondy Foods No. 2, Forrest City, Kansas, BEO-0981, Motor Gasoline

Handy Foods No. 2 filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to demonstrate that any operating difficulties it was experiencing were attributable to DOE regulations. Accordingly, exception relief was denied.

Loomis Service Stotion, Glenmoore, Pennsylvonio, BEO-0138, Motor Gosoline

Loomis Service Station filed an Application for Exception from the provisions of 10 C.F.R. § 211.102 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm did not show that it was experiencing a financial hardship, or that the community in which it was located is experiencing an unfair distribution of burdens as a result of the DOE motor gasoline allocation regulations. Accordingly, exception relief was granted.

Dennis R. O'Hora, Lokewood, Colorodo, BEO-0268, Motor Gosoline

Dennis R. O'Hara filed an Application for Exception from the provisions of 10 C.F.R. § 211.102 in which he sought an increase in the base period allocation of Four Seasons Conoco, a station that he owns but does not operate. In considering the request, the DOE found that Mr. O'Hara had failed to demonstrate that the DOE's Allocation Regulations prevented him from realizing the intended benefits of his investment in the Four Seasons station. Accordingly, exception relief was granted.

Priest Explorotions, Inc., Oklohomo City, Oklahomo, BXE-0818, Crude Oil

Priest Explorations, Inc. (Priest) filed an Application for Exception from the provisions of 10 C.F.R., Part 212, Subpart D. Exception relief was granted to permit Priest to sell at market prices 51.81 and 46.27 percent of the crude oil produced from the Choate Well 3A and the Choate Well 4A, respectively.

Rite-Woy, Inc., Woterbury, Connecticut, BEO-0970, Motor Gosoline

Rite-Way, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to enable the firm to realize the benefits of a capital investment in one of its retail sales outlets. Accordingly, exception relief was granted.

Wolker Oil Co., Inc., Konsos City, Konsos, DEE-6090, Motor Gosoline

Walker Oil Company, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought reassignment from certain of its base period suppliers to lower priced suppliers. In considering the request, the DOE found that the firm failed to demonstrate that it is experiencing either a substantial price disparity or a serious financial hardship. Accordingly, exception relief was denied.

Request for Temporary Exception

Witco Chemicol Corporation, Bradford, Pennsylvanio, BEL-1306, Crude Oil

Witco Chemical Corporation (Witco) filed an application for Temporary Exception from the provisions of 10 CFR § 211.67 in which the firm requested an increase in the number of entitlements issued to it in order to bring its post-entitlements crude oil costs into substantial parity with those of other refiners. In considering the request, the DOE found that the firm had failed to demonstrate that it was suffering an irreparable injury under the DOE regulatory program or that there was a strong likelihood that the firm would succeed on the merits of its underlying exception request. Accordingly, temporary exception relief was denied.

Request for Temporary Stay

DeMenno/Kerdoon, Los Angeles, Californio, BST-0009, Crude Oil

DeMenno/Kerdoon filed an Application for Temporary Stay of the provisions of a Decision and Order which was issued to the Little America Refining Company. DeMenno stated that as a result of the Decision and Order issued to Little America Refining Company it was unable to sell all of its entitlements specified in the July 1980 Entitlements Notice. In considering the request, the DOE determined that DeMenno had failed to show that it would suffer an irreparable injury if its request were denied. DeMenno's Application for Temporary Stay was therefore denied.

Motions for Discovery

Getty Oil Compony, Los Angeles, Californio, BRD-0009, BRH-0009, motions for discovery ond evidentiory heoring

Getty Oil Company (Getty) filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with a Proposed Remedial Order issued to the firm by the Office of Special Counsel. The PRO alleged that Getty improperly terminated its crude oil supplier/purchaser relationship with Phillips Petroleum Company (Phillips), which had its own crude oil supplier relationship with Tosco Corporation (Tosco), because Tosco had not consented to the termination. The PRO requires Getty to recommence supplying Phillips with the crude oil. A part of Getty's Motion for Discovery seeks to ascertain the DOE's factual and legal basis underlying the issuance of the PRO. The DOE held in its order the scope of inquiry concerning a PRO is limited to a review of the sufficiency of the findings of fact, conclusions of law and the factual representations of the parties. Getty's Motion for Discovery and Motion for Evidentiary Hearing with respect to the DOE were therefore denied. Getty also sought

discovery from Phillips and Tosco with respect to their alleged consent to the termination of the supplier/purchaser relationship. The DOE determined that since the factual circumstances surrounding the termination were not clearly established in the record, Getty should be permitted (1) limited document production from Tosco and Phillips and (2) to depose no more than three representatives of each firm. Getty's Motion for Evidentiary Hearing with respect to those firms was held in abeyance pending completion of the discovery granted in the Decision.

Mabil Oil Carparatian, Washingtan, D.C., BED–0117, BEJ–0117

Texaca Inc., White Plains, NY, BEJ–0117, BED–0120

Chevran U.S.A. Inc., San Francisca, CA, BEJ–0106, BED–0106, BES–0086, BED–0086, refined praducts

The Mobil Oil Corporation, Texaco, Inc., and Chevron U.S.A., Inc., filed Motions for Discovery and Protective Order with respect to the Little America Refining Company's (LARCO's) Application for Exception, (Case No. BEE–1064). In considering the request, the DOE found that the terms of existing protective orders offered to the petitioners were sufficient to allow the petitioners which are competitors of Larco to fully participate in the Larco proceedings and that the alleged inconvenience and expense to the petitioners in meeting these terms is outweighed by the potential competitive injury to Larco, if petitioner's direct employees, rather than independent counsel are allowed to examine confidential material.

Petitions for Implementation of Special Refund Procedures

Office af Enfarcement (Panhandle) BFF–0003
Office af Enfarcement (Enserch) BFF–0006
Office af Special Caunsel (Canaco) BEZ–0046 through 0049
Office af Enfarcement (Guenther)
Office af Special Caunsel (Coastal)
Office af Special Caunsel (Standard Oil Ca. (Indiana)), Washingtan, D.C., special refund pracedures

The Office of Enforcement and the Office of Special Counsel for Compliance of the Economic Regulatory Administration filed six separate Petitions for the Implementation of Special Refund Procedures. The Office of Hearings and Appeals agreed to accept jurisdiction under 10 CFR Part 205, Subpart V, in the four proceedings involving Consent Orders between the DOE and Continental Oil Co., Jack E. Guenther, The Coastal Corporation, and Standard Oil Co. (Indiana). The Office of Hearings and Appeals declined jurisdiction with respect to proceedings involving Panhandle Eastern Pipeline Co./ Century Refining Co. and Enserch Exploration, since Subpart V is not appropriate in cases involving small refund amounts absent a showing of special need.

Interlocutory Order

Rousseau's Texaca, Meriden, Cannecticut, BEZ–0045, mator gasoline

Rousseau's Texaco filed a Petition for Review with the Federal Energy Regulatory Commission (FERC) of a May 21, 1980 Decision and Order issued to the firm by the Office of Hearings and Appeals. FERC determined that the Office of Hearings and Appeals should provide Rousseau's with interim relief, consistent with the standards the DOE has applied in price disparity cases, during the pendency of the firm's Petition for Review. In order to comply with the FERC determination, the Office of Hearings and Appeals requested that Rousseau provide, on an expedited basis, the factual material which is necessary to evaluate petitions for exception relief involving claims of price disparity.

Supplemental Orders

Coastal States Gas Carparatian Lo-Vaca Gathering Campany, San Antania, Texas, BEX–0084, prapane

The Department of Energy issued a Supplemental Order to the June 17, 1980 Decision and Order issued to Coastal States Gas Corporation and the Lo-Vaca Gathering Company. In the Supplemental Order, the DOE amended the June 17, 1980 Order to: (a) assign to the Valero Energy Corporation a base period supply obligation of propane to Coastal; and (b) permit Valero to compute its maximum allowable selling price for propane for sales to customers other than Coastal by using Coastal's lawful May 15, 1973 classes of purchaser, weighted average selling prices, and May 1973 costs.

Publix Oil Campany, Marristawn, Tennessee, BEX–0085, matar gasoline

In a Decision and Order issued to Publix Oil Company on July 24, 1980, the Office of Hearings and Appeals assigned five firms to supply Publix with specified volumes of motor gasoline during the period August 1, 1980 through July 31, 1981. The assigned firms were ordered to supply a portion of that volume directly to some Publix jobbers. This supplemental order modifies paragraph 12 of the July 24 Decision to ensure that the assigned suppliers may purchase from Publix's Gulf Coast base period suppliers an amount of gasoline equivalent to the amount the assigned suppliers deliver directly to the Publix jobbers.

Protective Orders

Lauisiana Land Explaratian Ca., Washington, D.C. BRJ–0119

Texaca, Incarparated, Washingtan, D.C. crude ail

The Louisiana Land & Exploration Company (LL&E) and Texaco, Inc., filed a protective order in connection with an enforcement proceeding pending before the DOE. The order proposed by the parties was intended to permit the DOE's Office of Special Counsel to provide LL&E with proprietary information related to Texaco. The Office of Hearings and Appeals determined that while this was a proper purpose for a protective order, the proposed order submitted by Texaco and LL&E also purported to define OSC's discovery obligations with respect to contested issues prior to the resolution of those issues by OHA. Accordingly, the motion for the entry of the protective order was denied.

The following firms filed an Application for a Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case No. and Locatian

Oklahoma Ref. Corp., Gulf Oil Corp., BEJ–0094, Wash., D.C.

Interim orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company name, Case Na. and Locatian

Chestertown Shorgas Co., BEN–0050, Phila., PA
Little America Ref. Co., Inc., BEN–1064, Wash., DC
Texaco, Inc., BEN–1246, White Plains. NY

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocatian Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case Na. and Lacatian

Meriden Yellow Cab Co., BEO–0139, Meriden. CT
Passport Marina, DEE–5885, Panama City Bch., FL

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case Na. and Location

Baker's Wharfside Marina, BEO–0622, Jupiter, FL
Benda's Little Freeway Serv. Stat., Inc., BEO–1056, Lansing, MI
Cable Car Wash, BEO–1079, Davis, CA
Chebanse Texaco, BEO–0311, Chebanse, IL
Fischer Shell Service, DEE–2756, Farmington Hills, MI
G&G Oil Co., DEE–4989, Flagstaff, AZ
Hawk Oil Company, BEO–0463, Medford, OR
Jim's Exxon, DEE–5031, Cucamonga, CA
Lathan Oil Co., Inc., DEE–8192, Wash., DC

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Chestertown Shorgas Co., DES–2080
Delta Fuels, BEE–1240
Rhea County Executive, BEE–1164
Sambo's Service, BEE–1341
Uniroyal, Inc., DEE–4158

[FR Doc. 80–32122 Filed 10–15–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180494; PH FRL 1636–3]

Delaware Department of Agriculture Crisis Exemption for Acephate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that the Delaware Department of Agriculture (hereafter referred to as "Delaware") has availed itself of a crisis exemption to use acephate for control of the European corn borer on a maximum of 500 acres of peppers other than bell peppers in Kent and Sussex Counties, Delaware.

DATE: The crisis exemption became effective on August 15, 1980. Since the program is expected to continue for more than 15 days, Delaware has requested a specific exemption for continuation of the program.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–107, 401 M St., SW., Washington, D.C. 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: Delaware reports that a safe pesticide is needed to control the European corn borer in peppers other than bell peppers. According to Delaware the pesticides registered for this use on peppers are either not effective enough, in the cases of carbaryl, carbofuran, and azinphos-methyl, or require more frequent applications at a higher rate of toxicity in the case of methomyl, than acephate. Delaware states that use of acephate can represent savings as much as $30,000 to pepper growers.

Delaware is using the acephate product Orthene, EPA Reg. No. 239–2418, manufactured by the Chevron Chemical Co., at a rate of 0.5 pound active ingredient per acre. Application is being made by low volume air-blast sprayers using 10–20 gallons per acre. State-certified applicators are making the application. A pre-harvest interval of 7 days will be observed. No adverse effects on the environment are anticipated from the program. Because the program is expected to last for longer than 15 days, Delaware has submitted a request for a specific exemption to continue this use of acephate on peppers.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: October 8, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–32182 Filed 10–15–80; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180495; PH FRL 1636–4]

Crisis Exemption for Strychnine Baits; Mont.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA gives notice that Montana has availed itself of a crisis exemption for the use of strychnine baits to reduce rabid skunk populations in 24 counties in eastern Montana.

DATE: The crisis exemption became effective on July 7, 1980. Montana had already submitted a request for a specific exemption for this purpose.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, Room E-107, 401 M St., SW., Washington, D.C. 20460, (202–426–0223).

SUPPLEMENTARY INFORMATION: Following two skunk rabies cases in June 1980, Montana requested a specific exemption to use strychnine alkaloid baits to reduce populations of rabid skunks. Montana decided to implement a skunk rabies control program on July 7, 1980, by which time the request for a specific exemption had not been procesed by EPA. Three additional cases of skunk rabies had occurred in the interim. Since July 10, 1980, Montana reports, an additional case of skunk rabies occurred.

The program calls for the use of a maximum of 500 strychnine-treated baits to be placed within a five-mile radius of an area of human habitation where skunks are determined as the vector species in a positive rabies case. A maximum of two strychnine lard baits or two strychnine-treated eggs per setting are to be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings. At the end of a 30-day treatment period, treated bait and/or eggs will be collected and destroyed. Strychnine-treated lard baits or eggs will be placed only on those lands where premise entry agreements are signed by the landowner, lessee, or Administrator, and warning signs will be posted at entries to all premises and other visible positions near locations where treated baits or eggs have been placed.

Montana has requested permission to continue the program under a specific exemption.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136)).

Dated: October 8, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80–32163 Filed 10–15–80; 8:45 am]

BILLING CODE 6560–32–M

[OPP–180503; PH FRL 1636–1]

Mississippi Department of Agriculture and Commerce; Issuance of Specific Exemption for Sodium Salt of Acifluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted a specific exemption to the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant") for use of Blazer 2S (sodium salt of acifluorfen) on 50,000 acres of rice in Mississippi to control hemp sesbania. The specific exemption is issued under the Federal Insecticide, Fungicide, and Rodenticide Act.

DATE: The specific exemption expires on October 1, 1980.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-107, 401 M St., SW., Washington, D.C. 20460, (202-426-0223).

SUPPLEMENTARY INFORMATION: Hemp sesbania (*Sesbania exaltata*) is a summer annual which infests all of the rice producing area, in Mississippi, the Delta region. It emerges with the rice plants and grows actively over the entire growing season. Sesbania can grow up to eight feet tall in wet, fertile, cultivated fields, and competes vigorously with rice for sunlight, nutrients, and water. It may also reduce the value of rough and milled rice due to the presence of its black weed seed. Harvesting problems are also encountered in fields infested with this

weed because of its heavy, thick, woody stem.

The Applicant states that there are several currently registered chemicals for the control of hemp sesbania on rice including 2,4,5-T, propanil, 2,4-D, silvex, and MCPA, but that they are not usable for various reasons which follow. The chemical most used for hemp sesbania control has been 2,4,5-T. However, there is currently no production of this chemical and supplies of the amine formulation, the only formulation registered for use on rice, are anticipated to be insufficient to meet the demand for this growing season. Propanil is used to control early season grasses, and the maximum quantity allowed per acre per season is often applied before hemp sesbania problems arise. Only the invert emulsion of 2,4-D may be applied between April 1 and October 1 under Mississippi law; this form has a very limited use on rice because of the special equipment needed to apply it and the hazard which exists from drift to cotton. Use of silvex is undesirable because of drift to crops sensitive to it. Although MCP is registered in Mississippi for weed control in rice, hemp sesbania is not specifically cited as one of the weeds controlled by it. The Applicant claims that without use of Blazer, a yield reduction of 19 to 39 percent could occur if registered alternatives are unavailable. This yield reduction could result in a $4.2 million loss to rice growers in Mississippi, according to the Applicant.

The Applicant proposed to use Blazer 2S when rice is at the late tillering stage up to the ealy boot stage. A single application is to be made using aerial equipment at a rate of 0.125 to 0.25 pound active ingredient per acre.

EPA has determined that residues of acifluorfen and its metabolites are not likely to exceed 0.1 part per million (ppm) in or on rice grain or rice straw from the proposed use. This level has been judged adequate to protect the public health. No. unreasonable adverse effects are expected in non-targeted organisms and only minimal hazards are expected to endangered species.

After reviewing the application and other available information, EPA has determined that the criteria for an exemption have been met. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 1, 1980, in the manner and to the extent set forth in the application. The specific exemption is also subject to the following conditions:

1. The Rohm and Haas product Blazer 2S, EPA Reg. No. 707–150, may be applied;

2. A maximum of 50,000 acres of rice may be treated;

3. Treatments may be made using aerial equipment at a rate of 0.5 to 1.0 pint of formulation (0.125 to 0.25 pound active ingredient) per acre;

4. A volume of 5 to 10 gallons of spray mixture per acre will be applied;

5. A maximum of one application per acre to be treated may be made;

6. No application may be made within 50 days of harvest;

7. Root crops (carrots, turnips, sweet potatoes, etc.) must not be planted in fields treated with Blazer 2S for a period of 18 months following treatment;

8. All applicable directions, precautions, and restrictions on the EPA-registered label must be followed;

9. Rice treated in accordance with the above provisions should not have combined residue levels of acifluorfen and its metabolites in excess of 0.1 ppm in or on rice grain and rice straw. Rice grain and straw with residues not exceeding this level may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health and Human Services, has been advised of this action;

10. The Applicant is responsible for ensuring that all provisions of this specific exemption are met and must submit a report summarizing the results of this program by March 31, 1981; and

11. The EPA shall be immediately informed of any adverse effects resulting from the use of Blazer in connection with this exemption.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: October 8, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 80-32164 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-32-M

[OPP-180485A; PH FRL 1632-2]

New York State Department of Environmental Conservation Amendment to Specific Exemption for Bayleton

AGENCY: Environmetal Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued an amendment to a specific exemption granted to the New York State Department of Environmental Conservation (hereafter referred to as the "Applicant") to use Bayleton (triadimefon) on grapes to control benomyl-resistant strains of powdery mildew. The specific exemption expired on August 31, 1980. The amendment extends the program.

DATE: The specific exemption expires on September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Patricia Critchlow, Registration Division (TS–767), Office of Pesticide Programs, Environmental Protection Agency, Rm. E–107, 401 M St., SW., Washington, D.C. 20460 (202–426–0223).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 12, 1980 (45 FR 60480), a notice was published which announced the granting of a specific exemption by EPA to the Applicant to use a maximum of 282 pounds of Bayleton 50 WP on a maximum of 500 acres of grapes in New York to control benomyl-resistant strains of powdery mildew. The specific exemption expired on August 31, 1980. Since then, the Applicant has requested an extension of the time during which Bayleton could be used. The request was made because the exemption was granted so late in the season. This extension allows treatment in the event that powdery mildew is not yet under control. No additional quantity of the pesticide is authorized.

After reviewing the application and other available information, EPA has determined that the requested amendment would not result in any significant environmental risks. Accordingly, EPA has granted the amendment to extend the specific exemption to September 30, 1980. All other terms and conditions of the specific exemption granted on July 18, 1980, still apply.

(Sec. 18 as amended 92 Stat. 819; (7 U.S.C. 136))

Dated: November 8, 1980.

Edwin L. Johnson,

Deputy Assistance Administrator for Pesticide Programs.

[FR Doc. 80-32165 Filed 10-15-80; 8:45 am]

BILLING CODE 6560-32-M

[SA FRL 1635-8]

Science Advisory Board, Toxic Substances Subcommittee: Open Meeting

Under Public law 92–463, notice is hereby given that a one-day meeting of the Toxic Substances Subcommittee of the Science Advisory Board will be held in Conference Room 3906, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., on November 5, 1980. The meeting will begin at 11:00 a.m. and last until approximately 6:00 or 7:00 p.m.

The topic for discussion is the agency's proposed regulation on

Asbestos Containing Materials in Schools.

This meeting is open to the public. Anyone wishing to attend or in need of further information regarding the meeting should contact Dr. Helene N. Guttman, Executive Secretary, Toxic Substances Subcommittee, at (202) 472–9444.

Dated: October 8, 1980.

Richard M. Dowd,

Stoff Director, Science Advisory Boord.

[FR Doc. 80–32161 Filed 10–15–80; 8:45 am]

BILLING CODE 6560–34–M

[WH FRL 1636–7]

Aquifers of the Delaware Basin in Western Texas and Southeastern New Mexico: Request for EPA Determination Regarding Aquifers

A petition has been submitted, requesting the Administrator to determine that the aquifers of the Delaware Basin in western Texas and southeastern New Mexico (the Cenozoic Alluvium, Rustler, Capitan and Santa Rosa) are the sole or principal drinking water source for that area. Counties in the petitioned area are Eddy and Lea in New Mexico; and Crane, Culberson, Loving, Pecos, Reeves, Ward, and Winkler in Texas.

Section 1424(e) of the Safe Drinking Water Act (P.L. 93–523) authorizes the Administrator of the Environmental Protection Agency (EPA) to determine, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health. After such a determination is made, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health.

The petition, submitted to Adlene Harrison, Regional Administrator, EPA Region VI, by the Odessa, Texas League of Women Voters, is reprinted in part below as submitted.

"The League of Women Voters of Odessa, Texas is the group petitioning for sole or principal source aquifer status of the Delaware Basin aquifers. The names of the officers are: Karen Storey, President, Linda Nelson, Vice-President for Program, Mary Crymes, Secretary, Marian Jones, Treasurer, June Naylor, Water Director.

"The League of Women Voters of Odessa, Texas is concerned that the proposed Waste Isolation Pilot Plant (WIPP) near Carlsbad, New Mexico will be in a position to pollute the water supply of the Delaware Basin of southeast New Mexico and southwest Texas if there is ever any leakage. This danger will be potentially present until the time that the radioactive level of the WIPP contents reaches the radioactive level of the surrounding area.

"The League of Women Voters of Odessa, Texas, is concerned that the pollution from the WIPP could be either radioactive and/or saline intrusions in masssive concentrations caused by the WIPP installation. Either source of contamination would endanger the United States citizens of either New Mexico or Texas who live in the endangered zone.

"The aquifers of the Delaware Basin in question are: the Santa Rosa, the Cenozoic Alluvium, the Rustler and the Capitan. Enclosed are major and minor aquifer maps of Texas with the aquifers delineated into New Mexico to the best of our present knowledge.

"According to our present state of knowledge three counties are 100 percent dependent on these aquifers for drinking water—Loving County, Texas, Ward County, Texas, Winkler County, Texas.

"The percentage of use in the following Counties is unknown: Culbertson County, Texas, Crane County, Texas, Eddy County, New Mexico, Lea County, New Mexico, Pecos County, Texas, Reeves County, Texas.

"Population of this area is according to some projected 1985 figures from the Permian Basin Regional Planning Commission unless they are noted with an asterisk. Those dates with (an asterisk) are taken from the 1960 census figures.

Culberson County, Texas	*2,794
Crane County, Texas	4,650
Eddy County, New Mexico	*50,783
Lea County, New Mexico	*53,429
Loving County, Texas	161
Pecos County, Texas	18,003
Reeves County, Texas	22,637
Ward County, Texas	14,688
Ector County receives water from Ward County	131,228
Winkler County, Texas	10,507

"There are no alternate sources of drinking water for Ward, Winkler and Loving Counties, Texas. The other Counties contain varying degrees of Ogallala and Edwards Trinity. (See map attached from Texas Department of Water Resources.)

"The recharge and stream flow source zone (or zones) for the aquifers are not too well understood. The sandhills running through the Delaware Basin are all areas of recharge through the area. There are springs which discharge at Malaga Bend on the Pecos River from the upper Santa Rosa and Rustler formations (location of the WIPP). This water is in turn reabsorbed into the Santa Rosa and Cenozoic Alluvium from the Pecos.

"The Project of major concern which might contaminate the aquifers is the WIPP as proposed by the Department of Energy for the Department of Defense waste. (Will this not be the largest concentration of nuclear waste the world has ever seen?)

"Public water systems utilizing water from the aquifers, the number of people served by each system and the water treatment provided by each system are listed as well as we can from our current knowledge:

Loving County, Texas—Mentone (no information)	161
Ward County, Texas	14,688
Grandfalls (sewage treatment)	
Barstow (septic field?)	671
Monahans (sewage treatment)	8,151
West Texas Children's Home	579
Pyote (septic tank field)	159
Winkler County, Texas	10,507
Kermit (sewage treatment)	7,700
Wink (sewage treatment)	1,055
Cheyenne (no information)	
Culberson County, Texas (no information)	2,794
Crane County, Texas	4,650
Crane (sewage treatment)	3,526
Eddy County, New Mexico)	50,783
Loving	
Malaga	
Carlsbad (sewage treatment)	
Artesia	
Otis	
Hope	
Atoka	
Dayton	
Queen	
El Paso Gap	
Red Bluff	
Lea County, New Mexico	53,429
Jal	
Hobbs (sewage treatment)	
Eunice	
Lovington	
Crossroads	
Caprock	
Gladiola	
Tatum	
McDonald	
Maljamar	
Humble City	
Buckeye	
Monument	
Oil Center	
Lea	
Ochoa	
Bennett	
Pecos County, Texas	18,003
Ft. Stockton (sewage treatment)	8,778
Iraan (sewage treatment)	931
Reeves County, Texas	22,737
Balmorhea (sewage treatment)	572
Balmorhea State Park	
Pecos (sewage treatment)	
Sheffield (sewage treatment)	300
Madera Valley Supply Cooperation	
Orla	
Hermosa	
Toyah	
Saragosa	
Ector County (received 2 billion plus gallons in 1978 from Ward County water field)	131,228
Odessa (sewage treatment)	97,460

"We have listed concentrations of population in the involved counties where public water supplies are known or thought to be. Several of these communities are thought to have water supplies outside the aquifers in question—but we do not have all the data at hand. We have placed an asterisk by the communities whose water supply is most likely involved with the aquifer system in question.

"The Santa Rosa is shown on the Texas Department of Water Resources aquifer maps as covering portions of Gaines, Andrews and Ector Counties. We are uncertain whether Seminole (in Gaines County) or Andrews (in Andrews County) receive water from the Santa Rosa in their municipal water system.

"There is recharge from the sandhills of southeast New Mexico and southwest Texas into the aquifers of the Delaware Basin. There is recharge from the Pecos River below Malaga Bend into the Delaware Basin aquifers. Other recharge areas need to be identified.

"Addenda: The Capitan Aquifer may not be eligible for single source status as it is

used primarily for oil field production, we believe."

EPA intends to reach a decision on the requested determination at the earliest time consistent with a complete review of the relevant data and information, and a full opportunity for public participation. In this regard, the agency solicits comments, data, and references to additional sources of information which will help build the administrative record. In particular, EPA seeks information relevant to (a) that portion of the hydrogeologic system comprising comprising the Delaware Basin aquifers of New Mexico and Texas which should be designated for protection as an aquifer which provides drinking water; (b) the surface boundary of the recharge area for the aquifers; (c) the boundary of the recharge source zone (that is, any area which drains into the recharge source zone, and, thus contributes to the recharge of the aquifers); (d) the location and influence of natural and manmade features which are important to the recharge or local runoff; (e) the location of impermeable formations, the runoff from which contributes to the recharge of the aquifers; (f) any current or anticipated Federal financially assisted projects which may cause contamination of the aquifers; and (g) any other information deemed relevant to the determination.

Comments, data and reference should be submitted in writing to the Regional Administrator, Region VI, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, Attention: 6AWS Delaware Basin aquifer designation, on or before. . . . (Set date to be 60 days after F.R. notice.) Information which is available to the agency concerning the Delaware Basin aquifer system, including information submitted by the petitioners, will be available to the public for study at this address. Further information may be obtained from: Mac Weaver, Acting Chief, Water Supply Branch, Water Division, EPA Region VI, 214–767–2774.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 80–32160 Filed 10–15–80; 8:45 am]

BILLING CODE 6560–29–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 5, 1980. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 93–22.

Filing Party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 93–22 amends the provisions of the North Europe-U.S. Pacific Freight Conference Agreement to extend the expiration date of the Independent action clause through June 30, 1981, and the joint service voting clause through December 31, 1981.

Agreement No. T–1988–2

Filing Party: William E. Emick, Jr., Harbor Branch Office, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T–1988–2, between City of Long Beach and Texaco Inc. (Lessee), modifies the parties' basic agreement which provides for the lease of premises on Berth #4 through #7, North Harbor, for a tanker terminal. The purpose of the amendment is to reduce the area of Parcel II of the premises, modify the rental, and to revise other provisions of the lease. The annual rental for Parcels I, II and IV through November 1, 1986, shall be $189,000 per annum. Lessee is entitled to a credit for all wharfage and dockage charges (not to exceed the annual rental) arising out of Lessee's operation at the leased premises assessed in accordance with Port's Tariff No. 3. Lessee shall also have first rights to utilize Parcel II–A, which is contiguous to Parcel II, but not a part of the leased premises.

Agreement No. 5200–37.

Filing Party: David C. Nolan, Esquire, Graham & James, One Maritime Plaza, Suite 300, San Francisco, California 94111.

Summary: Agreement No. 5200–37 would amend various articles of the Pacific Coast European Conference agreement for the express purpose of requiring a security deposit from all member lines to assure the faithful performance of their obligations under the agreement. The security required to be deposited shall be in the amount of fifty percent (50 percent) of each member line's annual share of conference administrative, legal, and neutral body expenses plus $10,000.

Agreement No.: 7770–19.

Filing party: Howard A. Levy, Patricia E. Byrne, Attorneys for North Atlantic French Atlantic Freight Conference, Suite 727, 17 Battery Place, New York, New York 10004.

Subject: Agreement No. 7770–19 would amend the North Atlantic French Atlantic Freight Conference Agreement by adding new language to Article X to provide that the conference members shall appoint a European resident representative, and that they may appoint the Chairman of the Continental North Atlantic Westbound Freight Conference, or a member of his staff, for that purpose. The duties of the resident representative include, among other things, attending meetings, implementing shipper request and complaint procedures pursuant to Article VII of Agreement No. 7770, and housekeeping, administrative and funding arrangements pursuant to the memorandum of Housekeeping arrangement of the Trans-Atlantic Freight Conference (FMC Agreement No. 10281) and pursuant to Article XVIII of Agreement No. 7770.

Agreement No.: 9859–4.

Filing Party: Eliot J. Halperin, Graham & Jarvis, 1050 17th Street, NW., Washington, D.C. 20036.

Summary: Agreement No. 9859–4 modifies Agreement No. 9859–2, which is a joint service agreement among Kommandittselskapet Det Bergenske Dampskibsselskab Star Cruises, Sea Cruises A/S, Kommandittselskapet Royal Viking Sea A/S and Royal Viking Line A/S. Royal Viking Line A/S manages the cruise operations conducted under the name Royal Viking Line, which presently operates the passenger vessels Royal Viking Sea, Royal Viking Star and Royal Viking Sky. Because the parties to the agreement are undertaking a company reorganization, they have filed the present modification to provide for the termination of the entire agreement effective January 1, 1981, rather than the agreement's original termination date of January 1, 1988.

By Order of the Federal Maritime Commission.

Dated: October 10, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–32170 Filed 10–15–80; 8:45 am]

BILLING CODE 6730–01–M

[Agreement No. 10398]

Availability of Finding of No Significant Impact

Agreement No. 10398 was filed with the Federal Maritime Commission (Commission) for approval, disapproval or modification under section 15 of the Shipping Act, 1916. Under this agreement Mayan Line, Inc., will space charter at least 10 TEU's per voyage on two of its vessels to Consolidadora Del Caribe, S.A.

The Commission's Office of Environmental Analysis prepared an environmental assessment on this agreement. It found that this Commission action will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*

The environmental assessment is available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Interested parties may comment on the environmental assessment on or before November 5, 1980.

Such comments are to be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573. If a party fails to comment within this period, it will be presumed that the party has no comment to make.

Francis C. Hurney,

Secretary.

[FR Doc. 80–32181 Filed 10–15–80; 8:45 am]

BILLING CODE 6730–01–M

[Independent Ocean Freight Forwarder License No. 2182]

CNT International; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of CNT International (Charles N. Tobiasek, d.b.a.), 6943 Loftygrove Drive, Rancho Palos Verdes, CA 90274, FMC No. 2182. was cancelled effective October 8, 1980.

By letter dated September 23, 1980, CNT International (Charles N. Tobiasek, d.b.a.) was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2182 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

CNT International (Charles N. Tobiasek, d.b.a.) has failed to furnish a valid surety bond.

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(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2182 be and is hereby revoked effective October 8, 1980.

It is ordered, that Independent Ocean Freight Forwarder License No. 2182 issued to CNT International (Charles N. Tobiasek, d.b.a.) be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon CNT International (Charles N. Tobiasek, d.b.a.).

Robert G. Drew,

Director, Bureau of Certification and Licensing.

[FR Doc. 80–32171 Filed 10–15–80; 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 U.S.C. 841(c)).

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.

DFW International Services (Pete V. Fuentes, d.b.a.), 941 B Avenue N., Grand Prairie, TX 75050.

Eagle International, Ltd., 10600 Higgins Rd., Suite 207, Rosemont, IL 60018. Officers: L. Gene Mueller, President, Rosalee Mueller, Secretary, Vern J. Weberski, Vice President, Mary Susan Weberski, Treasurer.

Joel Barnehama, 6 Juniper Drive, Great Neck, NY 11021.

John E. Southby, 10455 SW 107 Terrace, Miami, FL 33176.

Richard J. Maddalena, 1331 69th Street, Brooklyn, NY 11219.

Marco International Forwarders (P.T.W. Wang, d.b.a.), P.O. Box 716, San Bruno, CA 94066.

Murphy Shipping Company (Gerald P. Murphy, d.b.a.). P.O. Box 9069, 100 West Harrison Plaza, Seattle, WA 98119.

Contract Crating, Inc., 400 Gregg Street, Houston, TX 77020. Officers: Jerry W. Sadler, President, George E. Sims, Vice President, Sandra Yost, Secretary.

By the Federal Maritime Commission.

Dated: October 10, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80–32172 Filed 10–15–80; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Notice of Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than November 7, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. Bankamerica Corporation, San Francisco, California (industrial loan activities; Utah): to expand the activities of its indirect subsidiary, FinanceAmerica Corporation (whose name will be changed to FinanceAmerica Thrift Corporation upon the issuance of the industrial loan license), to include the additional activity of acting as an industrial loan corporation under the Utah Industrial Loan Law. Such activity will include, but will not be limited to, issuing thrift certificates and thrift passbook certificates, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property. The activity will be conducted from an existing office in Salt Lake City, Utah serving the State of Utah.

2. Bankamerica Corporation, San Francisco, California (industrial loan company, financing, insurance, and servicing activities; Kansas): to engage through its indirect subsidiary, FinanceAmerica Corporation, a Kansas corporation (whose name will be changed to FinanceAmerica Thrift Corporation upon the issuance of the industrial loan license) in the activities of an industrial loan company as licensee under the Kansas Investment Certificates of Investment Companies Act. Such activities will include, but will not be limited to, issuing investment certificates; making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans secured by real and personal property; and offering life, accident and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation (Kansas). These activities would be conducted from existing offices located in Emporia, Great Bend, Kansas City, Lawrence, Overland Park, Salina, Topeka, and Wichita, Kansas, serving the State of Kansas.

3. Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities, New Hampshire, Maine and Vermont): to continue to engage, through its indirect subsidiary, FinanceAmerica Corporation of New Hampshire, Inc., a New Hampshire corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and the offering of credit related life and credit related accident and health insurance. Such activities would include, but will not be limited to, making loans and other extensions of credit to consumers as well as small businesses, purchasing installment sales finance contracts, making loans secured by real property, and offering life and accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of New Hampshire, Inc.

These activities would be conducted from two existing offices in Dover and Laconia, New Hampshire, serving the States of New Hampshire and Maine, and from an existing office in Keene, New Hampshire, serving the States of New Hampshire and Vermont. This application is for an expansion of the geographic service areas of such offices.

4. Wells Fargo & Company, San Francisco, California (credit property and casualty insurance agency activities; Arizona, Arkansas, Kansas, Louisiana, Missouri, Nevada, Oklahoma, Texas and Utah): proposes to engage through its subsidiary, Wells Fargo Credit Corporation ("WFCC"), in acting as agent for credit property and casualty insurance and associated liability insurance related to WFCC's extensions of credit, to the extent permissible under applicable State insurance laws or regulations. These activities would be conducted from offices in Phoenix and Tucson, Arizona, serving Arizona, Nevada, New Mexico and Utah and from offices in Tulsa and Oklahoma City, Oklahoma, serving Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, October 8, 1980.

Jefferson A. Walker,

Assistont Secretory of the Boord.

[FR Doc. 80-32126 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

Covington First State Bancshares, Inc.; Formation of Bank Holding Company

Covington First State Bancshares, Inc., Covington, Oklahoma, has applied for the Board's approval under § 3(a)(1) of th Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of First State Bank, Covington, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. 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 November 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governor of the Federal Reserve System, October 8, 1980.

Jefferson A. Walker,

Assistont Secretory of the Boord.

[FR Doc. 80-32123 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

Ridgeway Bancshares, Inc.; Formation of Bank Holding Compnay

Ridgeway Bancshares, Inc., Ridgeway, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 98 per cent of the voting shares (less director's qualifying shares) of Farmers National Bank of Ridgeway, Ridgeway, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1980.

Jefferson A. Walker,

Assistant Secretory of the Board.

[FR Doc. 80-32124 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

Southwest Georgia Financial Corp.; Formation of Bank Holding Company

Southwest Georgia Financial Corporation, Moultrie, Georgia, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 100

per cent of the voting shares of Moultrie National Bank, Moultrie, Georgia. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 7, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 8, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-32125 Filed 10-15-80; 8:45 am]

BILLING CODE 6210-01-M

Citizens Bankshares, Inc.; Proposed Acquisition of Bonneville Thrift, Inc.

Citizens Bankshares, Inc., Ogden, Utah, has applied, through its subsidiary, Charter Thrift and Loan, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire substantially all of the assets of Bonneville Thrift, Inc., Bountiful, Utah.

Applicant states that the proposed subsidiary would engage in operating an industrial loan company under Utah law, including making loans, issuing thrift certificates and thrift passbook certificates; commercial and consumer finance activities; making leases that are the functional equivalent of extensions of credit; and in selling credit life and credit accident and health insurance related to extensions of credit by Charter Thrift & Loan. These activites would be performed from offices of Applicant's subsidiary in Bountiful, Utah, and the geographic areas to be served are Bountiful, Utah, and surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 3, 1980.

Board of Governors of the Federal Reserve System, October 15, 1980.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 80-32467 Filed 10-15-80; 11:27 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the months of November and December 1980.

Manpower and Training Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

November 6; 1:30 p.m.—open

Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Contact: Mrs. Doris Banks, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4640

Purpose: The Manpower and Training Work Group evaluates all external (non-employee) Federal manpower development and training programs which relate to alcohol abuse and alcoholism and provides communication and exchange of information necessary to coordinate these programs and activities. Reports or recommendations are submitted to the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism.

Agenda: The meeting will consist of a discussion of future work plans and activities for the work group.

Research Work Group of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

December 15; 2:00 p.m.—open

Conference Room N, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Contact: Charles T. Kaelber, Room 16C-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2958

Purpose: The Research Work Group seeks to review, and where appropriate, to coordinate, Federal alcohol and alcoholism related research efforts, and submits any reports or recommendations to the Interagency Committee as necessary in order to carry out these efforts.

Agenda: The meeting will consist of a presentation by Dr. Thomas Harford of the Laboratory of Epidemiology and Population Studies, NIAAA, on the psychosocial research program in alcohol consumption.

Substantive program information may be obtained from the contact person listed above. The NIAAA Committee Management Office will furnish upon request summaries of the meeting and a roster of Committee members. Contact Ms. Helen Garrett, NIAAA, Room 16C-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-2860.

Dated: October 9, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-32115 Filed 10-15-80; 8:45 am]

BILLING CODE 4110-88-M

Office of Human Development Services

White House Conference on Aging, Technical Committee Meeting; Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the national Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Public Law 95-463, 5 U.S.C. App. 1, sec.

10, 1976) that the Technical Committee on Spiritual Well Being has changed the location of its meeting on October 30, 1980 from 1 p.m. to 5 p.m., to the Cincinnati South Holiday Inn, 2100 Dixie Highway, Ft. Mitchell, Kentucky.

At this meeting the committee will review the workplan, determine format of final report, finalize specific assignments for committee members in areas of research. Further information on the Technical Committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245–1914. Technical Committee meetings are open for public observation.

Dated: October 9, 1980.

Mamie Welborne,

HDS Committee Management Officer.

[FR Doc. 80-32150 Filed 10-15-80; 8:45 am]

BILLING CODE 4110-92-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Susanville District Advisory Council Meeting

Notice is hereby given in accordance with Public Law 94–579 (FLPMA) that a meeting of the Susanville District Advisory Council will be held, Thursday, November 6, 1980 at 9:00 a.m. in the Bureau of Land Management Office in Cedarville, California.

Agenda Items for the November 6th Meeting

1. Role definition.
2. Cowhead/Massacre land use decisions and Rangeland Management Program Document.
3. Process for reporting EIS implementation progress to public.
4. Cal/Neva EIS Alternatives.
5. Rifle range progress report.

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

C. Rex Cleary,

District Manager.

[FR Doc. 80-32113 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-84-M

Montana and Wyoming Powder River Regional Coal Team; Meeting

Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the regional coal team will meet on November 6, 1980 to review the calls for expressions of interest received for the Powder River Region of Wyoming and Montana, and the progress of the U.S. Geological Survey Tract Delineation effort. The Regional Coal Team will also review the protest of the land use planning decisions in the Montana portion of the Region. Public comments will also be received from anyone who wishes to address the team.

Public attendance at the regional coal team meeting is welcome.

The regional coal team will meet at 9 a.m. on November 6, 1980. In the event the regional coal team does not complete it work on November 6, 1980, the meeting will be continued on November 7, 1980 at 8:30 a.m.

The regional coal team meeting will be held on the Holiday Inn West, I–90 and Mullowney Lane, Billings, Montana.

For further information contact: Robert O. Buffington, Regional Coal Team Chairperson, (208) 384–1401, or Stan McKee, Powder River Project Manager, (307) 778–2220, ext. 2473.

F. William Eikenberry,

Associate State Director.

October 6, 1980.

[FR Doc. 80-32177 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-84-M

[W-72338]

Wyoming; Invitation for Coal Exploration License; Sunoco Energy Development Company

Sunoco Energy Development Company hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning Federally owned coal underlying the following-described land in Campbell County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 46 N., R. 70 W.,
- Sec. 6, Lots 1 thru 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼ (All);
- Sec. 7, Lots 1 thru 4, E½, and E½W½ (All);
- Sec. 8, W½NW¼, and SW¼;
- Sec. 18, Lots 1 thru 4, and E½W½;
- Sec. 19, Lots 1 thru 4, and E½W½.

T. 46 N., R. 71 W.,
- Sec. 1, Lots 1 thru 4, S½N½, and S½ (All);
- Sec. 9, SW¼NE¼, SE¼NW¼, E½SW¼, and SE¼;
- Sec. 10, NE¼NW¼, SW¼NW¼, and S½;
- Sec. 11, All;
- Sec. 12, All;
- Sec. 13, All;
- Sec. 14, N½, and N½SE¼;
- Sec. 15, N½;
- Sec. 24, E½, E½NW¼, and NW¼NW¼.

Containing 6,566.11 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is to determine the quality and quantity of the coal, to analyze the character of the over-lying rock and conduct surveying and surface geologic mapping within the boundaries of the above described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–72338): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Management, 951 Union Boulevard, Casper, Wyoming 82601.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of October 13, 1980, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sunoco Energy Development Company, no later than thirty (30) days after publication of this invitation in the **Federal Register**. The written notices should be sent to the following addresses: Sunoco Energy Development Company, Attention: Sara D. Mosca, 12700 Park Central Place, Suite 1500, Box 9, Dallas, Texas 75251, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulation, § 3410.2–1(d)(1).

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

October 6, 1980.

[FR Doc. 80-32175 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Inventory Announcement of Decision on Protests for Revised Boundaries for Three Overthrust Belt Units; Montana

October 3, 1980.

This notice announces the Montana State Director's final decision on protests received on the revised boundaries for three overthrust belt units.

Background

A notice appeared in the Thursday, August 7, 1980, **Federal Register** (Vol. 45, No. 154, Page 52465) announcing the Montana State Director's final decision on protests received on overthrust belt wilderness inventory units. The wilderness inventory for these units was

accelerated ahead of the statewide schedule because of potential conflicts with energy exploration and development. The overthrust belt in Montana is located entirely within the Butte BLM District.

This notice announced that the final decision on 15 units which had not been protested would remain unchanged. This decision designated 18 units as wilderness study areas and dropped 27 units from further study. The notice also announced revised boundary decision as a result of protests for three units and established a 30-day protest period.

Protest letters were received on all three of the following units. The State Director's final decision for these units will remain unchanged.

Unit No.	Unit name	Acreage identified for WSA status	Acreage dropped from wilderness consideration
MT-076-002	Blacktail Mountains	17,639	3,811
MT-076-026	Bell/Limekiln Canyons	9,588	13,141
MT-076-028	Henneberry Ridge	9,758	27,944
Total		36,983	44,896

Individual's Right of Appeal

All individuals who protested the revised boundaries have been informed that they have a 30-day period in which to file a notice of appeal on an adverse decision to the Interior Board of Land Appeals. Any other adversely affected individuals also have the right of appeal. Appeals should be sent to the Board of Land Appeals, Office of Hearings and Appeals, in accordance with 43 CFR, Part 4.

Additional information can be obtained by writing to: State Director (931), Montana State Office, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, or by calling (406) 657-6474.

Michael J. Penfold,

State Director.

[FR Doc. 80-32186 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

Petition to Designate Certain Federal Lands in Southern Utah Unsuitable for Surface Coal Mining Operations: Extension of Time for Filing Comments

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Extension of the public comment period to receive written comments on certain information submitted at the October 10, 1980, public hearing regarding the unsuitability for surface coal mining operations of certain Federal lands in southern Utah.

SUMMARY: This announcement extends the public comment period for written comments on the Environmental Protection Agency (EPA) noise study report and the Utah International, Inc. (UII) air quality report submitted at the October 10, 1980, public hearing regarding the unsuitability for surface coal mining operations of certain Federal lands in southern Utah.

DATE: Written comments on the EPA noise study report and the UII air quality report must be received by 5:00 p.m. on October 20, 1980, at the address given below.

ADDRESSES: Written comment must be mailed or hand-carried to the OSM Regional Office, Division of State and Federal Programs, Region V, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, CO 80202.

FOR FURTHER INFORMATION CONTACT: Paul Bodenberger, Division of Technical Analysis and Research, Office of Surface Mining, Region V, Brooks Towers, 1020 15th Street, Denver, CO 80202 (telephone 303-837-5656).

SUPPLEMENTARY INFORMATION: A public hearing was held on October 10, 1980, in Kanab, Utah, pursuant to a **Federal Register** notice dated September 12, 1980, to receive testimony pertaining to a petition to designate certain Federal lands in southern Utah unsuitable for surface coal mining operations submitted by the Sierra Club, *et al.* Additional information on this petition may be found in **Federal Register** notices of January 17, 1980, (Receipt of a Complete Petition for Designation of Lands Unsuitable for Surface Coal Mining Operations, 45 FR 3398-99); April 24, 1980, (intent to Prepare Coal Resources, Demand, and Impact Statement and Draft Environmental Impact Statement; Scoping Meeting, 45 FR 27836-37), and September 12, 1980 (Notice of Availability of Draft Evaluation Document, 45 FR 60495-6).

At the public hearing held on October 10, 1980, EPA submitted a report assessing the impact of noise produced by surface coal mining operations in the petition area. Similarly, UII submitted a report assessing the impact of surface coal mining operations on air quality.

Because of lengthy and detailed nature of these reports, the public comment period is hereby extended from October 15, 1980, (see **Federal Register** notice dated September 12, 1980) to October 20, 1980, in order to receive public comments regarding only these two documents.

Dated: October 10, 1980.

Walter N. Heine,

Director.

[FR Doc. 80-32182 Filed 10-15-80; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the

rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed on or before November 17, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: September 24, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor and Williams. (Member Taylor not participating).

MC–F–14426, filed June 17, 1980. G. C. PARSONS TRUCKING CO. (PARSONS), (P.O. Box 1085, North Wilkesboro, NC 28659), Control and Merger, C&S MOTOR EXPRESS, INC., (C&S), (Route 1, Box 307, North Wilkesboro, NC 28697). Representative: Dean N. Wolfe, Gimmel & Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Parsons seeks authority to control C & S through the merger of C&S into Parsons. Shareholdes of C&S will surrender all of the issued and outstanding shares of C & S in exchange for shares of Parsons, the surviving corporation. C & S holds motor common carrier authority pursuant to MC–33060, lead certificate and Sub–2 certificate, which authorize the transportation of *general commodities,* with the usual exceptions, over regular routes, (1) between North Wilkesboro, NC, and Winston-Salem, NC, over U.S. Highway 421, serving all intermediate points (2) Between Winston-Salem, NC, and Mocksville, NC, over U.S. Highway 158, and U.S. Highway 64, and NC Highway 901, serving all intermediate points, (3) between the intersection of U.S. Highway 64 and NC Highway 901, and North Wilkesboro, NC, over NC Highway 901, and NC Highway 115, serving all intermediate points, and (4) between Lenor, NC, and North Wilkesboro, NC, over NC Highway 18, serving all intermediate points. Parsons is an irregular route motor common carrier operating in interstate and foreign commerce under authority issued in MC–117427 and various subs thereto, which authorize the transportation of lumber and building supplies between points in the U.S. east of the Mississippi River. (Hearing site: Washington, DC or Winston-Salem, NC.)

Note.—A directly related application seeking a conversion of the certificate of registration in No. MC–33060 (Sub-No. 2) into a certificate of public convenience and necessity has been filed in MC–117427 (Sub–No. 79F), published in this same **Federal Register** issue.

Decision-Notice

The following operating rights applications, filed on or after March 1, 1979, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a petition to intervene either with or without leave must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be rejected.

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

Section 247(f) provides that an applicant which does not intent timely

to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or the following operating rights applications directly related thereto filed on or before November 17, 1980 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

MC 117427 (Sub-79F), filed June 17, 1980. Applicant: G. G. PARSONS TRUCKING CO., P.O. Box 1085, N. Wilkesboro, NC 28659. Representative: DEAN N. WOLFE, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Authority sought to operate as a *common carrier,* by motor vehicle over regular routes, transporting: *general commodities,* (except those requiring special equipment), (1) from North Wilkesboro, NC, to Winston-Salem, NC over U.S. Highway 421; (2) from Winston-Salem, NC, to Mocksville, NC over U.S. Highway 158, thence over U.S. Highway 64 and N.C. Highway 901; (3) from the intersection of U.S. Highway 64 and N.C. Highway 901 over N.C. Highway 901 to its intersection with N.C. Highway 115, thence over N.C. Highway 115 to North Wilkesboro, NC; and (4) from Lenoir, NC to North Wilkesboro, NC over N.C. Highway 18. Return over the same routes serving all intermediate points. (Hearing site: Washington, D.C.)

Note.—This proceeding is directly related to MC–F–14426 and the purpose for filing this application is to convert a certificate of registration to be acquired in that proceeding to a certificate of public convenience and necessity.

MC 149401 (notice of proposed grant of petition to modify certificate), filed September 16, 1980. Petitioner: NATIONAL TRUCKING, INC. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds a Certificate of Public Convenience and Necessity in No. MC–149401 F, authorizing, in pertinent part, the transportation, as a motor common carrier, in interstate or foreign commerce, over irregular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Ravenna, OH, on the one hand, and, on the other, points in Ohio. By supplemental decision dated September 29, 1980, Review Board Number 5 modified the prior decision in the directly related application in No. MC–f–14379F subject to republication, so as to permit the transportation of *general commodities* (except those of unusual value, Classes A and B explosives, and household goods, as defined by the Commission), between the same points. Parties opposed to the granting of the above modification should file protests no later than November 17, 1980, setting forth their interest in this proceeding and how they may be harmed by the modification proposed to be granted.

MC 19311 (Sub-65F). By decision of September 26, 1980, Review Board Number 5 granted Central Transport, Inc., 34200 Mound Road, Sterling Heights, MI 48077, authority as follows: *General commodities* (usual exceptions), between Cincinnati, OH, on the one hand, and, on the other, points in KY. Representative: Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603.

Note.—This application was previously published January 8, 1980. It is directly related to No. MC–F–14176F.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–32212 Filed 10–15–80; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before December 1, 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 verfied statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–065

Decided: October 2, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 1222 (Sub-48F), filed September 26, 1980. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth St., Portsmouth, OH 45662. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Transporting *chemicals, plastic film sheeting, plastic foam, and metal products*, from points in Will County, IL, Mason County, MI, and Hancock, Licking, and Lawrence Counties, OH, to points in AL, GA, IA, IL, IN, KY, MI, MN, MS, MO, NC, OH, SC, TN, VA, WV, and WI.

MC 105813 (Sub-276F), filed September 29, 1980. Applicant: BELFORD TRUCKING CO., INC., 1759 S.W. 12th St., P.O. Box 270, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *foodstuffs and kindred products*, as described in Item 20 of the Standard Transportation Commodity Code, between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 107012 (Sub-576F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *water trays and water drums*, from points in MI to points in MO.

MC 107012 (Sub-578F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as above). Transporting *patio furniture and wooden sheds*, from Emmett, ID, to points in the U.S. (except AK and HI).

MC 107012 (Sub-579F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as applicant). Transporting *automotive wheels and parts and accessories* for automotive wheels, from Ontario, CA, to points in the U.S. (except AK and HI).

MC 107012 (Sub-580F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (address same as applicant). Transporting *institutional furniture*, from points in the U.S. to Batesville, IN.

MC 107012 (Sub-581F), filed September 26, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Stephen C. Clifford (address same as applicant). Transporting *sporting goods*, from Leesburg, FL, Crivitz, WI, San Diego, and Los Angeles, CA, to points in the U.S. (except AK and HI).

MC 111812 (Sub-738F), filed September 26, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). Transporting *food or kindred products*, as described in item 20 of the Standard Transportation Commodity Code (except commodities in bulk), between the facilities of Geo. A. Hormel & Co., at or near Davenport, IA, on the one hand, and, on the other, points in CT, DE, GA, IL, IA, ME, MD, MA, NE, NH, NJ, NY, NC, ND, PA, RI, SC, SD, TN, VT, VA, WV, and DC.

MC 115793 (Sub-32F), filed September 25, 1980. Applicant: CALDWELL FREIGHT LINES, INC., P.O. Box 620, Hwy 321 South, Lenoir, NC. Representative: C. Douglas Woods (address same as applicant). Transporting (1) *tile* and (2) *such commodities* as are dealt in and used by wholesale and retail stores (except tile and commodities in bulk), from points in KY and TN, to points in NC.

MC 116142 (Sub-30F), filed September 26, 1980. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, York, PA 17405. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Transporting *malt beverages*, and *materials, equipment, and supplies* used in the manufacture and distribution of malt beverages (except commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 116273 (Sub-256F), filed September 29, 1980. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery (Address same as applicant). Transporting *commodities*, in bulk, between points in IN, IL, IA, KY, MI, MO, OH, PA, and WI, on the one hand, and, on the other, points in the U.S.

MC 117883 (Sub-273F), filed October 9, 1980. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, OH 45380. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, DC 20001. Transporting (1) *foodstuffs*, and (2) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except foodstuffs), between points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC.

Note.—Applicant has presented no shipper support but relies rather on evidence of existing services being provided.

MC 125023 (Sub-83F), filed September 26, 1980. Applicant: SIGMA–4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *malt beverages*, in containers, and (2) *materials, equipment, and supplies* used in the manufacture, and distribution of malt beverages, between points in Monroe County, NY, on the one hand, and, on the other, points WV.

MC 134023 (Sub-2F), filed September 24, 1980. Applicant: KING VAN & STORAGE, INC., 2323 West La Palma Ave., Anaheim, CA 92801. Represenatative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting *household goods* as defined by the Commission, between points in WA, OR, CA, NV, ID, MT, WY, UT, CO, AZ, and NM.

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

MC 136343 (Sub-227F), filed September 25, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting (1) *brakes, pumps, agricultural implements, castings, and racks*, (2) *parts* for brakes, pumps and agricultural implements, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) and (2) above, between the facilities of New York Air Brake Company, at Watertown, NY, on the one hand, and, on the other, those points in the U.S. east of MT, WY, CO, and NM.

MC 139482 (Sub-179F), filed September 26, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel (address same as applicant). Transporting (1) *foodstuffs, and materials, supplies and equipment* used in the manufacture and distribution of foodstuffs (except commodities in *bulk*), between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149562F, filed September 22, 1980. Applicant: FREE STATE TRUCK SERVICE, INC., P.O. Box 760, Glen Burnie, MD 21061. Representative: W. WILSON CORROUM (address same as applicant). Transporting (1) *metals* (except in bulk), and (2) *equipment, materials, and supplies* used in the manufacture, and distribution of metals (except in dump vehicles), between points in the U.S. (except AK and HI), under continuing contract(s) with Kennecott Corporation, of Salt Lake City, UT.

MC 150823 (Sub-1F), filed September 29, 1980. Applicant: DATA DISPATCH, INC., 850 Florida Ave. South, Minneapolis, MN 55426. Representative: Timothy H. Butler, 4200 IDS Center, 80 South 8th St., Minneapolis, MN 55402. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cosmetics, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Morton Grove, IL.

MC 151533 (Sub-5F), filed September 26, 1980. Applicant: BESTWAY FREIGHT LINES, LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting (1) *scrap metal and scrap metal alloys*, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of Suisman & Blumenthal, Inc., at Hartford, CT, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, PA, OH, DE, MD, MI, WI, IN, IL, IA, NC, and VA.

MC 152013F, filed September 26, 1980. Applicant: DISTRIBUTION CARRIER, INC., 2310 Grant Bldg., Pittsburgh, PA 15219. Representative: Henry M. Wick, Jr. (same address as applicant). Transporting *general commodities* (except those 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 Volkswagen of America, Inc., of Warren, MI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit indicating why such approval is unnecessary.

Volume No. OP2–067

Decided: October 7, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 107012 (Sub-582F), filed September 30, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *heating and air conditioning ducts and fittings*, from El Paso, TX, to points in the U.S. (except AK and HI).

MC 107012 (Sub-583F), filed September 30, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). Transporting *accessories* for pickup trucks, from Jonesboro, AR, to points in the U.S.

MC 108053 (Sub-180F), filed September 30, 1980. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 North LaSalle St., Chicago, IL 60601. Transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Pierce and King Counties, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic having a prior or subsequent movement by water.

MC 108382 (Sub-42F), filed October 2, 1980. Applicant: SHORT FREIGHT LINES, INC., 459 South River Rd., Bay City, MI 48706. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in MN, WI, IA, MO, IL, IN, KY, OH, PA, NY, WV, and MI (except Antrim, Benzie, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, and Wexford Counties).

MC 110012 (Sub-76F), filed September 29, 1980. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, NW., Washington, DC 20004. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Greene County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 113362 (Sub-404F), filed September 30, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Transporting (1) *bags*, from Kansas City, MO, to those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and, (2) *equipment, materials, and supplies* used in the manufacture, sale, and distribution of bags, in the reverse direction.

MC 115162 (Sub-544F), filed October 3, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *textiles and textile products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S.

MC 115452 (Sub-5F), filed September 30, 1980. Applicant: HUSBAND TRANSPORT, LIMITED, 159 Bay St., Toronto, Ontario, CD M5J 1J7. Representative: William J. Hirsch, 43 Court St., 1125 Conventon Towers, Buffalo, NY 14202. In foreign commerce only, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), between the ports of entry on the international boundary line between the U.S. and Canada at Buffalo and Niagara

Falls, NY, on the one hand, and, on the other, Buffalo and Niagara Falls, NY.

MC 124692 (Sub-342F), filed September 30, 1980. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., Minneapolis, MN 55401. Transporting (1) *wood burning stoves and fireplace units* and (2) *parts and accessories* for the commodities in (1) above, from points in Sac County, IA, and Minneapolis, MN, to points in the U.S. (except AK and HI).

MC 125952 (Sub-48F), filed October 1, 1980. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango SW., P.O. Box 99307, Tacoma, WA 98499. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210. Transporting (1) *paper, paper products, and wood pulp,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Boise Cascade Corporation, of Portland, OR.

MC 127303 (Sub-82F), filed September 30, 1980. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW., Washington, DC 20001. Transporting *beverages,* between Fort Wayne, IN, Kansas City, MO, and Omaha, NE, on the one hand, and, on the other, points in AR, MN, MO, WI, and Council Bluffs, IA.

MC 136182 (Sub-10F), filed September 30, 1980. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *caustic soda,* in bulk, in tank vehicles, between points in Vigo County, IN, on the one hand, and, on the other, points in IL, OH, KY, and MI.

MC 136182 (Sub-11F), filed October 3, 1980. Applicant: B & C MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970 Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, Transporting *petroleum products,* between points in Marion County, IN, on the one hand, and, on the other, points in IL, OH, KY, MI, and MO.

MC 139642 (Sub-8F), filed September 29, 1980. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of industrial fastening tools, between points in the U.S., under continuing contract(s) with Hilti Industries, Inc., of Tulsa, OK.

MC 141532 (Sub-101F), filed September 30, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Hwy., Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Rd., Salt Lake City, UT 84104. Transporting *wallboard, insulating board,* and *building materials,* between points in San Bernardino County, CA, on the one hand, and, on the other, points in the U.S. in and west of WI, IL, MO, AR, and LA.

MC 142672 (Sub-154F), filed September 30, 1980. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting (1) *such commodities* as are dealt in by grocery and food business houses (except frozen and in bulk), from the facilities of the Clorox Company, at or near Kansas City, MO, to points in AR and CO, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction.

MC 142672 (Sub-155F), filed September 30, 1980. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting, *candy,* from points in Putman County, TN, to points in PA and TX.

MC 144622 (Sub-189F), filed September 30, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B, Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *Chemicals, petroleum products, and cleaning products,* between points in Montgomery and Philadelphia Counties, PA, and Baltimore County, MD, and Baltimore, MD, on the one hand, and, on the other, points in CA, TX, OK, LA, and AR.

MC 144622 (Sub-190F), filed September 30, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B, Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *such commodities* as are dealt in by grocery, discount, and variety stores, between points in the U.S. (except AK and HI), on the one hand, and, on the other, points in AL, AR, NE, LA, and TX, restricted to traffic originating at or destined to the facilities of Mass Merchandisers, Inc.

MC 144832 (Sub-3F), filed October 1, 1980. Applicant: JOE C. SIKES, d.b.a., GLENN-LEE TRUCKING CO., P.O. Box 281, Springfield, GA 31329. Representative: Michael P. Hines (same address as applicant). Transporting *iron and steel articles,* between points in AL, FL, GA, NC, SC, and TN.

MC 146643 (Sub-61F), filed October 1, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. Transporting *paper,* between points in the U.S., under continuing contract(s) with Badger Paper Mills, Inc., of Peshtigo, WI.

MC 150112 (Sub-1F), filed September 29, 1980. Applicant: FLEXIBLE TRANSPORT, INC., P.O. Box 668664, Charlotte, NC. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic articles and rubber articles, (except commodities in bulk, in tank vehicles), between points in TX, and those in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 150242 (Sub-2F), filed October 2, 1980. Applicant: BRIAN-DAWN TRUCKING, INC., Box 164, Tremont, IL 61568. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *salt,* between points in Tazewell County, IL, on the one hand, and, on the other, points in IA, IN, MI, and WI.

MC 151632 (Sub-2F), filed September 30, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Rd., Westfield, MA 01086. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products (except commodities in bulk), between points in the U.S.

MC 152043F, filed September 29, 1980. Applicant: CLYDE SAULS d.b.a. CLYDE SAULS TRUCKING, 2702 Wyndham Lane, Orlando, FL 32808. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor tile, from points in Harris County, TX, to points in FL.

Volume No. OP4-085

Decided: October 9, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 4966 (Sub-23F), filed September 29, 1980. Applicant: JONES TRANSFER COMPANY, a corporation, 300 Jones Ave., Monroe, MI 48161. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Trumbull, Erie, Huron, Richland, Ashland, Ashtabula, Hancock, Wyandot, Crawford, Seneca, Hardin, Logan, Greene, Shelby, Darke, Miami, Coshocton, Muskinghum, Hocking, Vinton, Jackson, Pike, and Highland Counties, OH, as off-route points in connection with carrier's authorized regular-route operations. Condition: The regular-route authority granted here shall not be severable, by sale or otherwise, from applicant's retained pertinent irregular-route authority.

Note.—The purpose of this application is to convert a portion of applicant's irregular-route authority to regular-route authority, and to eliminate the gateway of Toledo, OH.

MC 26396 (Sub-379F), filed October 6, 1980. Applicant: THE WAGGONERS TRUCKING, a corporation, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *clay and clay products*, between points in the U.S.

MC 48956 (Sub-19F), filed October 6, 1980. Applicant: JAMES FLEMING TRUCKING, INC., 761 East St., Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *clay tile*, used in commercial construction and home building between points in the U.S., under continuing contract(s) with Dal-Tile Corp., of Alexandria, VA.

MC 56276 (Sub-3F), filed October 3, 1980. Applicant: DOMINIC SHIPPOLE, d.b.a. STAR MOTOR LINES, 11 Irving St., Worcester, MA 01609. Representative: Dominic Shippole (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in CT, MA, NJ, NY, and RI.

MC 74176 (Sub-2F), filed October 6, 1980. Applicant: WILES TRANSPORT, INC., 16901 Van Dam Rd., So. Holland, IL 60413. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Transporting *such commodities* as are dealt in or used by paint and chemical coating manufacturers and distributors (except commodities in bulk, in tank vehicles), between the facilities of Standard Chemical Co., at or near Chicago Heights, IL, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of Standard T Chemical Co., Inc.

MC 105566 (Sub-232F), filed October 6, 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 *plastic and metal furniture parts*, between Hawthorne, CA, on the one hand, and, on the other, Fort Washington, PA, and Waterbury, CT.

MC 107107 (Sub-487F), filed October 6, 1980. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in IL to points in FL, GA, NC, and SC, restricted to traffic originating at the facilities of Trans-Am Shippers Cooperative, Inc.

MC 110686 (Sub-65F), filed October 3, 1980. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, 1150 Connecticut Ave. NW., Suite 400, Washington, DC 20036. Transporting *boat keels and materials and supplies* used in the manufacture of boat keels, between points in Lycoming County, PA, on the one hand, and, on the other, points in FL, GA, IL, LA, MD, MA, MI, NH, NJ, NY, OH, RI, SC, TX, and VA.

MC 112627 (Sub-36F), filed October 1, 1980. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. Transporting *wine and alcoholic beverages*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Westfield and New York, NY, on the one hand, and, on the other, Richmond, VA, Charlestown, WV, Kansas City and St. Louis, MO, and points in CT, DE, IL, IN, KY, MD, MA, MI, MN, NJ, NY, OH, PA, RI, VT, WI, and DC.

MC 120547 (Sub-2F), filed October 3, 1980. Applicant: PARKER'S EXPRESS, INC., 21 Parker Dr., Avon, MA 02322. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Transporting *general commodities* except household goods as defined by the Commission and classes A and B explosives), between points in Putnam, Westchester, Dutchess, Columbia, Rensselaer, Schenectady, Albany, Greene, Rockland, Ulster, and Orange Counties, NY, and points in CT, MA, ME, NH, RI, and VT. Condition: Issuance of a certificate in the proceeding is subject to prior or coincidental cancellation, at applicant's written requests, of Certificate of Registration No. MC 120547 (Sub-1) issued July 10, 1974.

MC 121137 (Sub-3F), filed October 2, 1980. Applicant: JONES RIGGINGS & HEAVY HAULING, INC., 6500 New England Hwy., North Little Rock, AR 72117. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201. Transporting (1)(a) *commodities* the transportation of which by reason of size of weight requires special equipment, (b) *machinery parts*, and (c) *contractors' material and supplies* where their transportation is incidental to the transportation by the carrier of commodities in (1)(a) above, (2)(a) *self propelled articles* each weighing 15,000 pounds or more, and (b) *machinery, tools, parts, and supplies* moving in connection therewith, and (3) *metal and metal articles*, between points in AR, on the one hand, and, on the other, points in TN, MS, AL, LA, TX, OK, and MO.

MC 125037 (Sub-16F), filed September 30, 1980. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35222. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between the facilities of Ralston-Purina Company, on the one hand, and, on the other, points in the U.S.

MC 126736 (Sub-138F), filed October 2, 1980. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., Jacksonville, FL 32202. Transporting *Commidities* in bulk and in dump vehicles, between points in the U.S.

MC 141867 (Sub-22F), filed October 6, 1980. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting (1) *aircraft, aircraft assemblies, and aerospace craft*, and (2) *parts, materials, and equipment* (except commodities in bulk in tank vehicles), used in the

maintenance, servicing, operation and manufacture of aircraft, aerospace aircraft and aerospace craft hardware, hydrofoil boats, asphalt plants, wind turbine systems and water purification systems, between points in Sedgwick County, KS and Tulsa County, OK, on the one hand, and, on the other, points in King and Snohomish Counties, WA, and Multnomah County, OR.

MC 142086 (Sub-2F), filed September 29, 1980. Applicant: JERRY A. JACOBS, d.b.a. JOY MOTOR FREIGHT, 1616 East 26th Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in King, Pierce, Mason, and Thurston Counties, WA, and points in the Seattle and Tacoma, WA Commercial zones, restricted to the transportation of traffic having a prior or subsequent movement by water.

MC 142976 (Sub-4F), filed October 3, 1980. Applicant: JOHN D. PERFETTI, R.D.D. #4, Box 265C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218. Transporting (1) *iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Standard Steel Company, of Latrobe, PA.

MC 143607 (Sub-27F), filed October 2, 1980. Applicant: BAYWOOD TRANSPORT, INC., 2611 University Parks Dr., Waco, TX 76706. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting (1) *plastic articles*, and (2) *materials, equipment*, and supplies used in the manufacture of plastic articles, (except commodities in bulk), between points in the U.S., under continuing contract(s) with Rubbermaid Commercial Products, Inc., of Winchester, VA. Condition: Issuance of a permit in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of permits in MC–143607 Sub 13 and MC–143607 Sub 20.

MC 143636 (Sub-10F), filed September 26, 1980. Applicant: RON SMITH TRUCKING, INC., R.R. No. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *sand, rock, gravel, aggregates, and plant mixed materials*, from points in Parke, Vigo, and Vermillion Counties, IN, to points in Edgar, Douglas, Vermillion, Champaign, and Coles Counties, IL.

MC 146646 (Sub-119F), filed September 29, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). Transporting *stoneware, earthenware, steel flatware, glass ware*, and *such commodities* used in the manufacture and distribution of supermarket promotional materials (except commodities in bulk), between points in the U.S.

MC 150856 (Sub-1F), filed October 2, 1980. Applicant: FRANKLIN PENNY, d.b.a. FRANKLIN PENNY TRUCKING, 2201 W. Walnut, Lodi, CA 95240. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting (1) *tread rubber and retreading materials*, and (2) *equipment and supplies* used in the manufacture of the commodities in (1) above, from Muncie, IN, to points in CA, NV, OR, and WA.

MC 152026 (Sub-1F), filed October 3, 1980. Applicant: SIGHTSEEING UNLIMITED, INC., d.b.a. GRAY LINES OF LITTLE ROCK, 901 E. 8th St., Little Rock, AR 72202. Representative: John Hall, 12920 Southridge Dr., Little Rock, AR 72207. Transporting *passengers and their baggage* in round trip sightseeing and charter operations, between Little Rock, AR, on the one hand, and, on the other, points in MO, TN, MS, LA, TX, and OK.

MC 152086F, filed October 3, 1980. Applicant: DAVID J. BOYOVICH, d.b.a. D. J. B. TRUCKING, 12647 SE. 162nd, Renton, WA 98055. Representative: George LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in WA and OR.

MC 152087F, filed August 26, 1980. Applicant: RAMON R. BIONE, d.b.a. BIONE TRUCK SERVICE, P.O. Box 96, Christopher, IL, 62822. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *playground and exercise equipment, outdoor grills and bar stools*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Jackson, Perry, and Williamson Counties, IL, on the one hand, and, on the other, St. Louis MO.

Volume No. OP5–030

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 31389 (Sub-309F), filed September 25, 1980. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First St., Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Teledyne Water Pik, at or near Ft. Collins, CO, as an off-route point in connection with applicant's otherwise authorized regular-route operations.

MC 31389 (Sub-310F), filed September 25, 1980. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First St., Winston-Salem, NC 27104 Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Candle Lite, Inc., at or near Leesburg, OH, as an off-route point in connection with applicant's otherwise authorized regular-route operation.

MC 31389 (Sub-311F), filed September 26, 1980. Applicant: McLEAN TRUCKING COMPANY, a corporation, 1920 West First St., Winston-Salem, NC 27104 Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Huffy Corporation, Oklahoma Bicycle Div., at or near Ponca City, OK, as an off-route point in conjunction with applicant's otherwise authorized regular route operations.

MC 64808 (Sub-46F), filed October 1, 1980. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown, Ave., Fairmont, WV 26554. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *malt beverages*, in containers, from points in Monroe County, NY to points in WV.

MC 72069 (Sub-31F), filed September 26, 1980. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. Transporting *frozen bakery products, and materials, equipment, and supplies* used in the manufacture and distribution of frozen

bakery products, between Sangatuck and Holland, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 98498 (Sub-4F), filed September 30, 1980. Applicant: GIROUX BROS. TRANSPORTATION, INC., 843 Boston Post Rd., Marlboro, MA 01752. Representative: John F. O'Donnell, 60 Adams St., P.O. Box 238, Milton, MA 02187. Transporting *general commodities* (except household goods and classes A and B explosives), between points in MA, RI, CT, NH, ME, VT, NY, NJ, and PA.

MC 105269 (Sub-90F), filed September 26, 1980. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI, restricted to traffic originating at or destined to the facilities of the Brown Company.

MC 112049 (Sub-25F), filed September 26, 1980. Applicant: McBRIDE'S EXPRESS, INC., East Route 316, Mattoon, IL 61938. Representative: Michael R. Solomon, 433 Thatcher Ave., St. Louis, MO 63147. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between St. Louis, MO, and Indianapolis, IN, serving all intermediate points, and points in Madison, Bond, Fayette, Shelby, Coles, Cumberland, Clark, and Edgar Counties, IL, as off-route points, over U.S. Hwy 40; (2) between Springfield, IL, and Indianapolis, IN, serving all intermediate points, and points in Scott, Macoupin, Morgan, Sangamon, Montgomery, Christian, Macon, Moultrie, and Douglas Counties, IL, as off-route points, over U.S. Hwy 36; (3) between Lincoln, IL, and Indianapolis, IN, serving all intermediate points, and points in Logan De Witt, Piatt, Champaign, and Vermillion Counties, IL, as off-route points, from Lincoln, IL, over IL Hwy 10 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 136, then over U.S. Hwy 136 to Indianapolis, IN, and return over the same routes; (4) between Peoria, IL, and Indianapolis, IN, serving all intermediate points, and points in Tazewell, McLean, Ford, and Iroquois Counties, IL, as off-route points, from Peoria, IL, over U.S. Hwy 24 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Indianapolis, IN, and return over the same routes. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application for approval of common control under 49 U.S.C. 11343, or submit an affidavit indicating why such approval is unnecessary.

Note.—Applicant intends to tack with its existing authority.

MC 119789 (Sub-715F), filed September 23, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *paint, paint products, plastic, and plastic articles*, (except commodities in bulk), from Brea, CA, Buffalo, NY, Eightyfour and Palmerton, PA, Sand Springs, OK, and Little Rock, AR, to points in the U.S. (except AK and HI).

MC 119789 (Sub-720F), filed September 26, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold (same address as applicant). Transporting *malt beverages and materials, equipment, and supplies* used in the manufacture and distribution of malt beverages, from the facilities of the Stroh Brewery Company, at Detroit, MI, and Perrysburg, OH, to points in MI, OH, GA, IN, and SC.

MC 129219 (Sub-28F), filed September 29, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 SE Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 NE Weidler, Portland, OR 97232. Transporting (1) *such commodities* as are dealt with in and distributed by grocery, hardware and drug stores; (2) *cleaning and building maintenance, materials and supplies;* (3) swimming pool, spa and hot tub products; (4) *chemicals* and (5) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) and (4), between the facilities of Purex Corporation at or near South Gate, CA, Denver, CO, Auburndale, FL, Atlanta, GA, Chicago, IL, New Orleans, LA, Baltimore, MD, St. Paul, MN, St. Louis, MO, Omaha, NE, London and Toledo, OH, Bristol, PA, Dallas, TX, Salem, VA, and Tacoma, WA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted against the transportation of commodities in bulk, under continuing contract(s) with Purex Corporation of Lakewood, CA.

MC 129809 (Sub-15F), filed September 29, 1980. Applicant: A & H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, 67 Wall St., New York, NY 10005. Transporting *foodstuffs* (except in bulk), between points in the U.S., under continuing contract(s) with Universal Foods Corporation of Milwaukee, WI.

MC 133689 (Sub-349F), filed September 30, 1980. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S. Condition: Any certificate issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing certificates.

MC 134599 (Sub-186F), filed September 30, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Lovezzola-Ward Co., Inc., of Lexington, MA.

MC 135678 (Sub-24F), filed September 25, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrance Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *filters, and materials, equipment, and supplies* used in the manufacture of filters, between Oklahoma City, OK, on the one hand, and, on the other, points in AZ, CA, CO, NM, NV, OR, TX, and WA.

MC 135678 (Sub-25F), filed September 25, 1980. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 S.W. 10th, Oklahoma City, OK 73125. Representative: C. L. Phillips, Room 248, Classen Terrance Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting (1) *automobile body parts, automobile floor mats and coverings*, and (2) *fiber backing* for automobile floor mats and body panels, between points in CA, OK, and TX.

MC 139579 (Sub-12F), filed September 29, 1980. Applicant: GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. Transporting (1)

Chemicals or allied products, as described in Item 28 of the Standard Transportation Commodity Code Tariff, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S., under continuing contract(s) with Myers Chemicals, Inc., of Buffalo, NY.

MC 140389 (Sub-90F), filed September 24, 1980. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 304, Conley, GA 30027. Transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Holcomb, KS, to points in AL, FL, GA, MS, NC, SC, and TN.

MC 140418 (Sub-1F), filed September 26, 1980. Applicant: E.L.M. ENTERPRISES, INC., 1006 Carroll St., East Chicago, IN 46312. Representative: Arnold L. Burke, 180 North LaSalle St., Chicogo, IL 60601. Transporting *lime, limestone, and limestone products*, in bulk, between points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, LA, WI, MI, IL, IN, OH, PA, KY, WV, VA, TN, MS, and AL. Condition: Prior or coincidental cancellation of at applicant's written request, of its authority in MC 140418.

MC 141459 (Sub-19F), filed September 30, 1980. Applicant: A.G.S. ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting (1) *cardboard packaging materials*, from Flemington and Clinton, NJ, and Litchfield, IL, to points in the U.S. (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), in the reverse direction.

MC 143059 (Sub-134F), filed September 18, 1980. Applicant: MERCER TRANSPORTATION CO., a corporation, P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant). Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in Somerset County, NJ, New Haven County, CT, and Cook County, IL, on the one hand, and, on the other, points in the U.S.

MC 143739 (Sub-43F), filed September 30, 1980. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Transporting *frozen foods*, between points in Webster County, IA, on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI.

MC 145539 (Sub-2F), filed September 29, 1980. Applicant: OHIO NORTHERN TRANSIT CO., a corporation, 2871 West 130th St., Hinckley, OH 44233. Representative: James C. White (same address as applicant). Transporting *commodities* which because of size or weight require the use of special equipment, between Berea and Orrville, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145808 (Sub-4F), filed September 25, 1980. Applicant: RED ARROW DELIVERY SERVICE CO., INC., Air Cargo Building, Metropolitan Airport, Nashville, TN 37217. Representative: Peter A. Greene, 900 17th St., NW., Washington, DC 20006.Transporting *printed matter*, between Jonesboro, AR, and Nashville, TN.

MC 1457718 (Sub-2F), filed September 25, 1980. Applicant: ROWLEY INTERSTATE TRANSPORTATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. Transporting *candy, chocolate, and yogurt-coated commodities*, points in the U.S., under continuing contract(s) with California Peanut Company, Division of L.A. Nut House, of Richmond, CA.

MC 148788 (Sub-2F), filed September 5, 1980, previously noticed in the Federal Register issue of September 23, 1980. Applicant: PORT CARRIERS, INC., 1000 Farragut Drive, P.O. Box 26344, Jacksonville, FL 32218. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. Transporting (1) *general commodities* (except commodities in bulk) in intermodal containers, and (2) *intermodal containers* between points in Duval County, FL, Glenn and Chatham County, GA, and Charleston County, SC, on the one hand, and, on the other, points in FL and GA, restricted to the transportation of traffic having an immediately prior or subsequent movement by water.

Note. —This republication adds Chatham County, GA to territorial description which was inadvertantly omitted in the original publication.

MC 150508 (Sub-1F), filed September 25, 1980. Applicant: TONY TRUJILLO d.b.a. MOUNTAINVIEW TRUCKING COMPANY, 212 Ortega Road, NW., Albuquerque, NM 87114. Representative: David C. Leathers, 1224 Clemente PL., SW., P.O. Box 26657, Albuquerque, NM 87125. Transporting *building materials*, between points in NM, on the one hand, and, on the other, points in Webb, La Salle, Atascosa, Bexar, Guadalupe, Caldwell, Bastrop, Williamson, Bell, McCulloch, Hill, Ellis, Dallas, Wise, and Cooke Counties, TX.

MC 150798 (Sub-1F), filed September 26, 1980. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: Kenneth Clark (same address as applicant). Transporting (1) *chemicals, toilet preparations, personal care items, foodstuffs, and buffing and polishing compounds*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), between the facilities of Alberto-Culver Company, at Chicago, IL, Atlanta, GA, and Sparks, NV, on the one hand, and, on the other, points in AR, AK, CA, FL, IN, GA, NH, NJ, NY, NV, MN, OH, OR, PA, TN, TX, WI, and WA.

MC 150878F, filed September 19, 1980. Applicant: HOWARD MATIN TRUCKING, INC., R.D. No. 1, Bruyer Rd., Cassadaga, NY 14718. Representative: Gregory B. Fraser, Bankers Trust Bldg., 4th floor, Jamestown, NY 14701. Transporting *malt beverages and containers* for malt beverages, between points in the U.S., under continuing contract(s) with Arthur Gren Co., of Jamestown, NY.

MC 150949 (Sub-2F), filed September 30, 1980. Applicant: NFI, INC., P.O. Box 664, Waxahachie, TX 75165. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768. Transporting *plastic containers*, and *materials, equipment, and supplies* used in the manufacture and distribution of plastic containers, from points in Harris County, TX, to points in OK and NM.

MC 151099F, filed September 29, 1980. Applicant: PHELCO, INC., 11842 Missouri Bottom Rd., St. Louis, MO 63042. Representative: B. W. Latourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. Transporting *primary metal products and fabricated metal products*, between points in the U.S., including AK, but excluding HI.

MC 151349 (Sub-1F), filed September 25, 1980. Applicant: HINGHAM EXPRESS, INC., 349 Lincoln St., Hingham, MA 22043. Representative: Jeffrey M. Aresty, Bay 305 Union Wharf, Boston, MA 02109. 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 Boston, MA, on the one hand, and, on the other, Providence, RI, and points in NH.

MC 151929F, filed September 29, 1980. Applicant: INTERSTATE DRAYING CO., a corporation, 8311 Durango, SW., P.O. Box 99307, Tacoma, WA 98499. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. Transporting *paper and paper articles*, and *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper articles, between points in the U.S., under continuing contract(s) with the Weyerhaeuser Company, of Tacoma, WA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-32209 Filed 10-15-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-64

The following applications were filed in Region 1. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 1265888 (Sub-1-1TA), filed September 30, 1980. Applicant: KERR MOTOR LINES, INC., ¼ Jackson Street, Binghamton, NY 13903. Representative: Herbert M. Canter, Esq. and Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. *Pulp, paper or allied products and printed matter* between points in Delaware County, NY, on the one hand, and, on the other, points in CT, DE, DC, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT and VA. Supporting shipper: Valley Offset, Incorporated, Laurel Bank Avenue, Deposit, NY 13754.

MC 151632 (Sub-1-3TA), filed September 30, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road, Westfield, MA 01086. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Such commodities as are dealt in or used by manufacturers and converters of paper products, except commodities in bulk*, between points in the contiguous 48 states. Supporting shipper: Litton Business Systems, Inc., 601 River Street, Fitchburg, MA 01420.

MC 147074 (Sub-1-11TA), filed September 30, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Such merchandise as dealt in by retail department stores, except in bulk*, between CT, IL, IN, IA, KY, MA, ME, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and WI on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper: K Mart Corporation, 3100 West Big Beaver, Troy, MI 48084.

MC 148764 (Sub-1-4TA), filed September 30, 1980. Applicant: BUFFALO FUEL CORP., 2445 Allen Avenue, Niagara Falls, New York 14303. Representative: William Hirsch, 1110 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Pig iron in bulk* from Erie County, NY to points in NJ and PA. Returned, refused, rejected shipments in the reverse direction. Supporting shipper: Hanna Furnace Corp., P.O. Box 207, Buffalo, NY 14240.

MC 124905 (Sub-1-2TA), filed September 29, 1980. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Scrap metals*, between points in CT, NY, NJ, PA, DE and MD. Supporting shipper(s): Morris Iron & Steel Co., Inc., 7345 Milnor St., Philadelphia, PA 19136. Claster Corp., 15 E. Ridge Pk., Conshohocken, PA 19428.

MC 134404 (Sub-1-11TA), filed October 1, 1980. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier:* irregular routes: *Such commodities as are dealt in or used by a manufacturer of electrical fittings, switches, and receptacles (except commodities in bulk)*, (1) between Montgomeryville and Doylestown, PA and Elizabeth and Moorestown, NJ, on the one hand, and, on the other, Indianapolis, IN, and (2) between Morristown, NJ and Atlanta, GA, under continuing contract(s) with T & B/Thomas & Betts Corporation of Raritan, NJ. Supporting shipper(s): T & B/Thomas & Betts Corporation, 920 Route 202 South, Raritan, NJ 08869.

MC 3753 (Sub-1-2TA), filed October 1, 1980. Applicant: AAA TRUCKING CORP., 3630 Quaker Bridge Road, P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, Esq., Zelby, Burstein, Hartman & Burstein, Suite 2373, One World Trade Center, New York, NY 10048. *Common carrier:* regular route: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment* between Philadelphia, PA and Salisbury, MD serving all intermediate points and points in DE as off route points, from Philadelphia, PA to Salisbury, MD over US Hwy 13 and return over the same route. Supporting shippers: There are 64 statements in support attached to this applicant which may be examined at the I.C.C. Regional Office in Boston MA.

MC 52574 (Sub-1-2TA), filed September 30, 1980. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Edward F. Bowes, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *Bakery products* from Frederick, MD to points in Iredell County, NC and Augusta County, VA. Supporting shipper(s): S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, NJ 07511.

MC 144969 (Sub-1-1TA), filed October 1, 1980. Applicant: WHEATON CARTAGE CO., 3rd and "G" Streets, Millville, NJ 08332. Representative: Laurence J. DiStefano, Jr., Esq., 1101

Wheaton Avenue, Millville, NJ 08332. *Sealants, adheasives, synthetic plastics and chemicals, liquid in bulk in tank trailers,* between points in Gloucester County, NJ on the one hand, and, on the other, points in the continental US in and east of the States of MN, IA , KS, OK and TX, restricted to traffic originating at or destined to the facilities of W.R. Grace & Co. Supporting shipper: W.R. Grace & Co., Dewey and Almy Chemical Division, 55 Hayden Avenue, Lexington, MA 02173.

MC 112963 (Sub-1–5TA), filed October 1, 1980. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, MA 01866. *Liquid soap and cleaning compounds, in bulk, in tank vehicles* from Stoughton, MA to Chicago, IL. Supporting shipper: Neleco Products, Inc., 850 Providence Hwy., Dedham, MA 02026.

MC 104967 (Sub-1–1TA), filed September 29, 1980. Applicant: TIGHE TRUCKING INC., 45 Holton Street, Winchester, MA 01890. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Such commodities as are dealt in by manufacturers, distributors and users of foodstuffs, grocery and cleaning items, and restaurant supplies,* between the facilities of T. Tighe Sons, Inc., at or near Winchester, MA, on the one hand, and, on the other, points in CT. Supporting shipper(s): T. Tighe Sons, Inc., 45 Holton St., Winchester, MA 01890; Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90058; Glorietta Foods, P.O. Box 5040, San Jose, CA 95150.; International Multifoods, Inc., 14 Meadow Brook Lane, Portland, ME 04102.

MC 125403 (Sub-1–3TA), filed September 29, 1980. Applicant: S.T.L. TRANSPORT, INC., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Foodstuffs (except in bulk), and materials, supplies and equipment used in the manufacture, sale or distribution thereof,* between all points in the US, restricted to traffic originating at or destined to the facilities of CantiSANO Foods, Inc. Supporting shipper: CantiSANO Foods, Inc., 1069 Lyell Ave., Rochester, NY 14606.

MC 150688 (Sub-1–3TA), filed September 29, 1980. Applicant: COLONIAL TRUCKING CO., INC., Chandler Avenue, Pittsfield, ME 04967. Representative: John G. Feehan, Esq., Hewes, Culley, Feehan and Beals, 178 Middle Street, Portland, ME 04112. *(1) Paper, and paper products,* from Madison, ME, to points in the US (except AK and HI; and *(2) recycled paper, construction materials and materials and supplies used in the process of making paper,* from points in the US (except AK and HI) to Madison, ME, restricted to traffic originating at or destined to the facilities of Madison Paper Industries, Madison, ME. Supporting shipper: Madison Paper Industries, Main St., Madison, ME 04950.

MC 109094 (Sub-1–1TA), filed September 25, 1980. Applicant: GAULT TRANSPORTATION INC., 2381 Cranberry Highway, Wareham, MA 02571. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Odophos, in bulk,* from Wareham, MA and Sayreville, NJ to points in ME and NH. Supporting shipper: Davis Chemicals Division of Davis Water and Waste Industries, Inc., P.O. Box A, 2700 Tallevast Rd., Tallevast, FL 33588.

MC 151639 (Sub-1–2TA), filed September 26, 1980. Applicant: EASTWOOD CARRIERS, INC., P.O. Box 1073, Lockhouse Road Westfield, MA 01086. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Lumber, building materials, and wood products, and building materials, equipment, and supplies used in the manufacture, sale and distribution of such commodities,* between points in CT, MA, ME, NH, RI, and VT, and points in the contiguous 48 states. Supporting shipper(s): Furman Lumber, Inc., 108 Massachusetts Ave., Boston, MA 02115; Kelly, Madison and Zirkel, Inc., 1481 Linden Street, Suite 307, Wellesely, MA 02181; Quaboag Transfer, Inc., Box 501, Bridge & Water Sts., Palmer, MA 01069.

MC 61016 (Sub-1–4TA), filed September 15, 1980. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Representative: Robert J. Brooks, Suite 1115, 1828 L Street, NW., Washington, D.C. 20036. *Passengers and their baggage, in the same vehicle with passengers, in special round-trip operations,* beginning and ending at points in Hartford, New Haven, and Fairfield Counties, CT and extending to Atlantic City, NJ. Supporting shippers: There are 17 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 151421 (Sub-1–1TA) (Republication), filed August 1, 1980. Applicant: FAK CO., INC., 14 Bowser Road, New Brunswick, NJ 08901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Electrical devices, and materials, equipment, and supplies used in the manufacture and sale of electrical devices,* between Long Island City and Astoria, NY and Georgetown, SC, on the one hand, and, on the other, Atlanta, GA, Chicago, IL, Dallas, TX, Miami, FL, Georgetown, SC, Los Angeles and San Francisco, CA, and Portland, OR. Supporting shipper(s): Eagle Electric Manufacturing Co., Inc., 4531 Court Square, Long Island City, NY 11101. Purpose is to add *SC* after Georgetown to Federal Register publication of August 18, 1980, Page 54881.

MC 1990 (Sub-1–1TA), filed September 26, 1980. Applicant: BOSTON & WOONSOCKET EXPRESS, CO., INC., d.b.a. B & W EXPRESS, P.O. Box 89, 1117 River Street, Woonsocket, RI 02895. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. *Plastic articles and equipment, materials, and supplies used in the manufacture and distribution of plastic articles,* between points in RI on the one hand, and, on the other, points in NH. Supporting shipper: Tupperware Company, Division of Dart Industries, Inc., Drawer D, Woonsocket, RI 02895.

MC 151977 (Sub-1–2TA), filed September 26, 1980. Applicant: BAY STATE CONTRACT CARRIER, INC., 183 Hooper Street, Tiverton, RI 02878. Representative: William F. Poole, 41 Bea Drive, North Kingstown, RI 02852. *Contract carrier:* irregular routes: *(1) Paints, sundry products and their components, shellacs, resins, varnish (except in bulk), equipment, parts and related accessory items used in the manufacture and distribution thereof* from the facilities owned or operated by Parks Corporation at Somerset, MA to all points in the US *(2) Empty containers, materials, equipment and supplies (except in bulk) used in the manufacture and distribution of (1) above* from the above named points to the facilities owned or operated by Parks Corporation at Somerset, MA. Supporting shipper: Parks Corporation, Main Street, Somerset, MA.

MC 99455 (Sub-1–3TA), filed September 25, 1980. Applicant: M. H. HILLERY, INC., 100 Western Avenue, Allston, MA 02134. Representative: Robert L. Cope, 1730 M Street, NW., Suite 501, Washington, DC 20036. *General commodities (except household goods as defined by the Commission and classes A and B explosives,* between the Commercial Zone of Boston, MA, on the one hand, and, on the other, points in CT, ME, and NH, restricted to shipments having a prior or subsequent movement by rail or water. Supporting shipper: Bay State Shippers, Inc., 100 Western Avenue, Allston, MA 02134.

MC 151955 (Sub-1–2TA), filed September 24, 1980. Applicant: 76 ADVENTURES OF NEW JERSEY, INC., 1 Lincoln Plaza, New York, NY 10023. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. *Passengers and their baggage in special operations* beginning and ending at points in Fairfield and New Haven Counties, CT, New York, NY, Westchester, Nassau and Suffolk Counties, NY and extending to points in Atlantic City, NJ. Supporting shippers: Greate Bay Hotel Corp., South Indiana Ave., Atlantic City, NJ, and Harrah's Marino Hotel Casino, 1725 Brigantine Blvd., Atlantic City, NJ 08401.

MC 16872 (Sub-1–2TA), filed September 25, 1980. Applicant: WILLIAM MIRRER, d.b.a. MIRRER'S TRUCKING, 100 East 25th St., Paterson, NJ 07514. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Chemicals, in containers,* between points in IL, IN, LA, NJ, NY, OH, PA, and TX. Supporting shipper: Sobin Chemical Co., Inc., 1900 Prudential Tower, Boston, MA 02199.

MC 145277 (Sub-1–1TA), filed September 25, 1980. Applicant: P & P TRUCKING COMPANY, INC., 106 Teaneck Road, Ridgefield, Park, NJ 07660. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract carrier:* irregular routes: *General commodities (except household goods as defined by the Commission and Class A and B explosives)* between all points in the U.S. Supporting shipper: Pepsi-Cola Manufacturing Co., Inc., GPO Box 3148, San Juan, PR 00936.

MC 151354 (Sub-1–2TA), filed September 25, 1980. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant Street, Sommerville, MA 01245. Representative: Robert L. Cope, Esq., Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except household good as defined by the Commission, and classes A and B explosives),* between RI, on the one hand, and, on the other, points in MA, ME, NH, and VT, under continuing contract with Lever Brothers, Company, supporting shipper: Lever Brothers Company, 390 Park Ave., New York, NY 10022.

MC 143127 (Sub-1–22TA), filed September 25, 1980. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Road, Victor, NY 14564. Representative: Linda A. Calvo, 6070 Collett Road, Victor, NY 14564. *(1) Such commodities as are dealt in by grocery and good business houses (except in bulk) and. (2) materials, supplies and equipment (except in bulk),* between Cattaraugus, Genessee, Livingston, Orleans and Seneca Counties, NY, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Curtice-Burns, Inc., Lent Ave., LeRoy, NY 14482.

MC 145981 (Sub-1–7TA), filed September 24, 1980. Applicant: Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: Gerge A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1) Carpet, tile, and floor covering; and (2) Materials, equipment, and supplies used in the sale and manufacture of the commodities shown in (1) above (except commodities in bulk),* between points in GA, NC, and SC, on the one hand, and, on the other, points in CT, NJ, NY, MA, PA, VT, NH, and VA. Supporting shipper(s): Ben Elfman & Son, Inc., 124 Second St., Chelsea, MA 02150.

MC 111729 (Sub-1–9TA), filed September 24, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch, 3333 New Hyde Park Road, New Hyde Park, NY 11042. *General commodities (except articles of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment), restricted against the transportation of packages or articles weighing in excess of 250 pounds,* between points in ID, OR, WA. Supporting Shipper: Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608.

MC 140092 (Sub-1–1TA), filed September 30, 1980. Applicant: KEY-STONE FREIGHT, INC., 767 St. George Street, Woodbridge, NJ 07095. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Bakery Goods, not frozen,* From Sayreville, NJ, to points in CT, PA, NY, MD, DE, VA, NC, SC, GA, FL, OH, MI, KS, and WV. Supporting Shipper(s): Sunshine Biscuits, Inc., Bordentown Ave. & Jernee Mill Rd., P.O. Box 7, Sayreville, NJ 08872.

MC 113843 (Sub-1–15TA), filed September 30, 1980. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, 316 Summer Street, Boston, MA 02210. *(1) Such commodities as are dealt in by grocery, drug or department stores; and (2) materials, equipment and supplies used in the distribution of commodities in (1),* between points in DE, on the one hand, and, on the other hand, points in CT, IL, IN, KY, ME, MI, MA, MD, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC. Supporting Shipper: Omniway Service Co., Elkton Rd., Box 7705, Newark, DE 19711.

MC 150897 (Sub-1–2TA), filed September 29, 1980. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *(1) Machinery and machinery parts; and (2) materials, equipment and supplies used in the manufacture and distribution thereof,* between Winslow, ME, on the one hand, and, on the other, points in TX, and in the US in and east of LA, AR, MO, IA, and MN. Supporting Shipper: Midstate Machine Products, Inc., Verti Drive, Winslow, ME 04091.

MC 152033 (Sub-1–1TA), filed September 29, 1980. Applicant: WILLIAM J. TIGHE TRUCKING CO., 1513 Palisade Ave., Union City, NJ 07087. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in or used by manufacturers or distributors of foodstuffs or pet foods (except commodities in bulk),* between New York, NY, Atlanta, GA, Chicago, IL, Marseilles, IL, Fairlawn, NJ, Fairfax, VA, Landover, MD, Lansdown, PA, Richmond, VA, Salisbury, MD, Syracuse, NY, and Williamsport, MD, and their Commercial Zones, restricted to traffic originating at or destined to the facilities of Nabisco, Inc. Supporting Shipper: Nabisco, Inc., East Hanover, NJ 07936.

The following applications were filed in Region 2. Send protests to: ICC Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 95136 (Sub-II–1), filed September 4, 1980. Applicant: ALLEN S. YEATMAN, INC., P.O. Box 383, Montross, VA 22520. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. *Empty cans,* from Cambridge and Fruitland, MD and Hanover, PA to points in Richmond, Westmoreland, Lancaster and Northumberland Counties, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: H. H. Perry Canning Co., Montross, VA 22520. Virginia Seafoods, Inc., Irvington, VA.

MC 104896 (Sub-II–3TA), filed September 9, 1980. Applicant: WOMELDORF, INC., Box G, Knox, PA 16232. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Such commodities as are dealt in by chain retail variety stores and materials, equipment and supplies used in the conduct of such business* between the

facilities of G. C. Murphy Co. at Fredericksburg, VA, on the one hand, and, on the other, Monore, LA and points in CT, MA, MD, NC, NJ, NY, PA, VA, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): G. C. Murphy Co., 531 Fifth Ave., McKeesport, PA 15132.

MC 151747 (Sub-II–1TA), filed September 5, 1980. Applicant: WALTER BROTHERS TRUCKING, INC., 1266 N. Franklin St., Chambersburgh, PA 17201 Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Foodstuffs and pet foods* (except frozen foods and commodities in bulk), *and advertising matter, displays and premiums* in mixed loads with said commodities, from the facilities of The Quaker Oats Company at or near Shiremanstown, PA to that part of NJ north of NJ Hwy 33 and that part of NY on and east of U.S. Hwy 209 and on and south of U.S. Hwy 44, for 270 days. Supporting shipper: The Quaker Oats Co., Merhandise Mart Plaza, Chicago, IL 60654.

MC 141917 (Sub-II–2TA), filed September 10, 1980. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. *Salt and calcium chloride*, between points in Baltimore County, MD, including the city of Baltimore, on the one hand, and, on the other, points in PA, MD, VA, WV, DE, NJ, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Harvey Salt Co., 1325 Mohrs Lane, Baltimore, MD 21220.

MC 113158 (Sub-II-4TA), filed September 12, 1980. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Foodstuffs* (except frozen foods and commodities in bulk), (1) from points in Lincoln County, NC to points in AL, AR, LA, MS, OK, TN, and TX, and (2) from points in Frederick and Rockingham Counties, VA and Berkeley County, WV to points in AL, AR, FL, GA, LA, MS, OK, SC, TN, and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): National Fruit Product Co., Inc., 550 Fairmont Ave., Winchester, VA 22601.

MC 148471 (Sub-II–1TA), filed September 10, 1980. Applicant: THROUGH TRANSPORTATION, INC., 17 Foxtail Rd., Port Deposit, MD 21904. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract; irregular: metal fireplaces, materials, equipment and supplies used in the manufacture thereof*, between Baltimore, MD, and Union City, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Superior Fireplace Co., 1516 S. Baylas St. Baltimore, MD 21224.

MC 5470 (Sub-No.II–9TA), filed September 4, 1980. Applicant: TAJON, INC., R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918–16th St., NW., Washington, D.C. 20006. *Steel shot*, from Adrian, MI, and Toledo, OH, to Natrium, WV, for 270 days. Supporting shipper(s): Mobay Chemical Corp., Penn Lincoln Parkway West, Pittsburgh, PA, 15205.

MC 116763 (Sub-II–34TA), filed September 12, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *General commodities* (except household goods as defined by the Commission, Classes A & B explosives and commodities in bulk, in tank vehicles, Standard Transportation Commodity Code No. 51), between points in the U.S. in and east of MN, IA, MO, OK AND TX, for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities used by Clark Equipment Company. Supporting shipper(s): Clark Equipment Co. Circle Drive Bunchanan MI 49107.

MC 116763 (Sub-II–31TA), filed September 8, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Foodstuffs* (excep commodities in bulk, in tank vehicles) from Memphis, TN to points in the U.S. (except AK and HI), for 270 days. Restricted to traffic originating at the facilities of Adams Packing Association, Inc. and destined to the indicated territory. Supporting shipper(s): Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 116763 (Sub-II–30TA), filed, September 8, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Such commodities as are used or dealt in by manufacturers, processors and distributors of foodstuffs and confectionery products* (except commodities in bulk, in tank vehicles), between points in the U.S. (except AK and HI), for 270 days. Restricted to traffic originating at or destined to the facilities utilized by Tootsie Roll Industries, Inc. Supporting shipper(s): Tootsie Roll Industries, Inc., 7401 S. Cicero Avenue, Chicago, IL 60629.

MC 116763 (Sub-II–28TA), filed September 8, 1980. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *(1) Foodstuffs, and (2) materials, equipment and supplies used in the production of foodstuffs* (Restricted in (1) and (2) above against the transportation of commodities in bulk, in tank vehicles) (1) From the facilities of Geo. A. Hormel & Co. at or near Davenport, IA (Scott County) to points in AL, AR, FL, GA, IN, KY, LA, ME, MI, MN, MS, NC, OH, OK, PA, SC, TN, TX and VA, and (2) from the points named in (1) above to the facilities of Geo. A. Hormel & Co. at or near Davenport, IA (Scott County), for 270 days. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 123091 (Sub-II–1TA), filed September 8, 1980. Applicant: NICK STRIMBU, INC., 3500 Parkway Rd., Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Building materials* from points in Franklin County, OH, to points in Lawrence and Warren Counties, PA. Supporting shipper: Wesex Corp., P.O. Box 246, Main St., West Middlesex, PA 16159.

MC 151729 (Sub-II–1TA), filed September 11, 1980. Applicant: SKI–DON CORPORATION, Siler Rte., Box 151–A, Winchester, VA 22601. Representative: Earl J. Fuller, Jr., (same as Applicant). *Contract* carrier-*irregular* routes: *Foodstuffs and Kindred Products*, from Winchester and Frederick County, Virginia, to points in TN, AL, MS, LA, AR, OK, TX, NM, AZ, CO, UT, NV, and CA, for 270 days. Supporting shipper: Shenandoah Apple Co-Operative, Inc., 600 Fairmont Ave., P.O. Box 435, Winchester, VA 22601.

MC 109124 (Sub-II–9TA), filed September 10, 1980. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. *Forest products, lumber mill products, lumber, pressure treated and untreated* from Hatchechubbee, AL to points in TN, KY, IL, IN, OH, WI, and MI, for 270 days. Supporting shipper: Walker-Williams Lumber Co., P.O. Box 170, Hatchechubbee, AL 36858.

MC 128413 (Sub-II–1TA), filed September 9, 1980. Applicant: SEASON-ALL TRANSPORTATION CO., Route 119 South, Indiana, PA 15701. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219.

Contract Carrier, Irregular Route: Vinyl products and materials, equipment and supplies used in the production, distribution and sale of the above named commodities (except commodities in bulk), between the facilities of Season-All Industries, Inc. at or near Decatur, IL, Indiana, PA, Inkster and Marshall, MI on the one hand, and, on the other, points in AL, AR, CO, CT, DC, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OK, OH, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI, under a continuing contract or contracts with Season-All Industries, Inc. of Indiana, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Season-All Industries, Inc., Rt. 119 S., Indiana, PA 15701.

MC 109443 (Sub-II–2TA), filed September 8, 1980. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Petroleum and Petroleum Products, in bulk, in tank vehicles,* from Paulsboro, NJ to Lackawanna, Luzerne, Wyoming, Wayne, Pike, Susquehanna, Monroe, Lehigh, Duaphin, and Berks Counties, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Cibro Petroleum, Inc., 111 Presidential Blvd., Suite 233, Bala Cynwyd, PA 19004.

MC 151730 (Sub-II–1TA), filed September 4, 1980. Applicant: QUINTON L. SIMPKINS and JUNE R. SIMPKINS d.b.a. S.S.S. EXPRESS, P.O. Box 605, Christiansburg, VA 24073. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture, furniture parts, materials, supplies, and equipment used in the manufacture, sale, and distribution of new furniture,* between Christiansburg, VA, Hickory and High Point, NC, on the one hand, and, on the other, points in AL, AR, AZ, CA, CT, DE, FL, GA, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, NC, NH, NJ, NM, NY, NV, OH, OK, PA, RI SC, TN, TX, VA, WI, WV, and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Weiman, Warren Lloyd, Warren St., Christiansburg, VA 24073. Vision Inc., P.O. Box 457, Christiansburg, VA 24073. Haley Transfer & Storage Co. Inc., 121 S. Centenial Ave., High Point, NC 27260.

MC 2202 (Sub-II–15TA), filed September 11, 1980. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Common, regular: General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment),* serving Waynesville, NC as an off-route point in connection with applicant's regular routes to and from Asheville, NC for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Asheville, NC. Applicant proposes to interline at existing gateways through its system. Supporting shipper(s): Dayco Corp., 333 West First St., Dayton, OH 45402.

MC 128934 (Sub-II–1), filed September 5, 1980. Applicant: WILLIAM D. REPKO d.b.a. WILLIAM REPKO TRUCKING, 4 Colonial Ave., Natalie, PA 17851. Representative: William D. Repko (same address as applicant). *Contract carrier:* (1) *Plastic containers and closures and other accessories,* and (2) *plastic film and sheeting,* from Mt. Carmel and Kulpmont, PA, to points in MD, IN, NH, MA, RI, CT, VA, NC, SC, GA, TN, KY, IL, MO, and KS, under a continuing contract or contracts with Universal Packaging, Division of Kraft, Inc., located at Mt. Carmel, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Universal Packaging, Division of Kraft, Inc., P.O. Box 348, Mt. Carmel, PA 17851.

MC 50069TA (Sub-II–6TA), filed September 11, 1980. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Ave., Oregon, OH 43616. Representative: William P. Fromm, Vice President—Traffic (address same as applicant). *Petroleum products in bulk, in tank vehicles* from Ironton, OH to points in KY, for 270 days. Supporting shipper: Tanner Oil Co., 620 S. Front St., Ironton, OH 45638.

MC 113475 (Sub-II–1TA), filed September 12, 1980. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, VA 23847. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th Street, NW., Washington, DC 20036. *Iron and steel articles and materials, equipment, and supplies used in the production of such articles,* between points in Middlesex County, NJ, on the one hand, and, on the other, points in NC, SC, GA, VA, DE, MD, PA, and DC, for 270 days. Supporting shipper: Raritan River Steel Co., P.O. Box 309, Perth Amboy, NJ 08862.

MC 136981 (Sub-II–2TA), filed September 26, 1980. Applicant: BLAIR CARTAGE, INC., 11330 Kinsman Rd., P.O. Box 252, Newbury, OH 44065. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Contract, irregular: *Litharge, nepheline synenite, soda ash, glass bulbs, glass rod and tubing, glassware, metal racks, cullet, electric lamps, batteries and battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, lamp ballast, soda ash, sand, potash, metals N.O.I., displays and advertising, borax and borax products, paints, dolomite, lamp bases, compressed gases in cylinders, nitrate and electrical equipment and parts, materials and supplies used in the manufacturer and distribution thereof,* between points in the US, except AK and HI, for 270 days. Supporting shipper: General Electric Co., Nela Park, Cleveland, OH 44112.

MC 138438 (Sub-II–19TA), filed September 26, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Petroleum and petroleum products,* between all points in PA, MD, DE, NJ, VA, WV, and DC, restricted to the transportation of shipments originating at or destined to the facilities owned, operated or utilized by Smith Oil Co., (SOCO), Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Smith Oil Co., (SOCO), Inc., 1237 Harrisburg Pike, Carlisle, PA 17013.

MC 150183 (Sub-II–3TA), filed September 26, 1980. Applicant: CASSCO REFRIGERATED TRANSPORT, Div. of Cassco Corp., 125 W. Bruce St., Harrisonburg, VA 22801. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Foodstuffs (except in bulk),* from Timberville, VA to points in NC and to Charleston, SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Shen-Valley Meat Packers, Inc., P.O. Box E, Timberville, VA 22853.

MC 151576 (Sub-II–1TA), filed September 25, 1980. Applicant: CHESAPEAKE TRUCKING INC., 4717 W. Military Hwy., Chesapeake, VA 23321. Representative: Ernest E. Stovall, 5001 Bainbridge Blvd., Chesapeake, VA 23321. *Preservative treated poles, piling, lumber, timber and cross-ties,* from Chesapeake, VA to pts. in CT, DE, MA, NC, NJ, NY, PA, VA, AL, GA, KY, ME, NH, FL, DC, and OH, for 270 days. Supporting shipper: Eppinger and Russell, 4010 Buell St., Chesapeake, VA 23324.

MC 114123 (Sub-II–1TA), filed September 26, 1980. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Dry sugar, in bulk, in tank vehicles,* from Brooklyn, NY to Altoona, PA, and from Boston, MA to Altoona,

PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Revere Sugar Corp., 280 Richard Street, Brooklyn, NY 11231.

MC 107012 (Sub-II–86TA), filed September 29, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are dealt in or used by retail drug stores* from the facilities of Superx Drugs, Inc., at or near Melbourne, FL to Dalton, GA; Swainsboro, GA; Normal, IL; New Albany, IN; London, KY; Mayfield, KY; Middletown, OH; Gallatin, TN; Charlottesville, VA; and Sophia, WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper:. Superx Drugs, Inc., 175 Tri-County Parkway, Cincinnati, OH 45246.

Note.—Common control may be involved.

MC 151994 (Sub-II–1TA), filed September 26, 1980. Applicant: P.R.T., INC., 135 Wyandot Ave., Marion, OH 43302. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. *(1) Foodstuffs (except commodities in bulk, in tank vehicles), and (2) materials, equipment and supplies used in the production, manufacture and distribution of foodstuffs,* between Marion and Wyandot Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Popped-Right, Inc., 135 Wyandot Ave., Marion, OH 43302. Wyandot Popcorn Co., 135 Wyandot Ave., Marion, OH 43302.

MC 150339 (Sub-2–12TA), filed September 26, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular; Deodorants, dispensers, sanitary chemicals, and disinfectants (except in bulk in tank vehicles),* from the facilities of Rochester Germicide at Rochester, NY, and Montgomery, IL to pts. in the US (except AK and HI), under a continuing contract(s) with Rochester Germicide, Rochester, NY. An underlying ETA seeks 120 days authority. Supporting shipper(s): Rochester Germicide; P.O. Box 1515, Rochester, NY 14603.

MC 14702 (Sub-II–1TA), filed September 26, 1980. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Machinery used for the manufacture of iron and steel articles,* from Mahoning County, OH to Jackson, TN and Plymouth, UT for 270 days. Supporting shipper(s): Riise Engineering Co., Inc., 11950 South Ave., P.O. Box 126, North Lima, OH 44452.

MC 145026 (Sub-II–1TA), filed September 29, 1980. Applicant: NORTHEAST CORRIDOR EXPRESS, INC., Railroad Ave., Federalsburg, MD 21632. Representative: Dwight L. Koerber, Jr., P.O. Box 1320, 110 N. 2nd St., Clearfield, PA 16830. *Foodstuffs and materials and supplies used in the processing or distribution of foodstuffs except commodities in bulk,* between Pottstown, Philadelphia, Fogelsville and Lake Winola, PA, on the one hand, and, on the other, pts. in NY, CT, RI, MA, ME, NH, VT, MD, VA, WV, DE, OH, PA, and NC, restricted to the transportation of traffic originating at or destined to the facilities of Mrs. Smith's Pie Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Mrs. Smith's Pie Co., P.O. Box 298, Pottstown, PA 19464.

MC 150339 (Sub-2–13TA), filed September 29, 1980. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as above). *Contract; irregular: Paper products and office supplies* between points in the US (except AK and HI) for 270 days under a continuing contract(s) with Labelon Corp., 10 Chapin St., Canandaigua, NY 14424. An underlying ETA seeks 120 days authority. Supporting shipper(s): Labelon Corp., 10 Chapin St., Canandaigua, NY 14424.

MC 112184 (Sub-II–7TA), filed September 29, 1980. Applicant: THE MANFREDI MOTOR TRANSIT CO., 11250 Kinsman Rd., Newbury, OH 44065. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract: irregular: Liquid sugar, in bulk,* from pts. in IN, MI, NY and PA to Cuyahoga Hts., OH for the account of The Cotton Club Bottling Co. for 270 days. Supporting shipper: The Cotton Club Bottling Co., 4922 E. 49th St., Cuyahoga Hts., OH 44125.

MC 140243 (Sub-II–3TA), filed September 30, 1980. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Plastic film or sheeting and plastic bags* from Pottsville, Norwegian Township, PA to points in the US (except AK, HI, NC, FL and GA) and *materials and supplies* used in the manufacture of the above commodities on return, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Exxon Chem G.V.S.A., P.O. Box 395, Pottsville, PA 17901.

MC 138438 (Sub-II–20TA), filed September 29, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Petroleum and petroleum products,* between all points in DE, MD, PA, VA and DC, restricted to the transportation of shipments originating at or destined to the facilities owned, operated or utilized by Roarda, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Roarda, Inc., 5 Fanny Lake Rd., Bel Air, MD 21014.

MC 152020 (Sub-II–2TA), filed September 29, 1980. Applicant: ALBERT G. DRIEBE, R.D. 1, Box 1229, Stroudsburg, PA 18360. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. (1) *Foodstuff;* (2) *Shipping cartons and boxes, fillers, dividers & sheets;* (3) *Materials & supplies used in the manufacture and distribution of the above commodities,* (1) From Cumberland County, NJ to WA, OR, CA, ID, UT, CO, TX, OK, KS, MO, GA, & FL: (2) From Philadelphia & Montgomery Counties, PA to all points in the US (except AK & HI); (3) On return, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Venice Maid, Inc., 270 N. Mill Rd., P.O. Box 1505, Vineland, NJ 08360. Connolly Container, Inc., P.O. Box 426, Bala Cynwyd, PA 19004.

MC 147723 (Sub-II–1TA), filed September 29, 1980. Applicant: E. B. COMPANY, INC., 698 Front St., Berea, OH 44017. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Coal, charcoal, ore and petroleum and products derived from the above, and equipment, materials and supplies used in the mining, production and distribution of the above,* between the facilities of Energy Resources International, Inc. at Raton, New Mexico, on the one hand, and, on the other, pts. in the US, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Energy Resources International, Inc., 20490 Lorain Ave., Fairview Park, OH 44126.

MC 146676 (Sub-II–5TA), filed June 9, 1980. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Insulation board* from Ruston, LA to Tiffin, OH and from Tiffin, OH to Jackson, MS. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tiffin Enterprises, 458 42nd St., Tiffin, OH 44883.

MC 145235 (Sub-II–1TA), filed June 12, 1980. Applicant: DUTCH MAID PRODUCE, INC., R.D. No. 2, Willard,

OH 44890. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Contract, irregular: *(1) foodstuffs and (2) materials, equipment and supplies used in the processing and distribution of the commodities in (1) above (except commodities in bulk)* between the facilities of Bil-Mar Foods, Inc. and its subsidiaries at or near Storm Lake, IA; Zeeland, MI and Garrettsville, OH, on the one hand, and, on the other, pts. in the U.S. (except AK and HI) for the account of Bil-Mar Foods, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Bil-Mar Foods, Inc., 8300 96th Ave., Zeeland, MI 49464.

MC 110683 (Sub-II–5TA), filed June 20, 1980. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, D.C. 20036. Common; regular: *General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment)* (1) Between Memphis, TN, and New Orleans, LA, serving no intermediate points: From Memphis over U.S. Hwy 51 and/or Interstate Hwy 55 to New Orleans and return over the same route. (2) Between Memphis, TN, and Beaumont, TX, serving all intermediate points on U.S. Hwy 90: From Memphis over U.S. Hwy 61 to its junction with U.S. Hwy 82, then over U.S. Hwy 82 to its junction with U.S. Hwy 165, then over U.S. Hwy 165 to its junction with U.S. Hwy 90, then over U.S. Hwy 90 to Beaumont and return over the same route. (3) Serving Port Arthur, TX, as an off-route point in connection with carrier's authorized regular routes. (4) Between Memphis, TN, and Mobile, AL: From Memphis over Interstate Hwy 55 to its junction with U.S. Hwy 49, then over U.S. Hwy 49 to its junction with U.S. Hwy 98, then over U.S. Hwy 98 to Mobile and return over the same route. (5) Between Tupelo, MS, and Mobile, AL, serving no intermediate points: From Tupelo over U.S. Hwy 45 to Mobile and return over the same route. (6) Between Tupelo, MS, and New Orleans, LA, serving all intermediate points in Louisiana: From Tupelo over U.S. Hwy 45 to its junction with U.S. Hwy 45A, then over U.S. Hwy 45A to its junction with U.S. Hwy 45, then over U.S. Hwy 45 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to New Orleans and return over the same route. (7) Between Birmingham, AL, and New Orleans, LA, serving all intermediate points in Louisiana: From Birmingham over U.S. Hwy 11 and/or Interstate Hwy 59 to New Orleans and return over the same route. (8) Between Chattanooga, TN, and Mobile, AL, serving no intermediate points: From Chattanooga over Interstate Hwy 24 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to its junction with AL Hwy 5, then over AL Hwy 5 to its junction with U.S. Hwy 43, then over U.S. Hwy 43 to Mobile and return over the same route. (9) Between Chattanooga, TN, and Montgomery, AL, serving no intermediate points: From Chattanooga over Interstate Hwy 24 to its junction with Interstate Hwy 59, then over Interstate Hwy 59 to its junction with Interstate Hwy 65 or U.S. Hwy 31, then over Interstate Hwy 65 or U.S. Hwy 31 to Montgomery and return over the same route. Supporting shipper(s): There are 45 supporting shippers. Their statements may be examined at the ICC Regional Office, Phila., PA.

Note.—No duplicating authority sought. Tacking and interlining is intended. Authority sought to serve the Commercial Zones of all points included in this application, for 180 days. An underlying ETA seeks 90 days authority.

MC 152029 (Sub-II–1TA), filed September 29, 1980. Applicant: PISCOPO BROTHERS, INC., S. Penna. Ave. & Green St., Morrisville, PA 19067. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Wrecked or disabled motor vehicles and replacement motor vehicles for wrecked or disabled motor vehicles through the use of wrecker type equipment only* between Delaware, Montgomery, Philadelphia & Bucks Counties, PA, Trenton, New Brunswick & Bordentown, NJ, on the one hand, and, on the othjer, NJ, NY, MD, DE, CT, RI, MA, OH, WV, VA, KY, TN, IL, MI, & the District of Columbia, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 24 supporting shippers. Their statements may be reviewed at the regional office listed.

MC 144443 (Sub-II–1TA), filed September 29, 1980. Applicant: GENTRY TRUCKING COMPANY, P.O. Box 4192, Candler's Montain Rd., Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main St., Altavista, VA 24517. *General commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, and commodities in bulk and those requiring special equipment),* between Danville, Lynchburg and Roanoke, VA and Greensboro, NC and points in VA, in and east of the Counties of Bland, Wythe and Carroll (including the City of Bluefield), in and south of the Counties of Rockingham, Greene, Madison, Culpepper and Spotsylvania (including the City of Fredericksburg), and in and west of the Counties of Hanover, Henrico, Chesterfield, Prince George, Dinwiddle and Greensville, with prior or subsequent movement by rail. Supporting shipper(s): Pioneer Carloading, 1118 8th Ave., New York, NY 10011. Western Carloading Co., Inc., 1000 Chattachoochee Ave., NW., Atlanta, GA 30325. Universal Carloading & Distributing Co., Inc., 345 Hudson St., New York, NY 10014.

MC 124821 (Sub-II–23TA), filed September 26, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. *Rubber or miscellaneous plastics products, as described in Item 30 of the Standard Transportation Commodity Code Tariff, and materials and supplies used in the manufacture and distribution of the above-named commodities,* between Chicago, IL, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shipper: Sound Studios Division, Diversa-Graphics, Inc., 230 North Michigan Avenue., Chicago, IL 60601.

MC 150432 (Sub-II–4TA), filed September 25, 1980. Applicant: H & M TRANSPORTATION, INC., U.S. 42 & 70, London, OH 43140. Representative: Owen B. Katzman, 1828 L Street, NW., Suite 1111, Washington, D.C. 20036. Contract-irregular: *Grain handling equipment and materials, equipment and supplies used in the manufacture and distribution thereof,* (1) between Springfield, OH and West Point, NE, and (2) between the points in (1) above, on the one hand, and, on the other, points in the U.S. (except AK and HI), under a continuing contract with Sweet Manufacturing Company for 270 days. an underlying ETA seeks 90 days authority. Supporting shipper: Sweet Manufacturing Company, 2000 East Leffle Lane, Springfield, OH 45503.

MC 8535 (Sub-II–7TA), filed September 26, 1980. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, P.O. Box 500, Parkton, MD 21120. Representative: Charles J. McLaughlin (same address as applicant). *Aluminum ingots,* from the facility of Aluminum Company of America at Newburg, Warrick County, IN to Oswego, NY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Aluminum Co. of America, 1501 Alcoa Bldg., Pittsburgh, PA 15219.

MC 151706 (Sub-II–2TA), filed September 24, 1980. Applicant: JAN-AL

SALES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: Joseph E. Ludden, 324 Exchange Bldg., La Crosse, WI 54601. *Chemicals or allied products and materials, equipment and supplies used in the manufacture and distribution of the above commodities,* (except commodities in bulk), between points in OH, IL, and NJ, on the one hand, and, on the other, points in the states of CT, GA, IL, IN, IA, MA, MI, MN, MI, NJ, NY, OH, PA, TN, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Lehn & Fink Products, Div. of Sterling Drug, Inc., 225 Summit Ave., Montvale, NJ 07645.

MC 44801 (Sub-II–2TA), filed September 25, 1980. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Such commodities as are dealt in or used by manufacturers and convertors of paper and paper products (except commodities in bulk),* between Lynchburg, VA, on the one hand, and, on the other, points in DE, GA, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE., Dayton, OH 45463. An underlying ETA seeks 120 days authority.

MC 124821 (Sub-II–22TA), filed September 24, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 N. Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettsburg Rd., Camp Hill, PA 17011. (1) *Printed matter,* as described in Item 27 of the Standard Transportation Commodity Code Tariff; (2) *pulp, paper, or allied products,* as described in Item 26 of Standard Transportation Commodity Code Tariff; and (3) *materials, supplies and equipment* used in the manufacture and distribution of printed matter (except in bulk), between the facilities of Rand McNally & Company at or near Downers Grove, Naperville and Skokie, IL; Hammond and Indianapolis, IN; Muscatine, IA; Lexington and Versailles, KY; Taunton, MA; Ossining, NY; and Nashville, TN; and points in the U.S. for 270 days. Supporting shipper: Rand McNally & Company, 8225 N. Central Park Ave., Skokie, IL 60076.

MC 61977 (Sub-II–4TA), filed September 5, 1980. Applicant: ZERKLE TRUCKING CO., 2400 Eighth Ave., P.O. Box 5628, Huntington, WV 25703. Representative: N. W. Bowen, Jr. (same as applicant). *Expanded Plastic Sheeting (Microfoam Sheeting),* from Wurtland, KY, on the one hand, and, on the other, Muncie, IN; Hillside, IL; Traverse City, MI; Grand Rapids, MI; Hartford City, IN; Evansville, IN; and Bedford Heights, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: E. I. de Pont de Nemours & Co., Dupont Bldg., 10th and Market Sts., Wilmington, DE 19898.

MC 151806 (Sub-II–1TA), filed October 2, 1980. Applicant: HARRY E. PEEK, SR., INC., 105 Olde Greenwich Dr., Fredericksburg, VA 22401. Representative: Gary M. Nuckols, P.O. Box 240, Fredericksburg, VA 22401. *Contract carrier, Irregular route: new furniture, furnishings and appliances,* under exclusive contract with one retailer, Gallahan's Furniture & Appliances, Inc., from its facilities in or near Fredericksburg, VA, and Boca Raton, FL, and points in MD, DE, PA, WV, NC, SC, GA, FL, VA and DC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gallahan's Furniture & Appliances, Inc., 105 Olde Greenwich Dr., Fredericksburg, VA 22401.

MC 151707 (Sub-II–1TA), filed September 30, 1980. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., Wilmington, DE 19801. Representative: Dennis Kupchik (same as applicant). *Contract; irregular: Bakery goods and articles used in the manufacture, packaging, and distribution of bakery goods* between Atlanta, GA; Bridgeport, CT; Denver, CO; Grand Rapids, MI; Houston, TX; Los Angeles, CA; St. Louis, MO; Stamford, CT; on the one hand, and, on the other, points in the U.S. under a continuing contract or contracts with Country Home Bakery, Inc. and its Subsidiaries. Supporting shipper: Country Home Bakery, Inc., 1722 Barnum Ave., Bridgeport, CT 06610.

MC 146348 (Sub-2–3TA), filed October 1, 1980. Applicant: M. T. SERVICES, INC., d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *Contract: Irregular: Cooling towers and evaporative condensers,* from Dorsey, MD, to points in CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC, under continuing contract(s) with Baltimore Aircoil Co., Inc., for 270 days. Supporting shipper: Baltimore Aircoil Co., Inc., Subsidiary of Merck Co., Inc., P.O. Box 7332, Baltimore, MD 21227.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 114604 (Sub-3–12TA), filed September 30, 1980. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, State Farmers Market No. 33, Forest Park, GA 30050. Representative: Jean E. Kesinger (same address as applicant). *Non-exempt food or kindred products,* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, MS, TN, SC, NC, FL, and LA. Supporting shipper: Heinz, U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230.

MC 107934 (Sub-3–6TA), filed September 30, 1980. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27292. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Water heaters, boilers, glass lined tanks and solar panels* from Kankakee, IL to points in DE, DC, MD, NC, SC, TN, VA and WV. Supporting shipper(s): A. O. Smith Corporation, P.O. Box 28, Kankakee, IL 60901.

MC 143956 (Sub-3–12TA), filed September 25, 1980. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3574 Piedmont Road, Atlanta, GA 30305. *Antifreeze and chemical compounds (except in bulk),* between Abbeville, LA, and San Antonio, TX, on the one hand, and, points in the U.S. on the other hand. Supporting shipper: Broussard Chemical Co., P.O. Box 836, Abbeville, LA 70510.

MC 121649 (Sub-3–1TA), filed September 26, 1980. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Steel doors, steel door frames, door hardware and equipment, materials and supplies used in the manufacture of steel doors* between Gibson County, TN, on the one hand, and, on the other, points in Lake and Porter Counties, IN and Cook, DuPage, Lake, Kane, Kendall, Will, Tazewell, Putnam and Peoria Counties, IL. Supporting shipper: Ceco Corporation, Telecom Drive, Milan, TN 38358.

MC 152017 (Sub-3–1TA), filed September 25, 1980. Applicant: E & J HAULERS, 195 Medford Dr., Fayetteville, GA 30214. Representative: Douglas Breeding (same address as above). *Contract* carrier: irregular: *Aircraft tires,* between Miami, FL, and Atlanta, GA, and, on the other hand Brentwood, NY. Supporting shipper: Thompson Aircraft Tire Corporation, 4767 Clark Howell Highway, College Park, GA 30349.

MC 142586 (Sub-3–1TA), filed September 23, 1980. Applicant: JIMCO, INC., Faydur Court, P.O. Box 100941, Nashville, TN 37210. Representative: Jack I. Murphree (address same as applicant). *General commodities (except household goods as defined by the Commission and Classes A & B explosives)* restricted to traffic having a prior or subsequent movement by rail between points in AL, AR, FL, GA, IL, IN, KY, LA, MI, MS, MO, NC, OH, SC, TN, TX, VA, WV. Supporting shipper: National Piggyback Services, Inc. 468 National, Indianapolis, IN.

MC 115496 (Sub-3–1TA), filed September 25, 1980. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Ken Simons (same as above). *Pipe and materials and supplies used in the manufacture, distribution and sale of pipe*, between Cook County, IL, and Lake County, IN, on the one hand, and, on the other, all points in AL, GA, KY, MS, NC, SC, TN and VA. Supporting shipper: Unarco-Leavitt, 1717 W. 115th Street, Chicago, IL 60643.

MC 88300 (Sub-3–1TA), filed September 25, 1980. Applicant: DIXIE AUTO TRANSPORT CO., 1600 Talleyrand Ave., Jacksonville, FL 32206. Representative: Ward Watkins (same as applicant). *Automobiles and trucks in truckaway service* between Jacksonville, FL, on the one hand, and, on the other, points in TX. Supporting shipper: BMW of North America, 709 Talleyrand Ave., Jacksonville, FL 32202.

MC 151720 (Sub-3–1TA), filed September 25, 1980. Applicant: K. C. HAY, FEED & GRAIN, INC., 3050 Phillip Lee Dr., Atlanta, GA 30387. Representative: Irwin M. Ellerin, 1101 Marietta Tower, Suite 3311, Atlanta, GA 30387. *Contract Carrier: Irregular routes: Such commodities as are dealt in by retail stores, wholesale groceries, and discount stores (except commodities in bulk)*, from the facilities of Southeastern Bonded Warehouses, Inc. at or near Atlanta, GA to points in FL. Supporting shipper: Southeastern Bonded Warehouses, Inc., Phillip Lee Dr., Atlanta, GA 30387.

MC 143031 (Sub-3–2TA), filed September 25, 1980. Applicant: MURPHY & SONS TRUCKING COMPANY, INC., Route 2, Box 139, Spring City, TN 37381. Representative: H. Stan Guthrie, Suite 500, Dome Building, 736 Georgia Ave., Chattanooga, TN 37402. Contract; irregular: *New furniture, furniture parts, crated and uncrated, and materials and supplies to be used by La-Z-Boy Chair Company in the manufacturing and selling of new furniture*, between the plants of La-Z-Boy Chair Company located at Siloam Springs, AR; Redlands, CA; Florence, SC; Newton, MS; Montor, MI; Neosho, MO; Dayton, TN and Tremonton, UT, to all points in the U.S. Supporting shipper: La-Z-Boy Chair Company, 1284 N. Telegraph Road, Monroe, MI 48161.

MC 143753 (Sub-3–1TA), filed September 25, 1980. Applicant: BOLES & FRANKLIN, INCORPORATED, Route 2, Box 169, Weaverville, NC 28787. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Coal, in bulk, in dump vehicles*, (1) from points in Bell, Clay, Knox, Leslie, Letcher, Perry and Whitley Counties, KY, to points in GA, IN, MI, NC, OH, SC, and TN, and (2) from points in Harlan and Laurel Counties, KY, to points in GA, NC, SC, and TN. Supporting shippers: Baba Enterprises, Inc., Box T, Cumberland, KY 40823, and The Kearns Coal Company, 1518 First National Bank Building, Cincinnati, OH 45202.

MC 140010 (Sub-3–4TA), filed September 26, 1980. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., N.E., Chamblee, GA 30341. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract* Carrier: irregular: *Rubber products (except in bulk)*, between facilities of The Kelly Springfield Tire Company, Morrow, GA, on the one hand, and on the other, points in AL, FL, GA, KY, MS, NC, SC, and TN. Supporting shipper: The Kelly Springfield Tire Company, Kelly Road, Cumberland, MD 21502.

MC 107515 (Sub-3–75TA), filed September 26, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Steel Forgings, Rough; Magnesium Extrusions, NOI; Steel Sheets, in Bundles* from facilities of or utilized by Piper Industries located at or near Collierville and Memphis, TN to all points in the US (except AK and HI). Supporting shipper: Piper Industries Farm Products Division, 719 Piper Street, Collierville, TN 38017.

MC 152018 (Sub-3–1TA), filed September 25, 1980. Applicant: CONVOY INTERNATIONAL, INC., 3951 Pleasantdale Rd. Suite 110, Atlanta, Georgia 30340. Representative: Frank W. Dennis (same address as applicant). *Contract carrier:* irregular: *General Commodities (with the usual exceptions)*, between Portland, OR; Santa Fe Springs, (Los Angeles), CA; Kansas City, KS; Dallas, TX; Atlanta, GA; Chicago, IL; Detroit, MI; Erie, PA; Syracuse, NY; Boston, MA; and Jersey City, NJ, under continuing contracts with Van de Kamp's Frozen Foods of Santa Fe Springs, CA. Supporting shipper: Van de Kamp's Frozen Foods, 13100 Artic Circle Dr., Santa Fe Springs, CA.

MC 144082 (Sub-3–12TA), filed September 24, 1980. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a TAHWHEELALEN EXPRESS, INC., 1333 Nevada Blvd., P.O. Box 7191, Charlotte, NC 28217. Representative: Wyatt E. Smith, (same as above). *Contract carrier*, irregular routes; *Cloth, dry goods or fabrics and department store merchandise and supplies*, between Dist/Trans Multi-Services, Inc. consolidation and warehousing facilities in Dalton, GA: Charlotte and Greenboro, NC and Richmond, VA, on the one hand, and, on the other, points in AL, MS, AR, OK, LA, and TX, under a continuing contract(s) with Hancock Textile Company, Inc. Supporting Shipper: Hancock Textile Company, Tupelo, MS.

MC 151916 (Sub-3–1TA), filed September 17, 1980. Applicant: BARON TRANSPORT, INC., 1 Perimeter Way, Suite 455, Atlanta, GA 30339. Representative: Bill R. Davis, Suite 101 Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. *Frozen bakery products*, between Carrollton, GA and Murfreesboro TN. Supporting Shipper: Maplehurst Deli-Bake South, Inc.

MC 140484 (Sub-3–12TA), filed September 4, 1980. Republication—Originally Published in F.R. of September 17, 1980, page 61814, volume 45, No. 182. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Meyers, FL 33902. Representative: Frank T. Day, (same as above). *Cheese* from Mercer, PA, to Lee County, FL. Supporting Shipper: Laubscher Cheese Co., Inc., R.D. No. 4, Box 4355, Mercer, PA 16137.

MC 148348 (Sub-3–1TA), filed September 29, 1980. Applicant: FONT TRUCKING COMPANY, Route 2, Hartford, AL 36344. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Forest products, materials, equipment and supplies used in the forest products industry* between Jefferson, Geneva, Covington, Houston and Escambia Counties, AL; Leon and Walton Counties, FL; and Rapides Parish, LA; on the one hand, and, on the other, points in the U.S. except HI. Supporting Shipper: International Forest Seed Co., P.O. Box 5154, Tallahassee, FL 32301.

MC 115654 (Sub-3–25TA), filed September 26, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O.

Box 23193, Nashville, TN 37202. Representative: Jackie L. Hastings (same address as applicant). *Wearing Apparel*, from the facilities of K Mart Corporation at Forest Park, GA to points in Colbert, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, and Morgan Counties, AL. Supporting Shipper: K Mart Apparel Corp., 7373 West Side Avenue, North Bergen, N.J. 07047.

MC 115654 (Sub-3–26TA), filed September 26, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie L. Hastings, (same address as applicant). *Paper and plastic articles*, from Lexington, KY and Nashville, TN to points in the states of TN and KY. Supporting shipper: American Can Co., Harbison Road, Lexington, KY 40405.

MC 151975 (Sub-3–1TA), filed September 26, 1980. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Drive, East Point, GA 30344. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Paper and paper products, materials, equipment and supplies used in the manufacture of paper and paper products*, between Stockbridge and East Point, GA and points in AL, FL, GA, NC, SC, MS, LA, TN and KY. Supporting shipper: International Paper Company, 220 E. 42nd St., New York, NY 10017.

MC 107515 (Sub-3–74TA), filed September 26, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Foodstuffs (except in bulk)* from Memphis, TN to points in the US (except AK and HI). Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 126402 (Sub-3–1TA), filed September 25, 1980. Applicant: JACK WALKER TRUCKING SERVICE, INC., 1506 Fort Sumpter Court, Lexington, KY 40505. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. *Malt beverages*, from Detroit, MI; Perrysburg, OH and Lexington, KY to points in GA, NC and TN. Supporting shippers: Ideal of KY, Inc., 1200 Russell Cave Road, Lexington, KY 40505 and The Stroh Brewery Company, One Stroh Drive, Detroit, MI 48226.

MC 107934 (Sub-3–4TA), filed September 19, 1980. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 828, Lexington, NC 27282. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street, NW., Washington, DC 20004. *Food seasoning compounds NOI and products used in the manufacture and distributian thereof* between Germantown, WI and Peoria, IL, on the one hand, and, on the other, points in VA and NC. Supporting shipper: Milwaukee Seasoning Laboratories, Inc., N113 W18900 Carnegie Drive, Germantown, WI 53022.

MC 31389 (Sub-3–5TA), filed September 19, 1980. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: Daniel R. Simmons, P.O. Box 213, Winston-Salem, NC 27102. Common: Regular: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving the facilities of Teledyne Water Pik, at or near Ft. Collins, CO, as an off-route point in connection with applicant's regular route operations. Supporting shipper: Teledyne Water Pik, 1800 East Harmony Rd., Ft. Collins, CO 80525.

Note.—Applicant's subsidiary holds motor contract carrier authority in MC 147888, Sub-1F and therefore dual operations may be involved. Applicant intends to tack this authority to authority held by him and to interline at approximately 200 places.

MC 102285 (Sub-3–2TA), filed September 22, 1980. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Avenue, Miami, FL 33147. Representative: Norman J. Bolinger, 3100 University Blvd., Suite 225, Jacksonville, FL 32216. *General commodities, except classes A & B explosives, in trailers and trailers*, having an immediate prior or subsequent movement by rail, between points in Hillsborough, Dade, Broward and Palm Beach Counties, FL, on the one hand, and, on the other, points in Charlotte, Lee, and Colleri Counties, FL. Supporting Shipper: There are four (4) appendix of support which may be reviewed at the Atlanta, GA Regional Office.

MC 136828 (Sub-3–1TA), filed September 23, 1980. Applicant: COOK TRANSPORTS, INC., P.O. Box 6362–A, Birmingham, AL 35217. Representative: John P. Carlton, 727 Frank Nelson Bldg., Birmingham, AL 35303. *Metals, metal articles, metal fabrications and materials, supplies and equipment used in connection therewith (except commadities in bulk, in dump, tank and hopper vehicles)*, between points in AL, AR, GA, FL, LA, MS, NC, SC, TN, and TX, on the one hand, and, on the other, points in the U.S. The purpose of this application is to substitute the single-line service of applicant for joint-line service presently being provided, and, in the case of certain traffic, to eliminate the gateway of Birmingham, AL. Supporting shipper: None.

MC 138157 (Sub-3–28TA), filed September 25, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Flaar cavering materials* from Ames, IA to points in MT, WY, CO, NM, AZ, UT, ID, NV, WA, OR and CA. Restriction: Restricted to traffic originating at the facilities of 3M Company. Supporting shipper: B. R. Funsten & Co., 2045 Evans Avenue, San Francisco, CA 94124.

MC 115840 (Sub-3–5TA), filed September 25, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as applicant). *Plastic pipe*, between points in NC on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND; and points in CA. Supporting shipper: Eslon Thermoplastic, Inc., P.O. Box 24069, Charlotte, NC 28224.

MC 147870 (Sub-3–1TA), filed September 24, 1980. Applicant: MEMPHIS LEASING COMPANY, INC., 814 Florida Street, Memphis, TN 38101. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. *General commadities (except commodities of unusual value, classes A & B explasives, 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, points in AL on and north of U.S. Hwy I–59; AR; MS on and north of U.S. Hwy I–20; and TN on and west of U.S. Hwy 27 restricted to traffic having a prior or subsequent movement by rail or water. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898; Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515; Illinois Central Gulf Railroad, 590 West Alcy Road, Memphis, TN 38101.

Note.—Common control may be involved.

MC 95540 (Sub-3–20TA), filed September 24, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Paul E. Weaver (same address as applicant). *(1) Foodstuffs, (2) such commodities as are dealt in by wholesale, retail and chain grocery and food business hauses and (3) equipment, materials and*

supplies used in the manufacture and distribution of commodities named in (1) and (2) above; from Chicago, IL to Jackson, MS; Mobile, AL; Charlotte, NC and Savannah, GA. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 151808 (Sub-3–3TA), filed September 25, 1980. Applicant: SERVICE LINES, INC., 6315 Laurelwood Drive, Brentwood, TN 37027. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Common carrier:* regular routes: *General Commodities, with usual exceptions*, between Nashville, TN and St. Louis, MO and points in their respective commercial zones, from Nashville over Interstate Hwy 24 to Jct Interstate Hwy 57, then over Interstate Hwy 57 to Jct Interstate Hwy 64, then over Interstate Hwy 64 to St. Louis and return, serving no intermediate points. There are 16 statements of support which may be examined at the ICC Regional Office in Atlanta.

Note.—Applicant intends to interline at Nashville, TN and St. Louis, MO.

MC 133975 (Sub-3–1TA), filed September 23, 1980. Applicant: FLAMINGO TRANSPORTATION, INC., 11405 NW 36th Ave., Miami, FL 33167. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *General commodities (with usual exceptions)*, between points in FL restricted to traffic moving on freight forwarder bills of lading and having a prior or subsequent movement in interstate or foreign commerce. Supporting shipper: Florida-Texas Freight, Inc., 11405 NW 36th Ave., Miami, FL 33167.

MC 150211 (Sub-3–6TA), filed September 18, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato (same address as above). *Sheet steel laminations* from the plantsite of National Laminations, Inc., Des Plaines, IL to points in TN, AR, MS and AL. Supporting shipper: National Lamination Co., 555 Santa Rosa Dr., Des Plaines, IL 60018.

MC 121654 (Sub-3–10TA), filed September 23, 1980. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Lumber or Wood Products, and Pulp, Paper and Allied Products* from South Boston, VA; Charleston, SC; Orangeburg, SC; and Canton, NC; Waynesville, NC; and Pasadena, TX to all points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 133221 (Sub-3–3TA), filed September 25, 1980. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Georgia 30245. Representative: John J. Capo, P.O. Box 720434, Atlanta, Georgia 30328. *Cans and enclosures, materials, equipment and supplies used in the manufacture of cans and enclosures.* From the facilities of Continental Can Co. at Orange and Borough Counties FL, Jefferson County, AL, Houston and Fulton Counties, GA, Gregg, Harris and Cameron Counties, TX, Kay County, OK, Warren County, MS, Orleans County, LA, Sebastian County, AR, and Pulaski Park, MD, to points in and east of TX, OK, KS, NE, SD, ND, and to points in NM. Supporting shipper: Continental Can Company, 22 Executive Park, Atlanta, GA 30029.

MC 136315 (Sub-3–7TA), filed September 26, 1980. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 28, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205. *Primary metal products and materials, equipment and supplies used in the manufacture and sale and distribution of said commodities*, between points in New Castle County, DE and Washington and Allegheny Counties, PA, on the one hand, and, on the other, points in the states of DE, IL, KY, MI, NC, NY, OH, PA, SC, TN, and VA. Supporting shipper: Forbes Steel Corporation, P.O. Box 329, Cannonsburg, PA 15317.

MC 85970 (Sub-3–12TA), filed September 25, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Scrap plastics, chemicals, and rubber compounds* (1) Between Cook County, IL, on the one hand, and, on the other, Dalton, GA; (2) Between MI and WV, on the one hand, and, on the other, Obion and Dyer County, TN. Supporting shipper: Benco Industries, Route 3, Newburn, TN 38059.

MC 107478 (Sub-3–6TA), filed September 25, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., Post Office Box 2006, High Point, NC 27261. Representative: C. T. Harris, Post Office Box 999, Wilson, NC 27893. *Dog food* between points in Auglaize County, OH, on the one hand, and, on the other, points in NC and SC. Supporting shipper: FCX, Inc., Post Office Box 2419, Raleigh, NC 27602.

MC 150536 (Sub-3–3TA), filed September 25, 1980. Applicant: WILLIAMS SERVICE CENTER, INC., 4103 Highway 78 East, Jasper, AL 25501. Representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Alabama 35203. *General commodities except household goods, explosives, commodities in bulk in tank vehicles, dangerous commodities and those of unusual value* between points in AL on the one hand, and, on the other, points in TN, GA, MS, and AL. Supporting shippers: 1. Lum Oil Company, Inc., 1501 Tenth Avenue, Jasper, AL 35501; 2. Avery Guthrie & Son Lumber Company, P.O. Box 261, Oakman, AL 35579; 3. J & K Lumber and Supply Company, Inc., West 19th Street, Jasper, AL 35501; 4. Brown Pipe Company, P.O. Drawer 1408, Jasper, AL 35501; 5. City Hardware, Inc., P.O. Drawer 1308, Jasper, AL 35501.

MC 128095 (Sub-3–4TA), filed September 25, 1980. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Carpet, carpet padding and materials used in the sale or installation thereof (except commodities in bulk):* (1) from Haverhill, MA to points in MD, NJ, VA, WV, and DC; (2) from Philadelphia and Eddystone, PA and Trenton, NJ to points in AL, AR, LA, MS, and TN; (3) from Dallas, TX to points in AR and LA; (4) from Shelbyville, TN to points in AL, AR, and GA; (5) from Greensboro, NC to points in AL, GA, and TN; and, (6) from Fort Wyne, IN to points in AR, LA, and KY. Supporting shipper: General Felt Industries, Inc., Part 80 Plaza West One, Saddlebrook, NJ 07662.

MC 121568 (Sub-3–16TA), filed September 25, 1980. Applicant: HUMBOLDT EXPRESS, NC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same as applicant). *General commodities, with usual exceptions*, between points in the U.S. (except AK and HI) restricted to traffic moving to or originated at Clopay Corporation and it affiliates. Applicant intends to tack with MC 121568 and interline at all gateway points including Memphis, TN and Nashville, TN. Supporting shipper: Clopay Corporation, 1 Clopay Square, Cincinnati, OH.

MC 115841 (Sub-3–26TA), filed September 22, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Michelene Good (same as above). *Foodstuffs (except commodities in bulk)*, from (1) Cincinnati, OH to points in IL; and from (2) Atlanta, GA to points in FL, NC, SC, TN, MS, AL, LA, KY, OH, VA, WV, PA, NY, NJ, MD, MA, DE, CT, and CA.

Restricted to traffic originating at or destined to the facilities utilized by Serv-A-Portion, Inc. Supporting Shipper: Serv-A-Portion, Inc., 9140 Lurline Avenue, Chatsworth, CA 91311.

MC 144027 (Sub-3–5TA), filed September 25, 1980. Applicant: WARD CARTAGE & WAREHOUSING, INC., Route 4, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Materials, supplies, and equipment used in the manufacture, sale and distributian af drug stare articles,* between points in MS, on th one hand, and, Jeffersonville, IN, on the other. Supporting shipper(s): Colgate-Palmolive Company, State & Woerner Streets, Jeffersonville, IN 47130.

MC 148518 (Sub-3–1TA), filed September 25, 1980. Applicant: JUR CORPORATION d.b.a. RAJOR, INC., 100 Beta Drive, P.O. Box 756, Franklin, TN 37064. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier,* irregular routes: *Furniture or fixtures and materials, equipment and supplies* used in the manufacture, sale or distribution of the named commodities, between points in Davidson and Williamson Counties, TN, and Dougherty County, GA, on the one hand, and, on the other, points in the U.S., for the account of Jamison Bedding, Inc. Supporting shipper: Jamison Bedding, Inc., P.O. Box 989, Nashville, TN 37202.

MC 136155 (Sub-3–1TA), filed September 24, 1980. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Garden City, Ga. 31408. Representative: J. Newel Kessler, 17 Main Street, Garden City, Ga. 31408. *Iron and Steel Articles,* from AL, FL, GA, MS, NC, SC, and TN to GA. Supporting shippers: Universal Steel and Construction Materials, Inc., P.O. Box 7115, Savannah, Ga.; Valiant Steel and Equipment Co., P.O. Box 1386, Savannah, Ga.; National Wire of Ga., P.O. Box 4038, Pt. Wentworth, Ga.; Intercontinental Building Products, P.O. Box 7269, Savannah, Ga.

MC 139207 (Sub-3–3TA), filed September 30, 1980. Applicant: MCNABB–WADSWORTH TRUCKING CO., 305 S. Wilcox Drive, Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Glass and materials, supplies and equipment used in the manufacture af glass,* between FL, on the one hand, and, on the other, points in Cumberland County, PA, Allegany County, MD and Jefferson County, MO. Supporting shipper(s): P.P.G. Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222.

MC 116254 (Sub-3–18TA), filed September 29, 1980. Applicant: CHEM–HAULERS, INC., P.O. Box 339, Florence, AL 35630. Representative: M. D. Miller (same address as applicant). *Steel beams,* from Muscle Shoals, AL, to New Orleans, LA. Supporting shipper: Bigbee Steel Buildings, Inc., P.O. Box 2314, Muscle Shoals, AL 35660.

MC 146281 (Sub-3–14TA), filed September 29, 1980. Applicant: SILVER FLEET EXPRESS, INC., 4521 Rutledge Pike, P.O. Box 6110, Knoxville, TN 37914. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Paper and paper products and materials, supplies and equipment used in the manufacture af same,* between the facilities of Irving Paper Mills, at or near La Grange, GA and Lockland, OH. Supporting shipper(s): Irving Paper Mills, Lockland Division, Lock and Cooper Streets, Lockland, OH 45214.

MC 142181 (Sub-3–2TA), filed September 29, 1980. Applicant: LIBERTY CONTRACT CARRIER, INC., 214 Hermitage Avenue, Nashville, Tennessee 37202. Representative: Robert L. Baker, 618 United American Bank Building, Nashville, Tennessee 37219. Contract Carrier, irregular routes: *(1) Such cammadities as are dealt in ar sald by a manufacturer of metal praducts, and (2) equipment, materials, and supplies used in the canduct af such business* between Nashville, TN, on the one hand, and points in MI, on the other. Supporting shipper: Cincinnati Sheet Metal and Roofing Company, 130 Nester Street, Nashville, TN 37210.

MC 138157 (Sub-3–29TA), filed September 29, 1980. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. *Fertilizer compaund* from Los Angeles, CA; Clearfield, UT; Fort Madison, IA; Metuchen, NJ; Lebanon, PA; Chillicothe, OH; Danville, Bensenville, Melrose Park, and East Saint Louis, IL; Livonia, MI; Arlington, TX; Atlanta, GA; and Tampa, FL, to Sumter County, AL. Restricted against the transportation of commodities in bulk and restricted to traffic originating at the facilities of Chevron Chemical Company. Supporting Shipper: Chevron Chemical Co., 575 Market St., San Francisco, CA 94105.

MC 144743 (Sub-3–2TA), filed September 29, 1980. Applicant: CHARLES M. SWINFORD, d.b.a. SWINFORD TRUCKING, P.O. Box 85, Cynthiana, KY 41031. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. *General cammadities, except those af unusual value, classes A and B explosives, hausehald gaads as defined by the Cammissian, cammadities in bulk, and those requiring special equipment,* between Cynthiana, KY and commercial zone, on the one hand, and, on the other, Frankfort, KY, and commercial zone, with service at Frankfort, KY restricted to interchange with connecting rail carriers. Supporting shipper: Cleveland Twist Drill, Cynthiana Plant, P.O. Box 7, West Pleasant St., Cynthiana, KY 41031. Applicant intends to interline with rail carriers at Frankfort, KY.

MC 107515 (Sub-3–76TA), filed September 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd. NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Plastic Film* from facilities of Allied Chemical Corporation, Fibers & Plastics Company, at or near Pottsville, PA to points in the US (except AK and HI). Supporting shipper: Allied Chemical Corporation, Fibers & Plastics Company, 1411 Broadway, New York, NY 10010.

MC 145836 (Sub-3–7TA), filed September 29, 1980. Applicant: TRYCO TRUCKING CO., INC., 2508 Starita Road, Charlotte, NC 28213. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. *General cammadities (except those af unusual value, classes A & B explosives, hausehald gaads as defined by the Cammission, cammodities in bulk and thase requiring special equipment),* between Los Angeles, CA; Chicago, IL; New York, NY; Boston, MA; Philadelphia, PA; Charlotte and High Point, NC; and Tampa, Orlando, and Miami, FL; and points in their commercial zones, and points in WI, on the one hand, and, on the other, points in FL, restricted to traffic originating at or destined to the facilities of Greater Miami Shippers Association, Gulf Freight Association, and Orlando Freight Association, and their members. SUPPORTING SHIPPERS: Greater Miami Shippers Association, P.O. Box 520248, 6885 NW 25th Street, Miami, FL 33152; and Gulf Freight Association, P.O. Box 702, Tampa, FL 33601.

MC 146451 (Sub-3–22TA), filed September 30, 1980. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle NE., Dothan, AL 36302. Representative: William K. Martin P.O. Box 2069, Montgomery, AL 36197. *(A) Tires hallaw molded nan-inflatable, (B) tires, salid rubber, (C) wheels, plastic with tires,* from Newport, TN, to McDonough, GA, McRae, GA, Manning,

GA, Swainsboro, GA, Thomasville, GA, Dothan, AL Selma, AL, Indianola, MS, and Tupelo, MS, and *(D) rubber compound unvulcanized in slabs or sheets*, from Prescott, AR, to Newport, TN. Supporting shipper: Firestone Industrial Products Company, Division of Firestone Tire & Rubber Co., 1700 Firestone Boulevard, Noblesville, IN 46060.

MC 114604 (Sub-3–13TA), filed September 29, 1980. Applicant: CAUDELL TRANSPORT, INC.: P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. Representative: Jean E. Kesinger, P.O. Drawer I, State Farmers Market #33, Forest Park, GA 30050. *Foodstuffs*, (1) Between Greenville, MS; Bridgeport, MI; Imlay City, MI; and Memphis, MI; and (2) from Greenville, MS to points in AL, AR, FL, GA, IL, KY, KS, LA, MO, OK, TN and TX. Supporting shipper: Vlasic Foods, Inc., 33200 West Fourteen Mile Road, Bloomfield, MI 48033.

MC 52704 (Sub-3–10TA), filed September 29, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H" LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway; Atlanta, GA 30345. (A) *Carbonoted beverages*, between points in FL, LA and TX, on the one hand, and, on the other, points in AL and GA; and (B) *Materials, equipment and supplies* used in the manufacture and distribution of carbonated beverages from points in the U.S. to points in FL, LA and TX. Supporting shipper: King Cola Southeast Limited, 2810 New Spring Road, Suite 112, Atlanta, GA 30339.

Correction

MC 2253 (Sub-3–4TA), filed September 4, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same as applicant). In **Federal Register** Vol. 45, No. 188 published Thursday, September 17, 1980, at page 61815, the following correction should be made in the Carolina Freight Carriers Corporation (MC–2253 Sub 3–4TA) application. On page 61815, second column, 7th line from top of page the first route description should read "(1) Between Atlanta, GA and Fort Worth, TX, over Interstate Hwy 20, serving junction US Hwy 80 and Interstate Hwy 20 near Kewanee, MS, Junction US Hwys 31 and 11 at Birmingham, AL, and the off-route point of Cuba, AL for purposes of joinder only, serving the intermediate points of Jackson, MS, Monroe and Shreveport, LA and Dallas, TX and the off-route point of Canton, MS."

MC 146449 (Sub-3–1TA), filed August 14, 1980. Republication—Originally Published in **Federal Register** of September 8, 1980, Page 59219, Volume 45, No. 175. Applicant: ALL CITIES TRANSFER, INC., P.O. Box 90130, East Point, GA 30364. Representative: Bill McCann (address same as applicant). *Common corrier:* regular: *General commodities, except commodities in bulk, household goods and commodities which becouse of size or weight require special equipment* between the following points: (1) Between Opelika, AL and the NC–VA state line: From Opelika, AL over interstate Hwy 85 to its junction with the NC–VA state line, serving all intermediate points and return over the same route; (2) Between Chattanooga, TN and the GA–FL state line: From Chattanooga over interstate Hwy 75 to its junction with the GA–FL state line, serving all intermediate points and return over the same route; (3) Between Atlanta, GA and Columbia, SC: From Atlanta over interstate Hwy 20 to Columbia, SC, serving all intermediate points and return over the same route; (4) Between Kingsland, GA and Roanoke Rapids, NC: From Kingsland, GA over interstate Hwy 95 to Roanoke Rapids, NC serving all intermediate points and return over the same route; (5) Between Charleston, SC and Ashville, NC: From Charleston over interstate Hwy 26 to Ashville, NC serving all intermediate points and return over the same route; (6) Between Savannah, GA and Macon, GA: From Savannah over interstate Hwy 16 to Macon, serving all intermediate points and return over the same route; (7) Between Folkston, GA and Henderson, NC: From Folkton, GA over US Hwy 1 to Henderson, NC serving all intermediate points and return over the same route; (8) Between Nags Head, NC and Atlanta, GA: From Nags Head over US Hwy 64 to its junction with US Hwy 19 then over US Hwy 19 to Atlanta serving all intermediate points and return over the same route; (9) Between Chattanooga, TN and the junction of Hwy US 64 and US 19 near Murphy, NC for purposes of joinder only: From Chattanooga over US Hwy 64 to its junction with US Hwy 19 near Murphy, NC and return over the same route; (10) between Rossville, GA and GA–FL state line: From Rossville over US Hwy 27 to its junction with the GA–FL state line, serving all intermediate points and return over the same route; (11) Between Columbus, GA and Savannah, GA: From Columbus over US Hwy 80 to Savannah, GA serving all intermediate points and return over the same route; (12) Between Brunswick, GA and Cuthbert, GA: From Brunswick, GA over US Hwy 82 to Cuthbert, GA serving all intermediate points and return over the same route; (13) Between Fargo, GA and the NC–TN state line: From Fargo over US Hwy 441 to its junction with the NC–TN state line serving all intermediate points and return over the same route; (14) Between New Bern, NC and Ashville, NC: From New Bern over US Hwy 70 to Ashville, serving all intermediate points and return over the same route; (15) Between Brunswick, GA and the NC–VA state line: From Brunswick over US Hwy 17 to its junction with the NC–VA state line serving all intermediate points and return over the same route; (16) Between Wilmington, NC and Charlotte, NC: From Wilmington over US Hwy 74 to Charlotte serving all intermediate points and return over the same route; (17) Between Charleston, SC and Ashville, NC: From Charleston over interstate Hwy 26 to Ashville serving all intermediate points and return over the same route; (18) Between Atlanta, GA and Myrtle Beach, SC: From Atlanta over US Hwy 78 to its junction with US Hwy 378 at or near Washington, GA then over US Hwy 378 to Myrtle Beach, SC serving all intermediate points and return over the same route; (19) Between Oxford, NC and Summerton, SC: From Oxford over US Hwy 15 to Summerton, SC serving all intermediate points and return over the same route; (20) Between Charlotte, NC and Hardeeville, SC: From Charlotte over US Hwy 21 to its junction with US Hwy 321 then over US Hwy 321 to Hardeeville, SC serving all intermediate points and return over the same route; (21) Between Thomasville, GA and Louisville, GA: From Thomasville over US Hwy 319 to Louisville serving all intermediate points and return over the same route; (22) Between Greensboro, NC and Ashville, NC: From Greensboro over interstate Hwy 40 to Ashville serving all intermediate points and return over the same route. Service in connection with the routes named above is authorized serving all points in GA, NC and SC as off-route points. In connection with temporary authority, applicant requests the right to interline traffic at Atlanta and Savannah, GA; Chattanooga, TN; and Charlotte, NC. Applicant also requests the right to serve the commercial zone of Opelika, AL and Chattanooga, TN. There are 19 Statements in Support attached to this application which may be examined in the ICC office in Atlanta, GA.

MC 26088 (Sub-3–2TA), filed September 11, 1980. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., P.O. Box 457, Augusta, GA 30903.

Representative: William Addams, Suite 212, 5299 Roswell Rd., NE., Atlanta, GA 30342. *Cranes, crane parts, machinery, machinery parts, farklifts, welding machines, compressors, caprolactam (in steel drums and in bags), dollies, bailers, bailer parts, clay products, pumps, steel beams, steel bins, steel and tanks*, between points in GA and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Carolina Cranes, Inc., 3542 Pebble Beach Dr., Martinez, GA 30907.

The following protests were filed in Region 4. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 219 South Dearborn Street, Room 1304, Chicago, IL 60604.

MC 152052 (Sub-4–1TA), filed October 1, 1980. Applicant: NORTH CENTRAL TRANSPORT CO., INC., 115 E. Barrett Lane, Schaumberg, IL 60193. Representative: Marc J. Blumenthal, 39 S. LaSalle Street, Chicago, IL 60603. *Tile, and materials, equipment and supplies used in the manufacture, distributian and installation thereaf*, between points in Chicago Commercial Zone, on the one hand, and, on the other, points in IN, IA, MI, OH and WI. Supporting shipper: Midwestern Ceramics, 1101 Lunt Ave., Elk Grove Village, IL 60007.

MC 111432 (Sub-4–1TA), filed October 1, 1980. Applicant: FRANK J. SIBR & SONS, INC., 5240 West 123rd Place, Alsip, IL 60658. Representative: Douglas G. Brown, P.C. The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. *Cantract;* irregular; *Petraleum and petraleum praducts* from Hammond, IN, to points in Kankakee County, IL. Under a continuing contract(s) with Smith Oil Company of Kankakee. An underlying ETA seeks 120 days authority. Supporting shipper: Steve Smith, Smith Oil Company, 1045 South East Avenue, Kankakee, IL 60901.

MC 146969 (Sub-4–8TA), filed September 2, 1980. Applicant: STAN KOCH & SONS TRUCKING, INC., 4901 Excelsior Boulevard, Minneapolis, MN 55416. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Plastic tanks and containers*, (1) between Hennepin County, MN, on the one hand, and, on the other, points in Woodbury County, IA; (2) between Hennepin County, MN, on the one hand, and, on the other, points in IA and IL; and (3) between Woodbury County, IA, on the one hand, and, on the other, points in KS and NE. Supporting shipper: Solar Plastics, Inc., 732 30th Avenue SE., Minneapolis, MN 55414.

MC 152024 (Sub-4–2TA), filed October 1, 1980. Applicant: RUMM ASSOCIATES, INC., 4153 Owl Road, Lincoln, MI 48743. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *General cammodities* (except those household goods as defined by the Commission and Classes A and B explosives) between the Port of Entry between the U.S. and Canada at Sault Ste. Marie, MI, on the one hand, and on the other, points in MI, South of Hwy. M–55 (except points in Mason, Lake and Osceola Counties). Restricted to shipments having immediate prior or subsequent movement by rail or water. Supporting shippers: There are 10 supporting shippers.

MC 142254 (Sub-4–1TA), filed September 29, 1980. Applicant: FRIEDL FUEL & CARTAGE, INC., 440 West Ann Street, Whitewater, WI 53190. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Pipe and tubing* from East Troy, WI to points in IA, IL, IN, MI, MN, NY and OH. An underlying ETA seeks 120 days authority. Supporting shipper: Cold Industries Crucible, Inc., Trent Tube Division, 2188 S. Church Street, East Troy, WI 53120.

MC 142844 (Sub-4–1), filed September 29, 1980. Applicant: PRAIRIE WEST TRUCKING, INC., P.O. Box 2576, Bismarck, ND 58502. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58502. *Contract:* Irregular; *Lumber, Lumber Products, Waod Products, and Farest Products*, between points in the U.S. for the account of Sprenger Midwest, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Sprenger Midwest, Inc., Box 1–K, Minnetonka, MN 55343.

MC 152024 (Sub-4–1TA), filed September 29, 1980. Applicant: RUMM ASSOCIATES, INC., 4153 Owl Road, Lincoln, MI 48743. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *General commodities* (except those household goods as defined by the Commission and Classes A and B explosives) between points in the Lower Peninsula of MI on and North of Hwy. M–55 and in Mason, Lake and Osceola Counties on the one hand, and, on the other, points in the Upper Peninsula of MI. Restricted to shipments having immediate prior or subsequent movement by rail or water. Supporting shippers: There are 10 supporting shippers.

MC 145454 (Sub-4–3TA), filed September 30, 1980. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Ave., Gary, IN 46406. Representative: Anthony E. Young, 29 S. LaSalle St., Suite 350, Chicago, IL 60603. *Faodstuffs*, from Peru, IN and Franklin Park, IL to points in VA, NC, SC, GA, FL, TN, AL, MS, AK, LA, KY, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Universal Foods, Inc., P.O. Box 737, Milwaukee, WI 53201.

MC 133178 (Sub-4–2TA), filed September 29, 1980. Applicant: PAPER CARGO CORPORATION, 2465 Burlingame, SW., Wyoming, MI 49509. Representative: George A. Pendleton, P.O. Box 51, Comstock Park, MI 49321. *Contract* Irregular: *Paper and paper articles* between Chicago, IL and points in MI, IN, OH, and WI, under a contract or continuing contracts with Corrugated Supplies Corporation. Supporting shipper: Corrugated Supplies Corporation, 5101 West 65th St., Chicago, IL 60638.

MC 152016 (Sub-4–1TA), filed September 29, 1980. Applicant: CHICAGO AREA TRANSPORT, INC., 9517 South Morton, Oak Lawn, IL 60453. Representative: Roy Warner, 9517 South Morton, Oak Lawn, IL 60453. *Camman;* Regular, *Freight All Kinds; in containers, or trailers, having a priar ar subsequent movement by air, rail, or water, excepting classes A&B explasives, hausehald goads as defined by the commission, and cammodities defined or classed as bulk;* between the rail ramps, and yards, and docks and piers, and points within the commercial zone of Chicago, IL; as defined; on the one hand, and points within the states of IL, WI, MN, IA, MO, IN, MI, and OH, on the other hand. Supporting shippers: R. B. Graphic Equipment, Inc., 4701 W. 51st Street, Chicago, IL 60632, Nettles & Co., 9801 West Higgins Road, Rosemont, IL 60018. Glenview Enterprises, 603 Hillside, Glenview, IL 60025. P. D. Q., 14822 South Drexel, Dolton, IL 60419. Transportation Rail Service, Inc., 3750 West 47th Street, Chicago, Illinois 60632.

MC 133566 (Sub-4–3TA), filed September 29, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN. 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Plastic articles, equipment and supplies used in the manufacture and distributian of plastic articles*, between points in the U.S. Restricted to the transportation of traffic originating at or destined to the facilities of Mobil Chemical Co., Plastics Division. Supporting shipper: Mobil Chemical Company, Plastics Division, Macedon, NY 14502.

MC 118696 (Sub-4–27TA), filed September 29, 1980. Applicant: FERREE FURNITURE EXPRESS, INC., 252

Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Paper and paper articles and materials, equipment and supplies* used in the manufacture, sale, and distribution thereof, between Grayson County, KY, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Huron Copyset, Inc., 9144 East 400 North, Van Buren, IN 46991.

MC 146728 (Sub-4–4), filed September 30, 1980. Applicant: GOLDEN BROS., INC., 234 East McClure Street, Kewanee, IL 60443. Representative: ABRAHAM A. DIAMOND, 29 South La Salle Street, Chicago, IL 60603. *Iran ar Steel Articles* from Hennepin, IL on the one hand, and, on the other, points in the State of MI. Supporting shipper: Jones & Laughlin Steel Corp., P.O. Box 325, Hennepin, IL 61327.

MC 108393 (Sub-4–12TA), filed October 1, 1980. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: Thomas B. Hill (same as applicant). *Cantract,* irregular *Such merchandise, equipment and supplies, sald, used ar distributed by a manufacturer af casmetics, tailet preparatians and jewelry (except cammadities in bulk, in tank vehicles)* A. Between Newark, DE on the one hand, and Cumberland, Hagerstown, Landover, MD., Edison, NJ, Fayetteville, Greensboro, Raleigh, NC, Butler, Erie, Fayette City, Indiana, New Stanton, Pittsburgh, Willow Grove, Williamsport, York, PA, Covington, Lowmoor, Lynchburg, Richmond, Roanoke, VA, Charleston, Rand, WV, on the other. And B. Between Rye, NY on the one hand, and Boston, Mansfield, Springfield, MA, Bangor, Portland, ME, Providence, Warwick, RI on the other. Supporting shipper: Avon Products, Inc., Nine West Fifty Seventh Street, New York, NY 10019.

MC 108393 (Sub-4–11TA), filed September 30, 1980. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: Thomas B. Hill (same as applicant). *Cantract,* irregular *Such merchandise, equipment and supplies, sald, used ar distributed by a manufacturer af casmetics, tailet preparatians and jewelry (except commadities in bulk, in tank vehicles)* Between Cincinnati, OH and its commercial zone, on the one hand, and, on the other, Morton Grove, IL; Indianapolis, IN; Mishawaka, IN; Louisville, KY; Plainwell, Pontiac, Mount Pleasant, MI; Corinth, MS; and Lynchburg, VA. Supporting shipper: Avon Products, Inc., Nine West Fifth Seventh Street, New York, NY 10019.

MC 105045 (Sub-4–19TA), filed September 26, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech (same as above). *Air washers, heating, coaling and air filtratian, humidifying and water caaling units* between Pineville, NC and Lansing, MI, Laredo, TX, Bay Pines, FL, Norfolk, VA, Charleston, SC, Jacksonville, IL, Chicago, IL, Houston, TX, Detroit, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Aeronca Inc.,/Buensod Agitair Div., Pineville, NC.

MC 114194 (Sub-4–8TA), filed September 26, 1980. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Rd., East St. Louis, IL 62201. Representative: Joseph R. Behnken, 8003 Collinsville Rd., East St. Louis, IL 62201. *Dry bulk sugar* from Reserve, La. to Centralia, IL. An underlying ETA seeks 120 days authority. Supporting shipper: International Distributing Corporation, 4240 Utah, St. Louis, MO 63116.

MC 105159 (Sub-4–3TA), filed October 1, 1980. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main St., Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Flaar tile and equipment, materials and supplies* used in the installation thereof, from Houston, TX to points in IA, MN, ND, SD, and WI. Underlying ETA seeks 120 days authority. Supporting shipper: White's, Inc., 4700 Quebec Ave. No., New Hope, MN 55428.

MC 146985 (Sub-4–3TA), filed October 1, 1980. Applicant: MIDWEST EASTERN TRANSPORT, INC., 731 S Main St., Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200—Metro Bldg., Ft. Wayne, IN 46802. *Cantract, Irregular General cammadities, except classes A & B explasives, commodities in bulk, hausehald gaads, as defined by the Cammissian, and cammadities because of size ar weight require the use of special equipment, aver irregular rautes, in straight ar mixed trucklaads* (1) between Woodstock, IL on the one hand, and, on the other hand, Los Angeles, CA; Oxnard, CA; Atlanta, GA; Indianapolis, IN, Northvale, NJ; Pryor, OK; Huntingdon, PA; Aiken, SC; Anderson, SC; Jackson, TN; Nashville, TN; Amarillo, TX; Houston, TX; and (2) Between Dayton, OH on the one hand, and, on the other hand; Los Angeles, CA; Oxnard, CA; Atlanta, GA; Indianapolis, IN; Northvale, NJ; Pryor, OK; Huntingdon, PA; Aiken, SC; Anderson, SC; Jackson, TN; Nashville, TN; Amarillo, TX & Houston, TX; and (3) between Orlando, FL on the one hand, and, on the other hand, Los Angeles, CA; Oxnard, CA; Atlanta, GA; Northvale, NJ; Pryor, OK; Houston, TX; and (4) between Goshen, IN on the one hand, and on the other hand, Los Angeles, CA; Oxnard, CA; Atlanta, GA; Northvale, NJ; Pryor, OK; Huntingdon, PA; Aiken, SC; Anderson, SC; Jackson, TN; Nashville, TN; Amarillo, TX; & Houston, TX under a continuing contract with Great Lakes. Supporting shipper: Great Lakes Terminal & Transport, 1750 N. Kingsbury, Chicago, IL 60614.

MC 152030 (Sub-4–1TA), filed September 30, 1980. Applicant: WASPI TRUCKING, INC., 9500 Pyott Road, Algonquin, IL 60102. Representative: Stephen H. Loeb, 33 N. LaSalle Street Suite 2027, Chicago, IL 60602. *Cantract irregular: Auxiliary printing equipment,* from the facilities of Cary Metal Products, Inc., at Barrington, IL to points in the U.S. (except AK and HI), under contract with Cary Metal Products, Inc. of Barrington, IL. Supporting shipper: Cary Metal Products, Inc., 327 Pepper Road, Barrington, IL 60010.

MC 105045 (Sub-4–18TA), filed September 30, 1980. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47731. Representative: George H. Veech, (same as above). *Cranes baams, parts, accessaries and supplies,* between Hamilton County, TN and Charleston, SC, New Orleans, LA, Houston, TX, Dallas, TX, Kansas City, MO, Oklahoma City, OK, Tulsa, OK, Jacksonville, FL, Savannah, GA, Norfolk, VA, Baltimore, MD, Wilmington, NC and Charlotte, SC. Supporting shipper: Koehring Div., (Korain), Chattanooga, TN 37401.

MC 128860 (Sub-4–8TA), filed September 29, 1980. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Cantract;* Irregular; *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment,* from New York, NY, and Newark, NJ, to points in the Chicago, IL Commercial Zone. Under a continuing contract(s) with Van Munching & Co., Inc., NY. An underlying ETA seeks 120 days authority. Supporting shipper: Van Munching & Co., Inc., 51 West 51st Street, New York, NY 10019.

MC 149170 (Sub-4–17TA), filed September 29, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Alcahalic beverages, cardials and mixes* (Except

Commodities in Bulk) between points in AR, CA, CT, IL, IN, KY, LA, MD, MA, MI, MS, MO, NJ, OH, TN and WI. Supporting shipper: Johnson Brothers Wholesale Liquors Co., Inc., 2341 University Avenue, St. Paul, MN 55114.

MC 133870 (Sub-4–1TA), filed September 29, 1980. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B, Brownsville, WI 53006. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract*, irregular, *Poper Bogs*, from points in the Commercial Zones of Toledo and New Philadelphia, OH, to the facilities of Western Lime & Cement Company in Brown, Dodge, and Fond du Lac Counties, WI. An underlying ETA seeks 120 days authority. Supporting Shipper: Western Lime & Cement Company, 125 East Wells Street, Milwaukee, WI, 53202.

MC 111812 (Sub-4–14TA), filed September 29, 1980. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Such commodities as ore dealt in by retoil stores*, between Albert Lea, Eagandale and Hopkins, MN and Fargo, ND, on the one hand, and, on the other, points in SD; restricted to the transportation of traffic moving between facilities utilized by Red Owl Stores, Inc. Supporting Shipper: Red Owl Stores, Inc., 215 East Excelsior Avenue, Hopkins, MN 55343.

MC 121520 (Sub-4–1TA), filed September 29, 1980. Applicant: ALMOND FREIGHT LINES, INC., 2243 North Central Avenue, Rockford, IL 61103. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Generol commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, articles of unusual value, and commodities which because of size or weight require special handling) between Chicago, IL Commercial Zone, on the one hand, and, on the other, points in Green, Rock and Walworth Counties, WI. Applicant seeks an underlying ETA for 120 days. Applicant intends to interline at Rockford and Chicago, IL. There are 6 supporting shippers.

MC 136182 (Sub-4–2TA), filed September 29, 1980. Applicant: B. C. MOTOR FREIGHT, INC., P.O. Box 166, Peru, IN 46970. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Chemicals*, in bulk, in tank vehicles, between Vigo County, IN on the one hand, and on the other, points in IL, OH, KY, and MI. Supporting Shipper: Ulrich Chemical, Inc., Indianapolis, IN 46221.

MC 118202 (Sub-4–10TA), filed September 29, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *(1) Foodstuffs* and (2) *moterials, equipment* and *supplies used in the production of gelatin products*, between Scott County, IA, on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, KS, ME, MD, MA, MI, MS, MO, NY, NH, NJ, NC, OH, OK, PA, RI, SC, TN, VT, VA, TX and WV. An underlying ETA seeks 120 days authority. Supporting Shipper: Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912.

MC 152022 (Sub-4–1TA), filed September 29, 1980. Applicant: JAMES H. POPPINGA, Chancellor, SD 57015. Representative: Claude Stewart, P.O. Box 480, Sioux Falls, SD 57101. *Fertilizer in bulk or bags From:* Points in IA, MN and NE. *To:* Points in SD. Supporting shipper: Farmers Union Central Exchange, Inc., P.O. Box 48, Parker, SD 57053.

MC 129387 (Sub-4–5TA), filed September 29, 1980. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S.D. 57350. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI. 53095. *Frozen Food* from WA, OR, ID, and UT To points in IA, IL, and NE. Supporting shippers: Hardee's Food System Inc., 1811 19th St., S.W., Mason City, IA 50401. D.J.K. Brokerage Inc. d.b.a. Benolken Brokerage, P.O. Box 1006, Clive, IA 50053.

MC 143501 (Sub-4–2TA), filed September 29, 1980. Applicant: R.G.C. CARGO CARRIERS, INC., 16651 S. Vincennes Rd., S. Holland, IL 60473. Representative: Dean N. Wolfe, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. *Contract*, irregular: *point, paint products, ond moteriols ond supplies related thereto*, from Chicago, IL, and its commercial zone to Camp Hill, PA, Carson, CA, Charlotte, NC, Denver, CO, Houston, TX, Jamaica, NY, Minneapolis, MN, Oklahoma City, OK, Omaha, NE, St. Louis, MO, San Carlos, CA, Seattle, WA, South Plainfield, NJ, and West Haven, CT. Order a contract or contracts with The Enterprise Companies, Wheeling, IL. An under lying ETA seeks 120 days authority. Supporting shipper: The Enterprise Companies, 1191 S. Wheeling Rd., Wheeling, IL 60090.

MC 151507 (Sub-4–2TA), filed September 29, 1980. Applicant: J. LAKES TRUCKING, INC., 2957 S. E. St., Indianapolis, IN 46206. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) Paper ond paper products ond (2) materiols, equipment and supplies used in the monufacture and distribution of the commodities in (1) above (except commodities in bulk)* between the facilities of Miami Paper Corporation at West Carrollton, OH, on the one hand, and, on the other, pts. in and east of MN, IA, MO, AR and LA. Supporting shipper: Miami Paper Corporation, P.O. Box 66, W. Carrollton, OH 45449.

MC 152019 (Sub-4–1TA), filed September 29, 1980. Applicant: C.A.T. TRUCKING, INC., State Hwys. 3 and 46 W., P.O. Box 487, Greensburg, IN 47240. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract* irregular: *Poper and poper products, plastic film ond plostic bogs*, between the facilities of Crown Zellerbach Corporation at Greensburg, IN and Florence, KY on the one hand, and on the other, points in the U.S. Under a continuing contracts with Crown Zellerbach Corporation, South Glens Falls, NY. Supporting shipper: Crown Zellerbach Corporation, One River St., So. Glens Falls, NY 12801.

MC 146643 (Sub-4–29TA), filed September 29, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular: Such commodities os are dealt in by wholesale ond retail choin grocery, drug ond deportment stores*, from Cheswick, PA, to points in the U.S. in and east of ND, DC, NE, KS, OK and TX. Supporting shipper: Action Industries, Inc., Allegheny Industrial Park, Cheswick, PA 15024.

MC 147279 (Sub-4–2TA), filed September 29, 1980. Applicant: LEROY O. SALO d.b.a. SALO TRUCKING, Route 1, Box 49, Gilbert, MN 55741. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *(a) Castings and commodities utilized in the mining industry; ond (b) moteriols, equipment ond supplies used in the monufocture ond distribution of the commodities named in (1) obove*, between St. Louis County, MN, on the one hand, and, on the other, points in the U.S. Supporting shipper: Staver Foundry, Box 950, Virginia, MN 55792.

MC 147279 (Sub-4–1TA), filed September 29, 1980. Applicant: LEROY O. SALO d.b.a. SALO TRUCKING, Route 1, Box 49, Gilbert, MN 55741. Representative: Stanley C. Olsen, Jr., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *(a) Malt beveroges, ond (b) empty beverage containers ond materials, equipment and supplies used in and dealt with by breweries*, between

St. Louis County, MN, on the one hand, and, on the other, points in WI and IL. Supporting shipper: Mahnich Distributing Co., Inc., 212 Jones Street, Eveleth, MN 55734.

MC 152023 (Sub-4–1TA), filed September 29, 1980. Applicant: JERRY L. ROBINETTE d.b.a. JERRY L. ROBINETTE & SON TRUCKING, R.R. 1, Box 200–A, Whiteland, IN 46184. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract Irregular: Metal cans and metal ends,* between the facilities of The Coca-Cola Company Foods Division at Valparaiso, IN on the one hand, and, on the other, Paw Paw, MI; Random Lake, WI; Pella, IA; Ortonville, MN; Haskell, OK; Geneva, OH; and Franklin Park, IL. Supporting shipper: The Coca-Cola Company Foods Division, 2351 Industrial Drive, Valparaiso, IN 46383.

MC 145394 (Sub-4–9TA), filed September 29, 1980. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James A. Spiegel, Esq., 6425 Odana Rd., Madison, WI 53719. *Contract;* Irregular; *(a) agricultural fertilizers and soil conditioners,* in bulk and in bags; and *(b) farm equipment, machinery and supplies,* between Holcomb, IL, and points in IL, IN, IA, and WI. Under a continuing contract with Timm's Grain & Farm Supplies, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Timm's Grain & Farm Supplies, Inc., Holcomb, IL 61043.

MC 52473 (Sub-4–3TA), filed September 29, 1980. Applicant: BEHNKE, INC., 77 South Monroe Street, Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract;* irregular; *plastic articles and iron and steel articles* from Battle Creek, MI to various points in WI under continuing contract(s) with United Steel & Wire Company of Battle Creek, MI. An underlying ETA seeks 120-day authority. Supporting shipper: United Steel & Wire Company, Division of Roblin Industries, 27 Fonda Street, Battle Creek, MI 49016.

MC 146643 (Sub-4–30TA), filed September 29, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 East 114th St., Chicago, IL 60628. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular: Paper, paper products, plastic articles, and materials and supplies used in the manufacture and distribution of paper, paper products and plastic articles,* between Franklin and Coshocton, OH, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, PA and WI. Supporting shipper: Stone Container Corporation, 360 N. Michigan Ave., Chicago, IL 60601.

MC 136545 (Sub-4–3TA), filed September 29, 1980. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad St., Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Portable heaters* from the facilities of Fiesta Corporation at or near Colby, WI to New Cumberland Army Depot at or near New Cumberland, PA and Red River Army Depot at or near Texarkana, TX. Applicant has filed a corresponding ETA seeking 120 days authority. Supporting shipper: Fiesta Corporation, County Truck N, Colby Industrial Park, Colby, WI 54421.

MC 133189 (Sub-4–5TA), filed September 29, 1980. Applicant: VANT TRANSFER, INC., 1257 Osborne Rd., Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101. (1) *Fireplace accessories,* from points in the Minneapolis/St. Paul, MN commercial zone to points in the U.S. and (2) *materials, equipment and supplies used in the manufacture and distribution of fireplace accessories* in reverse direction. An underlying ETA seeks 120 days authority. Supporting shipper: Concrete Design Specialties, Inc., 1525 No. Concord, So. St. Paul, MN 55075.

MC 133566 (Sub-4–8TA), filed October 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *(1) Foodstuffs (except commodities in bulk)* from the facilities of Duffy Mott Company, Inc. at Hamlin and Williamson, NY to OH, *(2) equipment, materials and supplies used in the production and distribution of foodstuffs (except commodities in bulk),* from CO, IL, IN, IA, KY, MI, MN, NE, OH, and WI to the facilities of Duffy Mott Company, Inc. at Hamlin and Williamson, NY. Supporting shipper: Duffy Mott Company, Inc., 370 Lexington Avenue, New York, NY.

MC 110988 (Sub-4–51), filed October 2, 1980. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Avenue, Appleton, WI 54911. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Materials and supplies used in the manufacture and distribution of, (1) paper and paper products; and (2) commodities produced or distributed by manufacturers and converters of paper and paper products,* from points in the U.S. in and east of ND, SD, NE, KS, OK, and TX to points in WI, MN, and the Upper Peninsula of MI. Supporting shipper(s): Niagara of Wisconsin Paper Corporation, 1101 Mill Street, Niagara, WI 54151; Midtec Paper Corp., Kimberly, WI; Potlatch Corp., St. Cloud, MN.

MC 125358 (Sub-4–1TA), filed October 2, 1980. Applicant: MID–WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Contract Irregular: Parts, equipment and materials* used in the manufacture, assembly and repair of automotive buses, from points in IL, IA, IN, KY, MD, MI, MO, NY, PA and WI to Hallock, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Motor Coach Industries, Inc., Pembina, ND.

MC 133566 (Sub-4–6TA), filed October 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Malt beverages (except in bulk),* from the facilities of Stroh Brewery Company at Detroit, MI and Perrysburg, OH and points in their commercial zones to AR, DE, DC, FL, GA, IL, IN, IA, KY, MI, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV and WI. Supporting shipper: Stroh Brewery Company, 1 Stroh Drive, Detroit, MI 48226.

MC 133566 (Sub-4–7TA), filed October 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46847. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Tallow, lard, shortening, vegetable oil, cooking or salad oil, margarine and materials and supplies used in the manufacture thereof,* between points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Bunge Edible Oil Corporation. Supporting shipper: Bunge Edible Corporation, Route 50 North, Bradley, Box 192, Kankakee, IL 60901.

MC 151556 (Sub-4–2TA), filed October 2, 1980. Applicant: ALLSTATE TRANSPORTATION COMPANY, 10700 Lyndale Avenue South, P.O. Box 877, Minneapolis, MN 55440. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. *Cabinets and merchandise used in the manufacture of cabinets,* between points in IA, MN, IL, MI, KS, MO, NE, ND, SD, WI and IN. Supporting shipper: Riviera Kitchens, P.O. Box 238, Red Wing, MN 55066.

MC 133566 (Sub-4–4TA), filed October 2, 1980. Applicant: GANGLOFF &

DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947, Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Printed matter, printing equipment and materials and supplies used in the manufacture, distribution and sale of printed matter (except commodities in bulk),* between the facilities of Rand McNally & Company at San Francisco, CA, Hammond and Indianapolis, IN, Muscatine, IA, Lexington and Versailles, KY, Taunton, MA, Ossining, NY, Nashville, TN and points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Rand McNally & Company, 8255 N. Central Park Avenue, Skokie, IL 60076.

MC 133566 (Sub-4–5TA), filed October 2, 1980. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Meat,* from IA, IN, KS, MI, MN, MO, NE, and OH to the facilities at Lykes Bros., Inc. at Albany, GA and points in its commercial zone. Supporting shipper: Lykes Bros., Inc., P.O. Box 1867, Albany, GA 31702.

MC 152066 (Sub-4–1TA), filed October 2, 1980. Applicant: BOB AIKINS LINES, INC., P.O. Box 264, U.S. 50, Lawrenceburg, IN 47025. Representative: Paul J. Snodgrass (address same as applicant). *General Commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between IN, OH, KY. Supporting shipper(s): There are five supporting shippers.

MC 135410 (Sub-4–13TA), filed October 13, 1980. Applicant: COURTNEY J . MUNSON d.b.a., MUNSON TRUCKING, North 6th St. Rd., Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. *Chemicals* (except in bulk), from MA, NY, PA and WV, to the facilities of Bonewitz Chemical Services, Inc. at Burlington, IA. Supporting shipper: Bonewitz Chemical Services, Inc., 1731 N. Roosevelt Avenue, Burlington, IA 52601.

MC 140553 (Sub-4–3TA), filed October 3, 1980. Applicant: ROGERS TRUCK LINE, INC., 801 Erie St., Logansport, IN 46947. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Malt Beverages,* from Milwaukee, WI and St. Paul, MN, to points in IA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: H. T. Kennedy Co., 11 North 20th St., Ft. Dodge, IA.

MC 123272 (Sub-4–6TA), filed October 1, 1980. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Ave., Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Clay and clay products, and materials, equipment and supplies used in the manufacture and distribution of clay and clay praducts* (except commodities in bulk), between Lowell, FL, on the one hand, and, on the other, points in IL, IN, MI, MD, OH, TX and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Mid-Florida Mining Company, P.O. Box 68, Lowell, FL 32663.

MC 114632 (Sub-4–16TA), filed October 2, 1980. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson, (same address as applicant). *Printed matter and such commodities as are used by manufactureres of printed matter,* between Riverside, NJ and Topeka, KS on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to the transportation of traffic originating at or destined to the facilities of Macmillan Publishing Co., Inc. Supporting shipper: Macmillan Publishing Co., Inc., Front and Brown St., Riverside, NJ 08370.

MC 139482 (Sub-4–17TA), filed September 29, 1980. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *Automotive fluids and cleaning compounds (except commodities in bulk),* between points in the States of AR, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NY, OH, OK, PA, TN, TX, and WI. An underlying ETA application seeks 120 days authority. Supporting shipper: Gold Eagle Co., 1872 N. Clybourn Ave., Chicago, IL 60614.

MC 149170 (Sub-4–19TA), filed October 2, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Recreational and sporting equipment and catalags* from points in AR, MO, CA, IL, IN, TN, and WI, to Sioux Falls, SD. Restricted to traffic destined to The Austad Company. Supporting shipper: The Austad Company, 4500 E. 10th St., Sioux Falls, SD 57101.

MC 1249170 (Sub-4–18TA), filed October 2, 1980. Applicant: ACTION CARRIER, INC., 1000 East 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Agricultural, lawn and garden materials, farm equipment and related items (Except commodities in bulk)* from points in GA, KS, PA, KY, and TX to Sioux Falls, SD; Omaha, NE; Fargo, ND; Minneapolis and St. Paul, MN; Des Moines, IA; Billings, MT; and Madison, WI. Restricted to traffic destined to the facilities of Dakon, Inc. and its subsidiaries. Supporting shipper: Dakon, Inc., 1100 West Delaware, P.O. Box 909, Sioux Falls, SD 57101.

MC 146420 (Sub-4–1TA), filed October 2, 1980. Applicant: FRATE SERVICE, INC., Rural Route One, East Peoria, IL 61611. Representative: Samuel G. Harrod, Eureka Professional Bldg., Eureka, IL 61530. *Iron and steel group,* from points in Putnum County, IL to and from points in MO and MI. Supporting shipper: Jones & Laughlin Steel Corporation, P.O. Box 325, Hennepin, IL 61327.

MC 139555 (Sub-4–3TA), filed October 3, 1980. Applicant: MODULAR TRANSPORTATION CO., P.O. Box 1822, Grand Rapids, MI 49501. Representative: William D. Parsley, Loomis, Ewart, Ederer, Parsley, Davis & Gotting, 1200 Bank of Lansing Building, Lansing MI 48933. *Gypsum, gypsum products, plasterboard joint systems and building materials, and materials, equipment and supplies used in the manufacture, distributian and installation of gypsum, gypsum products, plasterboard joint systems and building materials EXCEPT commadities in bulk in tank vehicles* (1) points between Ottawa County, OH and points in OH, IN, IL, MI, KY, WI, WV and PA and (2) points between Webster County, IA and points in IL, IN, OH, MI, WI, KY, MN, MO, and IA. An underlying ETA seeks 120 days authority. Supporting shipper is Grand Rapids Gypsum Co., 1700 Butterworth, S.W., Grand Rapids, MI 49504.

MC 135944 (Sub-4–2TA), filed October 3, 1980. Applicant: RODGERS EXPRESS, INC., 1310 S. West Street, Indianapolis, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *General commodities* except classes A and B explosives, and household goods as defined by the Commission, between Hayes, KS and Columbus, OH via Interstate Highway 70, serving the off route points of Dayton and Marysville, OH. Supporting shippers: There are 15 certificates of support attached. Applicant intends to tack the proposed authority with its existing authority at Indianapolis, IN and intends to interline with other carriers at both terminal points and intermediate points on the proposed route.

MC 147007 (Sub-4–5TA), filed October 3, 1980. Applicant: EVERFRESH TRANSPORTATION COMPANY, 6431 East Palmer, Detroit, MI 48211. Representative: John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. *Contract, irregular, motor vehicle parts, components, machinery, equipment or parts, materials, supplies, advertising materials and equipment, materials and supplies utilized in the manufacture thereof:* Between shipper's facilities at Newark and Newcastle, DE, on the one hand, and, on the other, shipper's facilities at Warren, Center Line and Marysville, MI, under continuing contract(s) with Chrysler Corporation, Service and Parts Division, 26311 Lawrence Ave., Center Line, MI 48105. Supporting shipper: Chrysler Corp. Service and Parts Div., 26311 Lawrence Ave., Center Line, MI 48105.

MC 119577 (Sub-4–1TA), filed October 2, 1980. Applicant: OTTAWA CARTAGE, INC., P.O. Box 458, Ottawa, IL 61350. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601. *Coal,* from Lynnville, IN to Wedron, IL. Supporting shipper: Renco Fuel, 477 East Butterfield, Lombard, IL 60148.

MC 136635 (Sub-4–9TA), filed October 3, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Petroleum and petroleum waste products* between Marion County, IN on the one hand, and, on the other, points in PA, OH, MI, IL, KY, WV, NY, MS, AL, MO, CT, and WI. Supporting shipper: Metalworking Lubricants Company, 1509 South Senate Street, Indianapolis, IN 46225.

MC 136635 (Sub-4–8TA), filed October 3, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *General commodities* between Chevrolet Motor Division, General Motors Corporation at Indianapolis, IN on the one hand, and, on the other, Flint, Detroit and Pontiac, MI, St. Louis, MO, Baltimore, MD, and Janesville, WI. Supporting shipper: Chevrolet Division—General Motors Corporation, Indianapolis, IN.

MC 151934 (Sub-4–2TA), filed October 2, 1980. Applicant: KING'S EXPRESS, INC., Rural Route 2, St. Joseph, MN 56374. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, P.A., 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Meat, meat products, meat byproducts and articles distributed by meat packinghauses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766, between Todd County, MN, on the one hand, and, on the other, Erie, PA; North Baltimore, OH, and points in IL and WI. Supporting shipper: Long Prairie Pack, P.O. Box 126, Long Prairie, MN 56347.

MC 145664 (Sub-4–9TA), filed October 1, 1980. Applicant: STALBERGER, INC., 223 South 50th Ave. W., Duluth, MN 55807. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Wood and wood/oil combination furnaces and equipment, supplies and materials used in the manufacture, sale and distribution of named commodities,* between facilities of Combo Furnaces at Grand Rapids, MN and points in the United States. An underlying ETA seeks 120 days authority. Supporting shipper: Combo Furnaces Company, 1707 West 4th, Grand Rapids, MN 55744.

MC 145764 (Sub-4–1TA), filed October 1, 1980. Applicant: C & E TRANSPORT, INC., 1600 Morton, Elkhart, IN 46514. Representative: Robert A. Kriscunas, Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Salt,* from the facilities of Domtar Industries, Inc., Sifto Salt Division, at Chicago, IL, St. Joseph, MI, Toledo, OH, St. Joseph County, IN and Burns Harbor, IN to points in the States of IN and MI. An underlying ETA seeks 120 days of authority. Supporting shipper: Domtar Industries, Inc., 9950 West Lawrence Avenue, Schiller Park, IL 60176.

MC 152064 (Sub-4–1TA), filed October 2, 1980. Applicant: PLAIN-O-TRUCKING, 537½ West Walnut, Albany, IN 47320. Representative: David O. Foreman, 104 Fred Court, Muncie, IN 47302. *Carpet and floor covering* between GA, TN, IL, IN, MA, MI, MN, OH, PA, TX and WI.

MC 70557 (Sub-4–5TA), filed October 1, 1980. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603. *Carbonated beverages, drinks, containers, and materials, equipment and supplies used in the manufacture, sale and distribution of carbonated beverages, drinks and containers.* Between points in AL, FL, GA, LA, MS, OK, SC, TN and TX. Supporting shipper: Hygeia Coca-Cola Bottling Company, P.O. Drawer 12630, Pensacola, FL 32574.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, P.O. Box 17150, Fort Worth, TX 76102.

MC 5888 (Sub-5–3TA), filed September 29, 1980. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth Street, Kansas City, MO 64105. Representative: Tom Zaun, 127 West Tenth Street, Kansas City, MO 64105. *Chains or Belting other than Machine Finished Steel and Agricultural Iron Implement Parts other than Hand, NOI, Iron* from Dolton, IL to points located in the states of KS and MO. Supporting shipper: Rexnord, 13943 Park, Dolton, IL 60419.

MC 29910 (Sub-5–52TA), filed September 29, 1980. Applicant: ABF FREIGHT SYSTEM, INC., 301 South Eleventh Street, Fort Smith, AR 72901. Representative: Joseph K. Reber, P.O. Box 48, Fort Smith, AR 72902. *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 Jacksonville, TX and Dennison, TX, on the one hand, and, on the other, Colorado Springs, CO. Supporting shipper: Digital Equipment Corporation, 450 Whitney Street, Northboro, MA 01532.

MC 54589 (Sub-5–1TA) filed September 29, 1980. Applicant: VIKING LINE, INC., 4231 Hearnes Blvd., Joplin, MO 64801. Representative: Charles J. Fain, Fain & Fain, Attorneys, 333 Madison Street, Jefferson City, MO 65101. *Common:* regular *Persons and their personal baggage; special and charter service operations included, also express, newspapers and baggage in the same vehicle;* leave Jay, OK, north on U.S. Hwy 59 (Oklahoma 10) to Grove, OK; to Afton, OK; then over U.S. 60 West to Vinita, OK; from Vinita, OK take OK Hwy 2 to Welch, OK; then over U.S. 59 to Miami, OK; then over U.S. 66 to Quapaw, OK; then to Baxter Springs, KS; then to Galena, KS; then to Joplin, MO; then return over same route to Jay, OK. Applicant intends to interline. Supporting witnesses: Town of Welch, OK, Box 475, Welch, OK 74369; City of Grove, OK; Standard Auto Parts, Grove, OK; Cozy Motel, Grove, OK; Earl's Bicycle Shop, Grove, OK; Rockwell's Country Store, Hwy 10, Grove, OK.

MC 59367 (Sub-5–4TA) filed, September 29, 1980. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Commodities dealt in by manufacturers of household appliances,* between points in IL, IN, MI, MN, MO, OH, and WI, on the one hand, and, on the other, Ft. Dodge, Jefferson and Webster City, IA. Supporting shipper: Webster City

Products Company, 600 Stockdale Street, Webster City, IA 50595.

MC 92983 (Sub-5–6TA) filed September 29, 1980. Applicant: AMERICAN BULK TRANSPORT CO., 18 Central Avenue, P.O. Box 2387, Kansas City, KS 66110. Representative: William J. O'Neill, Traffic Manager, P.O. Box 1408, Kansas City, MO 64141. *Chemicals*, from Orange County, CA to all points in KS. Supporting shipper: Delst Chemical & Research, Inc., 540 East Jamie Avenue, La Habra, CA 90631.

MC 107496 (Sub-5–32TA) filed, September 29, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Vegetable oil and chemicals, in bulk, in tank vehicles*, from Chalmette, LA, DeRidder, LA and Oklahoma City, OK to Valley Park, MO. Supporting shipper: Spencer Kellogg-Textron, P.O. Box 807, Buffalo, New York 14240.

MC 107496 (Sub-5–33TA) filed, September 29, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Sand, cement, flyash, Pozzalan, acids, bentanite, clay, lime salts*, between WY, MT, ND, CO, UT. Supporting shipper: Halliburton Services, Ste. 314 Petroleum Bldg., 111 W. 2nd, Casper, WY 82601.

MC 111401 (Sub-5–18TA), filed September 29, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Flaur, in bulk, in tank vehicles*, from Enid, OK to Fort Payne, AL. Supporting shipper: The Pillsbury Company, 515 E. Spruce, Enid, OK 73701.

MC 114045 (Sub-5–7TA), filed September 29, 1980. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, TX 75261. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *General Commodities (except household goads as defined by the Commission and Classes A and B explosives)*, between Essex, Passaic and Warren Counties, NJ, on the one hand, and on the other, Cook County, IL. Supporting shipper: Hoffman-La Roche, Inc., 340 Kingsland St., Nutley, NJ 07110.

MC 117119 (Sub-5–34TA), filed September 29, 1980. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Canfectianery (except in bulk)* from Atlanta and Augusta, GA to points in the U.S. (except AK and HI). Supporting shipper(s): Fine Products Co., Inc., P.O. Box 2087, Augusta, GA 30913.

MC 117765 (Sub-5–17TA), filed September 29, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Insulating Material and equipment used in the manufacture, distributian and installatian thereaf*, From and to all points in the U.S., excluding AK and HI. Supporting shipper: Rockwool Industries, Inc., 7400 S. Alton Ct., Englewood, CO 80112.

MC 118468 (Sub-5–20TA), filed September 29, 1980. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract, irregular *Roofing materials and building materials*, from Kansas City, and St. Louis, MO and Chicago, IL, and points in their commercial zones, to points in IA, under contract with Lumbermans Wholesale Co. Supporting shipper: Lumbermans Wholesale Co., 621 S.W. 7th, Des Moines, IA 50309.

MC 119741 (Sub-5–17TA), filed September 29, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *(1) Such commadities as are dealt in by grocery, hardware, and drug business hauses; cleaning and building maintenance supplies; swimming paal, spa, and hat tub products; chemicals;* and *(2) materials, equipment, and supplies used in the manufacture, sale, and distribution af the commadities named in (1) abave (except in bulk)*, between the facilities of the Purex Corporation located at (a) Columbus, London, and Toledo, OH; (b) Brockport, NY; (c) St. Louis, MO; (d) Chicago, IL; (e) Bristol, PA; (f) Atlanta, GA; (g) Tampa, FL; (h) New Orleans, LA; and (i) St. Paul and Eagan, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportation of traffic originating at or destined to the Purex Corporation. Supporting shipper: Purex Corporation, 6120 North Detroit Avenue, Toledo, OH 43612.

MC 119741 (Sub-5–16TA), filed September 29, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, NW., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same address as applicant). *(1) Aluminum and waad windaws and doars, glass, and (2) materials, equipment, and supplies used in the manufacture and distribution af (1) above*, between the facilities of Mon-Ray Windows Inc. at Osage, IA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Mon-Ray Windows Inc., 918 North Second Street, Osage, IA 50461.

MC 124174 (Sub-5–22TA), filed September 29, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Security hardware, aluminum and steel security windows, jail and prisan equipment and steel fabricatians, and equipment, materials and supplies used in the installatian, erectian, and maintenance af the foregoing commodities*, between points in Bexar County, TX, on the one hand, and on the other, points in the USA (except HI). Supporting shipper(s): Southern Steel Company, 4634 South Presa Street, San Antonio, TX 78297.

MC 124174 (Sub-5–23TA), filed September 29, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Ties, timbers, pales, railraad rails (new ar used) and materials used in the maintenance and canstructian thereaf*, between points in CO, KS, TX, NE, IA, and OK. Supporting shipper(s): Ties & Tracks, Inc., 8500 Flora Street, Kansas City, MO 64131.

MC 126743 (Sub-5–3TA), filed September 29, 1980. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. (1) *Foadstuffs*, (2) *Materials, Equipment and supplies used in the productian af gelatin praducts*, (1) From the facilities of Geo. A. Hormel & Co. at or near Davenport, IA (Scott County) to points in AL, CO, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NH, NC, ND, OH, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. (2) From the points named in (1) above to the facilities of Geo. A. Hormel & Co. at or near Davenport, IA (Scott County). Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 126473 (Sub-5–4TA), filed September 29, 1980. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, IA 52580. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501, Telephone: 515–682–8154. *(1) Foodstuffs, (2) Meat, meat products, meat by-praducts, foodstuffs, and canning plant materials, equipment, and supplies.* (1) From the facilities of Geo. A. Hormel & Co. at or near Beloit, WI

(Rock County) to points in TX, LA, AR, MS, TN, MD, PA, and VA. (2) From points named in (1) above to the facilities of Geo. A. Hormel & Co. at or near Beloit, WI (Rock County). Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 129908 (Sub-5–33TA), filed September 29, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, Oklahoma 73147. Representative: John S. Odell, P.O. Box 75410, Oklahoma City, Oklahoma 73147. *(1) Pulp, paper or allied products (2) printed matter (3) rubber or miscellaneous plastics products (4) primary metal products (5) fabricated metal products;* between Forsyth County, NC on the one hand, and, on the other, states of AZ, AR, CA, IL, IN, KY, LA, MO, OK, OR, KS, TN, TX and WA. Supporting shipper: RJR Archer, Inc., Reynolds Bldg., 4th & Main Streets, Winston-Salem, NC 27102.

MC 133262 (Sub-5–3TA), filed September 29, 1980. Applicant: TIGGES TRUCKING, INC., 5071 JFK Road, Dubuque, IA 52001. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Dry cement, in bulk,* from Rock Island, IL and La Crosse, WI to Waukon and Monona, IA and Prairie du Chien, Gays Mills, Lancaster, Cassville, Boscobel, Platteville, and Muscoda, WI, and (2) from Buffalo, IA to Viroqua, WI. Supporting shipper(s): Prairie Ready Mix, Inc., 800 North Villa Louis Road, Prairie du Chien, WI 53821; Knitt Construction, Inc., P.O. Box 66, Viroqua, WI 54665.

MC 134467 (Sub-5–11TA), filed September 29, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from Palestine, TX and points in its commercial zone, to points in the United States (except AK and HI). Supporting shipper: Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801.

MC 134467 (Sub-5–12TA), filed September 29, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. (1) *Malt beverages (except in bulk), and (2) Materials, equipment and supplies used in the manufacture, sale, and distribution of the commodities named in (1) above (except in bulk),* from the facilities of The Stroh Brewery Company at or near Detroit, MI and Perrysburg, OH to points in the U.S. in and east of WI, IL, KY, TN, MS and LA. Supporting shipper: The Stroh Brewery Company, 1 Stroh Drive, Detroit, MI 48226.

MC 134501 (Sub-5–10TA), filed September 29, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1) *New furniture,* from Headland, AL, to points in MO, MI, IL, IN, OH, PA,NJ, NY, CT, RI, MA, VT, NH, ME, DE, DC, MD, WV, VA, KY, TN (except Shelby County), NC, SC, GA, FL, MS, LA, and TX (except points on, north, and west of a line beginning at the AR–TX State Line and extending along U.S. Hwy 67 to Dallas, then along Interstate Hwy 35E to Waco, then along U.S. Hwy 81 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 290, then along U.S. Hwy 290 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction with the TX–NM State Line); and (2) *fixtures,* from Headland, AL, to points in the U.S. (except AK and HI). Supporting shipper: Southeastern Cabinet Company, P.O. Box 889, Dothan, AL 36031.

MC 135797 (Sub-5–69TA), filed September 29, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Computer machines and parts,* between OK on the one hand, and, on the other, points in MA. Supporting shipper: Magnetic Peripherals, Inc., 10321 West Reno, Oklahoma City, OK 73127.

MC 135797 (Sub-5–70TA), filed September 29, 1980. Applicant: J. B. HUNT TRANSPORT, INC., Post Office box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Ground clay in bags, and filters and filter parts,* between points in GA and points in OK. Supporting shipper: Perry Filters, Inc., 6420 So. Air Depot, Oklahoma City, OK 73115.

MC 136008 (Sub-5–9TA), filed September 29, 1980. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., Ardmore, OK 73401. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237. *Cement, in bulk,* from Dallas and Fort Worth, TX, to points in OK. Supporting shipper: General Portland Inc., P.O. Box 324, Dallas, Texas 75221.

MC 136711 (Sub-5–2TA), filed September 29, 1980. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036. (1) *Waste bakery products, in bulk, in dump vehicles,* (a) from St. Louis, MO to facilities of Dext company, Inc. at Chicago, IL; and, (b) from Kansas City, MO to facilities of Dext Inc. of Texas at Dallas, TX. (2) *Dried bakery products (not for human consumption) in bulk, in dump vehicles,* (a) from facilities of Dext Inc. of Texas at Dallas, TX, to Nashville and Mountain Home, AR; and, (b) from facilities of Dext Company, Inc. at Chicago, IL to Mountain Home and Springdale, AR; St. Joseph, Kirksville, Mexico, Gerald, Meta and Centralia, MO. Supporting shipper: Dext Company, Inc., 4250 Wilshire Blvd., Los Angeles, CA 90010.

MC 139850 (Sub-5–2TA), filed September 29, 1980. Applicant: FOUR STAR TRANSPORTATION, INC., P.O. Box 77, Underwood, IA 51576. Representative: James F. Crosby & Associates, Oak Park Office Bldg., Suite 210B, 7363 Pacific Street, Omaha, NE 68114. *Meats, and packinghouse products,* from the facilities of Dubuque Packing Co., LeMars, IA to points in the U.S. (except AK and HI). Supporting shipper: Dubuque Packing Co., P.O. Box 340, LeMars, IA 51031.

MC 143179 (Sub-5–5TA), filed September 29, 1980. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Contract; Irregular. *Packaging and cushioning materials and supplies,* from Lombard, IL, Minneapolis, MN, St. Louis, MO and Oklahoma City, OK to Marshalltown, IA. Supporting shipper: American Excelsior Company, P.O. Box 5067, Arlington, TX 76011.

MC 144603 (Sub-5–25TA), filed September 29, 1980. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *General commodities (except household goods, class I & II explosives and commodities in bulk, in tank vehicles)* between points in Madison and St. Clair Counties, IL, St. Louis, St. Louis County, Jefferson County and St. Charles County, MO, on the one hand, and, on the other, points in the U.S. Supporting shippers: Central Hardware Co., 111 Boulder Industrial Dr., Bridgeton, MO 63044; Witte Hardware Corp., 4600 North

Goodfellow, St. Louis, MO 63120; Gerber Industries, Inc., 1 Gerber Industrial Dr., St. Peters, MO 63376.

MC 144667 (Sub-5–4TA), filed September 29, 1980. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Food and kindred products, as described in Item 20 of the Standard Transportation Commodity Code, from the facilities of or utilized by Geo. A. Hormel & Co.* at Scottsbluff and Fremont, NE, to points in CO, SD and WY. Supporting shipper: Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912.

MC 145441 (Sub-5–28TA), filed September 29, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, AR 72219. *Nonexempt food or kindred products,* Between Kent County, MI on the one hand, and on the other, San Joaquin County, CA. Supporting shipper: Heinz USA, P.O. Box 57, Pittsburgh, PA 15230.

MC 145997 (Sub-5–5TA), filed September 29, 1980. Applicant: J. E. M. EQUIPMENT, INC., Post Office Box 396, Alma, AR 72921. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Frozen Vegetable and Pototoes.* Between points in AR, LA and TX, on the one hand, and, on the other, points in CA, ID, NV, OR, UT, WA and WY. Supporting shipper: Ben E. Keith Company, Post Office Box 2628, Ft. Worth, TX 76101.

MC 147517 (Sub-5–2TA), filed September 29, 1980. Applicant: TEXAS HIGHWAY TRANSPORT, INC., 2311 Butler Street, Dallas, TX 75235. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *General commodities (except household goods as defined by the Commission and Classes A and B explosives),* Between points in Lubbock, Potter, Randall, Dallham, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchison, Roberts, Hemphill, Oldham, Carson, Gray, Wheeler, Deaf Smith, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Hardeman, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Cochran, Hockley, Crosby, Dickens, King, Knox, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Ector, Midland, Glasscock, Sterling, Coke, Tom Green, and Runnels Counties, TX, RESTRICTED to traffic having a prior or subsequent movement by rail. Supporting shipper(s): Texas Shippers Association, 2311 Butler, Dallas, TX 75235.

MC 147689 (Sub-5–3TA), filed September 29, 1980. Applicant: MEI. MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon III, President, P.O. Box 29058, New Orleans, LA 70189. Contract; Irregular. *(1) Paper, Paper Products, Containers, Contoiner Ends, and Components (Except in Bulk), (2) Moteriols and Supplies used in the Monufocture of (1) above,* between the facilities of The Continental Group, Inc., of Stamford, Connecticut in LA, AR, AL, MS, TX, MI, GA, OH, KY, MO, IL, IN, SC, KS. Supporting shipper: The Continental Group, Inc., 4 Landmark Square, Stamford, Conn. 06901.

MC 148337 (Sub-5–1TA), filed September 29, 1980. Applicant: WESTERKAMP TRUCKING, INC., Route 2, Pella, IA 50219. Representative: Robert R. Rydell, 1020 Savings and Loan Bldg., Des Moines, IA 50309. *Pulleys and rollers and moteriols and supplies used in connection therewith and supplies and materiols used in the monufocture of the above commodities on return trips* from and to the facility of Precision Pulley, Inc., at or near Pella, IA, to points and places in the U.S. (except AK and HI). Supporting shipper: Precision Pulley, Inc., 300 S.E. 14th Street, Pella, IA 50219.

MC 150425 (Sub-5–6TA), filed September 29, 1980. Applicant: TRANS-CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Molt beverages,* from the facilities of Miller Brewing Co., at or near Ft. Worth, TX to Ouachita Parish, LA. Supporting shipper: Testa Distributing Co., Inc., 310 Powell Ave., Monroe, LA 71203.

MC 150740 (Sub-5–3TA), filed September 29, 1980. Applicant: MOTRAN SERVICES, INC., 6816 Englewood, Raytown, MO 64133. Representative: Robert A. Sundblad, Attorney at Law, 6720 Raytown Road, Raytown, MO 64133. Contract, Irregular. *Plostic lids, plostic products and products used in the manufacture of plostic products,* from Lawrence, KS, Reno, NV over irregular routes to points in the United States. Applicant intends to tack. Supporting shipper: Packer Plastics, Inc., 2330 Packer Road, Lawrence, KS 66044.

MC 151021 (Sub-5–1TA), filed September 29, 1980. Applicant: EDWARD J. ELROD, 4119 South Shields, Oklahoma City, OK 73127. Representative: R. H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. *Brick, cloy, Tile, Building Moteriols and Supplies and reloted orticles,* Between points in OK, on the one hand, and, on the other, points in TX; Clarksville and Fort Smith, AR; and Concordia and Hoisington, KS. Supporting shipper: Commercial Brick Corporation, Oklahoma City, OK.

MC 151894 (Sub-5–2TA), filed September 29, 1980. Applicant: VENTURE EXPRESS, INC., P.O. Box 142, Marion, AR 72364. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *General commodities (except household goods as defined by the Commission, Classes A & B explosives, and commodities in bulk),* between points in Rutherford County, TN, on the one hand, and on the other, points in the US. Supporting shippers: There are seven (7) supporting shippers. Applicant intends to interline.

MC 152002 (Sub-5–1TA), filed September 26, 1980. Applicant: DOUGLAS A. HILL, INC., d.b.a. MOUNTAIN HAUS TOURS, 7215 Skillman, Suite 306, Dallas, TX 75231. Representative: Gaylen Crain, 7215 Skillman, Suite 306, Dallas, TX 75231. *Possengers and their baggoge, in special and chorter operations, in round-trip pleosure trips,* beginning and ending at points in Dallas, Tarrant, Denton, Collin, Rockwall, Kaufman, Smith, Ellis, Harris, Jefferson, Madison, Johnson and Travis counties, TX and extending to points in the US. Supporting shippers: 25.

MC 152021 (Sub-5–1TA), filed September 29, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., 1601 E. Irving Blvd., Irving, TX 75060. Representative: Larry P. Cardin, 1601 E. Irving Blvd., Irving, TX 75060. Contract; Irregular. *Wood burning stoves and ports and accessories used in the monufocturing of wood burning stoves,* between Conway, AR, and all points and places in the Continental United States, under contract with Lakewood South Inc. Supporting shipper: Lakewood South, Inc., Front & Prairie Sts., Conway, AR 72032.

MC 152027 (Sub-5–1TA), filed September 29, 1980. Applicant: JOHNSRUD TRANSPORT, INC., P.O. Box 447, Cresco, IA 52136. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Contract irregular, *Vegetable oils and blends of vegetable oils,* between Des Moines, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI) under contract with Cargill, Incorporated. Supporting shipper: Cargill, Incorporated, 3030 S.E. Granger, Des Moines, IA 50306.

MC 145441 (Sub-5–25TA) Republication, filed September 19, 1980. Applicant: A.C.B. TRUCKING, INC., P.O.

Box 5130, North Little Rock, AR 72119. Representative: Ralph E. Bradbury, Traffic Manager, P.O. Box 5130, North Little Rock, AR 72119. *Such commodities as are dealt in by wholesale, retail, discount and variety stores,* from NY, NJ, PA and Imperial, Los Angeles, Riverside, San Bernardino, Santa Barbara and San Diego Counties, CA to the facilities of Howard Brothers Discount Stores, Inc., Monroe, LA. Supporting shipper: Howard Brothers Discount Stores, Inc., 3030 Aurora, Monroe, LA 71202.

MC 100449 (Sub-5–4TA), filed October 1, 1980. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Ft. Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Frozen foods* between Webster County, IA, on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: General Foods Corporation, 250 North Street, White Plains, NY 10625.

MC 107496 (Sub-5–34TA), filed October 1, 1980. Applicant: Ruan Transport Corporation, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, 666 Grand Avenue, Des Moines, IA 50309. *Lime and lime products, in bulk,* from Rapid City, SD to Cheyenne, WY. Supporting shipper: Frost Construction Co., P.O. Box 457, Lovell, WY 82431.

MC 113362 (Sub-5–14TA), filed October 1, 1980. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *(1) Bags, and (2) Equipment, Materials, and Supplies used in the manufacture, sale, and distribution of bags (except in bulk),* Between Kansas City, MO, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Central Bag Company, 1323 West 13th Street, Kansas City, MO 64101.

MC 126118 (Sub-5–31TA), filed September 30, 1980. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Such commodities as are used by and dealt in by discount and general merchandise stores,* from Memphis, TN to Omaha, NE, Supporting shipper: K–Mart Corp., C. F. Rowe, Director of Traffic, 3100 West Big Beaver Road, Troy, MI 48084.

MC 129908 (Sub-5–32TA), filed September 29, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, Oklahoma 73147. Representative: John S. Obell, P.O. Box 75410, Oklahoma City, Oklahoma 73147. *Electrical equipment and instruments, printed matter and lumber or wood products* between points in the United States. Supporting shipper: Atari, Inc., 1215 Borregas, Sunnyvale, California 94086.

MC 134405 (Sub-5–10TA), filed September 29, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Asphalt, in bulk,* from points in OK to points in TX. Supporting shipper: Trumbull Asphalt, a Division of Owens-Corning Fiberglas, 209 Nursery Road, Irving, TX. Send protests to: ICC, Regional Authority Center, 411 West 7th Street, Fort Worth, TX 76102.

MC 134405 (Sub-5–11TA), filed September 29, 1980. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Sodium sulfide solution in bulk, in tank vehicles,* from Wynnewood, OK to Ashdown, AR. Supporting shipper: Kerr-McGee Refining Corporation, Kerr-McGee Center, P.O. Box 25861, Oklahoma City, OK.

MC 135762 (Sub-5–5TA), filed September 30, 1980. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72702. *Contract* Irregular *(1) New furnitue, and (2) materials, equipment and supplies used in the manufacturing or shipping of new furniture (except commodities in bulk),* between points in the U.S. (except AK and HI). The service to be performed under a continuing contract with Ayers Furniture Industries, Inc., a subsidiary of HMW Industries, Inc. Supporting shipping: Ayers Furniture Industries, Inc., 1001 North 3rd Street, Ft. Smith, AR 72901.

MC 140033 (Sub-5–6TA), filed September 30, 1980. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Wearing apparel and supplies necessary to operate retail clothing stores,* from Arlington, TX to Denver, CO; Kansas City, MO; Los Angles, CA; Orlando, FL; Salt Lake City, UT; and San Francisco, CA. Supporting shipper(s): Foxmoor Casuals, 393 Manley Street, West Bridgewater, MA.

MC 142672 (Sub-5–14TA), filed September 19, 1980. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72701. *Meats, Meat Products and Meat By-Products, and Articles Distributed by Meat Packinghouses,* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)—between points in CO and points in AR, LA, MO, OK and TX. Supporting shipper: Sam Kane Beef Processors, Inc, Post Office Box 9752, Corpus Christi, TX 78411.

MC 142860 (Sub-5–1TA), filed October 1, 1980. Applicant: RIVERSIDE METALS, Box 46, Route 2, Midway, AR 72651. Representative: John Juenger, Address: Same as above. Contract, Irregular: *Fabricated Metal Products, parts for chimneys and machine parts, crematories, incinerator, trailer parts,* from Midway and Diamond City, Arkansas and their commercial zones to MO, IL, MI, KY, TN, AL, MS, OK, KS, NE, TX, CO, ND, SD, IA, MN, OH, LA. Materials, supplies, and equipment from the above states to Midway, Diamond City, AR, area and their commercial zone. Supporting shippers: Mountain Home Manufacturing, P.O. Box 288, Midway, AR 72651. Maier, Inc., P.O. Box 197, Diamond City, AR 72644.

MC 145149 (Sub-5–3TA), filed October 1, 1980. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, Wichita, KS 67201. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. (1) *Butane, propane, natural gasoline and mixtures of butane and propane,* Between McKenzie County, ND; and Richland County, MT on the one hand, and, on the other, points in the states of CO, MT, MN, ND, SD and WY on the other; (2) *Molten sulfur* Between McKenzie County, ND and Richland County, MT. Supporting shipper: Koch Hydrocarbon Company, a Division of Koch Industries, Inc., P.O. Box 2256, Wichita, KS 67201.

MC 146078 (Sub-5–16TA), filed September 29, 1980. Applicant: CAL–ARK, INC, 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Assembled and unassembled metal shelving and members, component parts, and accessories thereof,* from all points and places in OH, to all points and places in TX. Supporting shipper: Austin Metal Products Company, Inc., 2307 Kramer Lane, Austin, TX 78758.

MC 146448 (Sub-5–9TA), filed September 29, 1980. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *General Commodities (except household goods as defined by the Commission and Class A and B explosives)* between the facilities of Eastman Kodak Company at Rochester, NY and the facilities of Eastman Kodak Company at Dallas, TX. Supporting shipper: Eastman Kodak Company, 2400 Mt. Read Blvd., Rochester, NY 14650.

MC 146553 (Sub-5–6TA), filed September 29, 1980. Applicant: ADRIAN CARRIERS, INC., 1826 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Castings*, from Coldwater, MI, and Skokie, IL to the facilities of Airesearch Industrial Division, Garrett Corporation, within the Los Angeles, CA commercial zone. Supporting shipper(s): Airesearch Industrial Division, Garrett Corporation, Division Traffic Manager, 1661 West 240th Street, Harbor City, CA 90710.

MC 147718 (Sub-5–1TA), filed September 30, 1980. Applicant: ROWLEY INTERSTATE TRANSPORATION COMPANY, INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Contract: Irregular: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, and materials, equipment, supplies used in the manufacture, distribution and sale of meat, meat products and articles distributed by meat packinghouses* between Joslin, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Dubuque Packing Company, Dubuque, IA.

MC 148447 (Sub-5–2TA), filed September 30, 1980. Applicant: LCBS TRUCKING ENTERPRISES, 329 Ovida Street, Irving, TX 75061. Representative: William Sheridan, 1025 Metker, P.O. Drawer 5049, Irving, TX 75062. Contract, irregular, *Plastic Articles (other than in bulk)* from Dallas, TX to points in AL, FL, GA, LA, MO, NC, OH, TN, and Denver, CO; Albuquerque, NM; Little Rock and West Memphis, AR; Jackson, MS; Columbia and Spartanburg, SC; Baltimore, MD; Walker and Richmond, VA; and Louisville and Lexington, KY. Restricted to shipments originating at Sewell Plastics, Dallas, TX. Supporting shipper: Sewell Plastics, 2210 St. Germain Street, Dallas, TX 75212.

MC 150088 (Sub-5–10TA), filed October 1, 1980. Applicant: STERLING TRANSPORT DIVISION, INC., 801 Heniz Way, Grand Prairie, TX 75071. Representative: Robert K. Frisch, Brown & Walker, 2711 Valley View Lane, Suite 101, Dallas, TX 75234. *Garments on hanger (GOH) and commodities, equipment, materials, and supplies dealt in or used by retail, variety, or department stores in mixed loads with garments on hangers* between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Adams, Arapahoe, Boulder, Denver, El Paso, Larimer, Jefferson, Pueblo, and Weld Counties, CO; Douglas, Johnson, Leavenworth, Lyon, Sedgwick, Shawnee, and Wyandotte Counties, KS; Buchanan, Clay, Greene, Jackson, Jasper, Newton, and Platte Counties, MO. Supporting shipper: Ralston-Purina Company, 13700 North Lincoln Boulevard, Edmond, OK 73034.

MC 151154 (Sub-5–9TA), filed October 1, 1980. Applicant: LENERTZ, INC. of Iowa, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *Kitchen cabinets and vanities and equipment, materials and supplies used in the manufacture and distribution of kitchen cabinets and vanities*, between Lakeville, MN on the one hand, and, on the other, all points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Merillat Industries, Inc., Air Lake Industrial Park, 21755 Cedar Ave. So., Lakeville, MN 55044.

MC 151154 (Sub-5–10TA), filed October 1, 1980. Applicant: LENERTZ, INC. of Iowa, 1004 29th Street, Sioux City, IA 51104. Representative: Edward A. O'Donnell (same address as applicant). *Frozen foods*, from points in Webster County, IA on the one hand, and, on the other, points in CO, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: General Foods Corporation, 250 North St., White Plains, NY 10625.

MC 151723 (Sub-5–1TA), filed September 29, 1980. Applicant: SIMMCO CARRIERS, 8704 S. Olie, Oklahoma City, OK 73139. Representative: G. A. Simms, (same address as applicant). *Machinery and Supplies and Fabricated Metal Products*, between Oklahoma City, OK on the one hand, and points in the United States on the other. Supporting shipper: CMI Corporation, P.O. box 1985, Oklahoma City, OK 73125.

MC 152026 (Sub-5–1TA), filed September 29, 1980. Applicant: SIGHTSEEING UNLIMITED, INC., d.b.a. GRAY LINES OF LITTLE ROCK, 901 E. 8th Street, Little Rock, AR 72202. Representative: John Hall, 12920 Southridge Drive, Little Rock, AR 72207. Transporting *passengers and their personal luggage* in round trip sightseeing and charter operations between points in AR and points in MO, TN, MS, LA, TX, and OK. Supporting shippers: AAA World Travel, 201 Chester Street, Little Rock, AR 72202; Camden Band, 647 Jefferson Drive, Camden, AR 71701; Department of Parks and Tourism, No. 1 Capitol Mall, Little Rock, AR 72201.

MC 152031 (Sub-5–1TA), filed September 30, 1980. Applicant: LEE RICHARD OHRMAN, d.b.a. LEE OHRMAN TRUCKING, 511 Southwest St., Benkelman, NE 69021. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Feed Ingredients, Fertilizer and Fertilizer Ingredients*, between points in and east of Larimer, Boulder, Gilipin, Clear Creek, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano and Costilia Counties, CO; points in KS on and west of U.S. Hwy 75; Yellowstone City, MT; points in NE; points in NM on and east of U.S. Hwy 285; points in Oklahoma on and north of U.S. Hwy 66 and on and west of U.S. Hwy 75; points in TX on and north of U.S. Hwy 66; Bighorn, Johnson, Natrona and Carbon Counties, WY. Supporting shipper: Four.

MC 200 (Sub-5–55TA), filed October 2, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). *Medical supplies (except commodities in bulk)*, between Cincinnati, OH and Carlsbad, CA. Restricted to shipments originating at or destined to facilities utilized by Dyna-Med, Inc., its suppliers, or vendors. Supporting shipper: Dyna-Med, Inc., 11630 Rockfield Ct., Cincinnati, OH 45241.

MC 2052 (Sub-5–1TA), filed October 2, 1980. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair NE 68008. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such commodities as are dealt in by food and drug stores and food businesshouses (except commodities in bulk, in tank vehicles)*, from the facilities of The Procter & Gamble Distributing Company at Chicago, IL to points in CO, IA, KS, MN, MO, NE, SD, and WI. Supporting shipper: The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201.

MC 35320 (Sub-5–32TA), filed October 3, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). Common, regular. *General commodities, except household goods as defined by the Commission, and Classes A and B*

explosives, serving Birmingham, AL and its commercial zone as an off-route point in connection with carrier's otherwise authorized regular route operation. Supporting shippers: Eight.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 60271 (Sub-5–6TA), filed October 3, 1980. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Sherri L. Roberts, P.O. Box 288, Monroe, LA 71201. *Paper and paper products and materials, equipment and supplies used in the manufacture and distribution of paper and paper products,* between points and places in Ouachita Parish, LA on the one hand, and, on the other, points and places in AL, FL, GA, MS, MO, OK, TN, TX, and points and places in AR not within ninety (90) mile radius of Monroe. Supporting shipper: Mannville Forest Products Corporation, P.O. Box 488, West Monroe, LA 71291.

Note.—Applicant intends to tack to its existing authority.

MC 78400 (Sub-5–14TA), filed October 2, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. (1) *Vinyl* from Pottstown, PA, to Union, MO; and, (2) *printed vinyl* from Union, MO to Jasper, FL; Lynchburg, VA; and Santa Ana, Chatsworth, and Lynwood, CA. Supporting shipper: Spartan Manufacturing Corporation, Union Film Division, P.O. Box 470, Union, MO 63084.

MC 117765 (Sub-5–18TA), filed October 2, 1980. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *(1) Plastic pipe, aluminum pipe, fittings and accessories, (2) Irrigatian systems and (3) Materials, equipment, and supplies used in the manufacture ar distribution of (1) and (2) above,* between Finney County, KS and York County, NE on the one hand, and, on the other, points in AL, AR, CO, GA, IA, IL, IN, KS, KY, LA, MN, MO, MS, ND, NE, NM, OK, SD, TN, TX, WI, and WY. Supporting shipper: Kroy Industries, Inc., Box 309, York, NE 68467.

MC 119741 (Sub-5–18TA), filed October 3, 1980. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Frozen foods,* between North Rose, Rochester, and Sodus, NY, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, MI, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to traffic originating at or destined to the facilities of Statewide Refrigerated Services. Supporting shipper: Statewide Refrigerated Services, Pixley Industrial Park, P.O. Box 8946, Westgate Station, Rochester, NY 14624.

MC 120302 (Sub-5–1TA), filed October 3, 1980. Applicant: KNOX TRUCK LINES, INC., P.O. Box 12226, Grand Prairie, TX 75051. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Building materials, chemicals and fertilizer (not in bulk), iron and steel articles and machinery and equipment,* between points in TX, on the one hand, and points in AL, AR, CO, KS, LA, MS, MO, NM, and OK, on the other hand. Supporting shippers: Twenty.

MC 123993 (Sub-5–26TA), filed October 3, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, P.O. Box 1504, Crowley, LA 70526. *General Commodities (except household gaods as defined by the Commission and class A & B explosives) restricted to traffic having subsequent movement by water* from Alexandria, LA to New Orleans, LA. Supporting shipper: Alexandria Metallurgical, P.O. Box 109, Alexandria, Louisiana 71301.

MC 124174 (Sub-5–24TA), filed October 2, 1980. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Tile or brick,* from Macon, Chattahoochee, GA; Raleigh, Kings Mountain, NC; Columbus, Zanesville, Sugar Creek, Stone Creek, Waynesburg, OH; Johnson City, Knoxville, Chattanooga, TN; Shoemakersville, PA: Owensboro, Lawrenceville, KY; Oklahoma City, OK; Peoria and Streator, IL; Columbia, SC; Pueblo, CO; Mineral Well, TX; Trenton, NJ; Tampa, FL to points in WI and IL on and north of Interstate 80. Supporting shipper: Champion Companies, 1850 South Calhoun Road, New Berlin, WI 53151.

MC 126822 (Sub-5–29TA), filed October 2, 1980. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Adhesives and materials and supplies used in the manufacture and distributian thereof* between Baltimore, MD on the one hand, and points in the U.S. on the other. Supporting shipper: A. Z. Bogart Co., Inc., P.O. Box 9598, Baltimore, MD 21237.

MC 135283 (Sub-5–6TA), filed October 2, 1980. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 So. Stuhr Road, Grand Island, NE 68801. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. *(1) Aluminum materials (except in bulk) and, (2) plastic articles (except in bulk)* from Lewisport, KY and Grand Junction, TN, and points in their respective commercial zones to the facilities of Hastings Irrigation Pipe, Inc., and Kerrco, Inc., at Hastings, NE. Supporting shippers: Hastings Irrigation Pipe, Inc., P.O. Box 607, E. Hwy. 6, Hastings, NE 68801 and Kerrco, Inc., P.O. Box 368, Hastings, NE 68801.

MC 136786 (Sub-5–33TA), filed October 2, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Dairy praducts (except commadities in bulk),* (1) From Muenster and Sulphur Springs, TX, to points in OK, KS, MO, NE, IL, and IA; and (2) From Hillsboro, KS, to points in OK, MO, NE, IL, and IA. Supporting shipper: Associated Milk Producers, Inc., P.O. Box 5040, Arlington, TX 76010.

MC 138328 (Sub-5–15TA), filed October 3, 1980. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Lumber and waad praducts,* from Escalante, UT, to points in the U.S. Supporting shipper: Escalante Sawmills, Inc., Escalante, UT 84726.

MC 138469 (Sub-5–22TA), filed October 2, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Floor covering and commodities used in the installation and care of flaor covering,* from the facilities of Armstrong World Industries, Inc., at Jackson, MS to points in AR, LA, OK, and TX. Supporting shipper: William Volker & Company, 945 California Drive, Burlingame, CA 94010.

MC 139284 (Sub-5–2TA), filed October 2, 1980. Applicant: TRUCKER'S, INC., P.O. Box 337, 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. *Sand Blasting Sand in bulk and bag,* between points in OK and LA and between points in TX, on the one hand, and points in OK and LA on the other hand. Supporting shipper: Clemtex Limited, Inc., P.O. Box 15214, Houston, TX 77002.

MC 139284 (Sub-5–3TA), filed October 2, 1980. Applicant: TRUCKER'S, INC., P.O. Box 337, 4316 South Main

Street, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. (1) *Oilfield Equipment, Pipe including plastic pipe, Iron and Steel Articles, and Machinery,* between points in OK, LA, NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, and WV; and (2) between points in TX, on the one hand, and points in OK, LA NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, and WV, on the other hand. Supporting shipper: Eight.

MC 139284 (Sub-5–4TA), filed October 2, 1980. Applicant: TRUCKER'S, INC., P.O. Box 337, 4316 South Main Street, Stafford, TX 77477. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main Street, Houston, TX 77002. *Containerized general commodities,* between points in OK, LA, NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, WV, and between points in TX on the one hand and points in OK, LA, NM, AR, AL, MS, MO, CO, TN, MI, VA, OH, PA, WY, GA, FL, KS, KY, IL, IN, and WV on the other hand. Supporting shipper: Ababron, Inc., P.O. Box 3933, Irving, TX 75061.

MC 142913 (Sub-5–1TA), filed October 3, 1980. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Road, Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular, *Such commodities as are stored in warehouses,* between Polk County, IA, on the one hand, and, on the other, points in KS, NE, MN, IL, and MO, under a continuing contract(s) with Continental Warehouse Group, Ltd. Supporting shipper: Continental Warehouse Group, Ltd., 2800 Dixon, Des Moines, IA 50316.

MC 145955 (Sub-5–12TA), filed October 3, 1980. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Such merchandise, equipment, and supplies sold, used, or distributed by a manufacturer of cosmetics, toilet preparations and jewelry (except commodities in bulk, in tank vehicles);* from Morton Grove and Glenview, IL to Kansas City, MO and their respective Commercial Zones. Supporting shipper: Avon Products, Inc., 6901 Golf Road, Morton Grove, IL 60053.

MC 148833 (Sub-5–3TA), filed October 3, 1980. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Such commodities as are dealt in by retail drug, variety and department stores,* Between points in the U.S. (except AK and HI) restricted to traffic originating at or destined to the facilities of Ardan, Inc. Supporting shipper: Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310.

MC 150287 (Sub-5–2TA), filed October 3, 1980. Applicant: TOM RICE TRUCKING 723 Commercial Street, La Porte City, IA. 50651. Representative: Tom Rice (same as applicant). *Recyclable paper products* from any point in the state of IA to any point in the state of MN. Supporting shipper: Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020.

MC 151203 (Sub-5–3TA), filed October 2, 1980. Applicant: AZTEC TRUCKING, INC., 102 N. Sentry Drive, Mansfield, TX 76063. Representative: E. LARRY WELLS, P.O. Box 45538, Dallas, Texas 75245. (1) *Truss manufacturing machinery and* (2) *materials, equipment and supplies used in the manufacture of the commodities named in (1) above and lumber* (1) from Mansfield, TX to all points in the US (except AK and HI) and (2) from all points in the US (except AK and HI) to Mansfield, TX. Supporting shippers(s): Link-Wood Construction Systems, Inc., 107 N. Sentry Drive, Mansfield, TX 76063 and Timber Tech, Inc., 1703 N. Peyco Drive, Arlington, TX 76017.

MC 151855 (Sub-5–1TA), filed October 2, 1980. Applicant: AUTOMOTIVE EXPRESS, INC., 13005 Algarita Terrace, Manchaca, TX 78652. Representative: William E. Collier, 8918 Tesoro Drive, Suite 515 San Antonio, TX 78217. Contract, Irregular; *automotive parts, equipment, accessories and supplies,* from Morrilton, AR; Chicago, Lincolnwood and Clarinda, IL; Logansport and Connersville, IN; Ottumwa, IA; Hernando, MS; Berkley, Kansas City, and St. Louis, MO; Brooklyn and New York, NY; Charlotte, Gastonia and Waynesville, NC; Akron, Cincinnati, Cleveland, Coshocton, Lima and Medina, OH; Oklahoma City, OK; Washington, PA; Knoxville, Louden, Memphis and Nashville, TN; to Austin and Houston, TX. Supporting shippers: Austin Automotive Warehouse, Inc., 3600 S. Congress, Austin, TX 78701. D & G Warehouse, Inc., 3600 S. Congress, Austin, TX 78701. Parts Warehouse, Inc., 8119 Jensen, Houston, TX 77093.

MC 152021 (Sub-5–2TA), filed October 3, 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., 1601 E. Irving Blvd, P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, President, 1601 E. Irving Blvd., P.O. Box 678, Irving, TX 75060. Contract: Irregular. *Firebrick and high temperature bonding mortar (refractory materials)* between Houston, TX and all points and places in the continental U.S., under contract with Kaiser Aluminum and Chemical Corporation. Supporting shipper: Kaiser aluminum & Chemical Corporation, 2602 N. Highway 360, Grand Prairie, TX 75050.

MC 152021 (Sub-5–3 TA), filed October 3 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., 1601 E. Irving Blvd., P.O. Box 678, Irving TX 75060. Representative: Larry P. Cardin, President, 1601 E. Irving Blvd., P.O. Box 678, Irving, TX 75060. Contract: Irregular. *Paper bags, NOIBN,* between New Orleans, LA, and all points in the continental U.S., under contract with Westvaco. Supporting shipper: Westvaco, 1400 Annunciation Street, New Orleans LA. 70160.

MC 152021 (Sub-5–4 TA), filed October 3 1980. Applicant: IMPALA TRANSPORTATION SERVICES, INC., 1601 E. Irving Blvd., P.O. Box 678, Irving TX 75060. Representative: Larry P. Cardin, President, 1601 E. Irving Blvd., P.O. Box 678, Irving, TX 75060. Contract: Irregular. *(A) pipeline fittings, iron or steel, 14" and above, iron or steel NOI, (B) iron and steel articles NOI, and non-ferrous articles,* between Memphis, TN and all points in the continental U.S., under contract with (A) Gulf and Western Co., Taylor Forge Div., and (B) Edgcomb Metals. Supporting shipper: (A) Gulf and Western Company, Taylor Forge Division, 5577 Tayfor Drive, Memphis, TN 38127. (B) Edgcomb Metals, 1 Auction Avenue, P.O. Box 272, Memphis, TN 38101.

MC 152067 (Sub-5–1 TA), filed October 2, 1980. Applicant: JOHN H. WINSLOW, d.b.a. J. H. WINSLOW TRUCKING, 2660 Knollwood, Florissant, MO 63031. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, No. 314–727–0777. Contract: Irregular. *Frozen Foods, Food Stuffs, and Paper Products,* between Granite City, IL, Memphis, Jackson, TN, Tupelo, MS, West Memphis, AR, and Forest City, AR. Supporting shipper: P. F. D. Supply Corp. 1800 Adams Street, Granite City, IL 62040.

MC 152068 (Sub-5–1 TA), filed October 2, 1980. Applicant: HOC-Express, Inc., 125 N. Elizaberh, Wichita, KS. 67203. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, Ks. 66612. *Air conditioning and refrigeration units and components,* between points in Sedgwick County, KS on the one hand

and points and places in WA; OR; CA; NV; ID; UT; MT; WY; CO; ND; SD; NE; MN & IA on the other hand. Supporting shipper: Copeland Corp-Products Service, P.O. Box 12663, Wichita, KS. 67277.

MC 152070 (Sub-5–1 TA), filed October 2, 1980. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, MO. Kansas City, MO. 64125. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251 Kansas City, MO 64141. *Contract:* Irregular. *Woste Scrop ond Hozordous Materiols* between points in AR, IA, IL, KS, MO, MS, NE, OK, and TN. Supporting shipper: Shaw & Sons Enviro-Pro Ecology Unit VII, 500 Bennington Avenue, Kansas City, MO 64125.

MC 151655 (Sub-5–1TA), filed September 10, 1980. Applicant: FRANK BROS. TRUCKING CO., 349 Abbott Ave., Hillsboro, TX 76645. Representative: Billy L. Frank, 349 Abbott Ave., Hillsboro, TX 76645. *Scrap Iron ond Steel, metal orticles, including crushed cors,* from points in the states of AR, CO, KS, LA, MO, MS, NM, OK, TN to the facilities of Chaparral Steel Company at, or near, Midlothian, Ellis County, TX and (2) *Iron ond Steel articles, materiols, supplies* (except in bulk) *and equipment,* used in or in connection with the production and manufacture of iron and steel articles, from points in the U.S. (except AK & HI) to the facilities of Chaparral Steel Company at, or near, Midlothian, Ellis County, TX. Supporting shipper: Chapparral Steel Company, Route 1, Box 1100, Midlothian, TX 76065.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 116544 (Sub-6–17TA), filed September 26, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Such commodities os ore deolt in by wholesole, retoil and choin grocery stores ond food business houses, materiols, equipment ond supplies used in the monufocture, sole ond distribution of such commodities (except those shipped in bulk),* between St. Louis County, MO and all points in the United States (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Purex Corporation, 6901 McKissock Ave., St. Louis, MO 63147.

MC 151691 (Sub-6–1TA), filed September 24, 1980. Applicant: W. D. CLARK TRUCKING, P.O. Box 1269, Lakeside, AZ 85292. Representative: Bruce L. Dusenberry, 120 West Broadway, Box 48, Tucson, AZ 85701. *Contract Corrier,* Irregular routes: Part A—*(1) Wooden or plostic moldings ond molding lumber, and (2) moteriols ond supplies used in the monufocture ond distribution of the commodities in (1) obove,* between Orange County, CA, McLennan County TX and Bernalillo County, NM; from Navajo County, AZ and El Paso County, TX to Orange County, CA under contract with Maple Bros., Inc., for 270 days. Part B—*Steel,* from Leon County, TX and Ellis County, TX to Maricopa County, AZ, under contract with Rap-I-Form Corporation, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Maple Bros, Inc., 1295 W. Lambert Rd., Brea, CA 92621; Rap-I-Form Corporation, 3303 S. 40th St. Phoenix, AZ 85040.

MC 152004 (Sub-6–1TA), filed September 26, 1980. Applicant: J. R. DALTON AND SONS, Rt. 1 Box 22A, Newport, WA 99156. Representative: G. LaBissoniere, 15 South Grady Way #235, Renton, WA 98055. *Contract Carrier,* Irregular routes: *Lumber, Wood Products ond Wood residuols,* between Newport, WA (Pend Oreille County, WA) and Priest River, ID, Missoula, MT, Portland, OR, Seattle and Tri Cities, WA under contract with Northwest Conifer Co, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Northwest Conifer Co., P.O. Box 1170, Newport, WA 99156.

MC 136605 (Sub-6–17TA), filed September 22, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same as applicant). *Fobricoted structurol steel ond miscelloneous fobricoted steel,* from Boone County, IA to points in the state of WA, for 270 days. Supporting shipper: Mid States Steel Corporation, RR#2, Bonne, IA 50036.

MC 56640 (Sub-6–5TA), filed September 26, 1980. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA 94621. Representative: Mr. Kirk Wm. Horton, Suite 400, 333 Hegenberger Road, Oakland, CA 94621. Transporting *nonexempt food or kindred products,* between Benton and Yakima Counties, WA, on the one hand, and, on the other, points in AZ, CA, and OR, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Tree Top, Inc., P.O. Box 248, Selah, WA.

MC 151990 (Sub-6–1TA), filed September 25, 1980. Applicant: WILLIAM C. VAN DYKE, d.b.a. HIGH COUNTRY EXPRESS, 40 W. Alameda Ave., Denver, CO 80223. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Generol commodities, (except those of unusuol volue, closses A ond B explosives, household goods os defined by the Commission, commodities in bulk, those requiring speciol equipment, ond foodstuffs requiring refrigerotion in tronsit),* between Carbon, Yellowstone, Bighorn, Treasure, Rosebud, and Powder River Counties, MT, Denver, CO and points in its commercial zone and points in WY for 270 days. Permission to interline is requested. Supporting shippers: There are 18 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 142332 (Sub-6–1TA), filed September 25, 1980. Applicant: MEAT HANDLERS' EXPRESS, INC., 900 W. Easy St., Camano Island, WA 98292. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. *Contract carrier,* irregular routes: *Powdered Gypsum ond Costing Ploster (except in bulk),* between points in the Seattle, WA commercial zone on the one hand, and, on the other Gerlach, NV, for the account of The Boeing Company, for 270 days. Supporting shipper: The Boeing Company, P.O. Box 3707, Seattle, WA 98124.

MC 138100 (Sub-6–2TA), filed September 26, 1980. Applicant: MELLOW TRUCK EXPRESS, INC., P.O. Box 23725, Tigard, OR 97223. Representative: Peter H. Glade, 1 SW Columbia, Suite 555, Portland, OR 97258. *Building moteriols* between points in OR, WA, CA, ID, WY, CO, UT, AZ and NM for 270 days. Supporting shippers: Alpine Veneers, Inc., 1210 Yeon Bldg., Portland, OR 97204; Intermountain Lumber Co., Ltd., 1601 Dover Hwy, Sandpoint, ID 83864; Standard Forest Products, P.O. Box 10306, Eugene, OR 97401; and Wicks Wood Products, P.O. Box 200, Wilsonville, OR 97070.

MC 43685 (Sub-6–2TA) filed, September 24, 1980. Applicant: MERCER TRUCKING COMPANY, INC., P.O. Box 11585, Spokane, WA 99211. Representative: Marshall Hanning (same as applicant). (1) *Lumber, veneer, forest products, ond building materiols,* between points in Chelan, Douglas, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties, WA; Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone counties, ID; Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders counties, MT; and the international

boundary with British Columbia, on the one hand; And points in CO, ND, SD, UT, and WY on the other hand; and (2) *Materials for recycling*, between points in CO, ID, MT, ND, OR, SD, UT, WA, and WY including items having prior or subsequent movement by water, for 270 days. Supporting shippers: There are 11 shippers. Their statements of support may be examined at the Regional Office listed.

MC 144953 (Sub-6–2TA) filed, September 25, 1980. Applicant: MULLEN TRUCKING LTD., 6204–A Burbank Rd., S.E., Calgary, Alberta, Canada T2H 2C2. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202. *Lumber and wood products, and building materials*, from ports of entry on the International Boundary between the U.S. and Canada located in WA, ID, and MT to points in the U.S. in and west of MT, WY, CO, OK, and TX (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. There are 10 supporting shippers. Their statements may be examined at ICC Regional Office, San Francisco, CA.

MC 151472 (Sub-6–46TA) filed, September 25, 1980. Applicant: PBI FREIGHT SERVICE, P.O. Box 37, Orem, UT 84057. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110. *Contract carrier*, irregular routes: *General commodities* (except livestock, commodities of unusual value, commodities in bulk, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment), (1) between the plant site of The Deseret Company at Sandy, UT and Los Angeles, CA; and (2) between the plant site of The Deseret Company at Sandy, UT and Nogales, AZ, for the account of The Deseret Company, for 270 days per Ex Parte MC–67 (Sub-No. 9). Supporting shipper: The Desert Company, 9450 South State Street, Sandy, UT.

MC 127090 (Sub-6–1TA) filed, September 25, 1980. Applicant: PACIFIC STORAGE, INC., 440 East 19th Street, Tacoma, WA 98421. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General commodities* (except Class A&B explosives) and *empty trailers or empty cargo containers* between points in ID, OR and WA, restricted to shipments having a prior or subsequent movement by water for 270 days. Supporting shippers: Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, WA 98124; Puget Sound Traffic Association, P.O. Box 68927 Riverton Heights Branch, Seattle, WA 98188; U.S. Navigation (Pacific), Inc., 301 Norton Building, Seattle, WA 98104.

MC 151987 (Sub-6–1TA) filed, September 25, 1980. Applicant: RAY PORENTA AND JAMES W. HOADLEY, d.b.a. RAY PORENTA TRUCKING COMPANY, 252 Industrial Dr., Rock Springs, WY 82901. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Drilling chemicals, compounds and muds*, between points in CA, CO, ID, MT, NV, NM, ND, SD, WY, & UT, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Milchem, Inc., 410–17th St., Denver, CO 80202.

MC 138875 (Sub-6–25TA), filed September 22, 1980. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: F. L. Sigloh, (same address as applicant). *Building materials* (except commodities in bulk), from Hialeah, FL and Wheeling, WV amd their respective commercial zones, to Seattle, WA and its respective commercial zone, for 270 days. Supporting shipper(s): Bill Lile, Contract Administrator, Cascade Commercial Co. (CASCO), 3825 First Ave., So. Seattle, WA 98134.

MC 152007 (Sub-6–1TA), filed September 26, 1980. Applicant: J. WEISS, d.b.a. J. WEISS & COMPANY, 1055 East Flamingo, No. 614, Las Vegas, NV 89109. Representative: (same as applicant). *Food and foodstuffs*, except in bulk, to Clark County, NV from the following California counties: Alameda, Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Tulare and Ventura, for 270 days. Supporting shipper(s): There are five shippers. Their statements may be examined at the Regional office listed.

MC 125146 (Sub-6–1TA), filed September 26, 1980. Applicant: BOB WHITAKER & SON, INC., P.O. Box 65, Roswell, NM 88201. Representative: Bob Whitaker (same as applicant). *Contract carrier*, irregular routes: *Meat, meat products, meat by-products and articles distributed by meat packing houses*, from Dumas, Ft. Worth, San Antonio, Brownwood, TX; Clovis, NM; Guymon, OK to points in NC, SC, GA, FL, AL, TN, LA, MS, for the account of Swift Independent Packing Co., a Division of Swift & Company, for 270 days. Supporting shipper: Swift Independent Packing Co., a Division of Swift & Company, 115 West Jackson Boulevard, Chicago, IL 60604.

MC 142140 (Sub-6–1TA), filed September 29, 1980. Applicant: CITY TRANSFER AND STORAGE OF CONRAD, INC., Box 1432, Conrad, Mont. 59425. Representative: Gene Riewer (same as applicant). *Dry fertilizer* (in bulk) from the Canadian International Boundary line, located at or near ports of entry at Sweetgrass, Mt. on to Power, Mt. and Fairfield Mt. for 270 days. Supporting shippers: Power Farmers Elevator Co., (Cenex) Power, Mt. 59468; Greenfield Farmers Oil Co. (Cenex) Fairfield, Mt. 59436.

MC 42487 (Sub-6–35TA), filed September 29, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier*, regular routes: *General commodities, (except household goods as defined by the Commission, and Classes A and B explosives)*, (1) Between New Orleans, LA and New Iberia, LA, serving all intermediate points: From New Orleans over U.S. Hwy 90 to New Iberia, and return over the same route, and, (2) Between Baton Rouge, LA and junction LA Hwy 1 and U.S. Hwy 90, near Raceland, LA, serving all intermediate points and the off-route points of Taft, Geisma and St. Gabriel: From Baton Rouge over LA Hwy 1 to junction LA Hwy 1 and U.S. Hwy 90, and return over the same route, for 270 days. Carrier is authorized to serve all points in the Commercial Zone of points of service authorized above. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or jointed with Docket No. MC 42487 Subs 872 and 885 at New Orleans, LA, Docket No. MC 42487 Sub 885 at Baton Rouge, LA and Docket No. MC 42487 Sub 951F at New Iberia, LA. The Subs 872, 885 and 951F authorities, in turn, will be tacked or joined with other present authorities of Applicant at such points as Atlanta, GA, Birmingham, AL and Houston, TX, to permit service to and from points throughout the United States. Applciant intends to tack the authorities here applied for at the junction LA Hwy 1 and U.S. Hwy 90. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States, as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are twenty-one shippers. Their statements may be examined at the Regional Office listed.

MC 125433 (Sub-6–35TA), filed October 1, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *General*

commodities (except Class A and B explosives) and except household goods, between the facilities of Maytex, Inc. at or near Terrell, TX, on the one hand, and, on the other, all points in the United States (except AK), for 270 days. Supporting shipper: Maytex, Inc., P.O. Box 729, Terrell, TX 75160.

MC 125433 (Sub-6–36TA), filed October 1, 1980. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Rd., Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). *Pumps, motors, hoses, filters, chemicols ond pool accessories*, between the facilities of Purex Corporation at or near Carson, CA, on the one hand, and, on the other, all points in the United States (except AK), for 270 days. Supporting shipper: Purex Corporation, Box 6200, Carson, CA 90749.

MC 148208 (Sub-6–3TA), filed September 29, 1980. Applicant: FUR BREEDERS AGRICULTURAL COOPERATIVE, P.O. Box 295, Midvale, UT 84047. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Commodities deolt in by wholesale and retoil grocery stores and food business houses*, between points in CA, on the one hand, and, on the other, points in UT and ID, for 270 days. Supporting shipper: Robins Brokerage Co., P.O. Box 1506, Salt Lake City, UT 84110.

MC 124679 (Sub-6–32TA), filed September 29, 1980. Applicant: C. R. ENGLAND AND SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Michael L. Bunnell (same address as applicant). *Machinery, machinery parts, tools and those commodities used in the operotion of energy production, oil drilling and mining* between points in the United States except AK and HI, restricted to shipments showing NJS Associates as the shipper or consignee on the bill of lading for 270 days. Supporting shipper: NJS Associates, 80 East Claybourne Ave., Salt Lake City, UT 84115.

Note.—Applicant holds motor contract carrier authority in number MC–128813 and sub numbers thereunder, therefore dual operations may be involved.

MC 134599 (Sub-6–41TA), filed October 1, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Contract carrier*, irregular routes: (1) *Wood pulp ond paper articles* from the facilities of Scott Paper Co. at or near Everett, WA to the facilities of Scott Paper Co. at or near Marinette, WI (2) *Paper ond paper articles* from the facilities of Scott Paper Co. at or near Marinette, WI to Munster, IN and points in its commercial zone for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 119634 (Sub-6–6TA), filed September 30, 1980. Applicant: DICK IRVIN, INC., Hwy 2 West, POB F, Shelby, MT 59474. Representative: Mark A. Cole (same as applicant). *Bituminous fiber pipe, conduit ond accessories* between Washington County, WI and Toole County, MT on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in ND, MT, ID, and WA, for 270 days. Supporting shipper: Bermico Co., 2100 Northwestern Avenue, P.O. Box 658, West Bend, WI 53095.

MC 138026 (Sub-6–4TA), filed October 1, 1980. Applicant: LOGISTICS EXPRESS, INC. d.b.a. LOGEX, 1890 S. Chris Lane, Anaheim, CA. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Refrigeront gases* from Taft, LA to Dallas, TX, Jacksonville, FL, and Mobile, AL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Carbide Corporation, 270 Park Ave., New York, NY.

MC 150502 (Sub-6–3TA), filed September 30, 1980. Applicant: REBANDA TRANSPORTATION, INC., 2323 Madrone Ave., Healdsburg, CA 95448. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract carrier*, irregular routes: *Musician's equipment, materials and supplies, ond show materials* used in connection with concerts presented by shipper between all points in the U.S. (except AK and HI) under contining contracts with Audio Analyst Sound Company. An underlying ETA seeks 120 days authority. Supporting shipper: Audio Analyst Sound Company, 943 Montee De Liesse, Saint Lawrent, Quebec H4T 1R2.

MC 114126 (Sub-6–2TA), filed September 29, 1980. Applicant: SALMO TRANSPORT LTD., Box 139, Salmo, BC, Canada V0G 1Z0. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Mine ores* from points in Okanogan and Ferry Counties, WA to points of entry on the U.S.-Canada boundary line at or near Oroville, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Rocky Mines, Box 744, Republic, WA 99166.

MC 108461 (Sub-6–1TA), filed September 29, 1980. Applicant: SUNDANCE FREIGHT LINES, INC., 124 W. Thomas Rd., Phoenix, AZ 85013. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. *General commodities*, from Alameda, Contra Costa, Fresno, Kern, Kings, Madera, Marin, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaug, Tulare, and Inyo Counties, CA, to Phoenix, AZ, for 270 days. Supporting shipper: A. J. Bayless Markets, Inc., P.O. Box 21152, Phoenix, AZ 85036.

MC 146822 (Sub-6–3TA), filed September 29, 1980. Applicant: EUGENE L. FRAZIER, d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. (1) *Steel office furniture*, and (2) *moteriols, equipment, supplies ond occessories* used in the manufacture, sale and distribution of (1) above from Ossining, NY, to San Francisco and Los Angeles, CA, Denver, CO, Dallas and Houston, TX, and Seattle, WA, and commercial zones of said cities, for 270 days. Supporting shipper: Filex Steel Products Co., Inc., North Water St., Ossining, NY 10562.

MC 146822 (Sub-6–4TA), filed September 30, 1980. Applicant: EUGENE L. FRAZIER, d.b.a. SUNSET TRANSPORT SYSTEMS, 2200 N. Parmalee, Compton, CA 90222. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *Non-exempt food or kindred products ond fobricoted metol products* (except ordnance), between points in AZ, CA, CO, KS, ID, IL, IN, MO, OR and WA, restricted to traffic originating at or destined to the facilities of Carnation Company, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA.

MC 98327 (Sub-6–3TA), filed October 1, 1980. Applicant: SYSTEM 99, 8201 Edgewater Dr., Oakland, CA 94621. Representative: Ray V. Mitchell (same as applicant). *Common corrier*, Regular routes: *Generol commodities* (except those of unusual value, classes A & B explosives, household goods as defined by the Commission commodities in bulk, and commodities requiring special equipment) between Sparks, NV and Salt Lake City, UT, serving no intermediate points, and serving the commercial zones of Sparks, NV and Salt Lake City, UT, for 270 days. From Sparks, NV over Interstate Hwy 80 to Salt Lake City, UT and return over the same route. Authority is sought to tack

and interline at the termini. An underlying ETA seeks 120 days authority. Supporting shippers: There are 47 shippers. Their statements may be examined at the original office listed.

MC 116542 (Sub-6–1TA), filed September 29, 1980. Applicant: TAGGART TRUCKING CO., 11930 W. 44th Ave., Wheatridge, CO 80033. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111. *Poles*, from Denver, CO to points in SD, for 270 days. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, PA 15219.

MC 151925 (Sub-6–1TA), filed September 29, 1980. Applicant: KEN VAN LEUVEN & SON, INC., 10798 Seneca Dr., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Contract Carrier*, Irregular routes: (1) *Lumber and Lumber Mill Products*, from the facilities utilized by the Chandler Corporation in ID to points in CO, and (2) *Roofing Materials*, from Woods Cross, UT to the facilities of Building Specialties Wholesale Co., Inc. at or near Boise, ID, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Chandler Corporation, P.O. Box 2840, Boise, ID 83701; and Building Specialties Wholesale Co., Inc., 8620 Franklin Road, Boise, ID 83709.

MC 152055 (Sub-6–1TA), filed September 30, 1980. Applicant: WENDALL'S TRUCKING, INC., 16531 Washington St., Riverside, CA 92504. Representative: Wendall A. Southworth (same as applicant). *Mobile Homes, Modular Home or Building Units and Trailers, including frames, equipment, parts and supplies thereto*, between points in AZ, CA and NV, for 270 days. Supporting shipper(s): There are 12 shippers. Their statements may be viewed at the regional office listed.

MC 152053 (Sub-6–1TA), filed September 30, 1980. Applicant: Maurice E. Whitchurch, d.b.a. WHITCHURCH & SON, 1230 Bruce St., Chico, CA 95926. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Lumber and wood products and building materials*, between points in OR, WA, ID, CA, MT, WY, UT, AZ, NM and CO, for 270 days. Supporting shippers: Wood-Ply Forest Products, P.O. Box 1511, Chico, CA 95927, Payless Building Supply, PO Box 1738, Chico, CA 95927, Whittaker Forest Products, Inc., PO Box 1578, Chico, CA 95927, Ensworth Forest Products, 12125 High Street, Suite 103, Auburn, CA 95603.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–32216 Filed 10–15–80; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. MC–43]

Lease and Interchange of Vehicles by Motor Carrier

Decided: September 24, 1980.

Calzona Transportation, Inc., (MC–133965), a carrier of liquid bulk commodities, has filed a petition for waiver of paragraph (c) of § 1047.12 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057). The waiver would allow petitioner to trip lease tank truck equipment from Tankways, Inc., an affiliated intrastate carrier that holds no operating authority from this Commission.

Findings:

1. The fact that Tankways is a commonly-owned affiliated of Calzona provides reasonable assurance that it is aware of the Commission's regulations and those of the Department of Transportation pertaining to safety.

2. The specialized nature of tank truck equipment makes underutilization a particularly severe problem.

3. Waiver of the 30-day requirement promotes efficient operation and reduces deadhead mileage.

It is ordered:

1. The petition of Calzona Transportation, Inc., for wavier of paragraph 1057.12(c) is granted.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien. (Member Joel E. Burns not participating.)

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–32213 Filed 10–15–80; 8:45 am]
BILLING CODE 7035–01–M

[Vol. No. OP4–087]

Motor Carrier; Permanent Authority Decisions

Decided: October 9, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform. (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that 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 the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.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 November 17, 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 on or before November 17, 1980, or the application shall stand denied.

By the Commission, Review Board Number 1 Members Carleton, Joyce, and Jones.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interestate or foreign commerce, over irregular routes, except as otherwise noted.

Agatha L. Mergenovich,

Secretary.

MC 150927F, filed May 30, 1980, previously noticed in the **Federal Register** issue of August 26, 1980, and republished this issue. Applicant: HORIZON TRANSPORT, INC., 13101 N.E. Whittaker Way, Portland, OR 97204. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. Transporting (1) *building materials*, (2) *lumber and lumber products*, other than those in (1), (3) *iron and steel articles*, (4) *forest products*, (5) *contractor's equipment materials and supplies*, (6) *feed and feed ingredients*, (7) *baling twine* and (8) *fertilizer and fertilizer additives*, between points in MT, WY, CO, NM, ID, UT, AZ, WA, OR, NV, and CA.

Note.—The purpose of this republication is to correctly reflect AZ in lieu of AR, and to add MT to the territorial description.

[FR Doc. 80-32210 Filed 10-15-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before December 1, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2-068

Decided October 7, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton and Liberman.

MC 94842 (Sub-7F), filed October 3, 1980. Applicant: ROBERT CROCKET, INC., 102 Crescent Ave., Chelsea, MA 02150. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. 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 141523 (Sub-3F), filed September 30, 1980. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Connie Ray Kidd (same address as applicant). Transporting *general commodities* (except used household goods as defined by the Commission, and classes A and B explosives), between Belzoni, Inverness, Isola, Ruleville, and Vance, MS, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 145842 (Sub-14F), filed September 29, 1980. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001. 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 147902 (Sub-1F), filed October 1, 1980. Applicant: N–W INVESTMENTS, INC., P.O. Box 25387, Houston, TX 77005. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Transporting *general commodities* (exept used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. **OP4–086**

Decided: October 9, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 131056F, filed October 3, 1980. Applicant: MEL LOESER ASSOCIATES, INC., 21 Devon Dr., West Orange, NJ 07052. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123. As a broker for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 131057F, filed October 3, 1980. Applicant: G. F. TRUCKING COMPANY, a corporation, 1028 West Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Spring Rd., Youngstown, OH 44509. As a broker for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 140216 (Sub-6F), filed October 6, 1980. Applicant: JOHN E. WAY, JR., d.b.a. WAY MESSENGER SERVICE, 205 E. King St., Lancaster, PA 17602. Representative: J. Bruce Walter, 410 No. Third St., P.O. Box 1146, Harrisburg, PA 17108. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 143077 (Sub-4F), filed October 6, 1980. Applicant: GERARD S. REDER, d.b.a. BERKSHIRE ARMORED CAR SERVICE, P.O. Box 62, 343 Pecks Rd., Pittsfield, MA 01201. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *shipments weighting 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 144606 (Sub-15F), filed October 6, 1980. Applicant: DUNCAN & SON LINES, INC., 714 E. Baseline, Buckeye, AZ 85326. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. **OP5–029.**

Decided: October 8, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortrei and Hill.

MC 142059 (Sub-142F), filed September 29, 1980. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *general commodities,* between Alhambra, Kuhn, Mont. Marine, Ray, Rushville, and Vermont, IL, and Ripon, Green Lake, Princeton, Neshkoro, Wautoma, Wild Rose, Almond and Bancroft, WI, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 149579F filed September 26, 1980. Applicant: TRANSPORT SERVICE, INC., 216 Amaral St., P.O. Box 4167, East Providence, RI 02914. Representative: Jeffrey A. Vogelman, Suite 400 Overlook Building, 6121 Lincolnia Rd., Alexandria, VA 22312. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–32211 Filed 10–15–80; 8:45 am]

BILLING CODE 7035–01–M

Long- and-Short-Haul Application for Relief (Formerly Fourth Section Application)

October 10, 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 October 31, 1980.

No. 43864, Southwestern Freight Bureau, Agent (No. B–85), increased rates on sugar, beet or cane; corn syrup: and corn sugar, in bulk carloads, from, to, or between stations in Western and Southwestern Territories, as published in Supplement 42 to ICC SWFB 3003–H; Supplement 113 to ICC SWFB 3402; and Supplement 8 to ICC SWFB 4409–A, scheduled to become effective November 15, 1980.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80–32215 Filed 10–15–80; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–29 (Preliminary)]

Asphalt Roofing Shingles From Canada

Determination

On the basis of the record [1] developed in investigation No. 731–TA–29 (Preliminary), the Commission determines (Commissioners Bedell and Moore dissenting) that there is no reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, or that the establishment of an industry is being materially retarded by reason of imports from Canada of certain asphalt roofing shingles, provided for in items 256.90 and 523.91 of the Tariff Schedules of the United States (TSUS), which are allegedly sold or likely to be sold at less than fair value (LTFV).

Background

On August 21, 1980, a petition was filed with the U.S. International Trade Commission and the U.S. Department of Commerce on behalf of the Asphalt Roofing Manufacturers Association, alleging that asphalt roofing shingles imported from Canada are being, or are likely to be, sold in the United States at LTFV. Accordingly, on August 29, 1980, the Commission instituted preliminary antidumping investigation No. 731–TA–

[1] The record is defined in § 207.2(j) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(j)).

29 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of certain asphalt roofing shingles from Canada, as provided for in TSUS items 256.90 and 523.91. The statute directs that the Commission make its determination within 45 days of receipt of the petition, or in this case by October 6, 1980. On September 11, 1980, the Department of Commerce issued a notice announcing that it had found the petition to be properly filed within the meaning of its rules and that it was instituting an investigation. Notice to such effect was published in the **Federal Register** of September 17, 1980 (45 FR 61653). The product scope of the Commerce investigation is the same as that instituted by the Commission.

Notice of the institution of the Commission's investigation and of the public conference to be held in connection therewith was duly given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and the Commission's office in New York City, and by publishing the notices in the **Federal Register** of September 4, 1980, (45 FR 58728) and of September 9, 1980, (45 FR 59438). A public conference was held in Washington, D.C., on September 22, 1980.

In arriving at its determination, the Commission has given due consideration to the information provided by the Department of Commerce, to all written submissions from interested parties, and to information adduced at the conference and obtained by the Commission's staff from questionnaires and other sources, all of which have been placed on the administrative record of this preliminary investigation.

Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern

Determination and Conclusions of Law

Section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b) (hereinafter, the Tariff Act), provides that in preliminary determinations the Commission,

> [S]hall make a determination, based upon the best information available to it at the time of the determination, of whether there is a reasonable indication that

a domestic industry is materially injured, is threatened with material injury or the establishment of an industry is materially retarded "by reason of imports of the merchandise which is the subject of the investigation" by the Department of Commerce.

On the basis of the record in investigation No. 731–TA–29 (Preliminary), we determine that there is no reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, or that the establishment of an industry in the United States is being materially retarded by reason of imports of asphalt roofing shingles from Canada provided for in items 256.90 and 523.91 of the Tariff Schedules of the United States (TSUS), which are allegedly being sold, or are likely to be sold in the United States at less than fair value (LTFV).

Domestic Industry

In this preliminary investigation, our first task is to define the relevant domestic industry against which the criteria for a finding of material injury is to be applied. Section 771(4)(A) of the Tariff Act defines the term "industry":

> [T]he domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

The term "like product" is defined in section 771(10) as,

> [A] product which is like, or in the absence of like, most similar in characteristics and uses with the article subject to an investigation.

For the reasons stated below, we find the "like product" to be all asphalt roofing shingles, whether organic or glass-base, in both imperial and metric sizes.

Under the statute, the identification of the domestic industry is based upon the proper identificaton of the "like product," which, in turn, is a function of the article which is the subject of the Commerce Department's investigation. With regard to articles under investigation, the petitioner alleged material injury and the Department of Commerce has instituted an investigation with respect to imports from Canada of asphalt roofing shingles. All of these shingles are organic-base and are the standard Canadian metric shingle which measure 39 and ⅜ inches in length and 13 and ¼ inches in width.

The identification of the domestic product which is "like" the standard Canadian metric asphalt roofing shingle is relatively straightforward. Under section 771(10) there are two alternative ways a product can be found to be a "like product": The product can be "like" the imported article, or where no such product exists, the product can be "similar in characteristics and uses with" the article under investigation. In this case, there is domestic production of asphalt roofing shingles which are virtually identical to the Canadian imports under investigation. Some eleven percent of domestic asphalt shingle production is of the metric size, making these domestic shingles "like" the Canadian imports.

However, the great majority of domestic production of asphalt roofing shingles is of the non-metric size. Thus, the question arises as to whether these so-called imperial size shingles, which are approximately three inches shorter and about one inch narrower than the metric size, can also be considered as products which are "like" the imported metric asphalt shingle. In this regard, the producers of the metric shingle have claimed that because metric shingles are larger than conventional shingles fewer shingles and less labor are required to apply metric shingles to a roof. Additionally, producers of imperial shingles have argued that the use of metric shingles in re-roofing has a negative impact on the appearance of the finished roof.

Despite these claimed advantages, no evidence has been received which would suggest that the size differential of shingles would affect the use to which asphalt shingles are put. Indeed, the respective imperial and metric shingles are virtually identical except for their conformance to the standard unit of measurement used by Canada and used in a significant portion of international commerce. Thus, the domestic imperial shingle is also to be considered "like" the imported metric asphalt shingle.

In addition, 21 percent of domestic asphalt shingle production is glass-fiber base. Thus, there is also some question as to whether glass-fiber base asphalt shingles are "like" the imported organic base asphalt shingle. Organic-base and glass fiber-base asphalt shingles differ largely in the composition of the base felt. Because of this difference, glass-fiber base asphalt shingles are reputed to last longer and are, therefore, sold at a slight premium. In addition, glass-fiber base shingles are alleged to be less suitable for application (not use) during the cold season in colder climates. Nevertheless, both production are manufactured for precisely the same use and each is put to precisely the same use. Each product is sold to the same type of customer and based on the best data available appear to be competitive with one another. Therefore, we see no reason to differentiate between organic and glass-fiber asphalt roofing shingles.

We, therefore, find that the "like product" in this case is the domestically produced asphalt shingle of organic and glass-fiber base and of metric and imperial size. And, accordingly, we find that the domestic industry consists of the producers of asphalt roofing shingles of either metric or imperial size, whether of organic or glass fiber base.

The final issue in our industry analysis concerns petitioner's contention that within the domestic industry as a whole there exists a regional industry consisting of 26 northern states.* Section 771(4)(C) of the Tariff Act of 1930 establishes the criteria for finding a regional industry:

> In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—
> "(i) the producers within such market sell all or almost all of their production of the like product in question in that market, and
> "(ii) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States."
> In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective ouput of a like product constitutes a major proportion of the total domestic production of the product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

In addition to these statutory requirements, we indicated in our opinion in *Certain Steel Wire Nails from the Republic of Korea,* Inv. No. 731–TA–26** that there are at least two factors which must be considered in determining whether there are appropriate circumstances to find that a regional industry exists. These factors are that the region should account for a significant share of domestic consumption and production, and that the condition of the producers of the like product in the region should be worse than that of the nationwide industry.

For purposes of this preliminary determination only, we find that it is possible for a northern regional industry to exist, but it is unlikely that this described region meets our standards. Since this opinion constitutes the majority decision to terminate the case, we have given the petitioner his best case for injury by adopting the proposed region. Thus we have used the data collected for the producers in the northern 26 states in our analysis. The statutory considerations can be said to be satisfied. Eighty-seven percent of the production in the 26 northern states during the period of the investigation was consumed in the 26 northern states. In addition, it was reported that only 1.3 percent of the demand in the 26 northern states was supplied by producers located outside these states. The Commission's investigation also established that 99.95 percent of the Canadian imports entered through ports of entry in the North, thus indicating a concentration of imports within the region.* With regard to a finding of appropriate circumstances, we note that the northern region accounted for about one-half of total U.S. production and U.S. consumption. The ratio of less-than-fair-value imports to domestic consumption was significantly higher in the northern region than the nationwide ratio. Furthermore, while there was an overall decline in shipments during the period January–June 1979, shipments by producers in the 26 northern states have experienced a greater decline.

If the Commission's determination had been affirmative in this preliminary investigation and this case were to proceed to a final determination, we would have thoroughly explored these data in an attempt to verify their accuracy. It seems highly questionable that the 26 state northern region as defined by petitioner is in fact an isolated geographic market, since there appears to be no natural or commercial reason for the boundary drawn by petitioner between northern states and southern states. Additionally, the location of several producers in the Pacific Northwest and the lack of any other producers west of Minneapolis in the region suggests little if any competition between those producers. Thus, the Pacific Northwest producers probably constitute an isolated geographic market in their marketing region. That would leave the remainder of the northern area as another geographic market, if indeed shipments do not cross the alleged north-south boundary.*

Material Injury by Reason of Alleged LTFV Imports

Section 771(7)(B) of the Tariff Act states that in making its determination under section 733(a), the Commission shall consider among other factors:

> (i) the volume of imports of the merchandise which is the subject of the investigation,
> (ii) the effect of imports of that merchandise on prices in the United States for like products, and
> (iii) the impact of imports of such merchandise on domestic producers of like products.

In addition, where the Commission is considering whether there is injury to a regional industry, section 771(4)(C) requires us to determine whether "the producers of all, or almost all, of the production within that market" is being injured by reason of the alleged LTFV sales.

Almost all economic indicators reveal that the U.S. asphalt shingle industry in the northern region was doing exceptionally well from 1977 to near the end of 1979. With the construction industry booming, production, shipments, and employment all increased and inventories fell. During this period, the major problem the U.S. industry appears to have had was its ability to supply the growing demand. Periodic shortages of raw materials (granules and felt), particularly during 1978, held back the level of U.S. production.

The only factor which was in decline from 1977–1979 was profits. Despite slightly declining profitability, the industry continued to increase capacity and nearly doubled its capital expenditures.* What the data from 1977–1979 seems to depict is an industry that was thriving and making investments to secure its position for the future.

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* The proposed northern region consists of: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Idaho, Washington, and Oregon. This definition is the same as that used in the petition except for the elimination of the partial states of California, Colorado and Utah. Because it was unclear how the petition delineated partial states, the Commission's questionnaire excluded these partial states.

** See *Certain Steel Wire Nails from the Republic of Korea,* Inv. No. 731–TA–29, U.S.I.T.C. Pub. No. 1088 August 1980, views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern at p. 9.

* Vice Chairman Calhoun, while concurring in the analysis, believes it inappropriate to view the notion of concentration as a factor bearing on a finding of regional industry. In his view, section 771(4)(C) establishes concentration as a factor bearing solely on the question of whether there is material injury to a regional industry.

* Commissioner Stern notes that there may be appropriate circumstances when a combination of two or more adjacent markets—or distinct regions each of which satisfies the criteria enunciated above—would constitute an appropriate geographic area for regional analysis of the impact of subject imports.

*All other data discussed relate to the northern region except profitability and capital expenditures which were not available on that basis.

Toward the end of 1979 and through the first six months of 1980—coincident with the recession in the United States—the data reveal a downturn for the asphalt shingle industry. There were declines in production (20 percent), capacity utilization (18 percent), shipments (21 percent) and employment (15 percent). Inventories began to accumulate and profits fell substantially. Consumption which had grown roughly 12 percent from 1977–1979, fell about 16 percent in January–June 1980 over the corresponding period in 1979.

Though consumption was dropping, the rise in imports which had been continuous since 1977 (though market penetration had been small) accelerated in the first six months of 1980. At that time import penetration rose to 11.5 percent in the northern region. Nevertheless, the rise in imports amounted to only 576,000 squares during the period*, while consumption fell about 2.1 million squares. Thus, it is clear that the brunt of the problem facing the industry in 1980 is attributable to the recession. The petitioner in fact recognized this point at the conference.** However, in this investigation the issue is "not whether less than fair value imports are the principal, a substantial or a significant cause of material injury."*** In an antidumping case "the Commission must satisfy itself that in the light of the information presented, there is a sufficient casual link between the less-than-fair-value imports and the requisite injury."**** In this case, after examining the "best available information" we do not find a sufficient casual link.

In evaluating the effects of alleged LTFV imports on prices Section 771(7)(C)(iii) directs the Commission to consider whether "there has been *significant* price undercutting by the imported merchandise as compared with the like products of the United States and to consider whether the imports have resulted in *significant* price suppression or price depression." (Emphasis added.) The data reported in Commission questionnaires do not reveal negative price effects by reason of alleged LTFV imports.* If imports were having a negative impact on the northern region, one would expect prices for the domestic product to be lower in the region where imports are concentrated than prices in the rest of the country.** However, throughout most of the period covered by the investigation, producers' prices in the northern region remained within the three percent of prices in the rest of the country.***/**** In the period when this differential exceeded 3 percent (from October 1979 to March 1980) average prices in the northern region exceeded those in the rest of the country.* From April to June 1980 the regional price relationship again became very close, with prices outside the northern region only slightly higher than northern prices. This similarity in prices between the northern region and the rest of the nation does not support the allegation of price suppression in the region. There is also no evidence of price depression. Prices of asphalt roofing shingles in the U.S. rose by 60 to 66 percent from January–March 1977 to April–June 1980.

Since there is no evidence of price suppression or price depression, we would not expect to find significant underselling. In fact, the data confirm our expectations. The data show that Canadian import prices were on average eleven percent above U.S. prices through 1977–1979. From January to March 1980 Canadian prices fell one percent below U.S. prices. The pattern of higher import prices was reestablished in April-June 1980 when Canadian imports sold for five percent (roughly $1 per square) more than U.S. asphalt shingles. Thus, we see some indication of price competition but certainly not "significant" price undercutting.*

The verified data on lost sales, as well, do not reveal price undercutting, but instead indicate close competition for sales.** While customers contacted by the Commission mentioned price as a consideration in their decision to purchase Canadian shingles, they also cited availability and some indicated a preference for the "metric shingle." The importers obtained affidavits from numerous American customers detailing the latter's preference for Canadian products for reasons other than price.*** Interestingly, U.S. imports from Canada, by quarter for the first six months of 1980, reveal that the import level was nearly the same for both of the first two quarters even though from January to March Canadian imports undersold U.S. shingles by 22 cents per square and from April to June U.S. shingles undersold Canadian shingles by $1 per square. The level of imports does not appear to be correlated to the price relationship of U.S. and Canadian products during this period.

Congress has indicated that our antidumping law is "primarily concerned with the situation in which the margin of dumping contributes to underselling the U.S. product in the domestic market * * *. The Antidumping Act does not proscribe transactions which involve selling an imported product at a price which is now lower than that needed to make the product competitive in the U.S. market, even though the price of the imported product is lower than its home market price. Such so-called 'technical dumping' is not anti-competitive, hence, not unfair."* If the Canadians are indeed dumping asphalt shingles as alledged, the record supports our conclusion that the alleged LTFV sales are at most evidence of "technical" dumping.

In determining whether material injury to an industry is "by reason of"

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*Some of these imports are being used by IKO Industries Ltd. (IKO), Canada's largest shingle producer, to establish the market for its planned U.S. production facilities. When IKO begins to produce in the U.S., they have indicated that they will cease imports to areas serviced by their new plants.

**Conference Transcript, p. 40.

***S. Rep. No. 96–249, 96th Cong., 1st Sess. 74 (1979) (hereafter Senate Report).

****Id. at 75.

*All price data discussed above relate to organic-base shingle prices. Glass-fiber-base shingles are generally priced higher than both U.S. and Canadian organic-base shingles in both the northern region and the rest of the United States. Any underselling with respct to U.S. glass-base shingles would be the same as any underselling that may exist with respect to U.S. organic-base shingles.

**The staff report indicates that there is no evidence of regional structural differences such as generally higher production costs which could account for higher northern regional prices.

***Sometimes the prices in the region were higher and sometimes the prices in the rest of the country were higher. The key point is that prices in both areas were extremely close over the period.

****A careful analysis of the price data reveals that prices outside the northern region are overestimated. (See footnote, page 25 of the staff report.)

*The northern region's prices were $1 or five percent over those in the rest of the country during this period.

*Footnote 2 of page A–25 of the staff report speculates that the price relationship of U.S. and Canadian asphalt shingles may be somewhat different than the data shown if U.S. producers reported prices for volume discounts and Canadian importers reported sales to small accounts. This purely hypothetical suggestion is based on underlying assumptions that most Canadian sales are to relatively small accounts and that U.S. producers' sales are to larger accounts with volume discounts. Data was not available concerning the typical size of U.S. and Canadian sales. Our decision in this case is not to be made on speculation, but on the "best available data" which is the price data provided on pages A–23—A–24 of the staff report.

**Staff briefing at public Commission meeting, September 30, 1980.

***Statement and exhibits on behalf of IKO Industries.

*S. Rep. No. 93–1298, 93d Cong., 2d Sess. 179 (1974). This reference to technical dumping was made in the context of amendments to the Antidumping Act of 1921 by the Trade Act of 1974. Although that statute was repealed by the Trade Act of 1979, Congress clearly stated that it intends for the Commission to follow the same standard in applying the new "material injury test" that it used in cases under the 1921 Act, as amended in 1974. *See* H.R. Rep. No. 96–17, 96th Cong., 1st Sess. 46 (1979) (hereafter House Report).

alleged LTFV imports, the legislative history of Title VII of the Trade Agreements Act of 1979 states that:

> The law does not * * * contemplate that injury from such imports be weighted against other factors (e.g., the volume and prices of nonsubsidized imports or imports sold at fair value, contraction in demand or changes in patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and productivity of the domestic industry) which may be contributing to overall injury to an industry.**

The Commission is directed, however, to:

> "Take into account evidence presented to it which demonstrates that the harm attributed to the subsidized or dumped imports is attributable to such other factors."*

Much evidence was presented in this investigation concerning a myriad of alternative causes of the economic difficulties that have recently beset the U.S. asphalt shingle industry, including the general economic situaiton in the U.S., the serious recession in the construction industry, the alleged popularity of the "metric-shingle," the alleged failure of the U.S. industry to shift rapidly to metric production, the role of Georgia-Pacific in the marketplace,** and the limited return on glass-fiber-base shingle investments. The Congress has recognized that "the determination by the ITC with respect to causation is . . . complex and difficult" and has left this matter "for the judgment of the ITC." ***

Given the inability of the petitioner in this case to demonstrate a causal link between the alleged LTFV imports and any injury the industry may be suffering, it is clear to us that other casues are responsible for the present condition of the industry.****

Threat of Material Injury

With regard to the threat of material injury, there is no statutory definition of the term, however, the legislative history states that:

> With regard to the standard for a threat of material injury, the committee intends that the ITC affirmative determination shall be based upon evidence showing that the threat is real and imminent and not upon mere supposition or conjecture.*

We do not see any "real" or "imminent" threat to the U.S. industry by reason of the alleged LTFV imports. To the contrary, several developments in the industry are expected to lead to declines in the level of Canadian imports. IKO, Canada's largest shingle producer, has already built one plant in the U.S. and plans to open one or two more. IKO's shipments from Canada to areas which will be serviced by these plants is expected to cease as the plants come fully into production.** Georgia-Pacific, which accounts for sizeable imports, is also gearing up for its own production. And finally, to the extent Canadian imports would increase based on a demand for metric shingles, this demand for Canadian imports will relax as U.S. producers are gradually expanding their capacity to produce metric shingles.

Findings of Fact

The following findings of fact are relevant to our determination in this investigation. These findings contain our analysis of the statutory criteria required by sections 771(7)(B) and (C) of the Tariff Act of 1930.

A. Volume of Imports

1. Imports of asphalt roofing shingles from Canada rose from 811,000 squares [1] in 1977 to 1.5 million squares in 1979. During the first six months of 1980 imports were 655,398 squares in the first quarter and 625,627 squares in the second quarter for a total of 1.3 million squares of shingles imported from Canada, an increase of 80 percent from the level of imports during the corresponding period of 1979. A portion of this increase resulted from imports by Georgia-Pacific and IKO Industries which, at least in part, are expected to decline once these companies open planned production facilities. (See Report at pp. A–8 and A–9 and transcript of Conference at p. 118.)

2. The ratio of imports of asphalt roofing shingles from Canada to total apparent domestic consumption increased from 1.4 percent in 1977 to 2.3 percent in 1979. Imports of shingles from Canada during January–June 1980 accounted for 5.1 percent of apparent domestic consumption, an increase from the 2.5 percent share of such imports in January–June 1979. (See Report at p. A–20.)

3. Virtually all asphalt roofing shingles imported from Canada entered the United States through northern ports of entry and are believed to be sold in the northern region. Consequently, Canadian imports have a larger share of apparent consumption of shingles in the northern region. The ratio of Canadian imports to consumption in this region rose from 2.9 percent in 1977 to 4.7 percent in 1979 and jumped from 5.3 percent in January–June 1979 to 11.5 percent in the corresponding months of 1980. (See Report at p. A–21.)

The Effect of Imports on U.S. Prices

4. Between January 1977 and June 1980, the average delivered prices for Canadian shingles in the northern region generally exceeded those reported by U.S. producers with the single exception of January–March 1980. The average margin by which the price of the imported product exceeded U.S. producers' prices was $1.69 per square, or 11 percent. (See Report at pp. A–22 and A–25.)

5. The margin of overselling of the Canadian shingles was substantially higher in 1977 and 1978 than in late 1979. In January–March 1980, the price of the domestic product was about one percent higher than the Canadian product but in Arpil–June 1980 the price of the imported shingle was approximately five percent above the price reported for domestic shingles. (See Report at p. A–25.)

6. U.S. producers' prices of organic-base shingles sold in the northern region were comparable with those sold in the rest of the country, generally not diverging by more than three percent. Between September 1979 and March 1980, however, the average price for shingles sold in the northern region was five percent higher than in the rest of the country. (See Report at pp. A–23 and A–24.)

C. Impact on the Affected Industry

7. U.S. production of asphalt roofing shingles increased from 56 million squares in 1977 to 63 million squares in 1979. Production fell from 31 million squares in January–June 1979 to 26 million squares in January–June 1980, a decrease of 16 percent. Production in the northern region increased from 29 million squares in 1977 to 32 million squares in 1979. Production of asphalt roofing shingles in the northern region fell from 15 million squares in January–June 1979 to 12 million squares in the

**House Report at p. 47.
*Id.
**Staff report, p. A–8.
***Senate Report, *supra*, note 3 at 75.
****Commissioner Stern notes the contrast between this case and that of Inv. No. 303–TA–13 (Final), *Certain Iron-Metal Castings from India*. In Inv. No. 303–TA–13, the causal link was clear. In the iron-metal casting industry, where import penetration had reached 32 percent by early 1980, price suppression and significant margins of underselling existed.

*House Report at p. 47.
**Also, from January–June 1980 part of the increase in U.S. imports from Canada was comprised of shipments to Wilmington, Delaware, by IKO to break into the market prior to the opening in December, 1980, of its Wilmington plant. (*See* Statement on behalf of IKO at the Conference, pp. 3–4.)
[1] A square of shingles is the standard unit of measurement for this product; it consists of sufficient shingles to cover 100 square feet of roof area.

corresponding months of 1980, or by 20 percent. (See Report at p. A–11.)

8. Domestic capacity to produce asphalt roofing shingles, rose from 94.4 million squares in 1977 to 97.5 million squares in 1979 and the ratio of production to capacity also increased from 1977 to 1979. Although capacity increased between January–June 1979 and January–June 1980, the capacity utilization rate reported by domestic producers declined between the two periods. Capacity in the northern region also increased from 1977 to 1979 and between January–June 1979 and 1980, rising from 45.2 million squares in 1977 to 46.7 million squares in 1979 and from 23.1 million squares in the first half of 1979 to 23.7 million squares in the corresponding months of 1980. (See Report at pp. A–12 and A–13.)

9. U.S. producers' shipments of asphalt roofing shingles increased from 55.4 million squares in 1977 to 62.6 million squares in 1979, or by 13 percent. Shipments fell from 27.7 million squares in January–June 1979 to 23.8 million squares in January–June 1980, a decline of 14 percent. Shipments of asphalt roofing shingles in the northern region rose from 27.2 million squares in 1977 to 29.8 million squares in 1979, but declined from 12.6 million squares in January–June 1979 to 9.9 million squares in January–June 1980. (See Report at p. A–13.)

10. Inventories of asphalt roofing shingles held by U.S. producers increased slightly from 2.2 million squares as of December 31, 1977 to 2.3 million squares as of December 31, 1979. The ratio of inventories to production declined slightly during that period, from 3.8 percent to 3.7 percent. The ratio of inventories to production reported as of June 30, 1979 and 1980, increased from 7.5 percent on an annualized basis in 1979 to 9.5 percent on an annualized basis in 1980. Inventories held by producers in the northern region declined from 1.2 million squares as of December 31, 1977 to 1.1 million squares of December 31, 1979. The ratio of inventories to production also declined from 4.1 percent in 1977 to 3.6 percent in 1979 and jumped from 8.8 percent as of June 30, 1979 to 12.0 percent as of June 30, 1980, on an annualized basis. (See Report at pp. A–14 and A–15.)

11. Apparent U.S. consumption of asphalt roofing shingles increased from 56.2 million squares in 1977 to 64 million squares in 1979 but declined from 28.4 million squares in January–June 1979 to 25.1 million squares in January–June 1980. Apparent consumption of asphalt roofing shingles in the northern region rose from 28 million squares in 1977 to 31.3 million squares in 1979 and then declined from 13.3 million squares in January–June 1979 to 11.1 million squares in the corresponding months of 1980. (See Report at p. A–15.)

12. The total number of production and related workers in the asphalt roofing shingle industry rose from 8,291 in 1977 to 9,170 in 1979. Employment in this industry dropped about 15 percent between January–June 1979 and January–June 1980, from 9,228 workers to 7,824 workers. Hours worked followed a similar trend. Production and related workers in the northern region rose from 3,428 in 1977 to 3,814 in 1979 and then dropped from 3,840 to 3,249 between the first six months of 1979 and 1980. (See Report at p. A–17.)

13. The net operating profit reported by U.S. producers of asphalt roofing shingles fell from $104 million in 1977 to $84 million in 1979 and dropped sharply from $27 million in January–June 1979 to $580,000 in January–June 1980. The ratio of net operating profit to net sales fell from 12 percent in 1977 to 7 percent in 1979 and from 5 percent in January–June 1979 to less than 0.05 percent for the corresponding months of 1980. (See Report at p. A–18.)

14. The capital expenditures of the U.S. producers of asphalt roofing shingles nearly doubled from 1977 to 1979, rising from $40.2 million to $73.3 million in 1979. Part of the increase in capital expenditures was a result of the addition of three new plants which increased capacity in the northern region. (See Report at pp. A–12 and A–19.)

15. The general decline in the housing market began during the end of 1979 and continued to decline throughout the first part of 1980. The economic indicators of the U.S. producers of asphalt roofing shingles have only shown a decline during January–June 1980, concurrent with this decline in the housing market. (See Report at p. A–6.)

Statement of Reasons of Commissioners George M. Moore and Catherine Bedell

On the basis of the information available in investigation No. 731–TA–29 (Preliminary), we determine that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of the importation of asphalt roofing shingles from Canada that are allegedly being sold or are likely to be sold at less than fair value (LTFV).

The following findings and conclusions, which are based on the record in this investigation, support our determination.

The Domestic Industry

In this investigation we consider the relevant domestic industry to consist of the facilities of the U.S. producers used in the production of asphalt roofing shingles. Since we find there is adequate data to indicate a reasonable indication of injury to the entire domestic industry, it is not necessary for us to reach a conclusion on the appropriateness of the petitioner's allegation that there is a regional industry comprised of the Northern States.

Reasonable Indication of Material Injury

Section 733(a) of the Tariff Act of 1930 directs that the Commission "shall make a determination, based upon the best information available to it at the time of the determination." Section 771(7)(A) defines the term "material injury" to mean "harm which is not inconsequential, immaterial, or unimportant." And sections 771(7) (B) and (C) direct that the Commission, in making its determination, consider, among other factors, (1) the volume of imports of the merchandise which is the subject of the investigation, (2) the effect of imports of such merchandise on prices in the United States for like products, and (3) the impact of such merchandise on domestic producers of like products.

In considering the first factor, the Commission found that imports of asphalt roofing shingles from Canada, which are allegedly being sold at LTFV, nearly doubled between 1977 and 1979, increasing from 811,000 squares[1] to 1.5 million squares. In January–June 1980, 1.3 million squares of shingles were imported from Canada, 80 percent more than the imports of this product during the corresponding months of 1979 and only slightly less than the amount of imports from Canada from all of 1979.[2]

After several years of sustained growth in the U.S. asphalt roofing shingle industry, as shown by most of the economic factors normally examined by the Commission, there was a sudden drop in January–June 1980 compared with data for the corresponding months in 1979. U.S. production, which had increased between 1977 and 1979, declined 16 percent in January–June 1980.[3] Domestic capacity increased between 1977 and 1979 and in January–June 1980; however, the capacity utilization rate declined in the first six

[1] A square of shingles is the standard unit of measurement for this product; it consists of sufficient shingles to cover 100 square feet of roof area.

[2] Report, at p. A–9.

[3] Report, at p. A–11.

months of 1980.[4] Domestic shipments rose from 55.4 million squares in 1977 to 62.6 million squares in 1979 but fell from 27.7 million squares in January–June 1979 to 23.8 million squares in the corresponding months of 1980.[5] Inventories of asphalt roofing shingles held by U.S. producers also increased during the period for which the Commission collected data and the ratio of inventories on June 30, 1979 and June 30, 1980 to production during January–June 1979 and January–June 1980, respectively, rose from 7.5 percent as of June 30, 1979 to 9.5 percent.[6]

Apparent domestic consumption of asphalt roofing shingles rose from 56.2 million squares in 1977 to 64 million squares in 1979 but declined from 28.4 million squares in January–June 1979 to 25.1 million squares in January–June 1980.[1] Employment in this industry also increased between 1977 and 1979 but dropped about 15 percent between January–June 1979 and the corresponding months in 1980.[2] Net operating profit dropped sharply from $27 million in January–June 1979 to $580,000 in January–June 1980; the ratio of net operating profit to net sales fell from 5 percent to less than 0.05 percent in the same period.[3]

The share of apparent U.S. consumption accounted for by imports of asphalt roofing shingles from Canada doubled between 1977 and 1979, rising from 1.4 percent to 2.3 percent in 1979 and to 5.1 percent in January–June 1980.[4] Thus both the volume and relative market share of alleged LTFV imports showed dramatic increases over the period in which the alleged injury occurred.

The data collected by the Commission on average delivered prices for asphalt roofing shingles were inconclusive. We believe there was an upward bias in the price data reported by importers of Canadian shingles because importers in some instances appear to have reported prices to customers who purchased small quantities of shingles whereas U.S. producers reported discounted prices to their largest customers. In January–March 1980, however, the Canadian imports undersold the domestic product and it was in this period that there was a dramatic increase in both the volume and market penetration of the Canadian shingles.[5] The fact that Canadian shingles have undersold domestically produced shingles was confirmed by U.S. purchasers of shingles to whom U.S. producers reported they had lost sales to alleged LTFV imports from Canada. The most frequently cited reason these firms mentioned for why they have purchased Canadian shingles over domestically produced shingles was the lower price of the Canadian product.[1]

Conclusion

On the basis of the information developed during this investigation, we have concluded that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of alleged LTFV imports of asphalt roofing shingles from Canada.

Issued: September 30, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32233 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[4] Report, at p. A-12.
[5] Report, at p. A-13.
[6] Report, at p. A-14
[1] Report, at p. A-15.
[2] Report, at p. A-17.
[3] Report, at p. A-18.
[4] Report, at p. A-20.
[5] Report, at pp. A-20 and A-23.

[1] Report, at p. A-27.

[Investigation No. 337-TA-87; Motions No. 87-2, 87-4—87-7].

Certain Coin-Operated Audio-Visual Games and Brochures for the Advertisement; Disposition of Motions To Amend Complaint, Add Respondents and Terminate Investigation as to Respondents Justin Koah and Rowe International, Inc.

AGENCY: U.S. International Trade Commission.

ACTION: Disposition of Motions 87-2, 87-4, 87-5, 87-6 and 87-7, Investigation No. 337-TA-87, Certain Coin-Operated Audio Visual Games and Brochures for the Advertisement Thereof.

Notice is hereby given that the Commission has granted the following motions:

(1) Motion 87-2. Complainant Midway Mfg.'s motion to add KEK Industries, International Trademarks, Hobby Industries, T. T. Sales and Service, and Sunrise New Sound, Inc. as additional respondents and to add allegations of copyright infringement.

(2) Motion 87-4. Complainant Midway Mfg.'s motion to terminate investigation as to respondent Justin Koah.

(3) Motion 87-5. Joint motion by Midway, respondent Rowe International, Inc., and the Commission investigative attorney to terminate investigation as to Rowe International.

(4) Motion 87-6. Joint motion by Midway, the Commission investigative attorney, and respondent Acorn, Inc. to terminate the investigation as to Acorn.

(5) Motion 87-7. Motion by complainant Midway to amend complaint and notice of investigation to add Artic Electronics Co., Ltd., Fuso Corporation, Kyugo Company, Ltd., and Miyabi, Inc. (Compu-Game Inc.) as additional respondents in the subject investigation.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, telephone (202) 523-0148.

AUTHORITY: The authority for Commission disposition of the subject motions is contained in Section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, and 19 CFR 210.22 and 19 CFR 210.51-55.

SUPPLEMENTARY INFORMATION: Any party wishing to petition for reconsideration of the Commission's actions must do so within fourteen (14) days of service of the Commission order. Any such petition must be in accord with Commission Rules of Practice and Procedure (19 CFR 210.56).

Copies of the Commission's action and order and any other public documents in this investigation are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone (202) 523-0161.

Notice of the Institution of this investigation was published in the Federal Register of June 25, 1980 (45 FR 428912).

Issued: October 8, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32280 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-37]

Certain Skateboards and Platforms Therefor; Commission Determination and Order

After an investigation conducted under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), the U.S. International Trade Commission determined on November 13, 1978, that there were no unfair methods of competition or unfair acts in the importation of certain skateboards and platforms therefor into the United States, or in their sale in the United States by the owner, importer, consignee, or agent of either, the effect or tendency of which was to destroy or

substantially injure an industry, efficiently and economically operated, in the United States. The Commission's determination was appealed to the U.S. Court of Customs and Patent Appeals pursuant to section 337(c) (19 U.S.C. 1337(c)). On December 20, 1979, that court reversed the Commission's determination that there was no violation of section 337, and remanded the case to the Commission for action consistent with the court's opinion.[1]

The purpose of this Commission determination and order is to provide for final disposition of the Commission's investigation on skateboards.

Determination

Having reviewed the record compiled in this investigation, the Commission on August 13, 1980, determined—

1. That there is a violation of section 337 of the Tariff Act of 1930 in the importation into and sale in the United States of certain skateboards by the owner, importer, consignee, or agent of either, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States;

2. That the appropriate remedy for such violation is to direct that skateboards and platforms therefor manufactured abroad which infringe claims 1, 2, 7, or 8 of U.S. Letters Patent 3,565,454 be excluded from entry into the United States for the term of said patent, except where such importation is licensed by the owner of said patent;

3. That, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such skateboards and platforms therefor should be excluded from entry; and

4. That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 should be waived.

Order

Accordingly, it is hereby ordered—

1. That skateboards and platforms therefor which infringe claims 1, 2, 7, or 8 of U.S. Letters Patent 3,565,454 are excluded from entry into the United States for the term of said patent, except where such importation is licensed by the owner of said patent;

2. That skateboards and platforms therefor orderd to be excluded from entry are entitled to entry into the United States without bond from the day after this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930 until such time as the President notifies the Commission that he approves or disapproves this action, but, in any event, not later than 60 days after such date of receipt;

3. That this order and determination be published in the **Federal Register** and served upon each party of record in this investigation and upon the U.S. Department of Health and Human Services, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and

4. That the Commission may amend this order at any time.

Issued: October 9, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32282 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[1] *Stevenson v. U.S. International Trade Commission et al.*, 612 F.2d 546, 204 USPQ 276 (CCPA 1979).

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Addition of Two Parties Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Addition of two parties respondent:

Union S.R.L., Via Marzabotto, 40050 Via dia Argelato, Bologna, Italy.

United Tex-Care Company, 8505 Whitfield Park Loop, Sarasota, Fla. 33580.

EFFECTIVE DATE: October 8, 1980.

AUTHORITY: The authority for Commission disposition of the subject motion is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in 19 CFR 210.22.

SUPPLEMENTARY INFORMATION: Upon receipt of a complaint filed by Research Development Co. of Minneapolis, Minn., the U.S. International Trade Commission instituted an investigation on April 17, 1980, to determine whether there is a violation of section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337(a)) in the importation into the United States of chlorofluorohydrocarbon drycleaning machines, or in their sale, by reason of the alleged infringement of claims 1, 3, and 4 of U.S. Letters Patent 3,728,074, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Notice of the Commission's investigation was published in the **Federal Register** of June 11, 1980 (45 FR 39580).

On August 18, 1980, the complainant filed Motion 84-4 to amend the complaint and notice of investigation by addition of two new parties respondent: Union S.R.L. and United Tex-Care Co. On September 26, 1980, the motion was certified to the Commission by the presiding officer, who recommended that the motion be granted.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0493.

Issued: October 10, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32281 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-82]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components; Notice of Termination

Upon conslderation of the recommendation of the presiding officer and the record developed in this proceeding, the Commission has granted Motion Docket No. 82-12 and has ordered that investigation No. 337-TA-82 be terminated as to U.S. Letters Patent 3,876,498 effective October 10, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the order. Such petitions must comply with the requirements of section 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

Copies of the Commission's action and order as well as all other public documents of record in this investigation are available to the public and may be obtained during official working hours (8:45 a.m. to 5:15 p.m.) from the Office of the Secretary, United States International Trade Commission, 701E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Notice of the institution of this investigation was published in the **Federal Register** of April 8, 1980 (43 FR 23832).

By order of the Commission.

Issued: October 10, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32234 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-82]

Certain Headboxes and Papermaking Machine Forming Sections for the Continuous Production of Paper, and Components; Notice of Termination

Upon consideration of the recommnedation of the presiding office and the record developed in this proceeding, the Commission has granted Motion Docket No. 82-15 and has ordered that investigation No. 337-TA-82 be terminated as to respondent Fort Howard Paper Co., effective as of October 10, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the order. Such petitions must comply with the requirements of section 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

Copies of the Commission's action and order as well as all other public documents of record in this investigation are available to the public and may be obtained during official working hours (8:45 a.m. 5:15 p.m.) from the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Notice of the institution of this investigation was published in the Federal Register of April 8, 1980 (43 FR 23832).

Issued: October 10, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32235 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-64 (Preliminary)]

Certain Glass-Lined Steel Storage Tanks and Glass-Lined Steel Pressure Vessels, and Parts Thereof, From France; Termination

AGENCY: U.S. International Trade Commission.

ACTION: Termination of preliminary countervailing duty investigation.

EFFECTIVE DATE: October 6, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Cates, Office of Investigations, (202) 523-0368.

SUPPLEMENTARY INFORMATION: On September 9, 1980, following receipt of a petition filed by the Pfaudler Co., Rochester, N.Y., the Commission instituted preliminary countervailing duty investigation No. 701-TA-64 (Preliminary), Certain glass-lined steel storage tanks and glass-lined steel pressure vessels, and parts thereof from France. The purpose of the investigation was to determine whether there is a reasonable indication that an industry in the United States is materially injuried, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of allegedly subsidized imports from France of glass-lined steel storage tanks having a capacity of over 75 gallons provided for in item 640.35 of the Tariff Schedules of the United States (TSUS) and glass-lined steel pressure vessels and parts thereof, provided for in item 661.68 of the TSUS.

On October 6, 1980, the Commission received advice from the Department of Commerce that the petition in the subject investigation has been dismissed because it does not properly allege the basis upon which countervailing duties may be imposed and does not appear to present information reasonably available to the petitioners in support of the allegations. Pursuant to its authority under section 207.13 of the Commission's Rules of Practice and Procedure, the Commission's investigation concerning these products from France is hereby terminated.

Issued: October 8, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32237 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02

[Investigation (332-116)]

Study of the Effect of the Enlargement of the European Community on U.S. Trade

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-116 for the purpose of analyzing the probable effects on U.S. trade of the accession to the European Community of Greece, Portugal and Spain. The report will be chiefly concerned with the prospects for U.S. exports as the three acceding nations adopt the E.C. Common Agricultural Policy and as they harmonize their industrial tariffs with E.C. rates.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Larson, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-724-0082).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than March 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 8, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-32238 Filed 10-15-80; 8:45 am]

BILLING CODE 7020-02-M

[Investigation (332-115)]

Study of the Effectiveness of Escape Clause Relief in Promoting Adjustment To Import Competition

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-115 for the purpose of assessing the effectiveness of "escape clause" import relief in encouraging and facilitating the adjustment of industries that the Commission has found to be injured by import competition.

In conducting the investigation, the Commission will consider the history of the escape clause from 1951 to the present. An analysis and comparison will be made of all or most petitions for escape-clause relief presented during this period to determine what effect relief from import competition had on the subsequent performance of the industries granted such relief.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Golding, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202–724–0092).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than March 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 8, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–32240 Filed 10–15–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation (332–117)]

Study of the Operation of Export Restraint Agreements

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332–117 for the purpose of assessing U.S. experience with export restraints as a remedy for import-caused injury.

In its investigation, the Commission will examine the effects of restraints imposed by foreign countries on their exports to the United States of steel, footwear and television receivers as a result of restraint agreements negotiated by United States in the 1970's. The study will consider the effects of these agreements on the price, volume and quality of U.S. imports, as well as the distribution of gains and losses among the affected parties.

EFFECTIVE DATE: September 29, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Larson, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202–724–0082).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than March 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 8, 1980.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–32239 Filed 10–15–80; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–34 (Preliminary)]

Portable Electric Nibblers From Switzerland; Termination

AGENCY: U.S. International Trade Commission.

ACTION: Termination of preliminary antidumping investigation.

EFFECTIVE DATE: October 3, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Leahy, Office of Investigations, (202) 523–1369.

SUPPLEMENTARY INFORMATION: On September 18, 1980, following receipt of a petition filed by the Widder Corp., Naugatuck, CT., the Commission instituted prelimiary antidumping investigation No. 731–TA–34, portable electric nibblers from Switzerland. The purpose of the investigation was to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded, by reason of imports from Switzerland of hand-directed or-controlled nibblers with self-contained electric motors, provided for in item 683.20 of the Tariff Schedules of the United States, sold or likely to be sold at less than fair value.

On October 3, 1980, the Commission received advice from the Department of Commerce that the petition in the subject investigation had been withdrawn by the petitioner. Pursuant to its authority under section 207.13 of the Commission's Rules of Practice and Procedure, the Commission's investigation concerning portable electric nibblers from Switzerland is hereby terminated.

Issued: October 6, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80–32236 Filed 10–15–80; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) will meet on Sunday, November 9, 1980, starting at 9:00 a.m., at the Broker Inn, 555—30th Street, Boulder, Colorado, 80301. At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Allen F. Breed,

Director.

[FR Doc. 80–32119 Filed 10–15–80; 8:45 am]

BILLING CODE 4410–05–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanties Panel; Meetings

Agency: National Endowment for the Humanities.

Action: Notice of Meetings.

Summary: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

(1)

Date: November 3, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.

Program: This meeting will review applications submitted for the Research Materials Programs, Translations: Near Eastern Languages projects, Division of Research Programs, for projects beginning after March 1, 1981.

(2)

Date: November 6–7, 1980.
Time: 9:00 to 5:30 p.m.
Room: 807.
Program: This meeting will review applications submitted for the Research Resources Programs: Regional and Local History projects, Division of Research Programs, for the projects beginning after March 1, 1981.

(3)

Date: November 7, 1980.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications submitted for the Research Materials Program, Translations: Slavic Languages projects, Division of Research Programs, for projects beginning after March 1, 1981.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose,

(1) trade secrets and commerical or financial information obtained from a person and privileged or confidential;

(2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724–0367.

Stephen J. McCleary,
Advisory Committee, Management Officer.

[FR Doc. 80–32168 Filed 10–15–80; 8:45 am]
BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering and Applied Science; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science; Subcommittee for Chemical and Process Engineering; Subcommittee for Civil and Mechanical Engineering; Subcommittee for Electrical, Computer and Systems Engineering; Subcommittee for Human Nutrition; Subcommittee for Science and Technology to Aid the Handicapped.
Date: November 3, 1980—9:00 a.m. to 5:00 p.m.
Place: 1800 G Street, NW, Room 540, Washington, D.C. 20550.
Type: Open.
Contact Person: Mrs. Mary F. Poats, Executive Secretary, Advisory Committee for Engineering and Applied Science, Room 537, National Science Foundation, Washington, D.C. 20550, telephone: (202) 357–9571.
Summary Minutes: Mrs. Mary F. Poats, Room 537, National Science Foundation, Washington, D.C. 20550.
Purpose of Advisory Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to Engineering and Applied Science activities and programs.
Agenda: November 3, 1980—9:00 a.m.—5:00 p.m. Long-range planning; FY 1981 budget; Organizational structure.

Dated: October 10, 1980.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 80–32184 Filed 10–15–80; 8:45 am]
BILLING CODE 7555–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 80–42]

Reports, Recommendations and Responses; Availability

Marine Accident Reports

Grounding of the SS FRONTENAC in Lake Superior, Silver Bay, Minnesota, November 22, 1979 (NTSB–MAR–80–13).—The National Transportation Safety Board on October 7 released its formal report on this accident after investigation conducted jointly by the U.S. Coast Guard and the Safety Board. The formal investigation convened on November 29, 1979, in Duluth, Minn., and the report is based on the evidence and testimony developed by that investigation.

Investigation showed that about 2140 e.s.t. last November 22, the FRONTENAC, a bulk cargo vessel, ran aground during a heavy snow squall on shoals extending from Pellet Island, Minn. The use of the vessel's engine, rudder, and bow thruster to free the vessel was insufficient to overcome the effects of the wind and sea. Wind and sea actions held the vessel on the shoals and eventually caused the vessel to swing around to the left while pivoting near the midship section of the hull. The vessel sustained heavy damage to the underwater hull and keel. The No. 3 cargo hold was punctured, resulting in flooding of the hold with some progressive flooding into the No. 2 cargo hold and heavy flooding into the No. 4 cargo hold. The FRONTENAC was declared a constructive total loss since the estimated repair cost exceed the value of the vessel.

The Safety Board has determined that the probable cause of this accident was the master's failure to: accurately determine his vessel's position and course made good; adequately compensate for the effects of wind and sea near a hazardous lee shore; effectively use an available navigational aid; and use his personnel effectively to assist him in navigating the vessel. Contributing to the accident was the failure of the Reserve Mining Company to maintain Pellet Island navigational light in operation during the entire navigation season.

As a result of the accident investigation the Safety Board has recently issued the following recommendations:

M–80–86 through –88 to the U.S. Coast Guard, October 1, 1980—

Conduct a survey of all publicly and privately maintained navigation lights in the Great Lakes area to determine which should be maintained in operation throughout the entire navigation season and amend its operating guidelines and permits for private aids accordingly. (M–80–86)

Revise 33 CFR Part 164, Navigation Safety Regulations, to incorporate navigation watchkeeping standards which quantify the minimum manning level needed for vessels to safely navigate in ports and their approaches in the Great Lakes area during periods of reduced visibility. (M–80–87)

Revise 33 CFR Part 164, Navigation Safety Regulations, to require each self-propelled vessel of 1,600 gross tons or greater, operating in the navigable waters of the United States, to have gyro repeaters conveniently located on the bridge and to require carrying bearing circles to facilitate the taking of visual bearings. (M–80–88)

M–80–89 to the National Oceanic and Atmospheric Administration, October 1, 1980—

Modify the large scale inset charts of all prominent harbors, such as Silver Bay shown on NOAA Chart No. 14967, by including approaches extending at least 1 mile from the harbor entrance. (M–80–89)

Collision of United States Tankship S.S. EXXON CHESTER and Liberian Freighter M.V. REGAL SWORD in the Atlantic Ocean, near Cape Cod, Massachusetts, June 18, 1980 (NTSB–MAR–80–11).—The Safety Board's formal investigation report, also made public on October 7, indicates that the EXXON CHESTER and REGAL SWORD collided in dense fog about 1713 e.d.t. about 1 nautical mile east of the Boston Harbor Traffic Lane Inbound. As a result of the collision, the REGAL SWORD sank and the bow of the EXXON CHESTER was extensively damaged. No one was injured.

The Safety Board determined that the probable cause of this accident was the failure of the master of each vessel to properly interpret and use the radar information which was available to him. Contributing to the accident were the excessive speeds of both vessels in a dense fog; the failure of the EXXON CHESTER and the REGAL SWORD to reduce speed after hearing a fog signal forward of the beam; the REGAL SWORD's imprecise navigation; the REGAL SWORD's alteration of course to port when the risk of collision existed; and the EXXON CHESTER's alteration of course without accurate information about the location of the REGAL SWORD.

The investigation of this accident was conducted jointly by the Safety Board and the U.S. Coast Guard. A formal investigation was convened in Boston, Mass., June 20 through July 2, 1979. As a result of the investigation, the Safety Board on September 12, 1980, recommended that the Coast Guard expedite regulatory action to require recurrent radar observer training at least every 5 years, and seek agenda changes to allow the Intergovernmental Maritime Consultative Organization to adopt an international agreement requiring the use of bridge-to-bridge radio-telephone for navigation in international waters (recommendations M–80–53 and –54). Also on September 12 the Board recommended that Exxon Transportation Company require that masters complete formal training in automated radar plotting before being assigned to vessels with such equipment (M–80–55). (See also 45 FR 63581, September 25, 1980.)

Railroad Accident Report

Head-On Collision of Baltimore and Ohio Railroad Company Freight Trains Extra 6474 East and Extra 4367 West, Orleans Road, West Virginia, February 12, 1980 (NTSB–RAR–80–9).—As indicated in the Safety Board's accident report, released October 9, Extra 6474 East was on track No. 2 traveling at 38 miles per hour as it passed the stop-and-stay signal at Orleans Road and entered a compound curve to the right, where Extra 4367 West was approaching at a speed of 32 mph. The fireman of Extra 4367 West was killed and the engineer and head brakeman were injured; the engineer, conductor, and brakeman of Extra 6474 East were injured. Property damage was estimated to be $1,688,200.

The Safety Board determined that the probable cause of this accident was the failure of the conductor of Extra 6474 East to see that the train was operated in accordance with the operating rules and the failure of the engineer and head brakeman to control the train as required by the signal at Orleans Road. Contributing to the accident was the absence of an adequate safety control device on the locomotive.

As a result of its investigation of this accident, the Safety Board on September 24 addressed two safety recommendations, Nos. R–80–39 >and–40, to the Baltimore and Ohio/Chesapeake and Ohio Railroad Companies. The Board's recommendation letter state that investigation disclosed that the locomotive crewmembers of Extra 6474 East were tired and not feeling well, and did not take the necessary action to stop their train for the eastbound stop-and-stay signal at the Orleans Road crossovers. Extra 6474 East continued beyond Orleans Road and collided head-on with Extra 4367 West, which was also approaching Orleans Road and slowing to stop for a westbound stop-and-stay signal. These two freight trains were to have stopped at Orleans Road and waited for passage of Amtrak passenger train No. 32 on the adjacent track.

The conductor of Extra 6474 East, who was riding in the second locomotive unit, was not adequately supervising his crewmembers to see that they informed each other of crossover locations and signal indications as required by Baltimore and Ohio operating and radio rules. In addition, the head brakeman of Extra 6474 East, the only person in the cab with the enginer, had only 10 months experience and was not knowledgeable of all Baltimore and Ohio operating rules. Further, he had dozed off and could not take action to stop the train when the engineer failed to do so. Accordingly, the Safety Board recommended that the Baltimore and Ohio Railroad Company of the Chessie System:

Implement a system of training and examination in operating rules which will insure that each employee subject to those rules demonstrates satisfactorily his/her knowledge and understanding of the current operating rules. (R–80–39)

Establish supervisory procedures at crew-change terminals to insure that all operating department employees coming on duty at any hour of the day are physically fit and capable of complying with all pertinent operating rules. (R–80–40)

In addition to these recommendations, the Safety Board in its investigation report reiterates and reemphasizes the importance of the following recommendations, issued to the Federal Railroad Administration as a result of other train collisions:

In cooperation with the Association of American Railroads, develop a fail-safe device to stop a train in the event that the engineer becomes incapacitated by sickness or death, or falls asleep. Regulations should be promulgated to require installations, use, and maintenance of such a device. (R–73–8)

Include in its present investigation of the safety of locomotive-control compartments a study of environmental conditions that could distract crews from their duties or cause them to all asleep at the controls. Regulations should be promulgated to correct any undesirable conditions disclosed. (R–73–9) (Reference for both recommendations R–73–8 and –9; Head-on Collision of Two Penn Central Freight Trains at Herndon, Pa., March 12, 1972.)

Promulgate regulations to require an adequate backup system for mainline freight trains that will insure that a train is controlled as required by the signal system in the event that the engineer fails to do so. (R–76–3) (Reference: Southern Pacific Transportation Co. Freight Train/Automobile Grade Crossing Collision, Tracy, Calif., March 9, 1975.)

Promulgate rules to require engine crews to communicate fixed signal aspects to conductors while trains are en route on signalized track. (R–76–50) (Reference: Head-on Collision of Two Penn Central Transportation Company Freight Trains, Pettisville, Ohio, February 4, 1976.)

Each of the above-noted, recently issued marine and railroad safety recommendations, Nos. M–80–86 and –89 and R–80–39 and –40, is designed "Class II, Priority Action."

Responses to Safety Recommendations

Aviation

A–80–51 and –52, from the Federal Aviation Administration, September 26, 1980.—Response is to recommendations issued June 30 following Safety Board review of 14 CFR 91.23 (Full requirements for flight in IFR conditions)

and 91.83 (Flight plan; information required) relative to the requirement that a pilot file for an alternate airport in a flight plan.

Recommendation A–80–51 asked FAA to alert pilots to the disparity between requirements of 14 CFR 91.23 and 91.83 and the approach minimums for certain high altitude airports, by publishing in the Airman Information Manual and on appropriate approved approach charts a specific requirement to file for an alternate airport for those airports where approach minimum are higher than 2,000 feet above airport elevation. Recommendation A–80–52 called on FAA to amend 14 CFR 91.23 and 91.83 to require pilots to file for an alternate airport on an IFR flight plan whenever the ceiling of the destination airport is forcasted to be less than 2,000 feet above the airport or 1,000 feet above the minimum approach altitude or visibility less than 3 miles for a period of 1 hour before to hour after the estimated time of arrival. (See also 45 FR 46584, July 10, 1980.)

FAA in response notes that these recommendations are related to Parts 91.23 and 91.83, but recent rulemaking actions have also amended Part 121.619 to reflect the requirements stated in Part 91. FAA states that the intent of these rulemaking actions was to eliminate the requirements to designate an alternate airport when the weather conditions at the airport were VFR and the approach aids permitted the aircraft to descend into VFR conditions; however, only a limited number of airports (approximately five) exist where the amended regulations do not adequately address the primary approach aid for the airport. At these airports it is possible for a pilot to literally comply with the requirements and not be able to descend to visual conditions or have adequate fuel reserves to divert to an alternate airport. At present, this problem has not, to FAA's knowledge, occurred in operational practice.

To resolve this problem, FAA intends to amend Parts 91, 121, and 135 as indicated in enclosures to the response letter. To achieve consistency between the various Parts of the regulations, FAA intends to amend §§ 91.23 and 91.83 so that IFR alternate airport and fuel reserve requirements are the same as those of Part 135. FAA's Air Transportation Divisions and General Aviation and Commercial Division will work in close coordination so as to arrive at standardized IFR alternate airport and fuel requirements for Parts 91, 121, and 135. These revised requirements would also eliminate the situation which exists with regard to §§ 91.23 and 91.83.

In response to recommendation A–80–51, FAA is exploring various means, including those recommneded by the Safety Board, to inform pilots of the possible disparity in requirements of §§ 91.23 and 91.83.

A–80–53 through –55, from the Federal Aviation Administration, September 25, 1980.—Response is to recommendations issued June 27, based on Board investigations of accident involving Series 20 Learjet aircraft in the low-speed landing configuration and high-speed, high-altitude cruise environment. (See 45 FR 46584, July 10, 1980.)

FAA states in its response letter that it is aware of the fact cited by the Board in the June 27 recommendation letter and has aggressively pursued corrective actions relative to these problems. A review of the accident data pertaining to these aircraft was initiated immediately following the May 6 accident at Richmond, Va. FAA notes that on June 9 the Safety Analysis Division, Office of Aviation Safety, submitted an analysis of Learjet accidents and Service Difficulty Reports to the Air Transportation Division, Office of Flight Operations. The analysis indicated a need for reevaluation of Learjet systems and subsystems concerning stick pusher and shaker, autopilot pitch and roll, elevator, aileron, and throttle cables. It was determined that aircraft control was involved in approximately 30 percent of the 49 accidents used in the analysis. Aircraft control involved overshoot, undershoot, runway alignment, and flying speed; but pilot flight-hour experience did not appear to be a factor. Based upon the analysis and information now available through the accident investigation, FAA has initiated actions addressing the subject of the recommendations as follows:

Recommendations A–80–53 asked FAA to convene a Multiple Expert Opinion Team to evaluate the flight characteristics and handling qualities of Series 20 Learjet aircraft, with and without slow flight modification, at both low- and high-speed extremes of the operational flight envelope under the most critical conditions of weight and balance (and other variable factors) and to establish the acceptability of the control and airspeed margins of the aircraft at these extremes. In responses FAA states that this recommendation has already been encompassed in an earlier investigation involving all Learjets, including the Series 20. This investigation was a followup to the February 1979 "Study of Selected Performance Characteristics of Modified Lear Jet Aircraft" in which the Safety Board, the FAA, Learjet Corporation, National Aeronautics and Space Admininstration, and other interested parties participated. As a result of the investigation, Airworthiness Directive (AD) 79–12–05 was issued (copy provided). Also, a separate investigation was initiated by FAA on June 17 to accomplish a certification review which will also include other areas not specificially addressed in the Board recommendations.

FAA further notes that although this review is still in its initial stages, preliminary information developed as a result of joint FAA and Gates Learjet Corporation flight evaluations has evidenced characteristics at the limits of their operating envelope which in combination with presently approved operating procedures could adversely affect safety of flight. In light of the foregoing, on August 1 the FAA Central Region issued by airmail letter an emergency airworthiness directive (copy provided) to Learjet aircraft owners. Since FAA's investigation and review is incomplete, FAA said it will make its findings available to the Board when research is completed.

In response to recommendations A–80–54, which asked FAA to advise all Learjet operators of the circumstances of recent accidents and emphasize the prudence of rigid adherence to the specified operational limits and recommended operational procedures. FAA states that immediately upon receipt of the recommendation, a notice which included the Board's entire transmission was sent to all Learjet operators. In addition, a GENOT was telegraphed to all FAA General Aviation District Offices (GADO's), Flight Standards District Officers (FSDO's), and Air Carrier District Offices (ACDO's), directing that all Learjet Part 91, 121, and 135 operators be contacted to verify that the operators received the notice and were fully aware of the contents of the contents of recommendation A–80–54.

Recommendation A–80–55 asked FAA to evaluate information contained in Gates Learjet Service News Letter 49 dated May 180 pertaining to procedures to be followed if the aircraft inadvertently exceeds V_{mo}/M_{mo} and, based on this evaluation, require appropriate revisions to the aircraft flight manual. FAA notes that this recommendation is included in FAA's investigation described above, reference recommedation A–80–53. Also, FAA's Office of Flight Operations has established a separate team to review the adequacy and effectiveness of Learjet crew training.

Further, FAA reports that in addition to these actions, taken in direct response to recommendations A–80–53 through –55, a GENOT (copy provided) was also distributed on May 22, 1980, to all GADO's, FSDO's, and ACDO's. This GENOT requested the immediate inspection of all Learjet aircraft for installation of mach warning cut-out switches. To date, FAA has noted seven instances of aircraft with unapproved cut-out switch installations, and these have all now been removed.

Finally, FAA reports that on June 2, 1980, a special issue of General Aviation Airworthiness Alerts was published (copy provided). This alert addressed the subject of unapproved alterations of speed warning systems in both air carrier and general aviation aircraft.

Highway

H–80–24, from the National Highway Traffic Safety Administration, September 22, 1980.—Letter is in response to Safety Board comments of August 20 concerning NHTSA's initial response of June 5 (45 FR 45422, July 3, 1980) with respect to a recommendation developed as a result of the Board's special study, "Fatal Highway Accidents on Wet Pavement—The Magnitude, Location, and Characteristics." The recommendation asked NHTSA to develop a program to alert the public to the component factors and magnitude of the wet-pavement accident problem.

The Safety Board's August 20 letter restated concern about educating the public as to the many hazards of driving on wet pavements; also, the Board noted that there has been no systematic human factors study of skid accident causation. The Board appreciates the fact that major NHTSA education programs do have instructional material on wet weather driving, but the Board is concerned that the coverage is limited and that it does not convey a sufficient sense of urgency. The Board is not convinced that public awareness programs need necessarily either oversimplify or become timeworn; if they are imaginatively conceived, they can be very effective. NHTSA's statement of preference to concentrate public awareness efforts on higher priority issues such as speed, alcohol, and safety belt usage leads the Board to conclude that NHTSA agrees with this position. The Board urged NHTSA to reconsider the value of more fully informing the driving public of the hazards associated with controlling a vehicle on wet pavement. The Board notes that even though, through the years, alcohol continues to be involved in about 50 percent of all fatal accidents, NHTSA continues its program of public awareness on that front, and, with more than 50 percent of the vehicles traveling in a 55-mile-per-hour zone moving at a speed greater than 55 miles per hour, NHTSA hasn't given up on "55 mph, a law we can live with." The Board hopes that NHTSA will be able to implement an appropriate public awareness program to explain to drivers that a not inconsiderable 13 percent of all fatal accidents occur on wet pavement.

NHTSA's September 22 letter, referring to the June 5 response, reports that at present NHTSA's public information program funds are committed to other projects. Consequently, it would be some time before NHTSA could introduce the type of program recommended by the Safety Board. There are, nevertheless, a couple of actions NHTSA will take which may eventually lead to such a program. First, as part of audience reaction studies NHTSA will investigate the public's awareness and understanding of wet pavement driving problems. Based on the results of these studies, NHTSA says it should be able to gather the necessary evidence to establish the extent of the public's awareness of this problem. Then, if warranted, this information would serve as the basis to formulate a program to address the issue. Second, NHTSA's Highway Safety Accident Data and Analysis Plan committee is being asked to consider what needs to be done to increase NHTSA's understanding of wet weather driving problems. Data resulting from this approach would provide the necessary quantitative data to size the problem as well as suggest solutions.

FHWA Response to NTSB Comments on Rulemaking

The Federal Highway Administration on September 4 responded to the Safety Board's August 15 letter regarding FHWA's compliance with the Regulatory Policies and Procedures issued by the Department of Transportation under Executive Order 12044. (See 45 FR 58737, September 4, 1980.)

After careful review of the concerns raised in the Board's letter, FHWA reports that it has determined that its current practice is in strict conformance with the DOT Regulatory Policies and Procedures. Specifically, paragraph 9a(4) of DOT Order 2100.5 provides that proposed and final regulations that are not considered significant must be accompanied by a statement in the Federal Register to that effect. FHWA says it has scrupulously observed this requirement by inserting a special note in each and every rulemaking document which clearly indicates whether the document is considered to be significant or nonsignificant. Each rulemaking action is reviewed to determine whether it meets the criteria for significance contained in paragraph 5a(2) and 9a of the DOT Order. FHWA does not generally provide the basis for determinations regarding significance in the preamble, but does indicate that its determination is based upon the DOT Regulatory Policies and Procedures. FHWA states that the DOT Order does not require such an explanation to be included in the Federal Register, and FHWA doubts that a recitation of the significance criteria from the DOT Order would be of particular benefit to the public. However, FHWA is very much interested in hearing from those who may disagree with its significance determinations, either at the time a particular document is published for notice and comment or on the basis of the listings in the DOT Semiannual Regulations Agenda.

With respect to the need for regulatory analyses, FHWA states that this again depends upon a determination made under the DOT Order. Each FHWA rulemaking action is evaluated to determine whether it meets the criteria for a regulatory analysis under paragraph 10a of the DOT Order. The Regulations Agenda gives advance notice of those actions for which a regulatory analysis will be prepared. The special note inserted in each rulemaking document is also used to indicate whether a regulatory analysis or evaluation has been prepared. The regulatory analysis or evaluation in turn provides a discussion of the economic and related impacts of the rulemaking action. Regulatory analyses and evaluations are placed in the public docket and are available upon request to all interested parties.

The Safety Board's August 15 letter made specific reference to two FHWA notices of proposed rulemaking: "Design Standards for Highways," Docket No. 80–2, and "Skid Resistant Pavement Surface Design," Docket No. 77–16, Notice 2. FHWA reports that the comments received on these two rulemaking actions are currently under review within the FHWA, and that the concerns raised in the Safety Board's comments to the respective dockets, including those relating to the significance and economic impact of the proposals, will be carefully considered in the development of these rulemaking actions.

In expressing appreciation for the Safety Board's comments in response to rulemaking proposals, FHWA states: "Your comments have indeed assisted in

the development of safety standards and effective programs for Federal-State cooperative actions for attainment of national safety objectives." FHWA notes that one of the major objectives of Executive Order 12044 is to provide all interested parties with an opportunity to comment on all aspects of rulemaking proposals, including those aspects which relate to significance and economic impact. FHWA believes that its rulemaking documents have highlighted these items, and FHWA intends to be responsive to the concerns which the Safety Board and others have raised.

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 10,1980.

[FR Doc. 80-32242 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Babcock and Wilcox Water Reactors; Meeting

The ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on October 31, 1980, in Room 1046, 1717 H St., NW., Washington, DC to review the February 26, 1980 event at the Crystal River Nuclear Power Plant, Unit 3, to determine if there are any significant features or causes that are generic to Babcock and Wilcox reactors.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for the subject meeting shall be as follows: Friday, October 31, 1980, 8:30 a.m. until the conclusion of business each day.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, the Babcock and Wilcox Company, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. John C. McKinley (telephone 202/634–3265 between 8:15 a.m. and 5 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: October 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-32414 Filed 10-15-80; 10:02 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittee on Transportation of Radioactive Materials will hold a meeting on October 29, 1980 in Room 1046, 1717 H St., NW., Washington, DC to develop the scope of the Subcommittee's discussion of the transportation certification process for package design of the NRC Transporation Certification Branch.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: Wednesday, October 29, 1980, 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on request for the opportunity top present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehner (telephone 202/634–3267) between 8:15 a.m. and 5 p.m., EST or EDT.

Dated: October 14, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-32415 Filed 10-15-80; 10:02 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17203; File No. SR-DTC-80-6]

Depository Trust Co.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on October 1, 1980, the above mentioned self-regulatory

organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

Effective June 1, 1980 The Depository Trust Company (DTC) implemented a policy of monthly refunds to Participants of income earned by DTC from investment of cash dividend, interest and reorganization payments (dividends payments) received by DTC. The proposed rule change provides a basis on which such monthly refunds to Participants can be suspended. Effective with respect to dividends payments to DTC due October 1, 1980 and thereafter, monthly refunds will not be made to any Participant whose performance in making dividends payments to DTC indicates that it has not established procedures to meet the standard of payment to DTC on payable date in immediately-available funds. Payment to DTC on that basis of at least 90% of the dollar value of dividends payments will be evidence that a Participant's procedures meet the standard. The 90% test—both as to payment date timeliness and funds availability—will be based on a moving average of the most recent three month period of dividends payment activity by the Participant (with the November and December 1980 refunds based only on the payment performance in the prior one month and two month period respectively). Funds from refund suspensions will be retained by DTC as general funds and be subject to the general year-end refund to Participants.

The results of applying the 90% test to any Participant could be waived and the refund paid to that Participant if DTC concluded that unusual circumstances appeared to interfere with that Participant's established procedures to pay DTC in accordance with DTC's payment standard.

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to encourage all Participants making dividends payments to DTC to achieve a uniform standard by suspending monthly refunds of investment income to Participants who do not meet the DTC dividends payment standard.

The proposed rule change relates to an equitable allocation of reasonable dues, fees and other charges among DTC's Participants because of its possible effect on a Participant's monthly cost of using DTC.

All Participants were notified that the Board of Directors of DTC would consider implementation of the proposed rule change by DTC Important Notice B 6320, dated March 18, 1980, which was attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–80–1. Participants affected by the proposed rule change have been notified by letter that the proposed rule change was adopted effective with respect to dividends payments due October 1, 1980. Written comments on the proposed rule change have not been received. Oral comments have concerned the procedures which Participants can establish to meet the DTC dividends payment standard.

DTC perceives no buden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and coping in the public reference room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 6, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

October 8, 1980.

[FR Doc. 80–32284 Filed 10–15–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 17200; File No. 4–208]

Proposed Amendment to the Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage

October 7, 1980.

On September 3, 1980, the participants in the Intermarket Trading System ("ITS") [1] filed with the Commission an amendment ("Amendment") to the Plan for the Purpose of Creating and Operating an Intermarket Communications Linkage ("ITS Plan").[2] The ITS is an experimental market linkage facility which links participating market centers and provides facilities and procedures for (1) routing of commitments to trade and administrative messages between and among the participants, and (2) participation, under certain conditions, by members of all participant markets in opening transactions in those markets.[3]

The Amendment would provide the ITS Operating Committee [4] with authority to implement and administer a pilot program with respect to the Pre-Opening Application created under the terms of the ITS Plan.[5] The pilot would be designed to determine the appropriateness of effecting the Pre-Opening Application based on price parameters outside the previous trading day's closing price which are other than those currently contained in the ITS Plan and shortening the period of time after which an inquiring specialist may open a stock in his market after inquiring of other specialists. The pilot only may be implemented if the price and time parameters selected to be used in the pilot are agreed to by all members of the ITS Operating Committee. In addition, the authority granted to the ITS Operating Committee will expire six

[1] The participants include the American, Boston, Midwest, New York, Pacific and Philadelphia Stock Exchanges.

[2] The ITS Plan and amendments thereto are contained in File No. 4–208.

[3] The ITS Plan was first approved on an interim basis in 1978. Securities Exchange Act Release No. 14661 (April 14, 1978.), 43 FR 17419. Approval on a temporary basis has been extended through January 31, 1983. Securities Exchange Act Release No. 16214 (September 21, 1979), 44 FR 56069.

[4] The ITS Operating Committee includes one member from each ITS participant.

[5] *See* Section 5(b) of the ITS Plan. The Pre-Opening Application enables a specialist on one ITS participant to obtain any pre-opening interest of specialists on other participants. Currently, a specialist arranging an opening transaction is required to inquire of interest from other specialists whenever he determines that the opening transaction in his market in a stock traded in the ITS will be at a price which is more than one-quarter of a point away from the closing price on the previous trading day. The inquiring specialist is prohibited from opening the stock until not less than five minutes after inquiring of other specialists.

months after Commission approval of the Amendment, unless extended by unanimous consent of the ITS participants.

Publication of the submission is expected to be made in the Federal Register during the week of October 13, 1980. In order to assist the Commission in determining whether to approve the Amendment, interested persons are invited to submit written data, views and arguments concerning the submission on or before November 17, 1980. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 4–208.

Copies of the submission, including all amendments, all written statements with respect to the Amendment which are filed with the Commission, and of all written communications relating to the Amendment between the Commission and any person, other than those which may be withheld from the public,[6] will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[7]

George A. Fitzsimmons,

Secretary.

[FR Doc. 80–32283 Filed 10–15–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17165; File No. SR–MSE–79–20 Amdt. #1]

Midwest Stock Exchange, Inc., Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19 (b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on September 17, 1980 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Change

The following rules of the Midwest Stock Exchange are hereby further amended from the original filing on this form (Brackets indicate deletions; italics indicate new material):

ARTICLE II

Member Firms

General Partners Bound By Rules of Exchange Rule 4. All partnership articles and all amendments thereto of a member firm for which this Exchange is the Designated Examining Authority *or of a member firm subject to examination by another self-regulatory organization not having a comparable rule* shall be submitted to and be acceptable to the Exchange. General partners in a member firm who are not themselves members of the Exchange, shall be bound by the Constitution and Rules of the Exchange.

ARTICLE II

Member Firms

Subordination of Claims

Rule 6 (a) No change in text.

(b) Withdrawal of Capital—The partnership articles of each member firm for which this Exchance is the Designated Examining Authority *or of a member firm subject to examination by another self-regulatory organization not having a comparable rule* shall contain provisions that without the prior written approval of the Exchange the capital contribution of any partner may not be withdrawn on less than six month's written notice of withdrawal given no sooner than six months after such contribution was first made. Each member firm shall promptly notify the Exchange of the receipt of any notice of withdrawal of any part of a partner's capital contribution or if any withdrawal is not made because prohibited under the provisions of Securities and Exchange Commission Rule 15c3–1 (see 15c3–1(e)).

ARTICLE VI

Restrictions and Requirements

Rule 5(a) A member organization for which this Exchange is the Designated Examining Authority *or subject to examination by another self-regulatory organization not having a comparable rule* shall not open a branch or resident office unless it has obtained prior written approval of the Exchange. Application for approval of the opening of a branch or resident office shall be made on a form provided by the Exchange at least one month (or such shorter period as the Exchange may approve) prior to the proposed opening date of the office.

Statement of Basis and Purpose

The basis and purpose of the foregoing rule change is as follows:

The purpose of these proposed rule changes is to facilitate the periodic examination of member organizations pursuant to agreements now in effect for that purpose with other stock exchanges and the NASD.

The Midwest Stock Exchange has neither solicited nor received any comment.

The Midwest Stock Exchange believes that no burdens have been placed on competition.

On or before November 20, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

Copies of all such filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before November 6, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 25, 1980.

[FR Doc. 80–32285 Filed 10–15–80; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 33–6246; 34–17207; IC–11392; IA–731]

Publication of Commission Capital Market Working Papers

AGENCY: Securities and Exchange Commission.

ACTION: Announcement of the publication of a series of capital market working papers.

SUMMARY: The Securities and Exchange Commission has announced that it has authorized the publication of a series of working papers which will discuss

[6] See 17 CFR 240.24b-2.

[7] *See* Pub. L. No. 87–592, 76 Stat. 394 (15 U.S.C. 78d-1); 17 CFR 200.30–(a)(29).

economic aspects of various facets of the capital markets and securities regulation. In general, these working papers will be prepared by the staff of the Commission's Directorate of Economic and Policy Analysis, although the series may also include papers prepared by scholars outside of the Directorate. The papers will be distributed to those with an interest in the field and, upon request, to members of the general public. They are intended to be topical and to stimulate public discussion which can assist the Commission in the performance of its responsibilities under the securities laws. The views and conclusions presented will not, however, necessarily be those of the Commission.

FOR FURTHER INFORMATION CONTACT: Jeffry L. Davis, Assistant Director, Directorate of Economic and Policy Analysis (tele. 202/272–2850), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it has authorized its staff to commence the publication of a series of working papers concerning the operation of the capital markets, the capital formation process, and the economic implications of aspects of Commission regulation. The Commission has traditionally viewed economic and empirical analysis as a valuable tool and recognizes the importance of a full understanding of the economics of the marketplace to the formulation of regulatory policy. Similarly, the Commission is sensitive to the impact of regulatory decisions on those markets.[1] The Securities Acts Amendments of 1975 gave the Commission new responsibilities in this area,[2] and, during the past five yers, the Commission has therefore made special efforts to ensure that it has access to informed empirical information relevant to its responsibilities.

The new working paper series is a part of this process. While these papers will not necessarily relate to particular Commission rules or rule proposals, each will serve to highlight general issues of importance to those with an interest in the health, vitality, and future structure of the capital markets and market participants.

The Commission believes that papers of this nature will serve to stimulate dialogue, research, and understanding which will directly benefit Commission decisionmaking. More broadly, the Commission also intends these papers to focus attention on capital formation and other issues of importance to our society as a whole.

The Commission's Directorate of Economic and Policy Analysis will select the topics and the Directorate staff will prepare the papers published in this series. In some cases, however, the Commission will publish papers prepared by academics or others with an interest in the field who are not affiliated with the Directorate.[3] Whether or not prepared by the staff, the papers in the series will not be approved formally on an individual basis by the Commission, and, therefore, will not necessarily represent the views of the Commission. Publication of a particular paper reflects only the fact that the staff of the Directorate of Economic and Policy Analysis has made a judgment that the matters discussed are significant to those with an interest in the capital markets and that the Commission would benefit from the publication of those views and from the resulting opportunity to receive the response and comments of others.

The publication of each paper in this series will be announced in the Commission's *News Digest*. Papers will be distributed routinely to a limited list of scholars and economists active in the fields with which the series deals. In addition, any person interested in receiving a copy of a particular paper may do so, at no cost, by contacting the Commission's Publication Unit, Room B–28, 500 North Capitol Street, Washington, D.C. 20549. While each requestor will be limited to a single copy, there are, of course, no restrictions on private reproduction of these papers.

The Commission invites and encourages comments from economists, academics, issuers, participants in the securities industry, investors, and other interested members of the public on the issues raised in any of these papers. Unless indicated otherwise in a particular paper, all comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. In addition, comments on any aspects of this release (*e.g.*, the general goals of the Working Paper series) which do not relate to a particular paper should also be addressed to the Secretary. All such correspondence will be available for public inspection at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

Simultaneous with the publication of this release, the Commission is issuing the first working paper in this series. Working Paper No. 1 is Entitled "Acquisition of Technology-Based Firms by Tender Offer: An Economic and Financial Analysis" and was prepared by the staff of the Commission's Directorate of Economic and Policy Analysis.

By the Commission.

George A. Fitzsimmons,

Secretary.

October 9, 1980.

[FR Doc. 80–32312 Filed 10–15–80; 8:45 am]

BILLING CODE 8010–01–M

[1] *See generally* Securities Act Release No. 6219 (June 30, 1980), 20 SEC Docket 547, 552–53, 45 FR 45554; SEC. *Staff Report on the Securities Industry in 1978* (July 1979).

[2] *See, e.g.*, Sections 6(e)(3), 23 (a)(2), and 23(b)(4)(H) of the Securities Exchange Act of 1934, 15 U.S.C. 78(e)(3), 78w(a)(2), and 78w(b)(4)(H).

[3] Persons with suggestions concerning particular papers or topics which might be included in this series should correspond with the Directorate.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Gulfstream American Model G–1159A; Aircraft Certification and Availability of Documents

The formal certification process for the G–1159A aircraft has taken nearly three years. The certification task was large and technically complex involving over 14,000 hours of direct effort by the FAA Eastern Region staff. Hundreds of technical documents were reviewed. Over 300 hours of flight tests were conducted, 40% of which were flown by FAA pilots.

The Director of the FAA Eastern Region has conducted a thorough review of, (1) the issues involed in the G–1159A type certification program, and (2) the findings of the FAA certification team. He has also reviewed and discussed with his senior staff a document entitled, "Decision Basis for Type Certification of the Gulfstream American Model G–1159A Aircraft".

Based on a review of the entire certification process, the Director approved issuance of the G–1159A Type Certificate as recommended by the Eastern Region Staff. Type Certificate A12EA for the G–1159 aircraft series has been amended to include approval of the G–1159A.

A copy of the "Decision Basis for Type Certification of the Gulfstream American Model G–1159A Aircraft" is on file in the FAA Rules Dockets. The bulk of the "Decision Basis" reviews the purpose, structure, conduct, and significant highlights of the certification program wherein Gulfstream American was required to demonstrate compliance with the applicable Federal Aviation Regulations. Detailed appendices include (1) delineation of the specific compliance required by each rule, (2) a

summary of the method by which compliance was established for each, and (3) a bibliography of the reports documenting that compliance. A summary of the objectives and results of each of the flight tests performed by FAA is also included. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. Copies of the report may be obtained from the Office of the Director, FAA Eastern Region, Federal Building, JFK Airport, Jamaica, New York, 11430.

Issued in Jamaica, New York on October 3, 1980.

Lonnie D. Parish,

Acting Director, Eastern Region.

[FR Doc. 80-32154 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Carteret County, N.C.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Carteret County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Gary D. Holly, Environmental Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 755-4270.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed crossing of Bogue Sound in Carteret County. The proposed action would be the construction of a new bridge from in or near Morehead City on the mainland to Bogue Banks, a barrier island. The proposed project is needed to serve the existing and anticipated traffic demand between the mainland and Atlantic Beach, Pine Knoll Shores and other developed areas along the eastern end of Bogue Banks. It will also help relieve the congestion, delay and inconvenience created by the existing drawbridge which presently serves the east end of the island. It will provide an additional crossing of Bogue Sound between the two existing bridge crossings, which are approximately twenty (20) miles apart.

Alternatives under consideration include (1) the "no-build", (2) improving the existing drawbridge and (3) two corridors for construction of a new high level bridge.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. A public meeting and a meeting with local officials have been held in the study area as a part of earlier studies. A public hearing will also be held. Information on the time and place of the public hearing will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued on: October 7, 1980.

Roger D. Lewis,

For Division Administrator, Raleigh, N.C.

[FR Doc. 80-32107 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA 511-80-5]

Receipt of Application; Escanaba & Lake Superior Railroad

The Escanaba and Lake Superior Railroad (E&LS), 125 South First Street, Wells, Michigan 49894, has applied to the Federal Railroad Administration under Section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 for a loan guarantee totaling $2.5 million which applicant will use to finance the acquisition of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company's (Milwaukee Road) 117.3 mile rail line between Iron Mountain and Ontonagon, Michigan. The rail line is located in the Counties of Dickinson, Iron, Baraga, Houghton and Ontonagon in the Upper Peninsula of Michigan. Applicant states that the proposed acquisition of the Milwaukee Road line will be a natural extension of the E&LS Railroad's existing core system between Escanaba and Channing in Michigan's Upper Peninsula, and will provide essential rail service to forest products and mining industries in the area.

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than November 14, 1980. Such submission shall indicate the name of the applicant as shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

If the commenter wishes acknowledgment of the Federal Railroad Administration's receipt of the comments, the commenter should include a self-addressed, stamped postcard with the comments, which will be returned upon the Federal Railroad Administration's receipt of the comments. The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, no other formal acknowledgment of the comments will be provided.

Issued in Washington, D.C., on October 6, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-32098 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-06-M

Federal Railroad Administration (FRA)

Receipt of Application for Financial Assistance Under Section 505(h) of the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act) as Amended by the Rock Island Railroad Transition and Employee Assistance Act (RITEA)

The following persons have submitted applications to the FRA "noncarrier entity transaction assistance" under section 505(h) of the 4R Act as amended by the RITEA.

Purchase, Lease or Rehabilitation Applications Pursuant to Section 112 of the RITEA Act

Name	Segment	Miles	RITEA funding acquisition	RITEA funding rahabilitation
Atlantic-Pacific Railway Corporation, 603 W. Second St., Atlantic, IA 50022.	Rock Island—Omaha, NE/Council Bluffs, IA to South, Chicago Lina Junction, IL and branchlines.	742.1	$38,000,000	$87,000,000
City of Sibley, Box 126, Sibley, IA 51249	Rock Island—City of Sibley, IA (local)	3	100,000	650,000
The Continental Group, Inc., One Harbor Plaza, Stamford, CT 06902.	Rock Island—Hodge, LA to Winnfield, LA; (trackage rights) Winnfield to Alexanderia, LA	26.9	1,700,000	
Green Bay Packing, Inc./Little Rock & Western Railway Corporation, 1700 N. Webster Ave., P.O. Box 1107, Green Bay, WI 54305.	Rock Island—North Little Rock, AR to Perry, AR; Hot Springs, Jct., AR to Hot Springs, AR.	53.7	4,050,000	2,587,000
Iowa Falls Western Holding Company, Inc., P.O. Box 83, Estherville, IA 51334.	Rock Island—Iowa Grain Lines	333	8,000,000	16,670,000
Mid-States Port Authority, 257 F Street, P.O. Box 446, Phillipsburg, KS 67661.	Rock Island—Denver-Colorado Springs, CO to Omaha, NE-Council Bluffs, IA and Belleville, KS to MacFarland, KS.	676.9	10,104,438	
Northeast Iowa Shippers Assoc., Packard Elevator, Clarksville, IA 50619.	Rock Island—Cedar Rapids to Vinton to Manly, IA; and Vinton to Iowa Falls, IA	184.0	9,200,000	
B-T-H-G Rail Improvement Assoc., Farmers Co-Op Elevator, Grundy Center, IA 50638.				
North-South Development Corporation, P.O. Box Drawer F, Ruston, LA 71270.	Rock Island—El Dorado, AR to Winnfield, LA	99.3	3,972,000	2,230,000
Panhandle Regional Planning Comm., P.O. Box 9257, Amarillo, TX 79105, and.	Rock Island—Norrick to Adrian, TX	105	581,134	1,641,866
Llano Estacado Water District, P.O. Box 156, Vega, TX 79092.		57.0	85,533 502,260	456,467
			1,168,927	2,098,333
Regional Transportation Authority, 300 North State, Chicago, IL 60610.	Rock Island—Chicago, IL to Joliet, IL	40.2	15,000,000	23,000,000
Royal-Manson Shippers' Assoc., Inc., Savings and Loan Building, Des Moines, IA.	Rock Island—Royal to Manson, IA	55.0	1,950,000	6,780,000
Sheldon-Davis Transportation Co., 15725 Ashbury Park, Detroit, MI 48227.	Rock Island—Ponca City to North Enid, OK, and	54.8	3,515,000	18,100,000
	Anadarka to Magnum Branch Line, OK	79.2		
Southeast Iowa Shippers Assoc., 319 E. Second St., Muscatine, IA 52761.	Rock Island—Keota to Columbus Jct., IA, West Liberty to Burlington, IA Columbus Jct. to Fruitland, IA.	110	3,000,000	
States of Arkansas and Oklahoma	Rock Island—Sunbelt Lina, McAlester, OK to Memphis, TN. All branchlines including Little Rock to Winnfield, LA (trackage rights); Winnfield to Alaxandria, LA.	726.2	20,000,000	10,500,000
TeCe Corporation, 2300 First Nat'l Bank Building, Dallas, TX 75202.	Rock Island—Liberal, KS to Stinnett, TX; Morse Jct., TX to Wilco, TX	150.5	3,068,000	
Trans-Con Services, Incorporated, P.O. Box 44041, Shreveport, LA 71104.	Rock Island—Winnfield, LA to Fordyce, AR; (trackaga rights) Winnfield, LA to Alaxandria, LA.	149.2	6,200,000	5,990,000
Beaverville Grain and Lumber Co., Beaverville, IL 60912.	Milwaukee—Hooper to Walz, IL	56.5	2,700,000	
Beverly-Royal Slope Port, District No. 2 of Grant County, WA Star Route One, Royal City, WA 99357.	Milwaukee—Beverly, WA to Othello, WA to Royal City Jct., WA to Royal City, WA	48.8	1,800,000	
Des Moines Metropolitan Transit Authority, 1100 MTA Lane, Des Moines, IA 50309.	Milwaukee—Des Moines, IA (local traffic) to Clive to Woodward, IA; Clva to Adel, IA	42.4	[1] 2,188,419	[1] 708,400
Earth Products, Inc., Route 2, Box 21, Rossville, IL 60963.	Milwaukee—Chicago Heights, IL to Fayette, IL	138.2	13,320,000	
State of Montana (Montana Railway Corporation), Agriculture-Livestock Bldg., Capitol Station, Helena, MT 59601.	Milwaukee—Miles City, MT to Marengo, WA; branchlines to Agawan, Winifred, & Heath, MT to Spokane, WA & Purdue, ID.	1,210.0	18,000,000	
Port of Pend, Oreille, P.O. Box 585, Newport, WA 99156.	Milwaukee—Nawport to Metaline Falls, WA right-of-way, South Newport line	1.0	140,000	
Gateway Railroad Corporation, 2829 Westown Pkwy., Suita 100, West Des Moines, IA 50265.	Milwaukee & Rock Island Iowa Grain Lines	950 385.5 Milw. 564.5 RI	38,362,000	11,638,000 Milw. 4,617,000 RI. 7,021,000

[1] Grimes to Woodward and Des Moines to Adal financial information not available; costs not included.

Interested persons may submit written comments on any of the above applications to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW, Washington, D.C. 20590, not later than November 17, 1980. Such submission shall indicate the name of the applicant as shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

If the commenter wishes acknowledgment of the Federal Railroad Administration's receipt of the comments, the commenter should include a self-addressed, stamped postcard with the comments, which will be returned upon the Federal Railroad Administration's receipt of the comments. The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, no other formal acknowledgment of the comments will be provided.

Issued in Washington, D.C., on October 10, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-32193 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1980 Rev., Supp. No. 9]

Surety Companies Acceptable on Federal Bonds; Royal Insurance Co. of America; Change of Name

Royal Globe Insurance Company, an Illinois corporation, has formally changed its name to Royal Insurance Company of America, effective June 27, 1980. The company was last listed as an acceptable surety on Federal bonds at 45 FR 44511, July 1, 1980.

A certificate of authority as an

acceptable surety on Federal bonds, dated June 27, 1980, is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to Royal Insurance Company of America, Chicago, Illinois. This new certificate replaces the certificate of authority issued to the company under its former name, Royal Globe Insurance Company. The underwriting limitation of $13,886,000 established for the company as of July 1, 1980 remains unchanged.

Certificates of authority expire on June 30, each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal 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 copies of Treasury Circular 570, 1980 Revision, at page 44511 to reflect this change. 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: October 9, 1980.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 80-32167 Filed 10-15-80; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Public Law 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. on November 6, 1980, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam War.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may only direct questions in writing to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director (102), Department of Medicine and Surgery, Veterans Administration Central Office, Washington, D.C. 20420 (telephone 202-389-5411).

Dated: October 8, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-32155 Filed 10-15-80; 8:45 am]

BILLING CODE 8320-01-M

Policies and Procedures; School Liability

Correction

In FR Doc. 80-29296 appearing at page 62958 in the issue for Monday, September 22, 1980, make the following corrections:

(1) On page 62959, in the third column, in paragraph 13. (b)(2), between the 20th and 21st lines insert the following: "will be referred to the Chairperson of the Committee on School Liability who".

(2) On page 62962, in the first column, after "4. *Questions on Appendix A*", in Question 2, in the first line, after the word "does" insert the word "not".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 202
Thursday, October 16, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

[M–296; Oct. 10, 1980]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., October 17, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. U.S.–London Case (1981), Docket 37937—Instructions to staff.
3. Docket 37576, Miami/Ft. Lauderdale—Netherlands Antilles Service Case. (Further discussion on additional issues)
4. Docket 38541, Application of Air Florida, Inc., for a new or amended certificate to provide service between a point or points in the United States and Shannon, Ireland. (Memo # 9981, BIA, OGC, BALJ)
5. Docket 38375, Application of Caribbean Air Cargo Company, Ltd. for exemption from section 402 to permit it to engage in nonscheduled air transportation of property and mail between U.S. and Caribbean points. (BIA, OGC)
6. Dockets 33887, 31237, and 34314, Joint application of Saudi Arabian Airlines corporation (Saudia) and Pan American World Airways, Inc. for renewal of a blocked-space agreement (Agreement CAB 27693–A2), and applications of Pan American and Saudia for renewal of their respective exemption authorities to continue offering the New York-Dhahran service pursuant to the blocked-space agreement. (Memo # 8431–C, BIA, BDA, OGC, BALJ)
7. Docket 28563, petition for rulemaking by Trans International Airlines (Trasamerica) and World Airways to require traffic and revene data to be reported by class of fare in foreign air transportation. (OGC, OEA)
8. Docket 32660, Agreement CAB 28257–R21, and Docket 36595, *Investigation Into The Competitive Marketing of Air Transportation;* IATA requests approval of and antitrust immunity for an agreement establishing a new IATA passenger general sales agency resolution applicable in the United States, as well as consolidation of the new resolution to the *Investigation.* (Memo # 9979, OGC)
9. Docket 32660, IATA agreement proposing Japan-U.S./Canada GIT fare revisions. (Memo # 9976, BIA, BDA)
10. Docket 38194, Petition of Transamerica Airlines, Inc. for Review of Staff Action taken in Order 80–6–118, approving Pan American's Application for an Exemption to Permit the Sale of Group Contractor Fares (U.S.-Hong Kong) (BDA)
11. Suntours Limited d/b/a Sunflight Holidays—Waiver request for relief from the requirement in Part 380 of having to state the charter price of each flight in its charter prospectus. (Memo # 9977, 9977–A, BDA)
12. Dockets 38559, 38622, and 38635, Applications of Hughes Airwest, Aloha Airlines, and Hawaiian Airlines for a blanket exemption to permit carriers to provide free or reduced-rate air transportation in lieu of cash payments for charitable contributions. (Memo # 9973, BDA)
13. Docket 32484, the Third Review of Class Rate IX. (Memo # 7916–M, BDA)
14. Docket 38743, Application of Ozark for compensation for losses at Clarksville-Ft. Campbell-Hopkinsville. (Memo # 9978, BDA, OCCR, OGC, OC)
15. Docket 38363, United's application for compensation for losses sustained in providing EAS at Flint, Michigan. (Memo # 9980, BDA, OCCR, OGC, OC)
16. Docket 38685, adjustment to payout schedule for Pioneer Airways, Inc., for provision of essential air service to four Nebraska points. (Memo # 9146–C, BDA, OCCR, OGC OC)
17. Docket 38513, Western Air Lines' Notice to Reduce Service at Butte, Montana. (BDA, OCCR)
18. Docket 38714, and NR–275, sixty-day notice of Delta Air Lines of intent to suspend the last nonstop and single-plane service in 14 markets. (BDA)
19. Docket 37972, Notice of intent to Cascade Airways to suspend service at Moses Lake/Ephrata, Washington. (BDA)
20. Dockets 38526, 38527, Ozark Air Lines' notices of intent to suspend essential air service at Columbia/Jefferson City and Springfield, Missouri. (BDA, OCCR)
21. Dockets 38734 and EAS–651, Rio Airways' notice of intent to suspend service at Hot Springs, Arkasas. (BDA, OCCR)
22. Docket 33019, *Chicago-Midway Expanded Service Proceeding.* (Memo # 7909–0, BDA)
23. Docket 38162, Petition for review of the staff's action authorizing Eastern Air Lines and other carriers and agents to discuss implementation of a travel agent sales reporting program in Puerto Rico and the Virgin Islands. (Memo # 9971, BDA)
24. Docket 31838, Professional Air Charter, Inc.—Revocation of Section 418 All-Cargo Air Service Certificate. (BDA)
25. Docket 38654, Petition for a stay of Order 80–8–181, August 29, 1980—That accepted Texas International's airport notice to begin interstate service at Dallas (Love Field), Texas. (Memo # 9896–A, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 672–5068.

[S–1900–80 Filed 10–14–80; 3:51 pm]

BILLING CODE 6320–01–M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, October 21, 1980.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matter

Proposed Order for Private Investigation; Request for Authorization for Commission Employee to Appear in Court in a Representative Capacity.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey. 254–6374.

[S–1901–80 Filed 10–14–80; 3:50 pm]

BILLING CODE 6351–01–M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 21, 1980.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Guideline No. 1.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–1902–80 Filed 10–14–80; 3:50 pm]

BILLING CODE 6351–01–M

4

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will consider an additional item on the subject listed below at the Open Meeting scheduled for 9:30 a.m., Thursday, October 9, 1980 at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Complaints and compliance—2—*Title:* Application for Review on behalf of Multimedia Program Productions, Inc. of a Staff ruling that the "Donahue" Show does not fall within the definition of a bona fide news interview program. *Summary:* The Commission will consider whether the Broadcast Bureau was correct when it ruled that the "Donahue" Show is not a bona fide news interview program and thus is not exempt from the equal opportunity provision of Section 315.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: October 9, 1980.

Federal Communication Commission.

William J. Tricarico,

Secretary.

[S–1896–80 Filed 10–14–80; 3:34 pm]

BILLING CODE 6712–01–M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will consider an additional item on the subject listed below at the Closed Meeting scheduled for Thursday October 9, 1980. Following the Open Meeting, in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda; Item No., and Subject

General—1—Instructions to General Counsel concerning litigation in *National* Citizens Comm. for Broadcasting v. *FCC*, D.C. Cir., No. 80–1598.

The prompt and orderly conduct of Commission business requires that less than 7 days notice be given consideration of this item.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Edward Dooley, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: October 9, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[S–1897 Filed 10–14–80; 3:34 pm]

BILLING CODE 6712–01–M

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Monday, October 20, 1980 at 2 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

DATE AND TIME: Tuesday, October 21, 1980 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel, Litigation, Audits, Compliance.

DATE AND TIME: Wednesday, October 22, 1980 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not concluded on October 21, 1980.

DATE AND TIME: Wednesday, October 22, 1980 at 2 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

DATE AND TIME: Thursday, October 23, 1980 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: Draft AO 1980–119—James F. Schoener, Counsel, National Republican Senatorial Committee.
1980 election and related matters.
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

DATE AND TIME: Thursday, October 23, 1980 (following the regular open meeting).

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

DATE AND TIME: Friday, October 24, 1980 at 2 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

DATE AND TIME: Monday, October 27, 1980 at 2 p.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Expedited compliance.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, public information officer, telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S–1898 Filed 10–14–80; 3:40 pm]

BILLING CODE 6715–01–M

7

FEDERAL HOME LOAN BANK BOARD

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Vol. No. 45, Issue No. 200. Page No. 67826. Date of Publication October 14, 1980.

PLACE: 1700 G. Street N.W., 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 withdrawn from the open meeting: Application for Bank Membership and Insurance of Accounts, Superior Savings and Loan Association, Los Angeles, Calif.

No. 406, October 14, 1980.

[S–1894–80 Filed 10–14–80; 12:44 p.m.]

BILLING DATE 6720–01–M

8

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR, 67191, October 9, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, October 14, 1980.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any

agenda items carried forward from a previous meeting; the following such closed item(s) was added: Proposed purchases, under competitive bidding, of computer equipment within the Federal Reserve System. (This matter was originally announced for a meeting on September 29, 1980.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 462–3204.

Dated: October 14, 1980.

Theodore E. Allison,

Secretary of the Board.

[S–1895–80 Filed 10–14–80; 2:08 pm]

BILLING CODE 6210–01–M

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, October 20, 1980.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph Coyne, Assistant to the Board: (202) 462–3204

Dated: October 10, 1980.

Jeff A. Walker,

Assistant Secretary of the Board.

[S–1892–80 Filed 10–10–80; 4:32 pm]

BILLING CODE 6210–01–M

10

INTERNATIONAL TRADE COMMISSION [USITC ERB—80–11]. Executive Resources Board (ERB).

TIME AND DATE: 10 a.m., Wednesday, October 22, 1980.

PLACE: Room 117, 701 E Street, N.W.; Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 C.F.R. 201.36(b)(2) and (6), Commissioners Calhoun, Bedell, and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Old Business:
   a. Criteria for SES bonuses and awards.
   b. Executive Development.
   c. SES Manpower Planning.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since; (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constiute a clearly unwarranted invasion of personnel privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Seretary, (202) 532–0161.

[S–1891–80 Filed 10–10–80; 4:26 pm]

BILLING CODE 7020–02–M

11

NATIONAL SCIENCE BOARD

DATE AND TIME:

October 16, 1980, 1 p.m., Open session; 4 p.m. Closed session.

October 17, 1980, 8:30 a.m., Open session; 11 a.m., Closed session.

PLACE: National Science Foundation, Room 540, 1800 G St. NW., Washington, D.C.

STATUS: Addition to previously published announcement.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION, THURSDAY, OCTOBER 16: Addition to Item 3, "Director's Report." NSF Regulations on Rights of the Handicapped.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S–1893–80 Filed 10–14–80; 10:07 am]

BILLING CODE 7555–01–M

12

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Notice of Change in Meeting.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 Fed. Reg. 64797, September 30, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE: 8 a.m., October 9, 1980.

PLACE: Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

CHANGE IN THE MEETING: Board of Regents meeting.—The meeting of the full Board was changed to a meeting of the Executive Committee of the Board.

PERSON TO CONTACT FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary, 202/295–3025.

SUPPLEMENTARY INFORMATION: Five new members of the Board of Regents were appointed by the President and confirmed by the Senate on September 24, 1980. Notice from a number of new members and existing members of their plans to attend was still pending until shortly before the meeting. A quorum of the Board of Regents was not present on the day of the meeting. A quorum of the Executive Committee, however, was present. The Executive Committee decided to proceed with the agenda. This was announced at the time of the meeting, and there was no objection. This Committee, with specified exceptions, possesses all powers of the Board of Regents [General Procedures and Delegations of the Board of Regents, 32 C.F.R.§242 b.6(j)]. Although the Executive Committee discussed all items in the agenda, it took no action on item (d) Revised Appointment, Promotion, and Tenure Document because this is a specific exception to the Committee's powers.

October 14, 1980.

M. S. Healy,

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

[S–1899–80 Filed 10–14–80; 3:47 am]

BILLING CODE 3810–70–M