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Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Title 3—
The President

Executive Order 12120 of February 14, 1979

The Honorable Adolph Dubs

As a special mark of respect to the memory of the Honorable Adolph Dubs, Ambassador of the United States of America to Afghanistan, killed while in the performance of his duty, it is hereby ordered, pursuant to the provisions of 36 U.S.C. 175(m), that on the day of interment, the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal government in the District of Columbia and throughout the United States and its territories and possessions. I also direct that the flag shall be flown at half-staff on the same day at all United States embassies, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Jimmy Carter

THE WHITE HOUSE,
February 14, 1979.

[FR Doc. 79-5627
Filed 2-21-79; 2:27 pm]

Billing code 3195-01-M

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: This amendment continues the exception under Schedule A of all staff positions, GS-15 and below, on the staff of the White House Small Business Conference Commission, but with the provision that no one may serve under this authority after April 30, 1980, or 60 days after the conclusion of the White House Conference on Small Business, whichever is sooner. This amendment is authorized because it continues to be impracticable to examine for these positions.

EFFECTIVE DATE(S): February 9, 1979.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3199(f)(1) is amended as set out below:

§ 213.3199 **Temporary boards and commissions.**

* * * * *

(f) White House Small Business Conference Commission.

(1) All positions on the staff of the White House Small Business Conference Commission. No one may serve under this authority after June 30, 1980, or 60 days after the conclusion of the White House Conference on Small Business, whichever is sooner.

* * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

OFFICE OF PERSONNEL MANAGEMENT,
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-5395 Filed 2-22-79; 8:45 am]

[3410-10-50]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority: Correction

AGENCY: Department of Agriculture.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 78-9580 appearing at page 15135 in the FEDERAL REGISTER of April 11, 1978, the citation of authority to issue the rule was erroneously omitted. The citation of authority should have read:

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

FOR FURTHER INFORMATION CONTACT:

Franklin H. Sonnabend, Managment Analysis Branch, Budget and Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4220.

Dated: February 15, 1979.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 79-5557 Filed 2-22-79; 8:45 am]

[3410-30-M]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Nutritional Requirements; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37165, August 22, 1978 the Food and Nutrition Service adopted an interim rule relating to nutritional requirements and authorizing field testing of such requirements.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37165 is as follows:

(Sec. 9; Pub. L. 79-396; 60 Stat. 233, (42 U.S.C. 1758(a)))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-5328 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

"Offer vs. Serve"; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 25990, June 16, 1978 the Food and Nutrition Service adopted a final rule relating to the extension of the "offer vs. serve" provision in Part 210 for junior and middle schools.

This document adds the authority citation under which that amendment was issued.

DATE: June 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, 201 14th Street, S.W., Washington, D.C. 20250, (202) 447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 25990 is as follows:

(Sec. 8, Pub. L. 95-166; 91 Stat. 1335, (42 U.S.C. 1758))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-5329 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Special Milk Program; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 1059, January 6, 1978 the Food and Nutrition Service adopted a final rule relating to the Special Milk Program to implement provisions of Pub. L. 95-166.

This document adds the authority citation under which that amendment was issued.

DATE: January 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 1059 is as follows:

(Sec. 11, Pub. L. 95-166 91 Stat. 1337 (42 U.S.C. 1772, 1753, 1766))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-5327 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

State Administrative Expense Funds; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37170, August 22, 1978, the Food and Nutrition Service adopted an interim rule relating to the allocation to State agencies of State Administrative Expense Funds pursuant to certain provisions of Pub. L. 95-166.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, 201 14th Street, SW., Washington, D.C. 20250, 202-447-8130.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37170 is as follows:

(Sec. 14, Pub. L. 95-166 91 Stat. 1338, 1339, 1340 (42 U.S.C. 1751, 1753, 1759a, 1761, 1766, 1772-1775, 1776, 1786))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.79-5326 Filed 2-22-79; 8:45 am]

[3410-30-M]

PART 245—DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS

DHEW Civil Rights Survey; Authority Citation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notification of authority citation.

SUMMARY: At 43 FR 37980, August 22, 1978 the Food and Nutrition Service adopted an interim rule relating to the collection of racial participation data in schools participating in DHEW Civil Rights Survey.

This document adds the authority citation under which that amendment was issued.

DATE: August 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O'K. Glavin, Director, School Programs Division, 201 14th Street SW., Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: The proper authority citation for the rule document published at 43 FR 37980 is as follows:

(Sec. 602, Pub. L. 88-352 78 Stat. 252, (42 U.S.C. 2000 d-1))

Dated: February 12, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc. 79-5330 Filed 2-22-79; 8:45 am]

[3410-34-M]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

Subpart—Hawaiian Fruits and Vegetables (Regulated Articles)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the Hawaiian fruits and vegetables rules and regulations by deleting swamp cabbage from the list of fruits and vegetables which may move from Hawaii after inspection or treatment and certification.

The effect of the amendment is to prohibit the entry of swamp cabbage (unchoy) from Hawaii into the continental United States, Guam, Puerto Rico, the Virgin Islands of the United States (U.S. Virgin Islands) and the Northern Mariana Islands, because of the discovery of larvae of the sweetpotato stem borer (*Omphisa anastomosalis*) and the West Indian sweetpotato weevil (*Euscepes postfasciatus*) on shipments of swamp cabbage grown in Hawaii. This action is of an emergency nature and is deemed necessary to prevent the introduction and dissemination of plant pests and diseases into and throughout the continental United States, Guam, Puerto Rico, and the U.S. Virgin Islands.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

H. V. Autry, Chief, Regulatory Support Staff, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, 301-436-8247.

SUPPLEMENTARY INFORMATION: Certain dangerous plant pests and diseases exist in Hawaii which do not occur or are not widely prevalent or distributed within and throughout the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands. Hawaii is presently under quarantine by the Hawaiian Fruits and Vegetables Rules and regulations (7 CFR 318.13), to prevent the spread of such plant pests and diseases. Unless specified in these regulations, no raw or unprocessed fruits or vegetables may be moved from Hawaii into or through the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands. It has previously been determined that there are conditions, however, under

which it is safe to move certain Hawaiian fruits and vegetables known to be possible hosts of dangerous pests and diseases. The regulations list the fruits and vegetables (§ 318.13-2(b)), including swamp cabbage (*Ipomoea reptans*), which are allowed to move from Hawaii into the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, or the Northern Mariana Islands.

It is now necessary to remove swamp cabbage from the list of fruits and vegetables allowed to move. During inspection of Hawiian grown swamp cabbage (unchoy) prior to shipment to the U.S. mainland, larvae of two dangerous pests, the sweetpotato stem borer (*Omphisa anastomosalis*) and the West Indian sweetpotato weevil (*Euscepes postfasciatus*), were intercepted. These pests had not been found previously in swamp cabbage and were not known to infest swamp cabbage. Introduction and dissemination of these pests could have disastrous effects on U.S. agriculture. There are no treatments known to be effective in destroying these pests in swamp cabbage without damage to the cabbage. Therefore, it is necessary to prohibit the entry of swamp cabbage into the continental United States, Guam, Puerto Rico, the U.S. Virgin Islands, and the Northern Mariana Islands.

Accordingly, in Part 318—Hawaiian and Territorial Quarantine Notices, Subpart—Hawaiian Fruits and Vegetables (7 CFR 318.13) is amended by deleting "Cabbage, swamp (*Ipomoea reptans*)" from the list of fruits and vegetables in paragraph (b) of § 318.13-2.

(Secs. 105, 106, 71 Stat. 32, 33; 7 U.S.C. 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141.)

The amendment is of an emergency nature and is necessary to prevent the introduction and dissemination of the sweetpotato stem borer and the West Indian sweetpotato weevil into infested areas of the United States, Guam, Puerto Rico, the U.S. Virgin Islands, and the Northern Mariana Islands, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under 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 the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of February 1979.

NOTE: This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum 1955. It has been determined by James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, APHIS, that the facts as indicated above, constitute an emergency which warrants the publication of this amendment without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an impact analysis statement which will be available from the Plant Protection and Quarantine Programs, APHIS, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8249.

JOSEPH W. GENTRY,
Acting Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc. 79-5440 Filed 2-22-79; 8:45 am]

[3410-34-M]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to release portions of San Luis Obispo County in California from areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exist in the areas quarantined.

EFFECTIVE DATE: February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Room 737, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment releases portions of San Luis Obispo County in California from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respects:

§ 73.1a [Amended]

In § 73.1a, paragraphs (c)(1), (c)(3), and (c)(9) relating to the State of California 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. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies from certain areas which have been determined to be free of cattle scabies. This amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such areas without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under 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 the amendment are unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1979.

NOTE.—This final rulemaking is being published under emergency procedures as authorized by E.O. 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this quarantine release as indicated above warrants the publication of this rule without waiting for public comment. This amendment, as well as the complete regulation, will be scheduled for review under provisions of E.O. 12044 and Secretary's Memorandum 1955. The review will include preparation of an Impact Analysis Statement which will be available from Program Services Staff, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8695.

M. T. GOFF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-5325 Filed 2-22-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-78-17]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendments to the Entitlements Program With Respect to Residual Fuel Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of docket closure.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that, after reviewing public comments, it has decided not to change those amendments to its entitlements program regarding residual fuel oil which were adopted on an immediately effective basis on October 17, 1978 to implement section 307 of DOE's 1979 Appropriations Act (Pub. L. 95-465).

FOR FURTHER INFORMATION CONTACT:

Nancy E. Williams (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 8222, 2000 M Street, N.W., Washington, D.C. 20461, (202) 632-8494.

BACKGROUND

On October 17, 1978 (43 FR 49682, October 24, 1978), the ERA adopted amendments to the entitlements program in order to implement the provisions of section 307 of the Act Making Appropriations for the Department of the Interior and Related Agencies (Pub. L. 95-465) (hereinafter the "1979 Appropriations Act"). That section in effect mandated DOE to provide entitlements benefits, in an amount equal to 50 percent of the amount provided to imported crude oil, to residual fuel oil imported into the East Coast and the State of Michigan. It also required the elimination of a 50 percent entitlements penalty (the so-called "reverse entitlement") imposed upon those domestic refiners that sold residual fuel oil into the East Coast (the penalty was retained with respect to residual fuel oil sold by a domestic refiner which is shipped in a foreign flag tanker).

The rule of October 17, 1978 was a final rule adopted without benefit of prior public comment because section 307 required the amendment to be in place within 30 days of the date of enactment of the 1979 Appropriations Act. In the preamble to the final rule, however, we requested comments as to whether the amendments adopted were "consistent with and fully implemented the provisions of the 1979 Appropriations Act." The deadline for the submission of any such comments was December 1, 1978.

In response to our request, we received six written comments from interested parties. These comments were primarily addressed to the residual fuel oil entitlements program in general; only one of the six comments asserted that the ERA had in any respect incorrectly implemented section 307.

That comment was addressed to those provisions of the final rule which implemented subsection (c) of section 307—namely, those provisions which eliminated the 50 percent entitlements penalty for domestic residual fuel oil sold in the East Coast—and in particular asserted that the automatic reimposition of the 50 percent penalty on July 1, 1979 is not consistent with Congressional intent regarding elimination of the penalty.

As stated in the preamble to the October rule, we believe that section 307 does in fact allow us the flexibility to provide for the automatic reinstatement of the 50 percent reverse entitlement. To be sure, section 307 provides expressly only that the mandated increase in entitlements benefits for imports would cease on July 1, 1979, but the 30 percent import entitlement benefit and the reverse entitlement provisions of the previous regulations have always been mutually dependent and we believe should be concurrently reinstated to preserve a status quo relationship between these two sources of oil. This action does not mean that we will not carefully review the residual fuel oil entitlements program between now and July 1, 1979. Indeed, it is our intention to make such a review and adopt additional changes to the regulations, effective on or after July 1, 1979, as we deem appropriate, including perhaps a change that would involve elimination of the reverse entitlement.

In the meantime, however, based upon the comments which were submitted and our belief that the October 17, 1978 amendments fully implement section 307 of the 1979 Appropriations Act, we hereby give notice that Docket No. ERA-R-78-17 has been closed and that no further action will be taken with respect to implementation of that statutory provision.

Issued in Washington, D.C., on February 14, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 79-5547 Filed 2-22-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1108; Amendment 6 to Part 223; Docket 32420]

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Exemption for Air Carriers To Provide Free or Reduced-rate Interstate Transportation to Employees of Foreign Carriers not Serving the United States

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., February 15, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: Under existing Board regulations, United States carriers may provide free or reduced-rate interstate air transportation to employees of foreign air carriers serving U.S. points, but not to employees of carriers without U.S. service. This rule, issued in response to a petition from nineteen certificated air carriers, allows the free or reduced-rate carriage of officers, directors, and employees (and members of their immediate families) of any carrier operating in a foreign country.

DATES: Effective: March 26, 1979. Adopted: February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

David R. Parker, Attorney-Advisor, Civil Aeronautics Board, 1825 Connecticut Ave. NW., Washington, D.C. 20428, 202/673-5224.

SUPPLEMENTARY INFORMATION: Section 403(b) of the Federal Aviation Act and Part 223 of the Board's Economic Regulations (14 CFR Part 223) authorize domestic air carriers to provide free or reduced-rate transportation to a number of categories of persons, including employees of air carriers and foreign air carriers (*i.e.*, carriers holding permits issued by the Board under section 402 of the Act) and members of the employees' families. The Act makes no provision, however, for the free or reduced-rate transportation of employees of foreign carriers without U.S. service.

In response to a joint petition from nineteen certificated air carriers,[1] we

[1] Alaska Airlines, Allegheny Airlines, Aloha Airlines, American Airlines, Continental Air Lines, Delta Air Lines, Eastern Air Lines, Frontier Airlines, Hawaiian Air-

Footnotes continued on next page

proposed in EDR-362 (43 FR 39805, September 7, 1978) to amend Part 223 to provide a blanket exemption from section 403(b), permitting the free or reduced-rate transportation of directors, officers, and employees of any common carrier by air operating in a foreign country, along with members of the employees' immediate families. We noted that Part 223 as currently drafted creates an anomaly and tentatively concluded that the enforcement of section 403(b) in these circumstances would be an undue burden on the carriers affected and that an exemption is warranted because of the limited extent of the free and reduced-rate transportation proposed and the unusual circumstances involved.

We have received only one adverse comment—a letter from an individual consumer opposing EDR-362 on the grounds that the action proposed could lead to the economic demise of the industry and inflate transportation cost for travelers. We are not, however, persuaded by these allegations. First, no economic analysis or factual data were presented to support them. Secondly, free or reduced-rate transportation has been permitted for quite some time and we have not observed any erosion of the economic base of the industry or an inflation of travel costs to the public. Finally, as noted in EDR-362, this rule will cause only a very small increase in the amount of free or reduced-rate employee travel already offered; thus, any plausible adverse effect will only be *de minimis*. We will therefore adopt the amendments to Part 223 as proposed in EDR-362.

As noted in EDR-362, section 403(b) has historically been construed as giving the Board more discretion to grant free or reduced-rate transportation in foreign and overseas markets than in interstate markets. However, this does not preclude us from expanding the categories of persons eligible for free or reduced-rate interstate transportation whenever consistent with the public interest standard of subsection 416(b)(1) of the Act. In many instances, the Board has found sufficient authority to grant free and reduced-rate interstate transportation privileges for categories of persons other than those enumerated in section 403,[2] and we granted such privileges even under the narrower exemption criteria in effect prior to the recent amendments to subsection 416(b)(1). We now conclude that a similar exemption for employees of foreign carriers not serving the United States is justified here. Most foreign carriers do not limit free transportation privileges to employees of carriers serving their home country. The U.S. carriers' request to offer reciprocal benefits appears reasonable, and no reasons appear which convince us to conclude otherwise.

As noted above, the existing regulations create something of an anomaly. The foreign employees who will be benefited here are already eligible for free or reduced rates in overseas and foreign air transportation under section 223.2(b)(2) of the Board's Economic Regulations (14 CFR 223.2(b)(2)). Therefore, they may now travel to a great many U.S. destinations from foreign or overseas points. Despite their present ineligibility to travel between interstate points they can often reach their destination by taking a circuitous routing via a foreign or overseas point. Requiring such circuitous travel inconveniences travelers and serves no regulatory purpose. Our action here today eliminates this anomaly.

Currently, our staff is proceeding to reexamine generically the problem of free and reduced-rate transportation under Part 223. We will consider giving carriers more flexibility and freedom in this area in the light of our new procompetitive policies and the Airline Deregulation Act of 1978. That reexamination may result in further amendments of Part 223.

Accordingly, Part 223 of the Board's Economic Regulations (14 CFR Part 223) is amended by adding in § 223.2 a new paragraph (i), to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in subparts B and C of this part:

* * * * *

(i) Any carrier is hereby exempted from section 403 of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable it to provide free or reduced-rate transportation to directors, officers, and employees and members of their immediate families, of any person operating as a common carrier by air, or in the carriage of mail by air, or conducting transportation by air, in a foreign country.

(Sec. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95-504; 72 Stat. 743, 758 and 771; 92 Stat. 1731; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-5616 Filed 2-22-79; 8:45 am]

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15348A]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Filing and Disclosure Requirements Relating to Beneficial Ownership

AGENCY: Securities and Exchange Commission.

ACTION: Final rule correction.

SUMMARY: This document corrects a final rule relating to the disclosure of beneficial ownership of certain equity securities which was published at page 55751 in the FEDERAL REGISTER for Wednesday, November 29, 1978. Rule 13d-1(c) (§ 240.13d-1(c), appearing in the second column on page 55755 of FR Doc. 78-33392, contains a reference to "Section 13(g)(6) (A) or (B)" which is corrected to read "Section 13(d)(6) (A) or (B)."

FOR FURTHER INFORMATION CONTACT:

John Granda, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-1750.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 14, 1979.

[FR Doc. 79-5566 Filed 2-22-79; 8:45 am]

[6450-01-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. RM79-3]

SUBCHAPTER A—GENERAL RULES

PART 2—GENERAL POLICY AND INTERPRETATIONS

Footnotes continued from last page

lines, National Airlines, North Central Airlines, Northwest Airlines, Ozark Air Lines, Pan American World Airways, Piedmont Aviation, Southern Airways, Texas International Airlines, Western Air Lines, and Wien Air Alaska.

[2] For example see: ER-313 (technical employees of companies developing aircraft equipment); ER-528 (travel agents on domestic group familiarization tours); ER-648 (security guards) and ER-314 (U.S. Weather Bureau forecasters).

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

SUBCHAPTER H—REGULATION OF NATURAL GAS SALES UNDER THE NATURAL GAS POLICY ACT OF 1978

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

PART 271—CEILING PRICES

PART 273—COLLECTION AUTHORITY; REFUNDS

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

PART 275—COMMISSION DETERMINATIONS AND COMMISSION REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

PART 276—REPORTS

SUBCHAPTER I—OTHER REGULATIONS UNDER THE NATURAL GAS POLICY ACT OF 1978

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS

Order Denying Extension of Time

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying extension of time.

SUMMARY: On December 1, 1978 (43 FR 56448), the Federal Energy Regulatory Commission published interim regulations implementing the Natural Gas Policy Act of 1978. Comments on the interim regulations were due on January 31, 1979. By this order, the Commission denies a requested extension of the comment period but states that it will, to the extent practicable, consider comments received prior to promulgation of the final regulations.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4166.

INTERIM REGULATIONS IMPLEMENTING THE NATURAL GAS POLICY ACT OF 1978

ORDER DENYING MOTION FOR EXTENSION OF TIME

ISSUED FEBRUARY 2, 1979.

In a letter dated January 18, 1978, Energy Action Educational Foundation (Energy Action) requests a six-week extension of time within which to file its comments on the Commission's interim regulations implementing the Natural Gas Policy Act of 1978 (NGPA), 43 FR 56488. Energy Action's request will be treated as a motion for extension of time.

On November 13, 1978, the Commission issued proposed regulations implementing the NGPA, Docket No. RM79-3. By letter dated November 20, 1978, Energy Action requested that the Commission provide intervenor funding for consumer, citizen and public interest groups in order that those groups be provided the resources necessary to make their comments relevant, meaningful and helpful. On November 29, 1978, the Commission issued the interim regulations, effective December 1, 1978, and provided a sixty-day comment period. On December 1, 1978, the Commission's Office of Public Information issued a news release, FE-495, informing the public that the Chairman of the Commission designated several staff members to be available to assist consumer groups and other members of the public in understanding and commenting on the interim regulations. Other actions were also taken to facilitate the development of views from the general public, including co-sponsorship of seminars and the establishment of a toll-free NGPA "Hotline." By telephone on December 1, 1978, and again by letter on January 9, 1979, Energy Action was informed that the Commission was unable to provide intervenor funding but that staff assistance was available to them.

Granting the extension requested herein will significantly delay the Commission's effort to quickly finalize the regulations. Finalization of the regulations is necessary in order that persons subject to them have notice as to their responsibilities under the NGPA, that the Commission's enforcement program not be unnecessarily complicated, and that the statutory intent be implemented as quickly as possible.

Accordingly, it is ordered that Energy Action's motion for extension of time is denied.

The Commission will continue to make staff available to Energy Action and other members of the public, after the close of the sixty-day comment period, for the purpose of assisting them in understanding and commenting on the interim regulations. As a matter of policy, the Commission will, to the extent practicable, take into consideration comments received after the end of the formal comment period, prior to the promulgation of the final regulations. However, the Commission cannot give assurance that comments received after the end of the formal comment period will be evaluated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-5558 Filed 2-22-79; 8:45 am]

[4110-03-M]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Chlorhexidine Tablets and Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations by codifying two approved new animal drug applications (NADA's) sponsored by Fort Dodge Laboratories providing for the use of chlorhexidine dihydrochloride tablets and suspension for prevention or treatment of metritis and vaginitis in cows and mares. Codification of these applications reflects compliance with the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the products.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Myron C. Rosenberg, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: Fort Dodge Laboratories, Inc., Fort Dodge, IA 50501, filed two NADA's (9-809V and 10-434V) providing for the use of chlorhexidine tablets and suspension for the prevention or treatment of metritis and vaginitis in cows and mares when caused by pathogens

sensitive to chlorhexidine. NADA 9-809V was originally approved March 22, 1955. NADA 10-434V was originally approved July 6, 1956. These products were the subject of an evaluation by the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, published in the FEDERAL REGISTER of April 15, 1969 (34 FR 6493).

The Academy concluded that: (1) chlorhexidine tablets are probably effective for intrauterine medication for the treatment or prevention of vaginitis and endometritis of bacterial origin in cows and mares, (2) the labeling for such products would be improved by more emphasis on degree of cleanliness to be observed in administering the product, and (3) information was needed from the manufacturer of the tablets concerning degree of disintegration within the uterus, the presence of hazardous ingredients which may cause severe irritation, ulceration, perforation, or necrosis, and the chemcial compatibility of the vehicle and active agents.

The Academy further concluded that chlorhexidine suspension (1) is probably not effective for conjunctivitis because of a lack of information and data regarding its use in the eyes, and (2) is probably effective for metritis, vaginitis, and other bacterial infections, but that the labeling should state that chlorhexidine suspension is effective against infections caused by organisms sensitive to the drug. The Academy noted that the manufacturer had not documented the use of chlorhexidine suspension in otitis as claimed.

The agency concurred with the conclusions of the Academy.

The NAS/NRC evaluation of the drug is concerned only with the effectiveness and safety of the drug for the treated animal and does not take into account safety of food use of drug-treated animals.

In response to the NAS/NRC review, the firm submitted supplemental applications providing revised labeling which complied with the results of the NAS/NRC review. For the tablet the firm submitted additional information concerning chemistry, composition, and disintegration as required by the review.

This document does not involve reevaluation or reaffirmation of the underlying human safety data. Human safety data will be evaluated and affirmed in accordance with the scheduled priorities of the agency.

This document amends the regulations to provide for the use of these products for those conditions of use for which approvals for identical products need not include certain types of efficacy data required by § 514.111(a)(5)(vi) of the animal drug regulations (21 CFR 514.111(a)(5)(vi)). In lieu of those data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for the NAS/NRC-reviewed generic drugs, available from the office of the Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 529 is amended by adding new § 529.400 to read as follows:

§ 529.400 Chlorhexidine tablets and suspension.

(a) *Specification.* Each tablet and each 28-milliliter syringe of suspension contain 1 gram of chlorhexidine dihydrochloride.[1]

(b) *Sponsor.* See No. 000856 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* Place 1 or 2 tablets deep in each uterine horn; or infuse a solution of 1 tablet disolved in an appropriate amount of clean boiled water; or infuse one syringe of suspension into the uterus.[1]

(2) *Indications for use.* For prevention or treatment of metritis and vaginitis in cows and mares when caused by pathogens sensitive to chlorhexidine dihydrochloride.[1]

(3) *Limitations.* Prior to administration, remove any unattached placental membranes, any excess uterine fluid or debris, and carefully clean external genitalia. Use a clean, sterile inseminating pipette for administrating solutions and suspensions. Treatment may be repeated in 48 to 72 hours.[1]

Effective date. This regulation shall be effective February 23, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 12, 1979.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-5532 Filed 2-22-79; 8:45 am]

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

[4110-03-M]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the regulations to reflect approval of a new animal drug application (NADA) filed by Oelwein Chemical Co., Inc., providing for the use of a 1-gram-per-pound tylosin premix for making complete swine feeds, and to add Oelwein Chemical Co., Inc., to the list of approved NADA sponsors.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Oelwein Chemical Co., Inc., Second Ave. SE., Oelwein, IA 50662, filed an NADA (111-638V) providing for the safe and effective use of a premix containing 1 gram of tylosin (as tylosin phosphate) per pound. The premix is for the manufacture of complete swine feeds used for increased rate of weight gain and improved feed efficiency. Approval of this application relies upon safety and effectiveness data contained in Elanco Product Co.'s approved NADA 12-491V. This approval does not constitute reaffirmation of the referenced NADA or of the drug's safety and effectiveness. Oelwein Chemical Co., Inc., has not been included in the regulations under the list of approved sponsors. The regulations are amended to include this sponsor.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly.

The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857,

from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Oelwein Chemical Co., Inc., Second Ave. SE., Oelwein, IA 50662.	026431
* * * * *	

(2) * * *

Drug listing No.	*Firm name and address*
* * * * *	
026431	Oelwein Chemical Co., Inc., Second Ave. SE., Oelwein, IA 50662.
* * * * *	

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(58) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(58) To 026431: 1 gram per pound; paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This regulation is effective February 23, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 12, 1979.

LESTER M. CRAWFORD,
Director, Bureau of Veterinary Medicine.

[FR Doc. 79-5533 Filed 2-22-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7596]

PART 301—PROCEDURE AND ADMINISTRATION: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Declaratory Judgment Relating to Transfers of Property From the United States

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations concerning declaratory judgments relating to certain transfers of property from the United States. This declaratory judgment procedure was created by the Tax Reform Act of 1976. The regulations provide guidance to a person that seeks a declaratory judgment by the Tax Court concerning a determination or failure to make a determination by the Commissioner as to whether an exchange is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

DATE: The regulations are effective for pleadings filed after October 4, 1976, but only with respect to exchanges beginning after October 9, 1975.

FOR FURTHER INFORMATION CONTACT:

Daniel Horowitz of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 29, 1978, the FEDERAL REGISTER published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 7477 of the Internal Revenue Code of 1954 (43 FR 38605). These amendments were proposed to conform the regulations to section 1042(d) of the Tax Reform Act of 1976 (90 Stat. 1637). No comments were received regarding these amendments which are adopted without change by this Treasury decision.

EXPLANATION OF PROVISIONS

Section 1042(d) of the Tax Reform Act of 1976 added section 7477 to the Code. Under section 7477, a petitioner may file a pleading with the Tax Court for a declaratory judgment relating to a determination or failure to make a determination by the Commissioner as to whether an exchange described in section 367(a)(1) is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. This pleading may be filed only after the exchange has begun and then only by a petitioner which is a transferor or transferee of property transferred in the exchange. The Tax Court may render a declaratory judgment under section 7477 only in a case of actual controversy with respect to which the petitioner has exhausted the administrative remedies available to it within the Internal Revenue Service.

The regulations provide the following definitions. An "exchange described in section 367(a)(1)" is an exchange in connection with which the petitioner has filed a ruling request pursuant to section 367(a)(1) and the regulation thereunder without regard to whether or not section 332, 351, 354, 355, 356, or 361 applies to the exchange. A "determination" is the Commissioner's determination for purposes of section 367(a)(1), made in response to the petitioner's protest to a ruling issued under section 367(a)(1), that the exchange is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, or of the terms and conditions pursuant to which the exchange will be determined not to be in pursuance of such a plan. The exchange has begun if the first transfer of property relating to the exchange has begun. In addition, the regulations indicate the procedures which must have been completed for the petitioner to have exhausted the administrative remedies available to it within the Internal Revenue Service.

DRAFTING INFORMATION

The principal author of this regulation is Daniel Horowitz, of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations.

Accordingly, the amendments to the Regulations on Procedure and Administration (26 CFR Part 301) which were proposed on August 29, 1978 (43

FR 38605) are adopted without change.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: February 12, 1979.

DONALD C. LUBICK,
Assistant Secretary of the Treasury.

DRAFTING INFORMATION

Section 301.7477-1 is added immediately after § 301.7476-1 to read as follows:

§ 301.7477-1 Declaratory judgments relating to transfers of property from the United States.

(a) *Petition*—(1) *General rule.* A transferor or transferee of stock, securities of property transferred in an exchange described in section 367(a)(1) may petition the Tax Court for a declaratory judgment with respect to the exchange if—

(i) The pleading is timely filed; and

(ii) The exchange has begun before the pleading is filed.

(2) *Pleading timely filed.* The pleading is timely filed if it is filed before the 92d day after the day on which notice of the determination of the Commissioner is sent to the petitioner by certified or registered mail. In the absence of such notice, neither section 7477 nor this section imposes any time limit on the filing of the pleading.

(3) *Beginning of exchange.* An exchange shall be considered to begin with the beginning of the first transfer of property pursuant to the plan under which the exchange is to be made. A transfer of property shall be considered to begin on the earliest date as of which title, possession of, or right to the use of stock, securities, or property passes pursuant to the plan under which the exchange is to be made between parties to the exchange.

A transfer shall not be considered to begin with a decision of a board of directors or similar action. A transfer shall be deemed to have begun even though it is made subject to a condition that, if there is a failure to obtain a determination that the exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, the transaction will not be consummated and to the extent possible the assets transferred will be returned.

(b) *Judgment*—(1) *General rule.* The Tax Court may issue a declaratory judgment or decree within the scope described in section 7477(a)(2) if—

(i) There is a case of actual controversy, and

(ii) The petitioner has exhausted the administrative remedies available to it within the Internal Revenue Service,

with respect to a determination or a failure to make a determination.

(2) *Exhaustion of administrative remedies.* The petitioner shall be deemed to have exhausted the administrative remedies available to it within the Internal Revenue Service if—

(i) The petitioner has completed all applicable procedures published in regulations, the statement of procedural rules (26 CFR Part 601) or revenue procedures relating to the filing of a request for a ruling under section 367(a)(1) and, if such a ruling has been issued, to the filing of a protest to such a ruling;

(ii) The petitioner has submitted prompt and complete responses to any requests by the Internal Revenue Service for further information; and

(iii) The Internal Revenue Service has had a reasonable time to act upon the request for the ruling, any protest thereto and any additional information submitted in response to any request made therefor by the Internal Revenue Service. If there has been a failure to make a determination, the Internal Revenue Service shall be deemed not to have had a reasonable time to act before the expiration of 270 days after the day on which petitioner properly filed the request for a ruling. In no event shall the Internal Revenue Service be deemed to have had a reasonable time to act if a failure to act has occurred because the petitioner did not proceed with due diligence.

(3) *Effect of judgment.* The declaratory judgment or decree of the Tax Court, when final under section 7481, shall be binding on the parties to the case for purposes of section 367(a)(1). However, if the facts of the exchange differ from those presented to the Court, the judgment shall be binding only to the extent appropriate under the legal doctrines of estoppel and stare decisis.

(c) *Definitions*—(1) *Exchange described to section 367(a)(1).* For purposes of this section, an "exchange described in section 367(a)(1)" is an exchange in connection with which the petitioner has filed a ruling request pursuant to section 367(a)(1) and the regulations thereunder without regard to whether or not section 332, 351, 354, 355, 356 or 361 applies to the exchange.

(2) *Determination.* For purposes of this section, a "determination" is the Commissioner's determination for purposes of section 367(a)(1), made in response to the petitioner's protest to a ruling issued under section 367(a)(1)—

(i) That an exchange described in section 367(a)(1) is in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, or

(ii) Of the terms and conditions pursuant to which such an exchange will be determined not to be in pursuance of such a plan.

(d) *Effective date.* The provisions of this section shall apply with respect to pleadings filed after October 4, 1976, but only with respect to exchanges beginning after October 9, 1975.

[FR Doc. 79-5617 Filed 2-22-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

Correction

[FRL 1064-1]

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

AGENCY: Environmental Protection Agency.

ACTION: Correction to Final Rule.

SUMMARY: In FR Doc. 78-34373 appearing at page 58066 of the FEDERAL REGISTER of December 11, 1978, Appendix D on page 58067 is corrected by changing the permit expiration date for industrial category number 11, Paint and Ink Formulation and Printing, from December 31, 1981 to December 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Edward A. Kramer (EN-336), Office of Water Enforcement Environmental Protection Agency, Washington, D.C. 20460 (202-755-0750).

Dated: February 12, 1979.

MARVIN B. DURNING,
Assistant Administrator For Enforcement.

[FR Doc. 79-5620 Filed 2-22-79; 8:45 am]

[6730-01-M]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 78-9; General Order No. 40]

PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION

AGENCY: Federal Maritime Commission.

ACTION: Further Modification of Rules.

SUMMARY: Part 542 of the Commission's Rules was revised in August, 1978, to conform to the requirements of the 1977 Clean Water Act amendments to the Federal Water Pollution Control Act (33 U.S.C. 1321). Part 542 establishes procedures whereby vessel operators may demonstrate the financial ability to meet their liability to the United States for the costs of removing oil (and eventually, "hazardous substances" other than oil) discharged into United States waters.

As originally issued, revised Part 542 required that applications for Certificates of Financial Responsibility (Water Pollution) be made to the Commission on Form FMC-321, accompanied by evidence of financial responsibility and fees, by September 30, 1978. By Order published September 1, 1978, the Commission extended that deadline, but only for application forms and fees, to December 31, 1978. The new deadline applied only to those vessel operators who on September 30, 1978, held valid Certificates issued under previous Part 542.

The Commission is hereby giving notice that it has further extended the deadline, but only for application forms, to February 28, 1979, and only with respect to those vessel operators who still hold valid Certificates issued under previous Part 542. All applications filed by those operators became subject to a $100 application fee (as well as a $20 Certification fee) after December 31, 1978.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: On August 11, 1978, (43 FR 35704), the Commission issued regulations (revised Part 542) to implement the Clean Water Act of 1977.[1] Those regulations currently concern removal cost liability on the part of vessel operators who discharge harmful quantities of oil into United States waters. Eventually, the regulations will also encompass liability for discharges of other pollutants called "hazardous substances".

Revised Part 542 requires persons who operate vessels over 300 gross tons in the navigable waters of the United States to obtain from the Commission Certificates of Financial Responsibility (Water Pollution). Certificates are obtained by filing with the Commission Application Form FMC-321, certification and application fees and evidence of financial responsibility. Vessel operators who held valid Certificates of Financial Responsibility (Oil Pollution) issued under previous Part 542 were required by revised Part 542 to file Application Forms FMC-321, *certification* fees and evidence of financial responsibility by September 30, 1978. By so doing, those vessel operators would acquire "grandfather" rights to continue using the navigable waters of the United States under their previously issued Certificates until such time as new Certificates could be issued pursuant to revised Part 542. By meeting the September 30, 1978, filing date those vessel operators also would be relieved of *application* fees.

The regulations in revised Part 542 were modified by Order of the Commission on September 1, 1978, (43 FR 39102). Among other matters, that modification provided for an extension of the September 30, 1978, filing deadline, but only for Application Form FMC-321 and certification fees, to December 31, 1978. By meeting that new filing date, vessel operators could continue the grandfather status of their previously issued Certificates and also remain exempt from the application fees.

For the same reasons stated in its September 1, 1978 Order, the Commission has decided to further extend the filing date for Application Form FMC-321 to February 28, 1979. However, vessel operators with grandfather Certificates who did not meet the December 31, 1978, deadline have forfeited their application fee exemption. Meeting the February 28, 1979, deadline will continue the grandfather status of valid Certificates issued under previous Part 542 in all cases where satisfactory evidence of financial responsibility was filed by September 30, 1978, in accordance with revised Part 542. No grandfather Certificate will remain valid if a vessel operator permits such evidence of financial responsibility to terminate for any reason.

All Certificates of Financial Responsibility (Oil Pollution) issued to a vessel operator under previous Part 542 will be automatically invalidated on March 1, 1979, unless that operator has submitted an Application Form FMC-321 by February 28, 1979.[2]

Because this Order merely relaxes provisions of the original Order served August 4, 1978, and the modifying Order effective September 1, 1978, the Commission finds that good cause exists for making this Order effective upon less than the 30-day notice ordinarily applicable under 5 U.S.C. 553(d).

THEREFORE, IT IS ORDERED, that, effective upon publication in the FEDERAL REGISTER, (February 23, 1979), revised Part 542 of Subchapter B of Chapter IV of Title 46 of the Code of Federal Regulations (General Order 40) as modified on September 1, 1978, is further modified as set forth below:

1. The date of September 30, 1978, as it appears in the first sentence of § 542.5 of General Order 40 is to be read as applying only to submission of evidence of financial responsibility and not to application forms and fees. The Commission shall not require adherence to that date, with respect to application forms and fees, in cases where vessel operators have valid Certificates issued under previous Part 542 and have submitted evidence of financial responsibility under revised Part 542 by September 30, 1978. In those cases, the date for submission of application forms and fees shall be and is hereby extended to February 28, 1979.

2. Application forms received by the Commission after January 2, 1979, (the first regular business day in 1979) shall be subject to both application and certification fees in accordance with section 542.13 of General Order 40.

By Order of the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-5545 Filed 2-22-79; 8:45 am]

[1] Pub. L. 95-217, 91 Stat. 1566. The Clean Water Act amends the Federal Water Pollution Control Act, 33 U.S.C. 1321. The latter statute, as amended through 1978, is hereinafter referred to as the "Act".

[2] Vessel operators are warned that failure to meet this February 28, 1979, deadline may subject their vessels to serious delays in obtaining clearance from the U.S. enforcement agencies.

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Revised Service Order No. 1312]

PART 1033—CAR SERVICE

Railroads Authorized To Transport Unit-Grain Trains of Less Than Number of Cars Required By Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Revised Service Order No. 1312.

SUMMARY: Because of a severe shortage of covered hopper cars, railroads are unable promptly to substitute other cars for cars which must be removed from unit-grain-trains because of mechanical defects resulting in delays to the remainder of the cars used in the unit-grain-trains awaiting the reassembly of sufficient cars to fulfill tariff requirements. Revised Service Order No. 1312 authorizes the carriers to transport unit-grain-trains with fewer cars than the number required by the applicable tariffs, subject to specified restrictions. A paragraph is added providing for exception to the order, and the expiration date is extended to June 15, 1979.

DATES: Effective 12:01 a.m., February 15, 1979. Expires 11:59 p.m., June 15, 1979.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, Telex 89-2742.

Decided: February 14, 1979.

Certain tariffs authorize the shipments of grain in multiple-car sets each requiring the use of from twenty-five (25) to one hundred (100) or more covered hopper cars. Because of an extreme shortage of these cars the carriers are unable promptly to assemble all required cars or to replace cars which become defective and must be removed from such sets of cars. The remaining serviceable cars are subsequently delayed awaiting replacement of the defective cars in order to provide car sets of the size required by the applicable tariffs. The delays to cars caused by these conditions further aggravate existing car shortages and contribute to loss of utilization of covered hopper cars.

It is the opinion of the Commission that an emergency exists and that there is good cause to authorize the application of multiple-car rates requiring the use of twenty-five (25) to one hundred (100) cars to shipments of fewer cars when the carriers are unable to supply all of the cars required by the applicable tariffs; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1312 Railroads authorized to transport unit-grain-trains of less than number of cars required by tariffs.

(a) Any railroad which is unable to supply the number of covered hopper cars required by its tariffs to transport unit-grain-train shipments of grain, grain products or soybeans is authorized to operate unit-grain-trains comprising fewer cars in accordance with the scale provided in Section (b) of this order.

(b) *Scale of Unit-Grain-Train Reduction*

Number of cars required to comply with tariff provisions: 25-49 cars, 50-74 cars, 75-99 cars, 100 cars and over.

Maximum number of cars authorized to reduce: Two cars, four cars, six cars, eight cars.

Train load weight reduction per car reduced from unit train: 4 percent, 2 percent, 1.33 percent, 1 percent.

(c) *Adjustment of Minimum Weights.* (1) The minimum quantity to be transported by any unit-grain-train from which cars have been authorized by this order to be removed shall be reduced by the percentages provided in Section (b).

(2) If cars are removed from a unit-grain-train which is required by tariff provisions to be one of two or more consecutive unit-train movements to deficit tonnage may, with the consent of the carrier, be added to the tonnage transported in one or more of the subsequent trips required by the tariffs. If the carrier fails to give its consent or if the shipper notifies the carrier that it will be impossible to add the deficit tonnage to subsequent consecutive shipments, the total volume of all consecutive shipments will be reduced, on a per train basis, as provided in Section (b).

(3) Nothing in this order shall be deemed to authorize any change in minimum weights required by the applicable tariffs to be loaded into each car nor to authorize the loading of any car in excess of its stencilled load limit.

(d) *Unit-Grain-Trains Defined.* The terms "unit-grain-train" as used in this order means a multiple-car shipment of grain, grain products, or soybeans subject to a tariff provision which requires the use of twenty-five (25) or more covered hopper cars in a single shipment, on one bill of lading, on one day.

(e) *Consent of Shipper Required.* The consent of the shipper is required before any unit-grain-train is operated with a reduced number of cars as authorized by Sections (a) and (b) of this order.

(f) *Billing to be Endorsed.* The bills of lading and the master way bills of each unit-grain-train authorized by this order to operate with fewer than the required number of cars shall bear the following endorsement:

"Unit-grain-train comprising ( ) cars transporting ( ) tons. Reduction of train from ( ) cars to transport ( ) tons authorized by ICC Revised Service Order No. 1312".

(g) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(2) The provisions of Service Order Nos. 1308 and 1280, revisions thereof or amendments thereto, shall remain in effect.

(3) All tariff provisions not specifically modified by this order shall remain in effect.

(4) The application of all other rules and regulations, insofar as they conflict with the provisions of this order, is suspended.

(h) [1] *Exception.* For the purposes of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(i) *Effective date.* This order shall become effective at 12:01 a.m., February 15, 1979.

(j) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1979.

(49 U.S.C. 10304-10305 and 11121-11126.)

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

[1] Addition.

Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-5570 Filed 2-22-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 5156]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since publication of a flood insurance map. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Colorado	Adams	Unincorporated Areas	080001-A	Jan. 14, 1972, emergency; Feb. 1, 1979, regular; Mar. 1, 1979, suspended.	Mar. 1, 1979	Mar. 1, 1979.
Connecticut	New Haven	Beacon Falls, Town of	090072-B	June 27, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	May 3, 1974 Oct. 22, 1976	Do.
Florida	Palm Beach	West Palm Beach, City of.	120229-B	June 18, 1974, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Oct. 31, 1979	Do.
Illinois	DuPage	Naperville, City of	170213-B	Apr. 30, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Apr. 12, 1974 Jan. 3, 1975	Do.
Indiana	Hendricks	Plainfield, Town of	180089-B	Apr. 16, 1976, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Feb. 1, 1974 Sept. 26, 1975	Do.
Kansas	Dickinson	Solomon, City of	200077-B	Mar. 3, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Jan. 9, 1974 Dec. 12, 1975	Do.
Massachusetts	Plymouth	Brockton, City of	250261-B	Jan. 21, 1974, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	June 28, 1974 June 11, 1976	Do.
Do	Hampden	Wilbraham, Town of	250154-B	Aug. 21, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	May 17, 1974 Aug. 2, 1977	Do.
Minnesota	Dakota	Farmington, City of	270104-C	July 22, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	July 22, 1975 June 4, 1976	Do.
Do	Stearns	Unincorporated Areas	270546-A	Mar. 23, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Mar. 1, 1979	Do.
New Jersey	Bergen	Waldwick, Borough of	340078-B	Mar. 31, 1972, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Jan. 9, 1974 Aug. 6, 1976	Do.
New York	Onondaga	DeWitt, Town of	360973-B	Nov. 8, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Mar. 22, 1974 June 4, 1976	Do.
Oregon	Linn and Marion.	Idanha, City of	410162-B	Mar. 25, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Aug. 30, 1974 Jan. 9, 1976	Do.
Do	Marion	Mill City, City of	410143-B	May 20, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Dec. 17, 1973 Dec. 24, 1976	Do.
Do	Lincoln	Siletz, City of	410132-A	May 30, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Dec. 7, 1973 Mar. 19, 1976	Do.
Do	Marion	Silverton, City of	410169-A	May 13, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	May 10, 1974	Do.
Do	....do	Stayton, City of	410170-B	May 20, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Jan. 23, 1974	Do.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Hazard area identified	Date [1]
Do	Lincoln	Toledo, City of	410133-C	Apr. 19, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Sept. 14, 1973 Mar. 29, 1974	Do.
Do	Marion	Woodburn, City of	410172-B	Aug. 12, 1974, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	May 24, 1974 Apr. 30, 1976	Do.
Do	Lincoln	Yachats, City of	410135-A	July 18, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Nov. 1, 1974	Do.
Pennsylvania	Erie	Erie, City of	420449-B	Apr. 26, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	June 21, 1974 Dec. 5, 1975	Do.
Do	Northampton.	West Easton, Borough of.	420733-B	July 9, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Dec. 28, 1973 June 18, 1976	Do.
Utah	Carbon	Helper, City of	490034-B	June 10, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Jan. 9, 1974	Do.
Do	Emery	Orangeville, City of	490064-B	Sept. 30, 1975, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	June 7, 1974 Dec. 12, 1975	Do.
Virginia	Goochland	Unincorporated Areas	510072-A	Apr. 19, 1973, emergency; Mar. 1, 1979, regular; Mar. 1, 1979, suspended.	Feb. 21, 1975	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969 as amended 39 F.R. 2787, Jan. 24, 1974.)

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5351 Filed 2-22-79; 8:45 am]

[4210-01-M]

[Docket No. FI-5159]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034. Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Kentucky	McLean	Unincorporated Areas	210153	Feb.6, 1979, Emerg	Dec. 6, 1974 and May 20, 1977.
Ohio	Gallia	Vinton, Village of	390189	do	Dec. 27, 1974.
Texas	Limestone	Unincorporated Areas	480910-A	do	Oct. 25, 1977.
Connecticut	Fairfield	Weston, Town of	090018-A	Sept. 8, 1972, Emerg; Oct. 17, 1978, Reg; Oct. 17, 1978, Susp; Feb. 6, 1979, Rein.	Mar. 8, 1974.
Alabama	St. Clair	Unincorporated Areas	010290	February 9, 1979, Emerg	Mar. 31, 1978.
Nebraska	Wayne	do	310484-A	do	Aug. 16, 1977.
South Dakota	Codington	Unincorporated Areas	460260-A	February 13, 1979, Emerg	Jan. 24, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.)

NOTE—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5354 Filed 2-22-79; 8:45 am]

[4210-01-M]

[Docket No. 5157]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the forseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.9 List of communities with minimal flood hazard areas.

State and County	Community name
Louisiana—Unincorp. area.	West Feliciana Parish.
Texas—Smith	City of Whitehouse.
Illinois—Cook	Village of Calumet Park.
Maryland—Carroll	Town of New Windsor.
Ohio—Stark	Village of East Canton.
Ohio—Butler	City of Oxford.
Pennsylvania—Allegheny.	Borough of North Braddock.
Oregon—Douglas	City of Sutherlin.
Utah—Davis	City of Clearfield.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5352 Filed 2-22-79; 8:45 am]

[4210-01-M]

[Docket No. FI-5158]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of such areas is to provide guidance to communities on the reduction of property losses, by the adoption of appropriate flood plain management, or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATE: The date listed in the eighth column of the table or March 26, 1979, whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction of buildings as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

For communities participating in the NFIP (see the fifth column in the table for a community's program status), this requirement applies on the date listed in the eighth column. For communities not participating in the program, Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area effective one year from the hazard identification date (the date in the eighth column of the table).

This 30-day period before the map action becomes effective does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin March 26, 1979 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin March 26, 1979, or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128)

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date	Effective date of this map action	Local map repository
Illinois, Whiteside, City of Prophetstown, 01.	170692B	E-11, 12, 14	I	F	Mar. 29, 1974, Apr. 9, 1976.	Feb. 2, 1979	Marvin Scott, Mayor, P.O. Box 85, Prophetstown, IL 61277, Phone: (815) 537-2011.
Illinois, Christian, City of Taylorville, 0001B-0002B.	170038	E-8, 11, 12, 14	I	F	Sept. 6, 1974, Dec. 19, 1975.	Feb. 2, 1979	Daniel Reese, Mayor, 115 North Main, Taylorville, IL 62568, Phone: (217) 824-2102.
Illinois, Effingham, Village of Watson, 01.	170974A	N-5	I	F	Feb 2, 1979	Feb. 2, 1979	Dale Foreman, V. Pres., Village Hall, Watson, IL 62473, Phone: (217) 536-6711, (217) 842-6025 work.
Minnesota, Mille Lacs, Mille Lacs County,[1] 0001A-0009A.	270624	E-5	I	F	Feb. 2, 1979	Feb. 2, 1979	Robert Berglund, Auditor, Courthouse, Milaca, MN 56353, Phone: (612) 983-6282.
North Carolina, Caldwell, City of Lenoir, 0001B-0002B.	370040	E-8, 11, 12, 14	I	F	Dec. 3, 1976	Feb. 2, 1979	Ralph Haigler, Planner, Dir., & Comm. Developer, P.O. Box 958, Lenoir, NC 28645, Phone: (704) 754-4559.
Ohio, Auglaize, Village of Buckland, 01.	390816A	N-5	I	F	Feb. 2, 1979	Feb. 2, 1979	Emerson Smith, Mayor, Box 95, Buckland, OH 45819, Phone: (419) 657-2135 home.
Tennessee, Marshall, Marshall County,[1] 0001A-0007A.	470119	N-5	I	F	Feb. 2, 1979	Feb. 2, 1979	Carlton Norris, Judge, Courthouse, Lewisburg, TN 37091, Phone: (615) 359-1279.
Wisconsin, Waukesha, Village of Oconomowoc Lake, 0001A.	550582	E-5	I	F	Feb. 2, 1979	Feb. 2, 1979	William F. Roberts, V. Pres., Village Hall, Oconomowoc, WI 53066, Phone: (414) 567-4597, (414) 567-5301 V. Hall.
Arizona, Unincorporated Area, Mohave County, 0001A-0006A, 0008A, 0010A-0033A, 0036A-0066A, 0068A-0127A.	040058A	E-8, 11, 12	I	F	Jan. 10, 1975	Feb. 6, 1979	Mr. Jerry Hill, Director of Engineering, Mohave County Engineering Department, 301 West Beale, Kingman, AZ 86401 (602) 753-9141.
California, San Luis Obispo, City of Arroyo Grande, 0001B.	060305B	E-8, 11, 12	I	F	June 7, 1974, Oct. 10, 1975.	Feb. 6, 1979	Honorable Gabriel DeLeon, Mayor, 214 E. Branch Street, Arroyo Grande, CA 93420 (805) 489-1303.
Colorado, Morgan, City of Fort Morgan, 0001A.	080131A	N-8, 12	I	F	Oct. 29, 1976	Feb. 6, 1979	Honorable Donald Bicknell, Mayor, P.O. Box 100, Fort Morgan, CO 80701 (303) 867-2466.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date	Effective date of this map action	Local map repository
Montana, Unincorporated Area, Blaine County, 0006B.	300144B	E-12	I	F	Feb. 7, 1978	Feb. 6, 1979	Mr. George Green, Chairman, Board of County Commissioners, County Courthouse, Chinook, MT 59523 (406) 357-3250.
Alabama, Walker, City of Cordova, 0001B.	010205	E-8, 11, 12, 14..	I	F	May 31, 1974, Jan. 2, 1976.	Feb. 9, 1979	Mr. Joe A. Poe, Mayor, 115 Jasper Street, Cordova, AL 35550, Phone: (205) 483-9266.
Alabama, Talladega, City of Sylacauga, 0001B-0003B.	010199	E-8, 11, 12, 14..	I	F	Nov. 22, 1974, Oct. 8, 1976.	Feb. 9, 1979	Mr. Troy Smithwich, Engr., P.O. Box 390, Sylacauga, AL 35150, Phone: (205) 245-3362.
Alabama, Jefferson, City of Tarrant City, 0001B.	010131	E-8, 11, 12, 14..	I	F	June 28, 1974, May 21, 1976.	Feb. 9, 1979	Mr. D. Evan Veal, Mayor, 1004 Ford Avenue, Tarrant City, AL 35217, Phone: (205) 841-2758.
Florida, Jackson, Town of Alford, 0001A.	120580	N-5	I	F	Feb. 9, 1979	Feb. 9, 1979	Mr. Donald S. Smith, Mayor, P.O. Box 128, Alford, FL 32420, Phone: (904) 579-4684.
Illinois, Brown, Brown County,[1] 0001A-0004A.	170989A	N-5	I	F	Feb. 9, 1979	Feb. 9, 1979	Mr. Earl Knight, Ch. Co. Bd., 235 West Main, Mount Sterling, IL 62353, Phone: (217) 773-3073.
Illinois, Jackson, Village of Elkville, 01.	170876A	E-12, 14	I	F	Mar. 28, 1975	Feb. 9, 1979	Mr. Kenneth Gallup, V. Pres., P.O. Box 206, Elkville, IL 62932, Phone: (314) 268-3932.
Michigan, Jackson, Township of Blackman, 0001A-0002A.	260714	E-5	I	F	Feb. 9, 1979	Feb. 9, 1979	Mr. Robert D. McClain, Supr., 1996 West Parnell Road, Jackson, MI 49201, Phone: (517) 787-6140.
Tennessee, Lewis, Lewis County,[1] 0001A-0005A.	470103	N-5	I	F	Feb. 9, 1979	Feb. 9, 1979	Mr. T. C. Carroll, Judge, Courthouse, Hohenwald, TN 38462, Phone: (615) 796-3378.
Tennessee, Shelby, City of Memphis, 0001A-0016A.	470177	E-8, 11, 12, 14..	I	F	Aug. 23, 1974	Feb. 9, 1979	Mr. Michael C. Ritz, Dir., Memphis & Shelby Co., Office of Planning & Dev., City Hall, 125 North Main Street, Memphis, TN 38103, Phone: (901) 528-2601.
Wisconsin, Dodge, Dodge County,[1] 0001A-0012A.	550094	E-10, 11, 12, 14	I	F	Jan. 3, 1975	Feb. 9, 1979	Mr. Garland Lichtenburg, Planning Admn., Courthouse, Juneau, WI 53039, Phone: (414) 386-4411.
California, San Mateo, City of Menlo Park, 0001B-0003B.	060321B	E-8, 11, 12	C	F	June 14, 1974-Aug. 8, 1975.	Feb. 13, 1979	Honorable James Bloch, Mayor, 701 Laurel Street, Menlo Park, CA 94025 (415) 325-3211.
Louisiana, St. Landry Parish, Town of Sunset, 0001B.	220176B	E-8, 11, 12	I	F	June 14, 1974-Nov. 14, 1975.	Feb. 13, 1979	Honorable John L. Olivier, Mayor, Town Hall, Sunset, LA 70584 (318) 662-5297.
Louisiana, Unincorporated Area, Webster Parish, 0001B-0010B.	220357B	E-8, 11, 12	I	F	May 31, 1977	Feb. 13, 1979	Mr. James Purgerson, Assistant, Director, Shreve Area Council of Governments, Room 307, 1237 Murphy Street, Shreveport, LA 71101 (318) 226-6488.
Missouri, Unincorporated Area, Cape Girardeau County, 0003B-0004B.	290790B	N-8, 12	I	F	Aug. 1, 1978	Feb. 13, 1979	Honorable Ervin Hobbs, Presiding Judge, Office of the Presiding Judge, Route 1, Cape Girardeau, Jackson, MO 63755 (314) 243-3547.
Washington, King, Town of Black Diamond, 01A.	530272A	E-11, 12	I	F	July 25, 1975	Feb. 13, 1979	Mr. Loren D. Bottorff, Water Resources Engineer, 1500 114th Avenue, S.E., Bellevue, WA 98004 (206) 453-5000.
Alabama, Cherokee, Cherokee County,[1] 0001A-0009A.	010234	N-5	I	F	Feb. 16, 1979	Feb. 16, 1979	Tom Wade Hampton, Ch. Co. Comm., Courthouse, Centre, AL 35960, Phone: (205) 927-3668.
Illinois, Bond, Bond County,[1] 0001A-0006A.	170996	N-5	I	F	Feb. 16, 1979	Feb. 16, 1979	Winford Cooper, Co. Bd. Chairman, Courthouse, Greenville, IL 62246, Phone: (618) 664-2668.
Illinois, Monroe, Village of Valmeyer, 01.	170780B	E-8, 11	I	F	Mar. 29, 1974, June 4, 1976.	Feb. 16, 1979	Theodore W. Lerch, Jr., P.O. Box 87, Valmeyer, IL 62295, Phone: (618) 935-2323.
Illinois, Jackson, Village of Vergennes, 01.	170973A	N-5	I	F	Feb. 16, 1979	Feb. 16, 1979	Irvine Blumenstock, V. Pres., P.O. Box 26, Vergennes, IL 62994, Phone: (618) 684-2857.
Indiana, Adams, City of Decatur, 0001B.	180001	E-8, 11	I	F	Nov. 23, 1973, Aug. 13, 1976.	Feb. 16, 1979	Wayne Carpenter, Engr., City Hall, Decatur, IL 46733, Phone: (219) 724-3814.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard P/M/E	Identification date	Effective date of this map action	Local map repository
Minnesota, Rock, City of Beaver Creek, 01.	270407B	E-11, 12, 14	I	P	Aug. 23, 1974, June 4, 1976.	Feb. 16, 1979	Mike Bender, Mayor, City Hall, Beaver Creek, MN 56116, Phone: (507) 673-2266.
Minnesota, Wabasha, City of Elgin, 01	270484B	E-11, 12, 14	I	P	May 17, 1974, July 9, 1976.	Feb. 16, 1979	Arnold H. Koepsell, City Hall, Elgin, MN 55932, Phone: (507) 876-2291.
Minnesota, Washington, City of Forest Lake, 0001B.	270693	N-11, 12, 14	I	P	Dec. 16, 1977	Feb. 16, 1979	John F. Skoglund, Mayor, 220 North Lake Street, Forest Lake, MN 55025, Phone: (612) 464-3550.
Minnesota, Clearwater, City of Gonvick, 01.	270088B	N-8, 11, 12, 14	I	P	Aug. 23, 1974, June 4, 1976.	Feb. 16, 1979	Lloyd Bremseth, City Hall, Gonvick, MN 56644, Phone: (218) 487-5243.
Mississippi, Monroe, Town of Smithville, 01.	280325A	N-5	I	P	Feb. 16, 1979	Feb. 16, 1979	Earnest Chism, Mayor, P.O. Box 125, Smithville, MS 38870, Phone: (601) 651-4411.
Ohio, Crawford, Richland, City of Crestline, 0001A.	390091	E-8, 11, 12, 14	I	P	July 11, 1975	Feb. 16, 1979	Robert Hoffman, Mayor, 121 West Bucyrus Street, Crestline, OH 44827, Phone: (419) 683-3800.
Tennessee, Bledsoe, Bledsoe County,[1] 0001A-0006A.	470219	N-5	I	P	Feb. 16, 1979	Feb. 16, 1979	Ed Supp, Judge, Courthouse, Pikeville, TN 37367, Phone: (615) 447-2711, (615) 477-2908 Law Office.
Arkansas, Unincorporated Area, Cross County, 0001B-0009B.	050056B	E-8, 11, 12	I	P	June 7, 1977	Feb. 20, 1979	Mr. Louis Franklin Jones, Administrative Assistant of Cross County, 705 East Union, Wynne, AR 72396 (501) 238-3373.
Arkansas, Unincorporated Area, Garland County, 0001B-0008B.	050433B	N-11, 12	I	P	Aug. 2, 1977	Feb. 20, 1979	Honorable W. J. McCuen, County Judge, Office of the County Judge, County Courthouse, Hot Springs, AR 71901 (501) 321-2819.
Kansas, Unincorporated Area, Geary County, 0002B-0003B.	200579B	N-8, 11, 12	I	P	Oct. 18, 1977	Feb. 20, 1979	Mr. Arthur M. Apmann, Emergency Preparedness Coordinator, County Courthouse, Junction City, KS (913) 238-4300.
Louisiana, Vermilion Parish, Town of Erath, 01A-02A.	220224A	E-8, 11, 12	C	P	Mar. 8, 1974	Feb. 20, 1979	Honorable Dr. Leroy G. Suire, Mayor, Town Hall, Erath, LA 70533 (318) 937-8140.
Illinois, Ford, Ford County,[1] 0001A-0008A.	170991	N-5	I	P	Feb. 23, 1979	Feb. 23, 1979	Lee R. Carlson, Ch. Co. Bd., FRD, Rankin, IL 60960, Phone: (217) 379-3396.
Illinois, Vermilion, Village of Muncie, 01.	170963A	N-5	I	P	Feb. 23, 1979	Feb. 23, 1979	Clyde Hendricks, Vil. Pres., P.O. Box 74, Muncie, IL 61857, Phone: (217) 548-2485.
Illinois, Putnam, Putnam County,[1] 0001A-0004A.	170993	N-5	I	P	Feb. 23, 1979	Feb. 23, 1979	Adam Passini, Jr., Ch. Co. Bd., Rural Rt., Granville, IL 61326, Phone: (815) 339-2147.
Minnesota, Otter Tail, City of Bluffton, 0001B.	270333	E-12, 14	I	P	Aug. 9, 1974, June 25, 1976.	Feb. 23, 1979	Erwin Wallgren, Mayor, City Hall, Bluffton, MN 56518, Phone: (218) 385-2781.
Minnesota, Winona, City of Dakota, 01.	270526B	E-11, 12, 14	I	P	Aug. 2, 1974, July 25, 1975.	Feb. 23, 1979	John Kalb, Mayor, P.O. Box 325, Dakota, MN 55925, Phone: (507) 643-6735.
Minnesota, St. Louis, City of Mountain Iron, 0001B-0002B.	270424	N-8, 11, 12, 14	I	P	May 24, 1974, Nov. 26, 1976.	Feb. 23, 1979	Kaarlo Otava, Mayor, P.O. Box 505, Mountain Iron, MN 55768, Phone: (218) 735-8267.
Minnesota, Norman, Norman County,[1] 0001A-0012A.	270322	E-5	I	P	Feb. 23, 1979	Feb. 23, 1979	S. I. Strand, Ch. Co. Bd., Courthouse, Jacksonville, MN 56510, Phone: (218) 784-7126.
Ohio, Muskingum, Village of Frazeysburg, 01.	390426A	N-10, 11	I	P	Aug. 30, 1974	Feb. 23, 1979	Russell F. Madden, Mayor, P.O. Box 156, Frazeysburg, OH 43822, Phone: (614) 828-3172.
Wisconsin, Brown, City of DePere, 0001B.	550021	E-8, 11, 12, 14	I	P	Dec. 28, 1973, June 4, 1976.	Feb. 23, 1979	Andrew Radstski, P. E., 335 South Broadway, DePere, WI 54115, Phone: (414) 336-5736.
Wisconsin, Dodge, City of Fox Lake, 0001B.	550097	E-8, 11, 12, 14	I	P	May 24, 1974, Oct. 24, 1975.	Feb. 23, 1979	Wayne Ruenger, Mayor, 105 North College Avenue, Fox Lake, WI 53933, Phone: (414) 928-2280.
Wisconsin, Dodge, Fond Du Lac, City of Waupun, 0001C.	550108	E-8, 11	I	P	Jan. 9, 1974, June 25, 1976, June 9, 1978.	Feb. 23, 1979	Alan P. Blau, Mayor, City Hall, Waupun, WI 53963, Phone: (414) 324-5535.

State, county, community name and number of panels	Community number and suffix	Program and change code	Inland or coastal	Hazard F/M/E	Identification date	Effective date of this map action	Local map repository
Idaho, Unincorporated Area, Bonneville County, 0003B; 0004B; 0010B; 0013B.	160027B	E-11, 12	I	F	Oct. 18, 1974, Aug. 2, 1977.	Feb. 27, 1979	Mr. Artell Suitter, Chairman, Board of County Commissioners, County Courthouse, Idaho Falls, ID 83401 (208) 523-1214.
Louisiana, Lafayette Parish, Town of Broussard, 01C-02C.	220102C	E-8, 11, 12	I	F	Apr. 12, 1974, Nov. 7, 1975, June 11, 1976.	Feb. 27, 1979	Honorable Charles A. Girouard, Mayor, Town Hall, Broussard, LA 70518 (318) 837-6681.
Nebraska, Buffalo, City of Kearney, 0001B.	310016B	E-8, 11, 12	I	F	Feb. 8, 1974, Sept. 12, 1975.	Feb. 27, 1979	Honorable Dr. Francis L. Richards, Mayor, City Hall, Kearney, NB 68847 (308) 237-5133.
New Hampshire, Rockingham, Town of North Hampton, 0001A.	330232A	E-5	I	F	Feb. 27, 1979	Feb. 27, 1979	Mr. Donald Palmer, Chairman, Board of Selectmen, P.O. Box 71, North Hampton, NH 03862 (603) 964-8087.
New Mexico, Bernalillo, Village of Tijeras, 01A.	350135A	E-8, 11, 12	I	F	July 2, 1976	Feb. 27, 1979	Honorable Felix Garcia, Mayor, City Hall, P.O. Box 9, Tijeras, NM 87059 (505) 281-1220.
Vermont, Windham, Village of Saxtons River, 0001A.	500286A	N-5	I	F	Feb. 27, 1979	Feb. 27, 1979	Mr. Fred Brown, Village Clerk, P.O. Box 423, Saxtons River, VT 05154 (802) 869-2575.

[1] Unincorporated areas.

FINAL LIST CODES

1. Conversion to Regular Program with FIRM (elevations determined).
2. Conversion to Regular Program with FIRM (no elevations determined).
3. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM.
4. Conversion to Regular Program with no Special Flood Hazard Areas—no FIRM; recission of FHBM effective on same date as conversion.
5. Initial FHBM.
6. Revision—Change of elevation; revised FIRM.
7. Revision—Change of zone designation; revised FIRM.
8. Revision—Corporate limit changes.
9. Revision—Drafting corrections; Printing errors.
10. Revision—Curvilinear.
11. Revision—Add Flood Hazard Area.
12. Revision—Reduce Flood Hazard Area.
13. Revision—Federal Register omission.
14. Revision—Refunds possible.
15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

R—REGULAR PROGRAM; E—EMERGENCY PROGRAM; N—NOT IN PROGRAM

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

NOTE.—In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5353 Filed 2-22-79; 8:45 am]

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURE MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 454]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 23-March 1, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on February 20, 1979 to consider suppply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges has softened.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.754 Navel orange regulation 454.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 23, 1979, through March 1, 1979, are established as follows:

(1) District 1: 638,000 cartons;

(2) District 2: 112,000 cartons;

(3) District 3: unlimited movement.

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

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

Dated: February 21, 1979.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-5682 Filed 2-22-79; 11:56 am]

[3410-02-M]

[Lemon Regulation 187]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 25—March 3, 1979. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 25, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on February 20, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is steady.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.487 Lemon Regulation 187.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 25, 1979, through March 3, 1979, is established at 225,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

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

Dated: February 22, 1979.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 5681 Filed 2-22-79; 11:56 am]

proposed rules

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.

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 131]

[Docket No. 78N-0352]

EDIBLE ACID CASEIN

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Edible Acid Casein" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Adminstration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for edible acid casein.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for edible acid casein.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for edible acid casein specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

STANDARD NO. A-12; STEP 7

STANDARD FOR EDIBLE ACID CASEIN

1. *Definition.* Edible acid casein is the product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk.

2. *Essential composition and quality factors.*

2.1 Minimum protein content in the dry matter (Protein nitrogen × 6.38), 90% m/m.

2.2 Maximum moisture content, 12% m/m.

2.3 Maximum milkfat content in the dry matter, 2.25% m/m.

2.4 Maximum sediment (scorched particles), 22.5 mg in 25 g.

2.5 Foreign matter (such as particles of wood, metal, hairs or fragments of insects), none in 25 g.

2.6 Maximum free acid, extracted at 20°C, 0.27 ml of 0.1 N/NaOH/g.

2.7 Maximum lactose content, 1% m/m.

2.8 Maximum ash (including P_2O_5), 2.5% m/m.

2.9 Flavour and odour: not more than slight foreign flavours and odours. The product must be free from offensive flavours and odours.

2.10 Physical appearance: white to pale cream, free from lumps that do not break up under slight pressure.

3. *Contaminants.*

3.1 Maximum copper content, 5 mg/kg.

3.2 Maximum lead content, 2 mg/kg.

3.3 Maximum iron content, 20 mg/kg.

4. *Food additives* [1] (for use for coagulation only—food grade): Lactic acid, GMP. Citric

[1] Subject to endorsement by the Codex Committee on Food additives.

acid, GMP. Acetic acid, GMP. Hydrochloric acid, GMP. Sulphuric acid, GMP. Phosphoric acid, GMP. Lactic fermented whey, GMP.

5. *Labelling.* This section will be revised in the light of recommendations to be made by the Codex Committee on Food Labelling on the Labelling of Bulk Containers.

5.1 *The name of the food.* The name of the product shall be edible acid casein.

5.2 *Net contents.* The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupoisor both systems of measurement, as required by the country in which the product is sold.

5.3 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

5.4 *Country of origin (manufacture).* The country of manufacture of the food shall be declared except that goods sold within the country of manufacture need not declare the country of manufacture.

5.5 *Lot identification.* Each container shall be permanently marked in code or in clear to identify the producing factory and the lot.

Methods of Sampling and Analysis

6.1 Sampling: according to FAC/WHO Standard B-1, "Sampling Methods for Milk and Milk Products", paragraphs 2 and 5.

6.2 Methods of analysis: Standard methods recommended jointly by IDF, ISO and AOAC and approved by the FAC/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products.

NOTE.—Decision No. 5 does not apply to the product covered by this Standard.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferable four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5523 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 131]

[Docket No. 78N-0353]

EDIBLE CASEINATES

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Edible Caseinates" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for edible caseinates.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for edible caseinates.

Under the procedure prescribed in 21 CFR 130.6 (b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for edible caseinates specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with others groups.

The Codex standard under consideration is as follows:

STANDARD NO. A-13; STEP 7

STANDARD FOR EDIBLE CASEINATES

1. *Definition.* Edible caseinate is the dry product obtained by reaction of edible

casein or fresh edible casein curd with food grade neutralizing agents and which has been subjected to an appropriate heat treatment.

2. *Essential composition and quality factors.*

2.1 Minimum protein content in the dry matter (Protein Nitrogen x 6.38), 88% m/m.

2.2 Maximum moisture content, 8% m/m.

2.3 Maximum milkfat content in the dry matter, 2.0% m/m.

2.4 Maximum sediment (scorched particles), 22.5 mg in 25 g spray dried, 32.5 mg in 10 g roller dried.

2.5 Foreign matter (such as particles of wood, hairs or fragments of insects), none in 25 g.

2.6 pH value—calcium and magnesium caseinate other caseinates, not higher than 7.5. Not higher than 7.0.

2.7 Maximum lactose content, 1% m/m.

2.8 Flavour and odour: not more than slight foreign flavours and odours. The product must be free from offensive flavours and odours.

2.9 Physical appearance: White to pale cream; free from lumps that do not break up under slight pressure.

3. *Contaminants.*

3.1 Maximum copper content, 5 mg/kg.

3.2 Maximum lead content, 2 mg/kg.

3.3 Maximum iron content, 20 mg/kg in spray dried, 50 mg/kg in roller dried.

4. *Food additives* (foodgrade).[1]

4.1 Optional neutralizing agents: Sodium, potassium, calcium, magnesium and amonium hydroxide, GMP.

4.2 Optional buffering agents: Sodium carbonate, sodium bicarbonate, sodium, calcium and potasssium, salts of citric, lactic and acetic acid, GMP.

5. *Labeling.* This section will be revised in the light of recommendations to be made by the Codex Committee on Food Labelling on the Labelling of Bulk Containers.

5.1 *The name of the food.* The name of the food shall be edible caseinate, qualified by the name of the cation and the drying process used (spray or roller dried).

5.2 *Net contents.* The net contents shall be declared by weight in either the metric (Système International units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

5.3 *Name and address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

5.4 *Country of origin (manufacture).* The country of manufacture of the food shall be declared except that foods sold within the country of manufacture need not declare the country of manufacture.

5.5 *Lot identification.* Each container shall be permanently marked in code or in clear to identify the producing factory and the lot.

6. *Methods of sampling and analysis.*

6.1 Sampling: according to FAO/WHO Standard B-1, "Sampling Methods for Milk and Milk Products", paragraphs 2 and 5.

6.2 Methods of analysis: standard methods recommended jointly by IDF, ISO and AOAC and approved by the FAO/WHO Committee of Government Experts on the Code of Principles concerning Milk and Milk Products.

[1]Subject to endorsement by the Codex Committee on Food Additives.

NOTE.—Decision No. 5 does not apply to the products covered by this standard.

Interested persons may, on or before April 24, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5522 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 131]

[Docket No. 78N-0351]

BUTTEROIL AND ANHYDROUS BUTTEROIL AND ANHYDROUS MILKFAT

Notice of Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

Summary: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for (i) Butteroil and (ii) Anhydrous Butteroil and Anhydrous Milkfat" and to comment on the desirability and need for a U.S. standard for these foods. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for butteroil and anhydrous butteroil and anhydrous milkfat.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for butteroil and anhydrous butteroil and anhydrous milkfat.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for these foods, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for these foods, no U.S. standard will be proposed. If this decision is

reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for butteroil and anhydrous butteroil and anhydrous milkfat specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

Standard No. A-2 (1973)

STANDARD FOR (i) BUTTEROIL AND (ii) ANHYDROUS BUTTEROIL AND ANHYDROUS MILKFAT

1. DEFINITION

Butteroil, Anhydrous Butteroil and Anhydrous Milkfat are products exclusively obtained from butter or cream and resulting from the removal of practically the entire water and solids-not-fat content.

2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Butteroil*

2.1.1 Minimum milkfat content: 99.3% m/m.

2.1.2 Maximum water content: 0.5% m/m.

2.2 *Anhydrous butteroil and anhydrous milkfat*

2.2.1. Minimum milkfat content: 99.8% m/m.

2.2.2 Maximum water content: 0.1% m/m.

3. FOOD ADDITIVES

Antioxidants and maximum level

Any combination of propyl, octyl and dodecyl gallates, with butylated hydroxyanisole (BHA) or butylated hydroxytoluene (BHT) or both in products not intended for direct consumption nor for use in recombined milk or recombined milk products.—200 mg/kg but gallates not to exceed 100 mg/kg.

4. LABELLING

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

4.1 *The Name of the Food*

4.1.1 The name of the product shall be (a) "butteroil" or (b) "anhydrous butteroil" or "anhydrous milkfat" as appropriate.

4.1.2 Where milk other than cow's milk is used for the manufacture of the product or any part thereof, a word or words denoting the animal or animals from which the milk has been derived should be inserted immediately before or after the designation of the product except that no such insertion need be made if the consumer would not be misled by its omission.

4.2 *List of Ingredients*

The presence of antioxidants shall be declared on the label accompanied by an indication that the product was not for direct consumption or for use in recombined or reconstituted products. The class title "Antioxidant(s)" may be used.

4.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

4.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor, shall be declared.

4.5 *Country of Origin (Manufacture)*

The country of manufacture of the food shall be delcared except that foods sold within the country of manufacture need not declare the country of manufacture.

5. METHODS OF SAMPLING AND ANALYSIS

5.1 Sampling: according to FAO/WHO Standard B.1 "Sampling Methods for Milk and Milk Products", paragraph 2.

5.2 Determination of acid value: according to FAO/WHO Standard B.4 "determination of the Acid Value of Fat from Butter".

5.3 Determination of refractive index: according to FAO/WHO Standard B.5 "Determination of the Refractive Index of Fat from Butter".

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5476 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 145]

[Docket No. 78N-0354]

CANNED MANDARIN ORANGES

Notice of Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Canned Mandarin Oranges" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HGG-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for canned mandarin oranges.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies

that, except as provided for by specified deviations, a product that complies with the Codex standard may be standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions whithin the U.S. standard. At present, there is no U.S. standard for canned mandarin oranges.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for canned mandarin oranges specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standard under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 68-1974—Recommended International Standard for Canned Mandarin Oranges

1. *DESCRIPTION*

1.1 *Product Definition*

Canned mandarin oranges is the product (a) prepared from sound, mature mandarin oranges conforming to the characteristics of *Citrus reticulata Blanco* (including all the suitable commercial varieties for canning); (b) packed with water or other suitable liquid packing medium; and (c) processed by heat in an appropriate manner before or after being sealed in a container so as to prevent spoilage. Before processing, the fruit shall have been properly washed and peeled and the membrane, fibre strands originating from albedo or core, and seeds (if any) shall have been substantially removed from the segments.

1.2 *Style or Form*

Canned mandarin oranges may be packed as:

(a) Whole Segment Style—consists of fruit segments which are practically intact and also retain their original form but may be split just slightly.

(b) Broken Segment Style—consists of portions of segments which retain at least one half of the original apparent size, or which are large enough to remain on a screen having 12 mm square openings, formed by a wire of 2 mm diameter.

(c) Pieces Style—consists of portions of segments that are large enough to remain on a screen having 8 mm square openings formed by a wire of 2 mm diameter.

1.3 *Sizes in Whole Segment Style*

1.3.1 Designation in accordance with size

Canned mandarin oranges in whole segment style may be designated according to size in the following manner:

Uniform single size:

"Large"—20 or less whole segments per 100 grammes of drained fruit

"Medium"—21 to 35 whole segments per 100 grammes of drained fruit

"Small"—36 or more whole segments per 100 grammes of drained fruit

Single sizes shall also meet the uniformity requirement of paragraph 2.2.5.

Mixed sizes:

A mixture of two or more single sizes.

1.3.2 Compliance with single size designation.

1.3.2.1 When the product is declared, presented or offered as conforming to the uniform size designation in paragraph 1.3.1—other than "Mixed sizes"—the sample unit shall conform to the size classification specified for each single size. In the determination of compliance with size classifications, broken segments are disregarded.

1.3.2.2 Any sample unit or container that does not meet the count and uniformity requirements of the foregoing paragraph 1.3.2.1 shall be considered a "defective" for size classification.

1.3.2.3 A lot will be considered as meeting the criteria for a uniform size designation when the number of "defectives" as defined in paragraph 1.3.2.2 does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

2. *ESSENTIAL COMPOSITION AND QUALITY FACTORS*

2.1 *Basic Ingredients*

Mandarin oranges and packing media appropriate to the product as follows:

2.1.1 Packing Media:

(a) Water—in which water is the sole packing medium;

(b) Citrus juice—in which mandarin orange juice, or any other citrus juice, is the sole packing medium;

(c) Mixed citrus juices—in which two or more citrus juices, which may include mandarin orange juice are combined to form the packing medium;

(d) Water and citrus juice(s)—in which water and mandarin orange juice, or water and any other citrus juice (singly or in combination) are combined to form the packing medium;

(e) With sugar(s)—any of the foregoing packing media (a) through (d) may have one or more of the following sugars added: sucrose, invert sugar syrup, dextrose, fructose, fructose syrup, dried glucose syrup, glucose syrup, invert sugar.

2.1.2 Classification of packing media when sugars are added

2.1.2.1 When sugars are added to mandarin orange juice or other citrus juices, the liquid media shall be not less than 14° Brix and shall be classified on the basis of the cut-out strength as follows:

Lightly sweetened (name of fruit) juice—not less than 14° Brix.

Heavily sweetened (name of fruit) juice—not less than 18° Brix.

2.1.2.2 When sugars are added to water or water and mandarin orange juice or water and other citrus juices the liquid media shall be classified on the basis of the cut-out strength as follows:

(a) Basic syrup strengths:

Light syrup—not less than 14° Brix.

Heavy syrup—not less than 18° Brix.

(b) Optional packing media: When not prohibited in the country of sale, the following packing media may be used:

Slightly sweetened water; Water slightly sweetened; Extra light syrup—Not less than 10° Brix but less than 14° Brix.

Extra heavy syrup—More than 22° Brix.

2.1.3 The cut-out strength of sweetened juice or syrup shall be determined on sample average, but no container may have a Brix value lower than that of the minimum of the next category below, if such there be.

2.2 *Quality Criteria*

2.2.1 Colour

The colour of the segments shall be a rich, yellow to orange, typical colour of properly prepared and properly processed fruit, free from any brown tinge and the liquid packing medium shall be reasonably clear except when it contains juice.

2.2.2 Flavour

Canned mandarin oranges shall have a normal flavour and odour free from flavours and odours foreign to the product.

2.2.3 Texture

The texture shall be reasonably firm and characteristic for the canned product and reasonably free from dry cells or fibrous portions affecting the appearance or edibility of the product.

2.2.4 Defects and allowances

Canned mandarin oranges shall be substantially free from defects within the limits set forth as follows:

Defect and Maximum Limit in the Drained Fruit
(a) Broken segments and pieces (as defined in 1.2) (Whole segment style)—7% m/m
(b) Pieces (as defined in 1.2) (Broken segment style)—15% m/m
(c) Membrane (Aggregate area)—7 cm^2/100 g (based on sample average)
(d) Fibre strands (Aggregate length)—5 cm/100 g (based on sample average)
(e) Seeds (that measure more than 4.0 mm in any diameter)—1/100 g (based on sample average)

2.2.5 Uniformity of size (Whole segment style—single sizes)

In the 95 percent, by count, of units (excluding broken segments) that are most uniform in size, the weight of the largest unit shall be no more than twice the weight of the smallest unit.

2.2.6 Classification of "defectives"

A container that fails to meet one or more of the applicable quality requirements, as set out in paragraphs 2.2.1 through 2.2.5 (except those based on sample average), shall be considered a "defective".

2.2.7 Acceptance

A lot will be considered as meeting the applicable quality requirements of paragraph 2.2 when:

(a) the number of "defectives" as defined in paragraph 2.2.6 does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5 (Ref. CAC/RM 42-1969); and

(b) the requirements of paragraph 2.2.5, which are based on sample average, are complied with.

3. *FOOD ADDITIVES*

3.1 *Acidifying agent*

Citric acid—Maximum level not limited.

3.2 *Anti-clouding agent*

Methyl cellulose—Maximum level 10 mg/kg.

4. *CONTAMINANTS*

Tin—Maximum level 250 mg/kg, calculated as Sn[1]

[1]This is a provisional limit which has been temporarily endorsed and is subject to review.

5. *HYGIENE*

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice, the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product—

(a) shall be free from microorganisms capable of development under normal conditions of storage, and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *WEIGHTS AND MEASURES*

6.1 *Fill of container*

6.1.1 Minimum Fill

The container shall be well filled with fruit and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.2 Classification of "Defectives"

A container that fails to meet the requirement for minimum fill (90 percent container capacity) of paragraph 6.1.1 shall be considered a "defective".

6.1.3 Acceptance

A lot will be considered as meeting the requirement of paragraph 6.1.1 when the number of "defectives", as defined in paragraph 6.1.2, does not exceed the acceptance number (c) of the appropriate sampling plan in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

6.1.4 Minimum drained weight

6.1.4.1 The drained weight of the product shall be not less than the following percentages, calculated on the basis of the weight of distilled water at 20°C which the sealed container will hold when completely filled.

Whole segment style—55%.

Broken segment and Pieces styles—58%.

6.1.4.2 The requirements for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

7. *LABELLING*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

7.1 *The Name of the Food*

7.1.1 The name of the product shall be "Mandarin Oranges".

7.1.2 (a) The style, as appropriate, shall be declared as a part of the name or in close proximity to the name:

"Whole segments"
"Broken segments"
"Pieces"

(b) In the case of mixed sizes, such size designation shall be declared in close proximity to the style designation, e.g. "mixed sized whole segments".

7.1.3 The packing medium shall be declared as part of the name or in close proximity to the name.

7.1.3.1 When the packing medium is composed of water or water and one or more citrus juices in which water predominates, it shall be declared as:

"In water" or "Packed in water".

7.1.3.2 When the packing medium is composed solely of mandarin orange juice, or any other single citrus juice, it shall be declared as:

"In mandarin orange juice" or "In (name of citrus) juice".

7.1.3.3 When the packing medium is composed to two or more citrus juices, which may include mandarin orange juice, it shall be declared as:

"In (name of citrus) juice" or
"In citrus juices" or
"In mixed citrus juices".

7.1.3.4 When sugars are added to mandarin orange juice or other citrus juices, the packing medium shall be declared as:

"Lightly sweetened (name of citrus) juice" or

"Heavily sweetened (name of citrus) juice(s)" or

"Lightly sweetened citrus juices" or

"Heavily sweetened mixed citrus juice(s)", as may be appropriate.

7.1.3.5 When sugars are added to water, or water and a single citrus juice (including mandarin orange juice) or water and two or more fruit juices, the packing medium shall be declared as:

"Light syrup" or "Heavy syrup" or
"Water slightly sweetened" or
"Slightly sweetened water" or
"Extra light syrup" or
"Extra heavy syrup", as may be appropriate.

7.1.3.6 When the packing medium contains water and mandarin orange juice or water and one or more citrus juice(s), in which the fruit juice comprises 50% or more by volume of the packing medium, it shall be designated to indicate the preponderance of such fruit juice, as, for example:

"Mandarin orange juice and water" or
"(name of citrus) juice(s) and water".

7.2 *List of ingredients*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-section 3.2.(c) of the General Standard for the Labelling of Prepackaged Foods, except that water need not be declared.

7.2.2 In the case of fruit juices made from concentrate, the fact of reconstitution shall be declared in the list of ingredients as follows "(*name of fruit*) juice made from concentrate" or "reconstituted (*name of fruit*) juice" or "(*name of fruit*) juice made from concentrated (*name of fruit*) juice".

7.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

7.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin*

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

7.6 *Optional Declarations*

7.6.1 Size classification of whole style.

A size classification for Whole Segment style may be stated on the label if the pack complies with the appropriate requirements of paragraph 1.3.1 of this standard.

7.6.2 Size classification of whole style in uniform sizes

If the pack complies with the appropriate requirements of paragraph 1.3, a size classification for Whole Segment style in uniform sizes may be stated on the label as:

(a) "Large", "Medium", or "Small" as appropriate; and/or

(b) the number or units present in the container shown by a range of count, e.g. "(*number*) to (*number*) whole segments".

8. *METHODS OF SAMPLING, ANALYSIS AND EXAMINATION*

The methods of analysis and sampling described or referred to hereunder are international referee methods.

8.1 *Sampling*

Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

8.2 *Determination of Drained Weight*

According to the FAO/WHO Codex Alimentarius method CAC/RM 36-1970 (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables—First Series, CAC/RM 36/39-1970), *Determination of Drained Weight*—Method I.

Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

8.3 *Syrup measurements (Refractometric Method)*

According to the AOAC (1970) method (Official Methods of Analysis of the AOAC, 1970, *31.011*: (Solids) by Means of Refractometer (4) Official, Final Action (and 47.012 and 47.015)).

Results are expressed as % m/m of sucrose ("degrees Brix), with correction for temperature to the equivalent at 20°C.

8.4 *Determination of Water Capacity of Containers*

According to the FAO/WHO Codex Alimentarius Method CAC/RM 46-1972 (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables—Second Series, CAC/RM 44/49-1972), *Determination of water capacity of containers.*

(Results are expressed as ml of water.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5475 Filed 2-22-79; 8:45 am]

[4110-03]

[21 CFR Part 145]

[Docket No. 78N-355]

TABLE OLIVES

Notice of Intent to Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Table Olives" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857. .

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Flood and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for table olives.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for table olives.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requrements of the Codex Standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for table olives specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any FDA standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

[CAC/RS 66-1974]

RECOMMENDED INTERNATIONAL STANDARD FOR TABLE OLIVES

1. *Scope*

This standard applies to the fruit of the cultivated olive tree (*Olea europaea sativa* Hoffg, Link) which has been suitably treated or processed and which is offered for direct consumption as table olives. It also covers olives packed in bulk containers which are intended for repacking into consumer size containers.

2. *Description*

2.1 *Product definition*

Table olives is the product prepared from the sound, clean and sufficiently matured fruit of the cultivated olive-tree (*Olea europaea sativa* Hoffg, Link), processed in an appropriate manner in order to ensure the quality and proper preservation of the product and packed with or without a suitable packing medium and suitable optional ingredients.

2.2 *Product designation*

2.2.1 *Trade types*

Table olives are classified according to the trade types described below, in the establishment of which both the degree of ripeness of the harvested fruit and the processes undergone are taken into account:

(a) Green olives in brine:
(i) treated [1] green olives
(ii) untreated green olives
(b) Olives turning colour ("tournantes", green-ripe) in brine:
(i) treated olives turning colour
(ii) untreated olives turning colour [2]
(c) Black olives in brine:
(i) treated black olives
(ii) untreated black olives
(iii) naturally shrivelled black olives
(d) Black olives in dry salt:
(i) treated black olives in dry salt
(ii) untreated black olives in dry salt
(iii) naturally shrivelled black olives in dry salt
(iv) pierced black olives in dry salt
(e) Other trade types:
(i) bruised olives [1]
(ii) treated split olives
(iii) untreated split olives
(iv) treated olives darkened by oxidation [2]
(v) specialities

2.2.1.1 *Description of trade types*

A detailed description of the trade types is appended to this standard as Annex I.

2.2.2 *Styles*

Olives may be offered in any of the following styles as appropriate for the trade type:

(a) Whole: Olives which have their natural shape and from which the stone (pit) has not been removed.
(i) Stemmed—with stems removed
(ii) With Stem—with stems attached
(b) Whole stoned (pitted): Olives which have essentially their natural shape and from which the stone (pit) has been removed.
(c) Whole stuffed: Whole stoned (pitted) olives which have been stuffed with one or more suitable products such as pimiento, onion, almond, celery, anchovy, olive, etc.
(d) Halved: Whole stoned (pitted) and/or stuffed olives that have been split into two approximately equal parts along the fruit's major axis or perpendicularly to same.
(e) Quartered: Whole stoned (pitted) olives split into four approximately equal parts along the fruit's major axis and perpendicularly to same.
(f) Sliced: Whole stoned (pitted) and/or stuffed olives that have been sliced into parallel segments of fairly uniform thickness.
(g) Chopped or Minced: Stoned (pitted) olives that have been cut into small pieces of random shapes and sizes.
(h) Broken: Olives that have been accidentally broken while being stoned (pitted) or stuffed.

2.2.3 *Sizing*

Table olives may be size graded or not size graded. If they are size graded and are in the styles of Whole (whether unpitted, pitted or stuffed) and Halved, they shall be of substantially uniform shape and size in one and the same variety, in one and the same container and in one and the same lot within a single consignment. However, where national legislation does not prohibit such practice, two or more adjacent size-groups may be packed in the same container with proper label declaration, as provided in sub-section 8.1.2.

(a) *For the Style of Whole* (without pits removed)

If the olives are size graded, sizing shall be according to the number of fruit in one kilogramme or hectogramme. The size shall be indicated by two whole numbers separated one from the other by an inclined stroke and representing the minimum and maximum number of olives in each unit of weight adopted by each country. When this unit is the kilogramme, the higher figure shall terminate in a nought, the difference between the two being ten units (olives) up to size 151/160, 20 units (olives) from this up to size 201/220 and 30 units (olives) up to size 371/400; above this latter size such difference may be of 50 units (olives). When this unit of weight is the hectogramme, the difference between the two whole figures in question shall be one unit (one olive) up to size 15/16, two units (olives) from this up to size 20/22 and three units (olives) up to size 37/40; above this latter size such difference may be of 5 units (olives).

The above specifications are reproduced in tabular form in Annex II to this standard.

(b) *For the Styles of Whole Pitted and Whole Stuffed*

The size of such olives shall correspond to that of the whole fruit processed, the size-grading of which shall have been in accordance with the provisions in the preceding paragraph (a).

3. *Essential Composition and Quality Factors*

3.1 *Uniformity of pack*

Except within the limits of the tolerances provided in this standard, all containers in one and the same lot shall contain only fruit of the same variety, crop-year, trade type, style, size (when presented as size graded, but not when presented as "mixed sizes"—see sub-section 8.1.2) and quality, prepared in the same manner, of uniform colour and clean in appearance.

3.2 *Optional Ingredients*

(a) Water, salt (sodium chloride), vinegar, olive oil and sugars.
(b) Any wholesome stuffing material appropriate for the product such as, for example, pimiento, onion, almond, celery and anchovy.
(c) Spices and herbs.

3.3 *Quality criteria*

3.3.1 *Brines*

The brines used in the pre-treatment and preservation of table olives shall be obtained by dissolving commercially pure sodium chloride in potable water. The brines used in the preservation of table olives shall further comply with the following criteria:

(a) be clean, with no abnormal smell or taste and free of any foreign matter;
(b) be practically clear in the case of brine covering green olives packed in small containers intended for direct consumption. Brines used in green olives in bulk containers intended for repackaging or on the other trade types may be less clear;
(c) in the case of green olives that have undergone natural fermentation, have a minimum acid content in terms of lactic acid of 0.4%;
(d) with regard to the following trade types, have the minimum sodium chloride and maximum pH figures shown below.

Trade types	Minimum sodium chloride content	Maximum pH limit
Untreated green olives in brine:		
- in hermetically sealed containers	5%	4.0
- in non-hermetically sealed containers	6%	4.5
Treated green olives in brine:		
- in hermetically sealed containers	5%	4.0
- in non-hermetically sealed containers	6%	4.5
Black olives in brine 1/	7%	
Black olives in dry salt 1/	10%	
Pasteurized olives of all trade types: If the olives are pasteurized, the minimum sodium chloride content for the various types mentioned above may be reduced to 2%, but in this case the maximum pH limit shall be 4.3.		
Sterilized olives of all trade types: If the olives are sterilized (sub-section 5.4), no limit is set for the minimum sodium chloride content nor for the maximum pH limit.		

1/ In the case of natural black olives (in brine or in dry salt) the pH may exceed 5.

[1] Means that bitterness has been eliminated by treatment with an alkaline lye of quality appropriate for the preparation of food.

[2] In certain regions these olives turning colour are known and marketed as "rougeottes" or "golden" olives.

[1] Purposely bruised.

[2] This is the type packed in California commonly known as "California ripe olives".

3.3.2 *Organoleptic characteristics of the final product*

Table olives shall have a colour, appearance, reasonable degree of firmness and a flavour characteristic of the type and variety, having due regard for the treatment undergone by them. The olives shall not be excessively fibrous.

3.4 *Definitions of defects*

(a) *Harmless extraneous material:* means any vegetable matter not injurious to health, nor aesthetically undesirable, for example leaves, separated stems, and not including substances the addition of which has been authorized in the standard.

(b) *Stem:* Means the immediate stem attached to the olive and which measures more than 3 mm in length when measured from the shoulder of the olive. Not considered a defect in whole olives presented with stem attached.

(c) *Stone or stone fragments* (except for whole olives): means a whole pit (stone), or pieces of pit which weigh at least 5 mg, or any piece of any size that is hard and sharp.

(d) *Skin blemishes:*

—means, in the case of green olives, olives turning colour and black treated olives; superficial marks which affect the appearance of the olive, but do not penetrate into the flesh and are not the consequence of disease;

—means, in the case of natural black olives and naturally shrivelled black olives picked when fully ripe or after reaching maturity: olives which have been mechanically damaged, crushed or torn.

(e) *Internal damage:* means imperfection or damage to the flesh which may or may not be associated with superficial marks.

(f) *Abnormally shrivelled:* means a whole olive in the styles of Whole, Whole Stuffed, Whole Pitted, Halved and Quartered (except for those styles and types that are characteristically shrivelled) that is so wrinkled as to materially affect the appearance of the fruit.

(g) *Mutilated:* means an olive in Whole Pitted Style that is damaged by tearing to the extent that the pit cavity or a substantial portion of the flesh is exposed.

(h) *Poor texture:* olives which are excessively or abnormally flabby or fibrous in comparison to the trade type.

(i) *Off colour:* olives the colour of which is distinctly different from that which is characteristic of the trade type under consideration.

(j) *Defective stuffing* (in the case of stuffed olives): blemished tissue or defective colouring of the stuffing which materially affect the appearance; olives which do not contain stuffing or which are incompletely stuffed; olives which have been stuffed other than through the centre along the line of the main axis of the olive.

(k) *Other damage:* olives affected by pathological, mechanical or other damage to the extent that the appearance of the olive is objectionable and which is not described in the foregoing classifications (d) through (f).

(l) *Dacus damage:* fruit damaged by Dacus.

3.5 *Allowances for Defects*

The defects defined in sub-section 3.4 shall not exceed the limits prescribed in the following tables.

Table I - Defect Allowances

(Whole, Whole Pitted, Whole Stuffed and Halved Styles)

Allowances based upon sample units of 100 olives

Defect Category	Green olives Treated olives darkened by oxidation	Olives turning colour Treated black olives	Natural black olives Shrivelled black olives
(a) Harmless extraneous matter	1 piece per kilogramme (2.2 pounds)		
	Percentage by count		
(b) Stems (except for the style with stems)	6	6	6
(c) Stone (pit) or stone fragments (Stoned or Pitted Styles)	2	2	-
(d) Skin blemish - equal to or greater than 1/6 of the surface area, by visual estimation	6	6	10
(e) Internal damage (other than dacus damage) - equal to or greater than 1/8 of the volume by visual estimation	4	10	10
(f) Abnormally shrivelled fruit 1/	10	10	10
(g) Mutilated (Stoned or Pitted Styles)	10	10	-
(h) Poor texture (due to other than microbiological actions) 2/	-	-	15
(i) Off colour	15	15	15
(j) Defective stuffing	5	5	-
(k) Other damage	5	5	5
Total limit Defects (b) through (k)	20	20	20
(l) Fruit attacked by Dacus	6 3/	10 3/	10 3/

1/ Not applicable to "naturally shrivelled olives".
2/ See sub-section 3.3.2.
3/ Higher tolerances may be allowed to take account of heavy infestation of Dacus where such higher tolerances are not prohibited in the country where the olives are consumed.

TABLE II—DEFECT ALLOWANCES

[QUARTERED, BROKEN, CHOPPED, AND SLICED STYLES—ALLOWANCES BASED UPON SAMPLE UNIT OF 200 GRAMMES]

Defects defined in sub-section 3.4 and tolerance

Harmless extraneous matter—0.1% by weight.

Stone (pit) or fragments—1 per 200 grammes.

Other defects—10% by weight.

3.6 *Uniformity of Size*

3.6.1 *Whole Olives*

When whole olives are size graded to a single size, such size grading shall correspond to the designations set forth in Annex II—Table of Olive Size Counts. Compliance with a single size designation shall be based on the following criteria:

(a) The average count per kilogramme (or count per pound)[1] of drained olives shall fall within the range specified for the designated size; and

(b) in a test sample of 100 olives:

(i) the diameter of the largest olive shall not exceed the diameter of the smallest olive by more than 5 mm; and

(ii) among the 60 percent by count of olives that are most uniform in size, the diameter of the largest olive shall not exceed the diameter of the smallest olive by more than 2 mm.

3.6.2 *Whole Pitted and Whole Stuffed*

When whole pitted or whole stuffed olives purport to be of uniform size, they shall comply with the following: in a test sample of 100 olives the variation in diameter shall meet the same criteria as specified under sub-paragraphs (i) and (ii) of the preceding subsection dealing with whole olives.

4. *FOOD ADDITIVES*

4.1 *Preservatives* and *Maximum level*

The following may be used singly or in any combination in stuffed olives or "specialities" that are either not fully cured or are not preserved by heat sterilization.

4.1.1 Benzoic acid and its sodium and potassium salts—1000 mq/kg expressed as benzoic acid

4.1.2 Sorbic acid and its sodium and potassium salts—500 mg/kg expressed as sorbic acid

4.2 *Others*

4.2.1 Lactic acid—15 g/kg

4.2.2 Citric acid—15 g/kg

4.2.3 Ascorbic acid—200 mg/kg

4.2.4 Ferrous gluconate (solely to stabilize the colour of treated olives darkened by oxidation)—150 mg/kg as total Fe in the fruit

4.3 *Processing Aids*

Sodium hydroxide when used in the preparation of alkaline lye—Not limited

5. *HYGIENE*

5.1 It is recommended that the products processed by heat, covered by the provisions of this standard, and packed in hermetically sealed containers be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. CAC/RCP 2-1969) and that products not processed by heat be prepared in accordance with the Recommended International Code of Practice—General Principles of Food Hygiene (Ref. CAC/RCP 1-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination the product:

(a) shall be free from pathogenic microorganisms;

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

5.4 Olives preserved by heat sterilization (as in treated olives darkened by oxidation) shall have received a processing treatment sufficient both in time and temperature to destroy spores of *Clostridium botulinum.*

6. *WEIGHTS AND MEASURES*

Minimum fill. The container shall be well filled with table olives without impairing their quality, and the product, including packing medium, shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20° C which the sealed container will hold when completely filled.

7. *CONTAINERS*

The containers in which table olives are packed shall be new or in very good condition, be leakproof and be manufactured of materials which cannot impart any foreign smell or taste to the olives or stibject them to the effects of any toxic substances. Metal containers shall be constructed of suitable material, particularly their inner surfaces, so as to be resistant to corrosion and not react with the product contained therein. Containers made of a transparent materials shall not disguise the real appearance of the olives. The competent authorities or organizations in each country may draw up a list of approved containers, in accordance with particular trade usages, stipulating their technical characteristics especially where containers made of new materials are concerned—taking into account both the foregoing provisions and the relevant recommendations in the Recommended International Code of Practice—General Principles of Food Hygiene (Ref. CAC/RCP 1-1969).

8. *LABELLING*

In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969), the following specific provisions apply:

8.1 *The name of the food*

8.1.1 The name of the product shall be "Olives" or "Table Olives".

8.1.2 The following, as appropriate, shall be included as part of the name or in close proximity to the name:

(a) the trade type as defined in sub-section 2.2.1;

(b) the style of the product as described in sub-section 2.2.2;[1]

(c) the size of whole olives by stating, in accordance with the count designations prescribed in Annex II to this standard, the number of olives per kilogramme, pound or other weight unit used in the consumer country. However, to this may be added a reasonably accurate graphic representation of the whole olive in accordance with the consumer country's legislation. Such indications are optical if the containers are transparent, on condition that the containers do not have any optical effect. When two or more adjacent sizes are packed together, as permitted under subsection 2.2.3, the designation "Mixed Sizes" shall appear. If the olives are presented ungraded for size, a statement to this effect, such as "Unsized", "Not Sized" or "Ungraded for Size" shall appear on the label.

8.2 *List of Ingredients*

A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-section 3.2 (c) of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1-1969).

8.3 *Net Contents*

The weight of the net contents or, for consumer size containers, the drained weight shall be declared in either the metric ("Système international" units) or avoirdupois, or both systems of measurement, as required by the country in which the product is sold.

8.4 *Name and address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

8.5 *Country of Origin*

8.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

8.5.2 When the product undergoes processing in a second country which changes its nature, the trade type and/or the style, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

8.6 *Optional Labelling*

The following are some examples of optional labelling provisions:

(a) variety

(b) sterilization or pasteurization—wherever applicable, mention that heat sterilization or pasteurization has taken place

(c) gross weight of container

(d) year harvested

(e) a term or nomenclature to describe size as is customarily used in the country in which the product is sold. This is in addition to the mandatory size requirement as specified in sub-section 8.1.2

(f) the name of the region or zone of production. Where there exists in any country a specific region or zone of production in which the production and preparation of any of the trade types provided for in the standard are characteristic of that region or zone of production, the name of the region or zone of production may be added to the designations of the trade types

(g) the identification mark or number of the manufacturer, packer, distributor, importer, exporter, or vendor of the product, as provided for in national legislation

(h) registerd mark.

8.7 *Bulk containers* (over 5 kilogrammes)

Bulk containers of over 5 kilogrammes should be marked in accordance with the requirement of sections 8.1 through 8.5, except that this information may be omitted if it is included in the accompanying documents. The containers should bear a clear identification with their respective shipping documents.

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[1] When the drained weight of the sample is less than 1 kilogramme, the count per kilogramme is determined by dividing 1000 by the actual weight of the test sample and multiplying the result by the number of olives in the test sample. By formula this may be expressed as follows:

Count per kilogramme = 1000/W (N) in which W = Weight of test sample in grammes, N = Number of olives in test sample.

[1] This information may be omitted from the label in the case of transparent containers.

9. *METHODS OF ANALYSIS AND SAMPLING*

The methods of analysis described hereunder are international referee methods.

9.1 *Test Procedures*

9.1.1 Determination of Drained Weight

According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 36-1970, *Determination of Drained Weight*—Method I). Results are expressed at % m/m calculated on the basis of the mass of distilled water at 20° C which the sealed container will hold when completely filled.

9.1.2 *Salt Content of Brine*

Potentiometric Titration Method. Reference: Journal of the Association of Official Analytical Chemists, Vol. 54, No. 2, March 1971, 32.A01-32-A05.

9.1.3 *Acidity* [1]

Transfer 25 ml of the brine by pipette to a 250 ml conical flask and add a few drops of phenolphtalein indicator. Titrate the solution with 0.1*N* sodium hydrocide solution until a permanent pink colour persists on shaking. The sodium hydroxide solution may be standardised against dried A.R. grade potassium hydrogen phthalate, and any necessary factor applied.

1 ml 0.1*N* NaOH = 0.0090g lactic acid

9.1.4 *pH Determination* [1]

Set up and adjust a pH meter and the glass and calomel electrodes according to the manufacturer's operating instructions for use at 20°C. Calibrate the instrument with a recognized buffer solution of pH 4.0 at 20°C. Rinse the electrodes free from buffer solution with copious amounts of distilled water. Dip the electrode into the sample contained in a beaker and adjusted to 20°C. Read the pH to the nearest 0.05 units.

9.1.5 *Determination of Food Additives*

(Methods to be determined).

ANNEX I—TABLE OLIVES, DESCRIPTION OF TRADE TYPES

1. *Green olives in brine:* These are prepared from green olives harvested while still ripening, but before full ripeness is attained, when the fruit has reached its normal size. Green olives are firm, sound, resistant to a slight pressure between the fingers and without marks other than the natural pigmentation, subject to the tolerances provided for in this standard. The colour of the fruit may vary from clear green to straw yellow.

(a) *Treated green olives:* They are treated with an alkaline lye and then stored in brine and preserved:

(i) by natural lactic fermentation.

(ii) by partial natural fermentation possibly followed by pasteurization.

(iii) by sterilization or pasteurization.

(iv) by the addition of perserving agents.

(v) by refrigeration.

(b) *Untreated green olives:* These are placed directly in brine and preserved by natural fermentation.

2. *Olives turning colour in brine* ("tournantes", green ripe): These are obtained from fruit of rose, wine-rose or brown colour, harvested before the stage of complete ripeness is attained, which may or may not have been subjected to alkaline treatment and which are ready for comsumption.

(a) *Treated olives turning colour:* This style is obtained from fruit treated with an alkaline solution and preserved:

(i) in brine,

(ii) by heat sterilization,

(iii) in brine and by heat sterilization.

(b) *Natural olives turning colour:* Olives preserved in brine and ready for consumption.

3. *Black olives in brine:* Black olives in brine are firm, smooth and with a glossy skin. Owing to their methods of preparation they may present slight depressions. The colour varies according to production region and time of harvesting from reddish black through violet black, deep violet, yellowish black to deep chestnut. Natural black olives retain a more pronounced fruity taste than treated black olives and, possibly a trace of bitterness.

(a) *Treated black olives:* These are obtained from firm and practicially ripe fruit treated with lye and, after natural oxidation, are preserved by one or a combination of the following:

(i) in brine.

(ii) by sterilization or pasteurization.

(iii) by addition of a preserving agent.

(b) *Natural black olives:* These are prepared from firm fruit harvested when fully ripe or slightly before full ripeness is attained, placed directly in brine and preserved by means of one of the following processes or a combination of same:

(i) in brine.

(ii) by sterilization or pasteurization.

(iii) by addition of a preserving agent.

(c) *Naturally shrivelled black olives:* These are obtained from olives harvested when fully ripe, after they have become shrivelled on the tree, and placed directly in brine.

4. *Black olives in dry salt:* Black olives in dry salt have a shrivelled or furrowed appearance, though the skin is intact. Natural black olives in dry salt retain a slightly bitter taste and a more pronounced fruity flavour than treated black olives in dry salt.

(a) *Treated black olives in dry salt:* These are obtained from firm, practically ripe fruit which, following slight alkaline treatment, is preserved in alternating layers of olives and dry salt or by sprinkling dry salt over the olives.

(b) *Natural black olives in dry salt:* These are obtained from fruit harvested when fully ripe, placed immediately, or after partial drying, in alternating layers of olives and dry salt or by sprinkling dry salt over the olives.

(c) *Naturally shrivelled black olives in dry salt:* These are obtained from fruit harvested when fully ripe, after they have become shrivelled on the tree, preserved in alternating layers of olives and dry salt or by sprinkling dry salt over the olives.

(d) *Pierced black olives in dry salt:* These are obtained from fruit harvested when fully ripe which, after the skin has been pierced, is preserved in alternating layers of olives and dry salt or by sprinkling dry salt over the olives.

5. *Other trade types*

(a) *Bruised olives:* [1] These are obtained from whole fruit, fresh or previously treated in brine, subjected to a process whereby the flesh is bruised or crushed and the stone left whole and untouched within the fruit. They may be treated in weak lye to remove the bitter principle and are preserved in brine, possibly spiced.

There are three types of bruised (purposely cracked) olives:

(i) bruised (purposely cracked) fresh olives

(ii) bruised (purposely cracked) treated fermented green olives

(iii) bruised (purposely cracked) olives turning colour (green-ripe olives).

(b) *treated split olives:* This type is obtained from green olives, olives turning colour or black olives split lengthwise after treatment in an alkaline solution before preservation in a brine which may be vinegary, with or without the addition of olive oil and/or, possibly, aromatic substances.

(c) *Untreated split olives:* This type is obtained from green olives, olives turning colour or black olives split lengthwise and then preserved in a brine which may be vinegary, with or without the addition of olive oil and/or, possibly, aromatic substances.

(d) *Treated olives darkened by oxidation:* This type is obtained from olives which are not fully mature, from which the bitterness has been removed by an alkaline treatment, which have been darkened by oxidation, and which are packed in brine and preserved by heat sterilization.

(e) *Specialities:* Olives may be prepared by means distinct from or additional to those set forth above. Such specialities retain the name "olive" as long as the fruit used comes within the general definitions laid down in this standard. The names used for these olives shall be sufficiently explicit as not to confuse buyers or consumers as to the nature and origin of the products and, in particular, with respect to the designations laid down in this standard.

ANNEX II.—TABLE OF OLIVE SIZE COUNTS

[COUNT DESIGNATIONS]

Per kilogramme	Per pound [1]	Per kilogramme	Per pound [1]
401-450 [2]	182-223	141-150	65-68
371-400	168-181	131-140	60-64
341-370	155-167	121-130	55-59
311-340	142-154	111-120	51-54
281-310	128-141	101-110	46-50
251-280	115-127	91-100	42-45
221-250	101-114	81-90	37-41
201-220	92-100	71-80	33-36
181-200	83-91	60-70	27-32
161-180	74-82		
151-160	69-73		

[1] Equivalent.

[2] Above 450, the difference is 50 olives.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5478 Filed 2-22-79; 8:45 am]

[1] Note: The presence of acidic food additives affects the interpretation of the results

[1] Purposely bruised.

[4110-03-M]

[21 CFR Part 146]

[Docket No. 78N-0350]

GRAPE JUICE

Intent To Establish Standard

AGENCY: Food and Drug Adminstration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Grape Juice Preserved Exclusively by Physical Means" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Adminstration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Adminstration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for grape juice.

As a member of the Codex Alimentarius Commission, the United states is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for grape juice.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional of different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing its complies with applicable U.S. laws and regulations.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 82-1976

RECOMMENDED INTERNATIONAL STANDARD FOR GRAPE JUICE PRESERVED EXCLUSIVELY BY PHYSICAL MEANS

1. *DESCRIPTION.*

Unfermented but fermentable juice, intended for direct consumption, obtained by a mechanical process from sound, ripe grapes preserved exclusively by physical means.[1] The juice may be turbid or clear. The juice may be clarified and corrected for acidity. The juice may have been concentrated and later reconstituted with water suitable for the purpose of maintaining the essential composition and quality factors of the juice.

2. *ESSENTIAL COMPOSITION AND QUALITY FACTORS.*

2.1 *Soluble Solids.*

The soluble grape solids content of grape juice shall be not less than 15% m/m as determined by refractometer at 20°C, uncorrected for acidity and read as ° Brix on the International Sucrose Scales.

2.2 Where the juice had been obtained using concentrated juice with the addition of water, the soluble grape solids content shall be not less than 16% m/m as determined by refractometer at 20°C, uncorrected for acidity and read as ° Brix on the International Sucrose Scales.

2.3 *Ethanol Content.*

The ethanol content shall not exceed 5 g/kg.

2.4 *Volatile Acids.*

The volatile acids content shall not exceed 0.4 g/kg, expressed as acetic acid.

2.5 *Organoleptic Properties.*

The product shall have the characteristic colour, aroma, and flavour of juice from the variety or varieties of grapes from which it is made. Natural volatile grape juice components may only be restored to juice of the same type of grapes from which such natural volatile grape juice components have been removed.

2.6 *Use of Concentrates.* The addition of concentrate to juice is permitted. If a juice is made from only one variety of grapes, only concentrate from that variety may be used.

2.7 *Use of Carbon Dioxide.* The grape juice may be "carbonated".

3. *Food additives:*

	Maximum Level
3.1 Citric acid	Limited by GMP.
3.2 Malic acid	
3.3 Carbon dioxide	
3.4 L-Ascorbic acid	400 mg/kg in the final product.

3.5 *Processing Aids:*

3.5.1 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practice.

	Maximum Level
3.5.2 Precipitated calcium carbonate.	Limited by GMP.
3.5.3 Potassium tartrate	
3.5.4 Calcium hydroxide	
3.5.5 Vegetable carbon	
3.5.6 Nitrogen	
3.5.7 Carbon dioxide	

4. *Contaminants:*

Contaminant	*Maximum Level*
4.1 Arsenic (As)	0.2 mg/kg.
4.2 Lead (Pb)	0.3 mg/kg. [1]

[1] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

Contaminant	Maximum Level
4.3 Copper (Cu)	5 mg/kg.
4.4 Zinc (Zn)	5 mg/kg.
4.5 Iron (Fe)	15 mg/kg.
4.6 Tin (Sn) (temporarily endorsed).	150 mg/kg. [1]
4.7 Sum of copper, zinc and iron.	17 mg/kg.
4.8 Sulphur dioxide	10 mg/kg.
4.9 Mineral impurities insoluble in 10% hydrochloric acid.	20 mg/kg.

[1] These limits remain under review.

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2-1969) and the General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures.*

6.1 *Fill of Container.*

6.1.1 Minimum Fill.

The grape juice shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20° C which the sealed container will hold when completely filled.

7. *Labelling.*

In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969) the following provisions apply:

7.1 *The Name of the Food.*

The name of the product shall be "grape juice" immediately preceded or followed by a varietal designation except in those countries where national authorities determine that the omission of such a varietal designation would not mislead or deceive the consumer. The varietal designation shall consist of the name of the variety of grapes from which the juice was derived. If juices from two or more varieties have been blended, the name of the variety whose juice is present in the greatest proportion shall be accompanied by the words "and other varieties".

7.2 *List of Ingredients.*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion, except that water added for reconstitution of juice according to Section 1 and the processing aids specified in Sections 3.5.1 to 3.5.7 need not be declared.

7.2.2 In the case of grape juice made from concentrate, the fact of reconstitution shall be declared in the list of ingredients as follows: "grape juice made from concentrate" or "reconstituted grape juice" or "grape juice made from concentrated grape juice". If there are no ingredients to be listed in accordance with Section 7.2.1, the expression "grape juice made from concentrate" or "reconstituted grape juice" or "grape juice made from concentrated grape juice" shall appear on the lebel.

7.2.3 The addition of L-Ascorbic acid shall be declared in the list of ingredients as:

(a) "L-Ascorbic acid as antioxidant" or,

(b) "antioxidant".

7.3 *Net Contents.*

The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Système International"), U.S. or British units, as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

7.4 *Name and Address.*

The name and address of the manufacturer, packer distributor, importer, exporter or vendor of the product shall be declared.

7.5. *Country of Origin.*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot Identification.*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

7.7 *Additional Requirements.*

The following additional specific provisions shall apply:

7.7.1 No fruit or fruit juice may be represented pictorially on the label except grapes or grape juice.

7.7.2 Where the product contains more than 2g/kg of carbon dioxide the term "carbonated" shall appear in close proximity to the name and "carbon dioxide" shall also be declared in the list of ingredients.

7.7.3 No claims shall be made in respect of "Vitamin C" nor the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities in the country in which the product is sold, as warranting such claim or the use of such term.

7.7.4 Where grape juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.8 *Bulk Packs.*

In the case of grape juice in bulk, the information required by Sections 7.1 to 7.7.4 shall either be given on the container or be given in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer on packer may be replaced by an indentification mark, provided that such a mark is clearly identifiable with the accompanying documents.

8. *METHODS OF ANALYSIS AND SAMPLING.*

To be included later.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m., and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5471 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 146]

[Docket No. 78N-0356]

CONCENTRATED GRAPE JUICE

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Concentrated Grape Juice Preserved Exclusively by Physical Means" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Aministration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for concentrated grape juice.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standardsfor acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's accept-

ance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for concentrated grape juice.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standards for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 83-1976

RECOMMENDED INTERNATIONAL STANDARD FOR CONCENTRATED GRAPE JUICE PRESERVED EXCLUSIVELY BY PHYSICAL MEANS

1. *Description.*

1.1 *Product Definition.* Concentrated grape juice is the unfermented product which is capable of fermentation after reconstitution, preserved exclusively by physical means,[1] obtained by the process of concentration (as defined in Section 1.2) from the raw materials as described in Section 1.3. The product may be turbid or clear, but is substantially free of crystals of salts of tartaric acid. The concentrated grape juice may be clarified and corrected for acidity.

1.2 *Process Definition.* The process of concentration consists of the physical removal of water until the product has a soluble grape solids content of not less than 30% m/m as determined by refractometer at 20°C uncorrected for acidity and read as °Brix on the International Sucrose Scales and may include the addition of (1) juice or concentrate or water suitable for the purpose of maintaining the essential composition and quality factors of the concentrate, and (2) natural volatile grape juice components where these have been removed. Natural volatile grape juice components may only be restored to concentrated juice of the same type of grapes from which such natural volatile grape juice components have been removed.

1.3 *Raw Material.* The raw material from which this product is obtained is unfermented but fermentable grape juice obtained by a mechanical process from sound, ripe grapes.

2. *Essential Composition and Quality Factors.—Requirements for the Juice after Reconstitution.* The product obtained by reconsituting the concentrated grape juice in accordance with Section 7.8 shall comply with the provisions of the Recommended International Standard for Grape Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 82-1976).

3. *Food Additives.*

		Maximum Level
3.1	Malic acid	Limited by GMP.
3.2	Citric acid	
3.3	L-Ascorbic acid	400 mg/kg in the final product.

3.4 *Processing Aids.*

3.4.1 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practices.

		Maximum Level
3.4.2	Precipitated calcium carbonate.	
3.4.3	Potassium tartrate	Limited by GMP.
3.4.4	Calcium hydroxide	
3.4.5	Vegetable carbon	
3.4.6	Nitrogen	
3.4.7	Carbon dioxide	

4. *Contaminants.* When grape juice concentrate is reconstituted in accordance with Section 7.8, the limits of contaminants shall not exceed those laid down in Section 4 of the recommended International Standard for Grape Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 82-1976).

[1] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

5. *Hygiene.*

5.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2-1969) and the General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969) recommended by the Codex Alimentarius Commission.

5.2 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage; and

(b) Shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures.*

6.1 *Fill of Container.*

6.1.1 Minimum Fill (exclusive of bulk packs). The concentrated grape juice shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20° C which the sealed container will hold when completely filled.

7. *Labelling.* In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following provisions apply:

7.1 *The Name of the Food.* The name of the product shall be "concentrated grape juice" immediately preceded or followed by a varietal designation except in those countries where national authorities determine that the omission of such a varital designation would not mislead or deceive the consumer. The varietal designation shall consist of the name of the variety of grapes from which the concentrated juice was derived. If juices from two or more varieties have been blended, the name of the variety whose juice is present in the greatest proportion shall be accompanied by the words "and other varieties".

7.2 *List of Ingredients.*

7.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion, except that the components mentioned in Section 1.2 and the processing aids specified in Sections 3.4.1 to 3.4.7 need not be declared.

7.2.2 The addition of L-Ascorbic acid shall be declared in the list of ingredients as:

(a) "L-Ascorbic acid as antioxidant" or

(b) "Antioxidant."

7.3 *Net Contents.* The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Système International"), U.S. or British units, as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

7.7 *Additional Requirements.* The following additional specific provisions shall apply:

7.7.1 No claims shall be made in respect of "Vitamin C" nor shall the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities in the country in which the product is sold, as warranting such claim or the use of such term.

7.7.2 No fruit or fruit juice may be represented pictorially on the label except grapes or grape juice.

7.7.3 Where concentrated grape juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

7.8 *Degree of Concentration.* Instructions for dilution shall be given on the container by stating the percentage of soluble grape solids, by weight, as determined by refractometer at 20°C, uncorrected for acidity, and read as °Brix on the International Sucrose Scales or in the case of prepakaged products, by stating the number of parts by volume of water which are required to be added to one part by volume of the concentrated juice to obtain juice which complies at least with the minimum requirements of the Recommended International Standard for Grape Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 82-1967).

7.9 *Bulk Packs.* In the case of concentrated grape juice in bulk, the information required by Sections 7.1 to 7.8 shall either be given on the container or in accompanying documents except that the name of the product and the name and address of the manufacturer or packer should appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents.

8. *Methods of Analysis and Sampling.* To be included later.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1969.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5472 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 146]

[Docket No. 78N-0357]

SWEETENED CONCENTRATED LABRUSCA TYPE GRAPE JUICE

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Sweetened Concentrated Labrusca Type Grape Juice" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for sweetened concentrated labrusca type grape juice.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specifed deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that Country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for sweetened concentrated labrusca type grape juice.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 84-1976

RECOMMENDED INTERNATIONAL STANDARD FOR SWEETENED CONCENTRATED LABRUSCA TYPE GRAPE JUICE PRESERVED EXCLUSIVELY BY PHYSICAL MEANS

1. *Scope.* This standard applies only to the sweetened concentrate which is made from Labrusca type grape juices and which has the essential flavour characteristics of Labrusca type grapes and which is prepackaged for retail sale.

2. *Description.*

2.1 *Product Definition.* Sweetened concentrated grape juice is the sweetened unfermented product which is capable of fermentation after reconstitution, preserved exclusively by physical means,[1] obtained by the process of concentration (as defined in Section 2.2), from the raw materials as described in Section 2.3. The product may be turbid or clear but shall be free from crystals of salts of tartaric acid. The sweetened concentrated grape juice may be clarified and corrected for acidity.

2.2 *Process Definition.* The process of concentration consists of the physical removal of water until the product has a soluble grape solids content of not less than 30% m/m as determined by refractometer at 20°C, uncorrected for acidity and read as ° Brix on the International Sucrose Scales (exclusive of added sugars) and may include the addition of (1) juice or concentrate or water suitable for the purpose of maintaining the essential composition and quality factors of the concentrate, and (2) natural volatile grape juice components where these have been removed.

2.3 *Raw Material.* The raw material from which this product is obtained is unfermented but fermentable grape juice obtained by a mechanical process from sound, ripe Labrusca type grapes.

3. *Essential Composition and Quality Factors.*

3.1 *Requirements for the Juice after Reconstitution.* The product obtained by reconstituting the sweetened concentrated grape juice to a minimum of 15° Brix, exclusive of added sugars, in accordance with Section 8.8 shall comply in all other respects with the provisions of the Recommended International Standard for Grape Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 82-1976) allowing for the addition of sugars according to Section 3.2.

3.2 *Sugars.* One or more of the sugars, as defined by the Codex Alimentarius Commission, shall be added. The addition of fructose is also permitted.

4. *Food Additives.*

	Maximum Level
4.1 Citric acid	Limited by GMP.
4.2 Malic acid	Limited by GMP.
4.3 L-Ascorbic acid	400 mg/kg in the final product.

4.4 *Processing Aids.*

4.4.1 Clarifying and filtering agents as approved by the Codex Alimentarius Commission and used in accordance with good manufacturing practices.

	Maximum Level
4.4.2 Vegetable carbon	Limited by GMP.
4.4.3 Nitrogen	Limited by GMP.
4.4.4 Carbon dioxide	Limited by GMP.

5. *Contaminants.* When sweetened Labrusca type grape juice concentrate is reconstituted in accordance with Section 8.8, the limits of contaminants shall not exceed those laid down in Section 4 of the Recommended International Standard for Grape Juice Preserved Exclusively by Physical Means (Ref. No. CAC/RS 82-1976).

6. *Hygiene.*

6.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2-1969) and the General Principles of Food Hygiene (CAC/RCP 1-1969) recommended by the Codex Alimentarius Commission.

6.2 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage; and

(b) Shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

7. *Weights and Measures.*

7.1 *Fill of Container.*

7.1.1 Minimum Fill. The sweetened concentrated grape juice shall occupy not less than 90% v/v of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

8. *Labeling.* In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following provisions apply:

8.1 *The Name of the Food.* The name of the product shall be "sweetened concentrated grape juice" immediately preceded or followed by a varietal designation, except in those countries where national authorities determine that the omission of such a varietal designation would not mislead or deceive the consumer. The varietal designation shall consist of the name of the variety of grapes from which the concentrated juice was derived. If juices from two or more varieties have been blended, the name of the variety whose jusice is present in the greatest proportion shall be accompanied by the words "and other varieties".

8.2 *List of Ingredients.*

8.2.1 A complete list of ingredients shall be declared on the label in descending order of proportion, except that the components mentioned in Section 2.2 and the processing aids specified in Sections 4.4.1 to 4.4.4 need not be declared.

8.2.2 The addition of L-Ascorbic acid shall be declared in the list of ingredients as:

(a) L-ascorbic acid as antioxidant" or

(b) "Antioxidant."

8.3 *Net Contents.* The net contents shall be declared by volume in one or more of the following systems of measurement: Metric ("Système International"), U.S. or British units, as required by the country in which the product is sold; for British units, units of capacity measurement shall be used.

8.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

8.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

8.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

8.7 *Additional Requirements.* The following specific provisions shall apply:

8.7.1 No claims shall be made in respect of "Vitamin C" nor shall the term "Vitamin C" appear on the label unless the product contains such quantity of "Vitamin C" as would be accepted by national authorities in the country in which the product is sold as warranting such claim or the use of such term.

8.7.2 No fruit or fruit juice may be represented pictorially on the label except Labrusca grapes or Labrusca grape juice.

8.7.3 Where sweetened concentrated grape juice requires to be kept under conditions of refrigeration, there shall be information for keeping and, if necessary, thawing of the product.

8.8 *Degree of Concentration.* Instructions for dilution shall be given on the prepackaged products by stating the number of parts by volume of water which is required to be added to one part by volume of the sweetened concentrated juice in order to obtain minimum 15° Brix, exclusive of added sugar.

9. *Methods of Analysis and Sampling.* To be included later.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12,1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5473 Filed 2-22-79; 8:45 am]

[1] For the purpose of this standard and at this time preservation by physical means does not include ionizing radiation.

[4110-03-M]

[21 CFR Part 148]

[Docket No. 78N-0359]

QUICK FROZEN BILBERRIES

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Bilberries" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen bilberries. Bilberries are marketed in the United States under the common or usual name "blueberries."

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen bilberries.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for quick frozen bilberries specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the lastest edition of Official Methods of Analysis of the Association of Official Methods Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard. Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 76-1976

RECOMMENDED INTERNATIONAL STANDARD FOR QUICK FROZEN BILBERRIES

1. *Scope.* This standard shall apply to quick frozen bilberries of the species *Vaccinium myrtillus* L. as defined below and offered for direct consumption, without further processing except for repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes nor to the product covered by the special standard for quick frozen blueberries.

2. *Description.*

2.1 *Product Definition.* Quick frozen bilberries is the product prepared from fresh, clean, sound, ripe bilberries of firm texture conforming to the characteristics of *Vaccinium myrtillus* L. with or without a dry sugar or a syrup and is packaged and frozen in an appropriate manner.

2.2 *Process Definition.* Quick frozen bilberries is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization. The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice.* The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods (CAC/RCP 8-1976).

2.4 *Presentation.*

Style—Quick frozen bilberries may be presented as free-flowing (i.e. as individual berries not adhering to one another) or non free-flowing (i.e. as a solid block).

3. *ESSENTIAL COMPOSITION AND QUALITY FACTORS*

3.1 *Optional Ingredients.* Sugars (sucrose, invert sugar, invert sugar syrup, dextrose, fructose, glucose syrup, dried glucose syrup).

3.2 *Composition.*

3.2.1 *Bilberries prepared with dry sugars.* The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 35% m/m nor less than 18% m/m, expressed as sucrose, as determined by refractometer at 20° C.

3.2.2 *Bilberries prepared with syrup.* The amount of syrup used shall be not more than that required to cover the berries and fill the spaces between them. The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 25% m/m nor less than 15% m/m, expressed as sucrose, as determined by refractometer at 20° C.

3.2.3 *Definition of "Defective" for Composition.* Any sample units that fall outside the limits for the soluble solids range specified in 3.2.1 and 3.2.2 shall be regarded as "defective" provided it does not exceed the limits of the range by more than 5% m/m soluble solids.

3.2.4 *Lot Acceptance for Composition.* A lot is considered acceptable for composition criteria when the number of "defectives", as defined in 3.2.1 does not exceed the acceptance number (c) for the appropriate sample size of the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1969).

3.3 *Quality Factors.*

3.3.1 *General Requirements.* Quick frozen bilberries shall be:

(a) Of similar varietal characteristics;

(b) Of good colour;

(c) Free from foreign flavour and odour;

(d) Clean, sound and practically free from mould and other harmless foreign matter;

and with respect to visual or other defects subject to a tolerance, shall be:

(e) Practically free from sand and grit;

(f) When presented as free-flowing, practically free from berries adhering one to another and which cannot be easily separated by hand without damage when in the frozen state;

(g) Practically free from extaneous vegetable matter (EVM);

(h) Reasonably free from cap stems (stalks);
(i) Practically free from green berries;
(j) Practically free from dissimilar varieties of edible berries other than bilberries;
(k) Reasonably free from blemished berries;
(l) Reasonably free from undeveloped or mummified berries.

3.3.2 *Analytical Requirements.* Mineral impurities such as sand, grit and silt shall be not more than 0.05% m/m on the whole product (berries and packing medium, if any).

3.3.3 *Free-Flowing Characteristics.* When presented as "free-flowing" a tolerance of 10% m/m shall be allowed for berries which are struck together and not easily separated in the frozen state. The sample unit for "free-flowing" is the entire contents of the container or as large a quantity as practicable.

3.3.4 *Definitions for Visual Defects.*
(a) *Extraneous Vegetable Matter (EVM)*—means leaves or portions of the bilberry plant, or other similar vegetable material which is harmless;
(b) *Cap Stems (Stalks)*—means the immediate stem that attaches the bilberry to the plant, whether or not attached to the berry, and which is 2 mm. or greater in length;
(c) *Green Berries*—means completely uncoloured berries or berries that have a green cast that predominates over the normal reddish purple colour of bilberries;
(d) *Dissimilar Varieties*—means other edible berries that are distinctly different in colour or shape, characteristics than bilberries;
(e) *Blemished*—means bilberries which show visible signs of damage by insects or by pathological injury;
(f) *Undeveloped or Mummified*—means berries that are badly shrivelled, dried, or hard.

3.3.5 *Standard Sample Size.* The sample size for evaluating visual defects, including application of tolerances, is 300 grammes of drained berries, as determined in Section 8.4.

3.3.6 *Tolerances for Visual Defects.* Based upon examination of the standard sample unit as specified in 3.3.5 visual defects are classified as "minor" or "major" and assigned points in accordance with Table I. To be acceptable, the sample unit shall not exceed the "Total Allowable Points" for the respective categories, including *total*, in Table I.

TABLE I

(Sample Unit 300 grammes)

Defect	Unit of measurement	Defect categories		
		Minor	Major	Total
(a) EVM	each piece <1 cm².	1		
	each piece 1 cm² and larger.		2	
(b) Cap stems (stalks).	each stem	1		
(c) Green berries	each berry		2	
(d) Dissimilar varieties.[1]	each berry		2	
(e) Blemished:				
Slightly	each berry	1		
Materially	each berry		2	
(f) Undeveloped or mummified.	each berry		2	
Total allowable points		20	10	20
Disintegrated, crushed or smashed.	badly	10% m/m		

3.3.7 *Definition of "Defective" for Quality Factors.* Any sample unit taken in accordance with the "Sampling Plans for Prepackaged Foods (AQL-6.5)" (Ref. No. CAC/RM 42-1969) shall be regarded as a "defective" for the respective characteristics, as follows:
(a) That exceeds the tolerance for mineral impurities in Section 3.3.2;
(b) That exceeds the tolerance for "free-flowing" in Section 3.3.3;
(c) That exceeds the total allowable points for visual defects in any one or more of the categories in Table I (3.3.6); or that exceeds the tolerance for disintegrated, badly crushed or smashed in Table I (3.3.6).

3.3.8 *Lot Acceptance for Quality Factors.* A lot will be considered acceptable with respect to quality factors when the number of "defectives" as defined in paragraph 3.3.7 does not exceed the acceptance number (c) for the appropriate sample size as specified in the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1969). In applying the acceptance procedure, each "defective" (as defined in 3.3.7 sub-paragraphs (a) or (b) or (c)) is treated individually for the respective characteristic.

4. *Food Additives.* None permitted.

5. *Hygiene.* It is recommended that the product covered by the provisions of this standard be prepared in accordance with the General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969) recomended by the Codex Alimentarius Commission.

6. *Labelling.* In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969) the following specific provisions apply:

6.1 *The Name of the Food.*

6.1.1 The name of the product as declared on the label is "bilberries".

6.1.2 There shall appear on the label in conjunction with or in close proximity to the word "bilberries", the packing medium: "with (name of sweetener and whether as such or as the syrup)".

6.1.3 In addition, there shall appear on the label the words "quick frozen", except that the term "frozen" [1] may be applied in countries where this term is customarily used for describing the product processed in accordance with sub-section 2.2 of this standard.

6.2 *List of Ingredients.* A complete list of ingredients shall be declared in descending order of proportion in accordance with subsection 3.2(c) and (d) of the General Standard for the Labelling of Prepackaged Foods (1969).

6.3 *Net Contents.* The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

[1] "frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

6.4 *Name and Address.* The name and address of ther manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin.* The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements.* The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for thawing.

6.8 *Bulk Packs.* In the case of quick frozen bilberries in bulk, the information required in 6.1 to 6.6 shall either be placed on the container or be given in accompanying documents, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with sub-section 6.1.3 of this standard) and the name and address of the manufacturer or packer must appear on the container.

7. *Packaging.* Packaging used for quick frozen bilberries shall:
(a) Protect the organoleptic and other quality characteristics of the product;
(b) Protect the product against microbiological and other contamination;
(c) Protect the product from dehydration and, where appropriate, leakage as far as technologically practicable;
(d) Not pass on to the product any odour, taste, colour or other foreign characteristics.

8. *Methods of Examination, Analysis and Sampling.* The methods of examination, analysis and sampling described hereunder are international referee methods.

8.1 *Sampling.* Sampling shall be carried out in accordance with the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1969).[1]

8.2 *Thawing Procedure.* According to the FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables, CAC/RM 32-1970.

8.3 *Determination of Net Weight.* According to the FAO/WHO Codex Alimentarius Method: Net Weight Determination of Frozen Fruits and Vegetables, CAC/RM 34-1970, FAO/WHO Codex Alimentarius Methods of Analysis for Quick Frozen Fruits and Vegetables, First Series.

8.4 *Drained Berries.* "Drained berries" is determined by thawing the product until it is practically free from ice crystals and then draining on a screen—mesh/cm (8 mesh/inch)—for two minutes. The weight of product retained by the creen is "drained berries". When dry sugar(s) is added to the berries it shall be removed with a gentle spray of water before draining.

8.5 *Determination of Mineral Impurities.* According to the FAO/WHO Codex Alimentarius Method: Determination of Mineral Impurities in Quick Frozen Fruits and Vegetables, CAC/RM 54-1974, FAO/WHO Codex Alimentarius Methods of Analysis for Quick Frozen Fruits and Vegetables, First Series.[1]

Results are expressed as % m/m on a whole product basis.

[1] Pending consideration by the Codex Committee on Methods of Analysis and Sampling with a view to endorsement.

8.6 *Determination of Total Soluble Solids Content.* According to the FAO/WHO Codex Alimentarius Method: Determination of Total Soluble Solids in Frozen Fruits, CAC/RM 43-1971, FAO/WHO Codex Alimentarius Methods of Analysis for Quick Frozen Fruits and Vegetables, First Series.

Results are expressed as % sucrose.

Interested persons may, on or before April 24, 1979 submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5468 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 150]

[Docket No. 78N-0358]

CITRUS MARMALADE

Notice of Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Citrus Marmalade" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

F. Leo Kauffman, Bureau of Foods (HFF-414), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for citrus marmalade.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard citrus marmalade.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Code Commission will be informed that an imported food which complies with the requirements of the Code Standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for citrus marmalade specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather; they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Code standard under consideration is as follows:

[CAC/RS 80-1976]

RECOMMENDED INTERNATIONAL STANDARD FOR CITRUS MARMALADE

1. *SCOPE*

1.1 This standard applies to the product prepared from citrus fruit and commonly referred to as "Marmalade" and covers general and specific provisions.

1.2 This standard does not apply to:

(a) products prepared from fruits other than citrus;

(b) products made from ginger, pineapple, or figs (with or without the addition of citrus fruit) which are customarily described as marmalades of such fruit(s) but which conform to the requirements for jams and which are covered by the FAO/WHO Codex Alimentarius Recommended International Standard for Jams (Fruit Preserves) and Jellies (Ref. No. CAC/RS 79-1976);

(c) products prepared with non-carbohydrate sweeteners and designated as "diabetic" or "dietetic" or products with a low sugar content, which do not comply with the minimum requirement of this standard and which in some countries are commonly described as marmalade;

(d) products clearly intended and marked as for manufacturing use.

2. *DESCRIPTION*

2.1 *Product Definitions*

2.1.1 "Marmalade" is the product obtained by processing prepared citrus fruit (as defined in 2.2.1):

(a) which may be whole fruit, fruit pulp, or fruit puree with some or all of the peel removed; and

(b) with or without citrus juice and the extraction of peel; and

(c) mixed with a carbohydrate sweetener, with or without water; and

(d) processed to a suitable consistency.

2.1.2 "Jelly Marmalade" is the product as described in sub-section 2.1.2 from which all of the insoluble solids, or all of the insoluble solids except for a small proportion of thinly cut peel, have been removed.

2.2 *Other Definitions*

2.2.1 "Prepared citrus fruit" of "Prepared citrus fruit ingredient" means the product:

(a) prepared from fruit which is fresh, processed, or preserved other than by drying; and

(b) prepared from substantially sound, clean citrus fruit from which stems, calyces, and seeds have been removed and includes pulps, juices, concentrated juices, extractives and preserved peels; and

(c) containing all natural soluble solids (extractives) except for those lost during preparation under good manufacturing practices.

3. *ESSENTIAL COMPOSITION AND QUALITY CRITERIA*

3.1 *Composition*

3.1.1 Basic ingredients

— prepared citrus fruit ingredient as defined in 2.2.1;

— one or more of the carbohydrate sweetener(s) (sugar(s)) defined by the Codex Alimentarius Commission, including sucrose, dextrose, invert sugar, invert sugar syrup, fructose, fructose syrup, glucose syrup, dried glucose syrup.

3.1.2 Optional ingredients

— citrus juice;

— essential oils;

— spirituous liquors;

— butter, margarine, other edible vegetable or animal oils (used as anti-foaming agents);

— honey.

3.2 *Formulation*

The product shall contain not less than 20 parts, by weight, of prepared citrus fruit ingredient for each 100 parts, by weight, of finished marmalade. Peel in excess of amounts normally associated with the fruits is not considered a part of the fruit ingredient for purposes of compliance with minimum fruit content.

When concentrated or diluted citrus fruit ingredient is used, the formulation is based upon the equivalent of single strength fruit ingredient as determined by the relationship between the soluble solids of the concentrate or the dilution and the soluble solids of the natural (single strength) fruit ingredient.

3.3 *Soluble Solids* (Finished Product)

The soluble solids value of the finished product shall not be less than 65 percent (see 8.2.1).

3.4 *Quality Criteria*

3.4.1 General Requirements

The end product shall be viscous or semi-solid, have a colour and flavour normal for the type of citrus fruit used taking into consideration any flavour imparted by optional ingredients. The product shall be practically free from seeds, or seed particles, and extraneous plant material, and shall be reasonably free from other defects normally associated with the fruit.

3.4.2 Classification of "defectives"

A container that fails to meet one or more of the applicable quality requirements, as set out in subsection 3.4.1 shall be considered a "defective".

3.4.3 Lot Acceptance

A lot will be considered as meeting the applicable quality requirements referred to in subsection 3.4.1 when the number of "defectives", as defined in subsection 3.4.2, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL-6.5) in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42-1969).

4. FOOD ADDITIVES

4.1 *Acidifying and pH Regulating Agents*	*Maximum level in the end product.*
4.1.1 Citric acid	In sufficient amount to maintain the pH at a level of 2.8–3.5
4.1.2 Malic acid	
4.1.3 Lactic acid	
4.1.4 L-tartaric acid	
4.1.5 Fumaric acid	
4.1.6 Sodium, potassium and calcium salts of any of the acids listed in 4.1.1 through 4.1.5.	L-tartaric acid and fumaric acid and their salts expressed as the acid, 3000 mg/kg
4.1.7 Sodium and potassium carbonates	
4.1.8 Sodium and potassium bicarbonates	
4.2 *Anti-Foaming Agents*	
4.2.1 Mono and diglycerides of fatty acids of edible oils.	Not more than is necessary to inhibit foaming—10 mg/kg
4.2.2 Dimethyl polysiloxane	
4.3 *Thickening Agents*	
4.3.1 Pectin (non-amidated)	Limited by GMP
4.3.2 Pectin (amidated)	5 g/kg
4.4 *Colours*	
4.4.1 Caramel (not made by the Ammonia sulphite process).	Limited by GMP
4.4.2 Caramel (made by the Ammonia sulphite process).	1.5 g/kg
4.4.3 Sunset Yellow FCF 15985	200 mg/kg
4.4.4 Tartrazine 19140	100 mg/kg, singly or in combination (in Lime Marmalade only)
4.4.5 Fast Green FCF 42053	
4.5 *Preservatives*	
4.5.1 Sorbic acid and potassium sorbate	500 mg/kg, singly or in combination
4.5.2 Sulphur dioxide (as a carryover from raw material).	100 mg/kg (based on the end product)
4.6 *Flavours*	
Natural citrus fruit essences	Limited by GMP
4.7 *Antioxidant*	
L-ascorbic acid	500 mg/kg

5. *HYGIENE*

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

(a) shall be free from microorganisms capable of development under normal conditions of storage; and

(b) shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *WEIGHTS AND MEASURES*

6.1 *Fill of container*

6.1.1 Minimum fill

The container shall be well filled with the product. When packed in rigid containers the product shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the

sealed container will hold when completely filled (see 8.2.3).

6.1.2 Classification of "defectives"

A container that fails to meet the requirement for minimum fill (90 percent container capacity) of 6.1.1 shall be considered a "defective".

6.1.3 Lot Acceptance

A lot will be considered as meeting the requirements of 6.1.1 when the number of "defectives" does not exceed the acceptance number (c) of the appropriate sampling plan (AQL-6.5) in the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42-1969).

7. *LABELLING*

In addition to sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

7.1 *The name of the food*

7.1.1 The name of the product shall be "Marmalade" or "Jelly Marmalade" as appropriate.

7.1.2 Where the product is not made exclusively from oranges, the designation shall include the citrus fruits from which the product was prepared, except that this shall not be necessary where the proportion of citrus fruit other than orange does not exceed 10% by weight of the fruit content.

7.1.3 Except as provided for in 7.1.2, where the product is prepared from two or more citrus fruits, the designation shall include each citrus fruit present, with the fruits listed in the order of predominance.

7.1.4 The name of the product may include the name of the variety of citrus fruit (e.g. "Valencia Orange Marmalade").

7.1.5 The product may be designated according to the amount and type of peel present, depending upon the practice in the country in which it is sold.

7.1.6 When any ingredient has been added which imparts to the food the distinctive flavour of the ingredient, the name of the food shall be accompanied by the term "flavoured with X" or "X flavoured" as appropriate.

7.2 *List of ingredients*

7.2.1 A complete list of ingredients shall be declared on the label in discending order of proportion in accordance with sub-sections 3.2(b) and (c) of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAQ/RS 1-1969).

7.2.2 If ascorbic acid is added to preserve colour, its presence shall be declared in the list of ingredients as ascorbic acid.

7.3 *Net contents*

The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

7.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

7.5 *Country of origin*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.6 *Lot identification*

Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

8. *METHODS OF ANALYSIS AND SAMPLING*

The methods of analysis and sampling described or referred to in 8.1, 8.2-8.2.3 are international referee methods.

8.1 *Sampling*

In accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42-1969).

8.2 *Test procedures*

8.2.1 Soluble solids

Soluble solids shall be determined by the refractometric method, disregarding any adjustment for water insoluble solids and invert sugars, in accordance with AOAC Method. (Reference: Official Methods of Analysis of the Association of Official Analytical Chemists (1975) XII, 22.024 and 31.011).

8.2.2 Determination of Calcium in Marmalade

In accordance with the FAO/WHO Codex Alimentarius Recommended Method (Ref. No. CAC/RM 38-1970) also shown in Methods of AOAC (1975) XII—32.014 through 32.016 (Complexometry).

8.2.3 Determination of water capacity of containers

In accordance with the FAO/WHO Codex Alimentarius Recommended Method (Ref. No. CAC/RM 46-1972).

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5534 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 161]

[Docket No. 78N-0360]

QUICK FROZEN GUTTED PACIFIC SALMON

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Quick Frozen Gutted Pacific Salmon" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FUR FURTHER INFORMATION CONTACT:

P. G. Harrill, Bureau of Foods (HFF-410), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen gutten Pacific salmon.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority

of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen gutted Pacific salmon.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S laws and regulations.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement any of meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 36-1970

RECOMMENDED INTERNATIONAL STANDARD FOR QUICK FROZEN GUTTED PACIFIC SALMON

1. Scope.—This standard shall apply to fish of the species as defined below with or without head, that have been eviscerated, washed, individually quick frozen and treated to protect the flesh from oxidation and dehydration. The stand[illegible] applies to fish shipped in bulk or in [illegible] containers such as cases or boxes.

2. Description.

2.1 *Product Definition.*—Quick Frozen Gutted Pacific Salmon is the eviscerated carcase of any of the following species of fish: *Oncorhynchus nerka, Oncorhynchus kisutch, Oncorhynchus tschawytscha, Oncorhynchus gorbuscha, Oncorhynchus keta, Oncorhynchus masou.* The fish shall be glazed with ice or tightly wrapped in a membrane to protect its flesh from oxidation and dehydration.

2.2 *Process Definition.*—The quick freezing process shall be carried out in appropriate equipment in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization. The product shall be maintained at a low temperature such as will maintain the quality during transportation, storage and distribution up to and including the time of final sale of the bulk product.

2.3 *Presentation.*—The product shall be presented either without the head as "dressed headless" or with the head as "dressed head-on".

3. Essential Composition and Quality Factors.

3.1 *Raw Material.*—Quick Frozen Gutted Pacific Salmon shall be prepared from sound fish which have been eviscerated.

3.2 *Final Product.*

3.2.1 Gill and gill rakers shall have been removed;

3.2.2 The Fish shall have been opened by cutting through the body wall along the ventral line from the anus to the throat;

3.2.3 Viscera and blood along the backbone shall have been removed;

3.2.4 The body cavity and the carcass shall be clean;

3.2.5 The longitudinal axis shall be straight;

3.2.6 The product shall be free from poisonous or harmful substances;

3.2.7 The fish shall be glazed or tightly wrapped for protection;

3.2.8 The product shall have a normal colour and odour;

3.2.9 The product shall not be excessively dehydrated;

3.2.10 The defects defined in sub-section 3.3 shall not exceed the limits specified for them in sub-section 3.4;

3.2.11 The removal of the head is optional (see 2.3).

3.3 *Definition of Defects.*

3.3.1 Physical defects.

3.3.1.1 *Body deformation:* deformation of the back (hump-back) or of the head if present (hooked snoat) as a result of the extension of cartilaginous material in these areas as the fish approaches spawning condition.

3.3.1.2 *Damage to protective coating:* voids in the ice glaze or tears in the covering membrane.

3.3.1.3 *Dehydration or freeze burn:* loss of moisture from the surface tissue resulting in a dry, porous or spongy condition and in oxidation of the surface tissue.

3.3.2 Surface defects.

3.3.2.1 *Discolouration from bruises:* readily discernible localised discolouration caused by diffusion of blood into the flesh.

3.3.2.2 *Cuts, wounds* and other *skin breaks:* readily discernible damage to the skin.

3.3.2.3 *Discoloured skin:* readily discernible deviation from the normal characteristic colour of the species concerned.

3.3.3 Gutting and cleaning defects.

3.3.3.1 *Gill and body cavity cuts:* misplaced cuts made during gutting.

3.3.3.2 *Remains of viscera:* incomplete removal of the viscera.

3.3.3.3 *Improper washing:* inadequate removal of slime, blood and bits of viscera from the surface of the fish and from the body cavity.

3.3.3.4 *Belly burn or loose belly bones:* readily discernible enzymatic damage to the tissues in the area of the belly cavity, or loose belly bones in the abdominal cavity which have become detached from the flesh.

3.3.4 Defects of odour: stale, sour, rancid or other objectionable odours indicative of decomposition or contamination.

3.4 *Examination of and tolerances for defects.*

3.4.1 Each fish in a sample, taken in accordance with section 6, shall be examined for defects defined in sub-section 3.3.

3.4.2 Physical defects, surface defects and gutting and cleaning defects shall be scored according to the following scheme:

Defects	Demerit Points
Physical defects:	
Body deformation (hump-back and/or hooked snout)	2
Damage to protective coating:	
3-10% of the surface area affected	0.5
Over 10% of the surface area affected.	1
Dehydration or freezer burn:	
3-10% of the surface area affected	2
Over 10% of the surface area affected.	3
Surface defects:	
Discolouration from bruises	1
Cuts, wounds and other skin breaks	2
Discoloured skin	0.5
Gutting and cleaning defects:	
Gill and body cavity cuts	1
Remains of viscera	3
Improper washing	2
Belly burn or loose belly bones	3

3.4.3 The average demerit per fish is calculated by dividing the total demerit points scored under sub-section 3.4.2 by the number of fish in the sample *n* (see 6.1).

3.4.4 The shipment is considered acceptable with respect to physical defects, surface defects, and gutting and cleaning defects if the average demerit per fish, calculated as in sub-section 3.4.3 does not exceed 2.

3.4.5 Defects of odour. Each fish in the sample shall be free from any objectionable odours resulting from decomposition or contamination.

4. Hygiene. It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the appropriate Sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

5. Labelling.

5.1 *The Name of the Food.* The name of the product is the name prescribed for the particular species under sub-section 5.2 with the words "quick frozen" and the words "dressed headless" or "dressed head-on" as appropriate. However, the term "frozen" (1) may be applied on the national level in countries where this term is customarily used for the type of product processed in accordance with sub-section 2.2.

5.2 *Designation.* Quick Frozen Gutted Pacific Salmon shall be designated as follows according to the species packed:

Species	Designation
Oncorhynchus-nerka	Sockeye Salmon or Red Salmon.
Oncorhynchus-kisutch	Coho Salmon or Silver Salmon.
Oncorhynchus-tschawytscha.	Spring Salmon, King Salmon or Chinook Salmon.
Oncorhynchus-gorbuscha.	Pink Salmon.
Oncorhynchus-keta	Chum Salmon or Keta Salmon.
Oncorhynchus-masou	Cherry Salmon.

(l) "Frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

5.3 *Name, Address and Country of Origin.* In addition to the particulars in subsections 5.1 and 5.2, the name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product and the country of origin shall be declared on the container or be given in the accompanying documents.

6. Sampling and Examination. The sampling and examination methods described hereunder are international referee methods recommended for the examination of the product in accordance with sub-section 3.4. The buyer and seller, however, may agree to use other methods.

6.1 *Sampling.*

6.1.1 Initial sampling. An initial random sample shall be taken according to the following plan:

Number of fish in the shipment	Number of fish in the sample *n*
15 to 50	2
51 to 150	4
151 to 500	6
501 to 1500	8
1501 and over	12

This plan applies to a shipment of Pacific salmon where each fish weighs 5.5 kg (12 lb) or less. Where each Pacific salmon weighs over 5.5 kg (12 lb), the number of fish in the sample shall be reduced so that the total weight of the sample shall not be greater than n x 5.5 kg (n x 12 lb), where n = number of fish in the sample indicated in the above plan.

6.1.2 Resampling. If a shipment does not meet the requirements of this standard on the basis of the examination of the initial sample (6.1.1), the shipment may be resampled at the request of the buyer or seller. In this case of the sample size (initial sample n indicated in the above plan plus resample) shall be increased to a total of 20 fish, if such there be. The average demerit per fish shall be determined from the total demerit for the 20 fish.

6.2 *Examination.*

6.2.1 The samples shall be examined for *physical defects* (body deformation, damage to the protective coating, and dehydration of freezer burn), without thawing.

6.2.2 The samples shall be thawed and examined for *surface defects, gutting and cleaning defects* and *defects of odour.*

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5469 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 163]

[Docket No. 78N-0361]

COCOA BUTTERS

Intent to Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Cocoa Butters" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by March 26, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

P. G. Harrill, Bureau of Foods (HFF-410), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for cocoa butters.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarious Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for cocoa butters.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for cocoa butters specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to

employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 86-1976

RECOMMENDED INTERNATIONAL STANDARD FOR COCOA BUTTERS

1. *Scope.*—This standard applies exclusively to cocoa butter used as ingredient in the manufacture of chocolate and chocolate products.

2. *Description.*

2.1 *Definition of Cocoa Butter.*

Cocoa Butter* is the fat produced from one or more of the following:

Cocoa beans (as defined in Sections 2.1 and 3.1 of the *Standard for Cocoa (Cacao) Beans, Cocoa (Cacao) Nib, Cocoa (Cacao) Mass, Cocoa Press Cake and Cocoa Dust (Cocoa Fines), for Use in the Manufacture of Cocoa and Chocolate Products*), cocoa nib, cocoa mass, cocoa press cake, expeller press cake or cocoa dust (cocoa fines), by a mechanical process and/or with the aid of permissible solvents. Cocoa butter shall not contain shell fat or germ fat in excess of the proportion in which they occur in the whole bean.

Cocoa butter may be treated as follows:

(a) Filtered, centrifuged;

(b) Degummed, deodorized by steam under vacuum and all other normal methods of deodorization;

(c) Treated with lye or a similar substance normally used for neutralizing;

(d) Treated with compounds normally used for bleaching.

2.2 *Categories of Cocoa Butter.* Cocoa Butter is normally traded under the following categories:

2.2.1 Press Cocoa Butter.* *Press Cocoa Butter* is the fat which is obtained by pressure from cocoa nib or cocoa mass (cocoa liquor) obtained from cocoa beans as described in Section 2.1 and complying with the Minimum Quality laid down in Section 3.1 of *Standard for Cocoa (Cacao) Beans, Cocoa (Cacao) Nib, Cocoa (Cacao) Mass, Cocoa Press Cake and Cocoa Dust (Cocoa Fines).* It may only be treated as stated under (a) and (b) of Section 2.1, general definition of cocoa butter.

2.2.2 Expeller Cocoa Butter.* *Expeller Cocoa Butter* is the fat prepared by the expeller process from cocoa beans singly or in combination with cocoa nib, cocoa mass, cocoa press cake and low fat cocoa press cake, as described respectively in Sections 2.1, 2.2, 2.3, and 2.4 and complying with the Minimum Quality laid down in Section 3.1 of the *Standard for Cocoa (Cacao) Beans, Cocoa (Cacao) Nib, Cocoa (Cacao) Mass, Cocoa Press Cake and Cocoa Dust (Cocoa Fines).* It may only be treated as stated under (a) and (b) of Section 2.1 above, containing the general definition of cocoa butter. Cocoa butter prepared by the expeller process from other raw materials is not included in the present description.

2.2.3 Solvent Extracted Cocoa Butter.* *Solvent Extracted Cocoa Butter* is the fat obtained by extraction with permitted solvents from cocoa beans and/or from the other raw materials as described in Section 2 of *Standard for Cocoa (Cacao) Beans, Cocoa (Cacao) Nib, Cocoa (Cacao) Mass, Cocoa Press Cake and Cocoa Dust (Cocoa Fines).* Such butter shall have been treated as indicated under (a) and (b) of Section 2.1 above, containing the general definition of cocoa butter.

2.2.4 *Refined Cocoa Butter.** *Refined Cocoa Butter* is the fat obtained by any of the means described in sub-sections 2.2.1, 2.2.2 or 2.2.3 above which has been treated as indicated under (a) and (b) and which has received either or both of the treatments indicated under (c) and (d) of Section 2.1 above, containing the general definition of cocoa butter.

3. *Essential Composition and Quality Factors.*

3.1 *Identification and quality values.***

3.1.1 Organoleptic characteristics for Press Cocoa Butter, Expeller Cocoa Butter, Solvent Extracted Cocoa Butter and Refined Cocoa Butter.

(a) Colour, characteristic of the designated product.

(b) Odour and taste, characteristic of the designated product and free from foreign odour and foreign taste.

3.1.2 Analytical characteristics

Press Cocoa Butter, Expeller Cocoa Butter, Solvent Extracted Cocoa Butter, Refined Cocoa Butter	(a) Refractive Index* expressed as $(n\frac{40}{D})$		1.456–1.459
	(b) Melting behaviour (Pincke)	Slip point	30–34°C
		Clear Melting Point	31–35°C
	(c) Free fatty acids expressed as % m/m oleic acid		0.5–1.75
	(d) Saponification value expressed as mg KOH/g fat*		188–198
	(e) Iodine value (Wijs)		33–42
Press Cocoa Butter	(f) Unsaponifiable matter (petroleum ether) expressed as % m/m	not more than	0.35
Expeller Cocoa Butter, Solvent Extracted Cocoa Butter, Refined Cocoa Butter	" "	not more than	0.5

* Exceptionally the upper limit may be exceeded; however cocoa butter for the manufacture of chocolate, composite and flavoured chocolate, filled chocolate and white chocolate must comply with figures in this standard.

*Note on the Composition of Cocoa Butter for Use in Chocolate. Fat which has been prepared from the raw materials permitted for the manufacture of cocoa butter and by one of the methods of preparation authorized for cocoa butter and with or without one of the treatments authorized for cocoa butter, but which does not comply with all the analytical values laid down for cocoa butter, shall be refined before being added to cocoa butter and may only be added to cocoa butter and only in such amount that the resulting mixture is in compliance with the analytical values for refined cocoa butter.

*Note on the Composition of Cocoa Butter for Use in Chocolate. Fat which has been prepared from the raw materials permitted for the manufacture of cocoa butter and by one of the methods of preparation authorized for cocoa butter and with or without one of the treatments authorized for cocoa butter, but which does not comply with all the analytical values laid down for cocoa butter, shall be refined before being added to cocoa butter and may only be added to cocoa butter and only in such amount that the resulting mixture is in compliance with the analytical values for refined cocoa butter.

* Please see footnote on previous page.

** This Section is subject to revision in due course when statistical data on fatty acid composition are available as well as data on Blue Value (behenic acid tryptamide content) and Extinction Value at 270 nm (after rinsing with NaOH).

4. *Food Additives.*

4.2 *Extraction Solvents.* Hexane (62°C-82°C), Maximum Level in the End Product: 5 mg/kg.

5. *Contaminants.*

		Maximum Level
5.1	Arsenic (As)	0.5 mg/kg.
5.2	Copper (Cu)	0.4 mg/kg.
5.3	Lead (Pb)	0.5 mg/kg.
5.4	Iron (Fe)	2.0 mg/kg.

6. *Hygiene.*

6.1 It is recommended that the products covered by the provisions of this standard be prepared in accordance with the appropriate sections of the Recommended International Code of Practice—General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969).

6.2 To the extent possible in good manufacturing practice, the products shall be free from objectionable matter.

6.3 When tested by appropriate methods of sampling and examination, the product shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6.4 When tested by appropriate methods of sampling and analysis, the products shall be free of pathogenic microorganisms.

7. *Labelling.*

7.1 *Designation of the Product.*

7.1.1 Press Cocoa Butter. Products described under Section 2.2.1 and complying with the requirements of Sections 3.1.1 and 3.1.2 of the standard shall be designated *"cocoa butter"* or *"press cocoa butter"*. If the product has been deodorized by steam and/or vacuum and all other normal methods of deodorization (as indicated in Section 2.1(b)), the designation may include the term *"deodorized"*.

7.1.2 Expeller Cocoa Butter. Products described under Section 2.2.2 and complying with the requirements of Sections 3.1.1 and 3.1.2 of the standard shall be designated *"expeller cocoa butter"*. If the product has been deodorized by steam and/or vacuum and all other normal methods of deodorization (as indicated in Section 2.1(b)), the designation may include the term *"deodorized"*.

7.1.3 Solvent Extracted Cocoa Butter. Products described under Section 2.2.3 and complying with the requirements of Sections 3.1.1 and 3.1.2 of the standard shall be designated *"solvent extracted cocoa butter"*. Any mixture of solvent extracted cocoa butter with any other category of cocoa butter complying with this standard shall be designated *"Solvent Extracted Cocoa Butter"* except as provided in 7.1.4. If the product has been deodorized by steam and/or vacuum and all other normal methods of deodorization (as indicated in Section 2.1(b)), the designation may include the term *"deodorized"*.

7.1.4 Refined Cocoa Butter. Products described under Section 2.2.4 and complying with the requirements of Sections 3.1.1 and 3.1.2 of the standard shall be designated *"refined cocoa butter"*. Any mixture of refined of cocoa butter with any other category of cocoa butter complying with this standard shall be designated *"Refined Cocoa Butter"*. If the product has been deodorized by steam and/or vacuum and all other normal methods of deodorization (as indicated in Section 2.1(b)), the designation may include the term *"deodorized"*.

7.2 *Net Contents.* The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

7.3 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

7.4 *Country of Origin.*

7.4.1 The country of origin of the products covered by the standard shall be declared, unless they are sold within the country of origin, in which case the country of origin need not be declared.

7.4.2 When a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7.5 *Bulk Packs.* The information required by sub-sections 7.1 to 7.4 shall either be given on the container or be given in accompanying documents except that the name of the product and the name and address of the manufacturer or packer shall appear on the container. However, the name and address of the manufacturer or packer may be replaced by an identification mark provided that such a mark is clearly identifiable with the accompanying document.

7.6 *Lot Identification.* Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

8. *Methods of Analysis and Sampling.*

8.1 *Analysis.*

8.1.1 Determination of Refractive Index. According to IUPAC—Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition 1973, II.B.2. Results are given as the refractive index relative to the sodium D-line at 40° (n40/D).

8.1.2 Determination of Melting Behaviour.

(i) Slip point.

(ii) Clear melting point.

According to H. Fincke as described in Analytical Methods of the Office International cocao et du Chocolat p. 8b-E/1961. The method also describes pretreatment of the cocoa butter before determination of slip point (the temperature at which the fat visibly flows) and clear point (the temperature at which the molten fat becomes completely clear).

8.1.3 Determination of Free Fatty Acids. According to IUPAC—Standard Methods for the Analysis of Oils, Fats and Soaps 5th Edition 1966, II.D.1. The acidity is titrated against a standard solution of ethanolic KOH and is expressed as % oleic acid.

8.1.4 Determination of Saponification Value. According to IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition 1966, II.D.2. Saponification value is expressed as the number of mg KOH/g oil.

8.1.5 Determination of Iodine Value. According to IUPAC—Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.3. The Wijs Method. Results are expressed as % m/m absorbed iodine.

8.1.6 Determination of Unsaponifiable Matter. According to IUPAC Standard Methods of Analysis of Oils, Fats and Soaps, 5th Edition 1966, II.D.5.2. Results are expressed as g unsaponifiable matter/kg oil.

8.1.7 Determination of Arsenic. According to the Colorimetric (silver diethyldithiocarbamate) Method of the Association of Official Analytical Chemists AOAC (1970) 25,011 (25.016-25.017). Results are expressed as mg arsenic/kg.

8.1.8 Determination of Copper.* According to the Colorimetric (diethyldithiocarbamate) Method of the Association of Official Analytical Chemists AOAC (1970) 25.023-8. Results are expressed as mg copper/kg.

8.1.9 Determination of Lead.* According to the AOAC (1970) Method, by the colorimetric dithizone determination procedure after complete digestion, AOAC (1970) 25.053 (25.047-25.048).

8.1.10 Determination of Iron.* According to British Standards Institution Method British Standard 684: 1958 Methods of Analysis of Oils and Fats, pages 92, 93, and CAC/RM 14-1969. Results are expressed as mg iron/kg.

8.2 Sampling.

8.2.1 Preparation of Sample. According to IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition 1973, II.A.1.

NOTE.—The method is not applicable to determination of melting behaviour.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5531 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 167]

[Docket No. 78N-0364]

VIRGIN AND REFINED OLIVE OIL AND REFINED OLIVE-RESIDUE OIL

Notice of Intent to Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Virgin and Refined Olive Oil and Refined Olive-Residue Oil" and to comment on the desirability and need for a U.S. standard

* Temporarily endorsed. May be replaced by Atomic Absorption Spectrophotometry (AAS) in the future.

for these foods. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for virgin and refined olive oil and refined olive-residue oil.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the FDA standard. At present, there is no FDA standard for virgin and refined olive oil and refined olive-residue oil.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for these foods, on the specific provisions of the Codex standard and on additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for U.S. standard for these foods, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for olive oils specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Recommended International Standard for Olive Oil, Virgin and Refined, and for Refined Olive-Residue Oil

1. SCOPE

This standard applies to virgin olive oil, refined olive oil and refined olive-residue oil and blends and mixtures thereof. Refined olive oil may be marketed alone or blended with virgin olive oil; refined olive-residue oil may be marketed alone or mixed with virgin olive oil.

2. DESCRIPTION

2.1 *Olive oil* is the oil obtained from the fruit of the olive tree (*Olea europaea* L.) without having been subjected to manupulation or any treatment not authorized by sub-sections 2.2 and 2.3 of this standard.

2.2 *Virgin olive oil* is the oil obtained from the fruit of the olive tree by mechanical or other physical means under conditions, particularly thermal, which do not lead to alteration of the oil. Vigin olive oil is an oil which is suitable for consumption in the natural state.

2.3 *Refined olive oil* is the oil obtained from virgin olive oil, the acid content and/or organoleptic characteristics of which render it unsuitable for consumption in the natural state, by means of refining methods which do not lead to alterations in the initial glyceridic structure.

2.4 *Refined olive-residue oil* is the oil obtained from "olive residues" by extraction by means of solvents and made edible by means of refining methods which do not lead to alteration in the initial glyceridic structure.

3. ESSENTIAL COMPOSITION AND QUALITY FACTORS [1]

3.1 *Identity Characterstics* (under normal ecological conditions)

3.1.1 Fatty acid composition (% m/m of methyl esters)

Oleic acid	56.0–83.0
Palmitic acid	7.5–20.0
Linoleic acid	3.5–20.0
Stearic acid	0.5–3.5
Palmitoleic acid	0.3–3.5
Linolenic acid	0.0–1.5
Myristic acid	0.0–0.05
Arachidic acid, Behenic acid, Gadoleic acid, Lignoceric acid	minute amounts only
Erucic acid, Lauric acid	not present in discernible amounts

3.1.2 Physical and Chemical Indices

3.1.2.1 Relative Density (20° C/water at 20° C)

Virgin olive oil, Refined olive oil, Refined olive-residue oil	0.910–0.916

3.1.2.2 Refractive Index ($n_D^{20°C}$)

Virgin olive oil, Refined olive oil	1.4677–1.4705
Refined olive-residue oil	1.4680–1.4707

3.1.2.3 Saponification Value (mg KOH/g oil)

Virgin olive oil, Refined olive oil	184–196
Refined olive-residue oil	182–193

3.1.2.4 Iodine Value (Wijs)

Virgin olive oil, Refined olive oil	75–94
Refined olive-residue oil	75–92

3.1.2.5 Unsaponifiable Matter (using light petroleum)

Virgin olive oil, Refined olive oil	not more than 15 g/kg [2]
Refined olive-residue oil	not more than 25 g/kg [3]

3.1.2.6 Belier Index

Virgin olive oil, Refined olive oil	not more than 17
Refined olive-residue oil	not applicable

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[1] The limits of essential composition and quality factors of *virgin olive oils* show very widely spaced minimum and maximum values, since they take account of the oil characteristics of all producing countries. Characteristics and limits of physical and chemical indices and values, and of fatty acid composition for the various grades of *virgin olive oils* produced in each olive-growing area, determined at the various periods of each olive crop year and also after eight months' normal preservation of these oils are published yearly in each producing country's 'National Olive Oil Index File'. (See page 27).

[2] A characteristic feature of the unsaponifiable matter in *olive oil* is its content of squalene, which is higher than that of the other vegetable oils. Another distinctive feature is that its sterols are composed of practically pure beta-sitosterol.

[3] The unsaponifiable matter of *olive-residue oil* contains more alcoholic compounds than that of virgin or refined olive oils, and its iodine value is therefore lower than that normaly noted in virgin or refined olive oils, and its melting point is higher.Q04

3.1.2.7 Semi-siccative Oil Test

Virgin olive oil, Refined olive oil, Refined olive-residue oil..... negative

3.1.2.8 Olive-Residue Oil Test

Virgin olive oil, Refined olive oil.....negative
Refined olive-residue oil..... not relevant

3.1.2.9 Cottonseed Oil Test

Virgin olive oil, Refined olive oil, Refined olive-residue oil..... negative

3.1.2.10 Teaseed Oil Test

Virgin olive oil, Refined olive oil, Refined olive-residue oil..... negative

3.1.2.11 Sesameseed Oil Tests

Virgin olive oil, Refined olive oil, Refined olive-residue oil..... negative

3.2 *Quality Characteristics*

3.2.1 Colour, Odour and Taste

Virgin olive oil: Clear oil, of a yellow to green colour, with specific odour and taste, free from odours or tastes indicating alteration or pollution of the oil.

Refined olive oil: Clear oil, limpid, without sediment, of clear yellow colour, without specific odour or taste and free from odours or tastes indicating alteration or pollution of the oil.

Refined olive-residue oil: Clear oil, limpid, without sediment, of a yellow to yellow-brown colour, with specific odour or taste and free from odours or tastes indicating alteration or pollution of the oil.

Blends and Mixtures: The colour, odour and taste shall be intermediate between those of the two types blended or mixed.

3.2.2 Free Acidity

	Acidity	Acid Value
Virgin olive oil.	not more than 3.3% m/m expressed as oleic acid.	not more than 6.6 mg KOH/g oil.
Refined olive oil.		
Refined olive-residue oil.	not more than 0.3% m/m expressed as oleic acid.	not more than 0.6 mg KOH/g oil.

3.2.3 Peroxide Value

Virgin olive oil, Refined olive oil, Refined olive-residue oil, Blends and mixtures	Not more than 20 milliequivalents peroxide oxygen/kg oil.

3.2.4 Specific Extinction in Ultra-violent ($E_{1\,cm}^{1\%}$)

	$E_{1}\Delta_{cm}$ maximum at 232 nm	$E_{1}\Delta_{cm}$ maximum at 270 nm	$\Delta E_{1}\Delta_{cm}$ maximum variation at near 270 nm
Virgin olive oil.....	3.50	0.25	(1)
Refined olive oil.....		1.10	0.16
Refined olive-residue oil	6.00	2.00	0.20
Blends of virgin and refined olive oils.....		0.90	0.15
Mixtures of virgin and refined olive-residue oils.....	5.50	1.70	0.18

[1]Oils having a specific extinction at 270 nm exceeding 0.25 may still be regarded as virgin oils if, after passage of the sample through activated alumina, their specific extinction at 270 nm is less than 0.11 (see sub-section 8.15.6).

4. Food Additivies

4.1 Virgin olive oil

None permitted.

4.2 Refined olive oil

		Maximum level of use
Refined olive-residue oil. Blends of virgin and refined olive oils. Mixtures of virgin and refined olive-residue oils.	*alphatocopherol*, for the purpose of restoring natural tocopherol lost in processing.	200 mg/kg total alphatocopherol in the final product.

5. Contaminants

	Maximum level
5.1. *Matter Volatile at 105° C:*	
Virgin olive oil	0.2% m/m.
Refined olive oil	0.1% m/m.
Refined olive/residue oil	
5.2 *Insoluble Impurities*	
Virgin olive oil	0.1% m/m.
Refined olive oil	0.05% m/m.
Refined olive-residue oil	
5.3 *Soap Test*	
Refined olive oil	Negative.
Refined olive-residue oil	
Virgin olive oil	
Blends of virgin and refined olive oils	Not applicable.
Mixtures of virgin and refined olive-residue oils	

6. Hygiene

It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the appropriate Sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

7. Labelling

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969) the following specific provisions apply:

7.1 *The Name of the Food*

7.1.1 All products designated as *olive oil* shall conform to the provisions of this standard for *virgin olive oil* or *refined olive oil* and shall be either virgin olive oil or a blend of virgin and refined olive oil.

7.1.2 All products designated as *virgin olive oil* shall conform to the provisions for virgin olive oil.

7.1.3 All products designated as *refined olive oil* shall conform to the provisions for refined olive oil.

7.1.4 All products designated as *refined olive-residue oil* shall conform to the provisions for refined olive-residue oil.

7.1.5 *Refined olive-residue oil* shall not be described as olive oil without qualification, but always as *refined olive-residue oil.*

7.1.6 Mixtures of refined olive-residue oil and virgin olive oil shall be described as *refined olive-residue oil and olive oil.*

7.2 *Net Contents*

The net contents shall be delcared by volume in either the metric ("Système International" units) or avoirdupois or both systems as required by the country in which the product is sold.

7.3 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.4 *County of Origin*

7.4.1 The country of origin of the product shall be cleared if its omission would mislead or decieve the consumer.

7.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labeling.

8. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling described hereunder are international referee methods.

8.1 *Determination of Fatty Acid Composition*

(Method using gas-liquid chromatography to be developed)

8.2 *Determination of Relative Density*

According to the IUPAC (1954) method (IUPAC Standard Methods for the Analysis of Oils and Fats, 4th Edition, 1954, *Determination of density*).

Results are expressed as relative density at 20°C/water at 20°C.

8.3 *Determination of Refractive Index*

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.B. 2 *Refractive Index*).

Results are given as the refractive index relative to the sodium.

D-line at 20°C ($n_{-D}^{20°C}$)

8.4 *Determination of Saponification Value* (I_s)

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats, and Soaps, 5th Edition, 1966, II.D.2 *Saponification Value* (I_s)).

Results are expressed as the number of mg KOH/g oil.

8.5 *Determination of Iodine Value* (I_i)

According to the (Wijs) IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.7.1, II.D.7.2 and II.D.7.3 *The Wijs Method*).

Results are expressed as % m/m absorbed iodine.

8.6 *Determination of Unsaponifiable Matter*

According to the IUPAC (1964) *light petroleum method* (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.5.1 and II.d.5.2).

Results are expressed as g unsaponifiable matter/kg oil.

8.7 *Determination of Bellier Index*—CAC/RM 20-1970

8.7.1 Definition

The Bellier index of an oil is the temperature at which precipitation of salts of the fatty acids of this oil commences, when the oil has been saponified and made into solution as described under 8.7.5 Procedure.

8.7.2 Reagents

The reagent used shall be of recognized analytical reagent quality.

8.7.2.1 *Aqueous ethanolic potassium hydroxide solution.* 42.5 g of pure KOH is dissolved in 72 ml of distilled water and adjusted to 500 ml with 95% v/v ethanol.

8.7.2.2 *70% v/v ethanol solution* (use pure ethanol or rectified spirit).

8.7.2.3 *Aqueous acetic acid solution* 1+2 (by volume) so adjusted that 1.5 ml exactly neutralizes (phenolphthalein indicator) 5 ml of the aqueous ethanolic potassium hydroxide solution (8.7.2.1).

8.7.3 Apparatus

8.7.3.1 220 mm x 26–27 mm test tubes

8.7.3.2 Condenser consisting of a glass tube with stopper

8.7.3.3 Thermometer graduated in ¼° from 8 to 25°C, fixed in a stopper.

8.7.4 Preparation of Sample

To remove water, the oil is decanted and filtered through paper at a temperature slightly above the melting point of certain solid constituents which could separate from the fluid fatty matter.

8.7.5 Procedure

Place 1 ml of oil and 5 ml of the aqueous ethanolic KOH solution into a test tube. Connect to condenser and heat moderately, agitating by rotation from time to time until saponification is complete, i.e. until a perfectly clear solution is obtained. Allow to cool, disconnect condenser and add 1.5 ml of the *aqueous acetic acid solution* and 50 ml of the *ethanol solution.* Attach thermometer and homogenize. Place test tube in a beaker of water at 23-25°C. If a flocculent precipitate forms, leave standing for an hour at the same temperature and filter into a test tube. Attach thermometer to the test tube containing the clear solution. Place for a moment in a beaker of water at about 10°C less than the estimated Bellier index. Withdraw and ensure even temperature by inverting a number of times (cooling should be at the rate of about 1°C per minute). Repeat this operation until cloudiness appears. Note temperature. Allow the temperature to increase a few degrees to dissolve the precipitate. Homogenize by inverting test tube over and cool. The cooling should be slow and shaking more frequent as the temperature approaches that noted the first time.

8.7.6. Expression of Results

The Bellier index is the temperature °C at which the cloudiness reappears.

8.7.7 Repeatability

Two parallel determinations may not differ by more than 0.25°C.

8.8 *Semi-siccative Oils Test*—CAC/RM 21-1970.

8.8.1. Principle of Method

Based on the reaction between semi-siccative (unsaturated) oils and bromine yielding substances which forms an insoluble precipitate at 0°C.

8.8.2 Reagents

The reagents shall be of recognized analytical reagent quality.

8.8.2.1 *Hexane, or, if not available, light petroleum* with distillation point between 40° and 60°C and bromine value less than 1, free of residues.

8.8.2.2 *Bromine reagent* obtained by adding drop by drop while shaking 4 ml of chemically pure bromine (the presence of chlorine prevents the reaction) into 100 ml of *hexane* or *light petroleum,* chilled to 0°C and kept in the melting ice bath until required.

8.8.3 Apparatus

8.8.3.1 Stoppered 50-ml Erlenmeyer flask.

8.8.3.2 Bath of melting ice.

8.8.4 Procedure

The oil to be tested is filtered and dried. Place 1 ml of the oil in the previously dried Erlenmeyer flask and dissolve in 10 ml of *hexane.* Place the stoppered Erlenmeyer flask in the melting ice bath. After 5 min add 10 ml of *bromine reagent* in small quantities at a time, while shaking and maintaining the temperature at 0°C. The colour of the solution must clearly indicate excess bromine. Leave the Erlenmeyer flask in the melting ice bath for one hour, after which note appearance of solution. If semi-siccative oil is present, a flocculent precipitate will form, varying in quantity according to the percentage of adulteration and the nature of the adulterating oil. The solution remains clear and transparent in the case of genuine olive oils.

8.8.5 Expression of Results

The result is expressed as positive or negative.

8.9 *Olive-Residue Oil Test*—CAC/RM 22-1970.

8.9.1. Principle of Method

Based on the temperature of precipitation of salts of the fatty acids after saponification.

8.9.2. Reagents

The reagent used shall be of recognized analytical reagent quality.

8.9.2.1 *Aqueous ethanolic potassium hydroxide solution.* 42.5 g of pure KOH is dissolved in 72 ml of distilled water and adjusted to 500 ml with 95% v/v ethanol.

8.9.2.2 *70% v/v ethanol solution* (use pure ethanol or rectified spirit).

8.9.2.3 *Aqueous acetic acid solution* 1+2 (by volume) so adjusted that 1.5 ml exactly neutralizes (phenolphthalein indicator) 5 ml of the aqueous ethanolic potassium hydroxide solution (8.9.2.1).

8.9.3 Apparatus

8.9.3.1 100 ml balloon-flask equipped with reflux condenser.

8.9.3.2 50 ml test tubes.

8.9.3.3 Heating arrangement to keep balloon-flask at about 80°C.

8.9.3.4 Thermometer graduated from 15° to 60°C.

8.9.4 Preparation of Sample

To remove water, the oil is decanted and filtered through paper at a temperature slightly above the melting point of certain solid constituents which could separate from the fluid fatty matter.

8.9.5 Procedure

Place about 1 g of the oil, prepared as above, into the balloon-flask. Add 5 ml of *aqueous ethanol potassium hydroxide solution.* Attach condenser and bring to boil holding at this temperature for 10 minutes, shaking from time to time. Allow to cool at ambient temperature. Add 1.5 ml of *acetic acid solution* and 50 ml of *ethanol solution* previously heated to 50°C. Mix by shaking, introduce thermometer and allow to cool, noting the appearance of the solution once 45°C is reached. If a flocculent precipitate forms at a temperature above 40°C, the test is positive. Allow to cool to ambient temperature (not lower than 18°C) over at least 12 hours. Observe solution again; the formation of a flocculent precipitate, floating in the middle of the liquid also indicates that the test is positive. A cloudiness not forming into flakes does not indicate the presence of olive-residue oil.

8.9.6 Expression of Results

The result is expressed as positive or negative.

8.9.6.1 NOTE: On rare occasions some virgin olive oils, obtained by second pressing, yield a positive result.

8.10 *Cottonseed Oil Test*—CAC/RM 23-1970.

8.10.1 Principle of Method

Based on red colour developed by cyclopropenoic acids under the operating conditions in the presence of sulphur.

8.10.2 Reagents

The reagents used shall be of recognized analytical quality.

8.10.2.1 *Sulphur reagent:* Mix equal volumes of amyl alcohol and a solution of 1 g of sulphur in 100 ml of carbon disulphide.

8.10.3 Apparatus

8.10.3.1 250 mm x 25 mm test tubes

8.10.3.2 Water bath with constant temperature control

8.10.3.3 Heating apparatus to keep the test tubes at 110°-120°C.

8.10.4 Procedure

Place approximately 10 ml of the oil under examination into a test tube, add the same volume of *sulphur reagent;* shake and keep in water bath at 70°-80°C, shaking until the carbon disulphide has completely evaporated (generally 5 min are enough), which is confirmed by the appearance of slight fuming above the liquid. Transfer the test tube to the heating apparatus and keep at 110°-120°C for 2 hours. A red, or pink colour indicates the presence of cottonseed oil. However, the appearance of an orange colour must not be interpreted as being proof of the presence of cottonseed oil.

8.10.5 Expression of Results

The result is expressed as positive or negative.

8.10.5.1 NOTE: The heating of the cottonseed oil to temperature above 170° brings about a progressive destruction of the cyclopropenoic acids responsible for the coloration. This destruction is practically complete at 200°C.

8.11 *Teaseed Oil Test*—CAC/RM 24-1970.

8.11.1 Principle of Method

Based on Fitelson (modified Lieberman-Burchard) test, i.e. red colour developed by acetic anhydride in the presence of sulphuric acid in chloroform solution of the oil.

8.11.2 Reagents

The reagents used shall be of recognized analytical quality.

8.11.2.1 Chloroform

8.11.2.2 Concentrated sulphuric acid ($d=1.84$)

8.11.2.3 Acetic anhydride

8.11.2.4 Diethyl oxide

8.11.3 Apparatus

8.11.3.1 150 mm x 15 mm test tubes

8.11.3.2 2 ml pipette, graduated in tenths

8.11.3.3 Dropper so calibrated that 7 drops of oil weigh approximately 0.22 g

8.11.3.4 Water bath at 5°C

8.11.4 Procedure

Using the graduated pipette, place 0.8 ml of acetic anhydride, 1.5 ml of chloroform and 0.2 ml of sulphuric acid in a test tube. Cool to 5°C, then add approximately 0.22 g of oil. If cloudiness appears, add acetic anhydride drop by drop with shaking until the solution becomes clear. Keep at 5°C for 5 minutes. Add 10 ml of diethyl oxide previously cooled to 5°C. Stopper the test tube and mix immediately by inverting it twice. Return the test tube to the bath at 5°C and observe the colour. After about one minute a red colour will appear if tea oil is present.

8.11.5 Expression of Results

The result is expressed as positive or negative.

8.11.5.1 NOTE: A pink colour shall be regarded as negative, since some olive oils yield this colour.

8.12 *Sesameseed Oil Tests*—CAC/RM 25-1970.

8.12.1 Principle of Method

Based on the detection of *sesamoline*, a glycoside, and *sesamine*, a complex cyclic ether, which are present in small amounts in sesameseed oil.

8.12.2 Detection of Sesamoline

8.12.2.1 Reagents

The reagents used shall be of recognized analytical quality.

8.12.2.1.1 *Concentrated hydrochloric acid* (d=1.18).

8.12.2.1.2 *Solution of 2% v/v freshly distilled furfural in 95% v/v ethanol.*

8.12.2.2 Apparatus

8.12.2.2.1 Graduated 50-ml stoppered test tube.

8.12.2.3 Procedure

Place 10 ml of the oil and 10 ml of *conc. hydrochloric acid* in the graduated test tube. Stopper and shake vigorously for 30 seconds. Allow to stand. Add 0.5 ml of the *solution of furfural*. Stopper and shake again. Allow to stand until decantation. If the lower layer does not turn red, the test is negative. If a red coloration appears, add 10 ml of water and shake gently and allow the liquid to settle. If the coloration disappears, the test is negative. If the coloration remains, the test is positive. Refined sesame oils do not always give a positive reaction by this method.

8.12.2.4 Expression of Results

The result is expressed as positive or negative.

8.12.3 Detection of Sesamine

8.12.3.1 Reagents

The reagents used shall be of recognized analytical quality.

8.12.3.1.1 *Concentrated sulphuric acid* (d=1.84).

8.12.3.1.2 *Solution of freshly distilled furfural in acetic anhydride, 0.35/ml v/v.*

8.12.3.2 Apparatus

8.12.3.2.1 25-ml, stoppered graduated test tube.

8.12.3.2.2 Decanting beaker approximately 50-ml.

8.12.3.2.3 Flat-bottomed porcelain dish approximately 60 mm in diameter.

8.12.3.3 Procedure

Place 10-ml of the oil and 5-ml of the *Solution of furfural* in the test tube. Stopper and shake vigorously for approximately one minute. Pour the mixture into the decanting beaker and allow to settle. Transfer a portion of the deposit into the dish and add 6 or 7 drops of *sulphuric acid*. Mix by shaking the dish gently. The test is positive if a greenish-blue colour appears. Sesame oils, even when refined, give a positive reaction.

8.12.3.4 Expression of Results

The result is expressed as positive or negative.

8.13 *Determination of Free Acidity*

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.1 *Acidity—Acid Value* (I_A)).

Results are expressed as % m/m oleic acid and/or as the number of mg KOH required to neutralize 1 g oil.

8.14 *Determination of Peroxide Value* (I_P)

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.D.13 *Peroxide Value*).

Results are expressed as milliequivalents active oxygen/kg oil.

8.15 *Determination of Specific Extinction in Ultra-Violet* ($E1\%_{1\,cm}$)—CAC/RM 26-1970.

8.15.1 Principle of Method

The degree of oxidation of olive oil is reflected by its specific extinctions at 232 and 270 nm. In fact, virgin olive oil, of good quality and correctly stored, contains very few products of oxidation; these, mainly of peroxide nature, have a maximum absorption at approximately 232 nm.

The values of: $E^{1\%}_{1\,cm}$ at 232 and 270 nm, in such olive oils are below the maximum provided for in the standard. On the other hand, when the oil is treated with decolorizing agent (absorbant earth) during the refining process, conjugated trienoic compounds are formed. Those compounds have a maximum absorption situated at approximately 270 nm; this means that refined oils have higher values of $E^{1\%}_{1\,cm}$ at 270 nm.

NOTE: Measurement of specific extinction in ultra-violet is essentially a measurement of the state of alteration of the oil. It is not specifically a measurement of the refining. In some particular cases, abnormally altered virgin oils can show spectral characteristics close to those of refined oils.

8.15.2 Reagents

8.15.2.1 Spectrophotometrically pure cyclohexane: Minimum transmittance at 220 nm: 40% and minimum transmittance at 250 nm: 95% by comparison with distilled water.

8.15.2.2 Basic alumina of known grade

Basic alumina of Brockmann grade I (0% H_2O) is obtained by heating for 3 hours at 380–400°C basic alumina (chromatographic quality) of particle size 30μ to 130μ (mean 80μ). To 100 g of this product add 5 ml of distilled water to produce basic alumina of Brockmann grade close to IV.

NOTE: Method used to check the activity index of the alumina

Place 30 g of the basic alumina (as obtained above) in a chromatographic column, 450 mm long and 35 mm diameter; through this column, pass, under the conditions laid down in the method, a mixture of 95% virgin olive oil, having a specific extinction coefficient below 0.18 at 270 nm, and of 5% arachis oil previously treated, during the refining process, with decolorizing agent (absorbent earth) and having a specific extinction coefficient equal to or above 4 at 270 nm. If this mixture shows a specific extinction coefficient greater than 0.11, the activity of the alumina is acceptable. Should the elution of conjugated trienes not have taken place using this alumina, an alumina at a higher level of hydration should be used after verifying that it agrees with the preceding test.

8.15.3 Apparatus

8.15.3.1 Ultra-violet spectrophotometer for measurements between 210 and 300 nm.

8.15.3.2 Quartz cells of 1 cm thickness.

8.15.3.3 50-ml and 500-ml volumetric flasks.

8.15.3.4 Chromatographic column, 450 mm long and 35 mm diameter.

8.15.3.5 Adjustment of Spectrophotometer: Dissolve 0.2 g of dry potassium chromate in exactly 1 litre of a 0.05 *N* solution of potassium hydroxide. Place 25 ml exactly measured, of this solution in a 500-ml flask and bring up to 500 ml mark with the 0.05 *N* solution of potassium hydroxide. Determine the optical density of this latter solution by comparison with the 0.05 *N* solution of potassium hydroxide as a reference solution, in a 1 cm cell. This, at 275 nm should be 0.200 ± 0.005.

8.15.4 Procedure

If the oil is not completely clear at ambient temperature, filter before attempting measurements. Place approxiately 0.5 g, weighed accurately, of the oil in the 50-ml flask. Add the cyclohexane up to the mark and shake. Fill a cell with this solution and measure the optical density using the cyclohexane as reference solution. Make determinations at 232 and 270 nm.

Determine, in the region of 270 nm, the wavelength of maximum absorption λ_m and determine the optical density at λ_m nm, $\lambda_m - 4^{nm}$ and $\lambda_m + 4^{nm}$.

8.15.5 Calculation and Expression of Results

8.15.5.1 Calculation of Specific Extinction at 232 and 270 nm

$$E^{1\%}_{1\,cm}\lambda = \frac{A\lambda}{c\ l}$$

where

$E^{1\%}_{1\,cm}\lambda$ = specific extinction at wavelength λ nm

$A\lambda$ = optical density at wavelength λ nm

c = concentration of the test solution in g/100 ml

l = thickness of the cell in cm

NOTE: If the optical density read is less than 0.2, re-measure with a more concentrated solution. If it is more than 0.8, re-measure with a weaker solution.

8.15.5.2 Calculation of the variation of the specific extinction at the wavelength of maximum absorption near 270 nm

$$\Delta E^{1\%}_{1\,cm} = E\lambda_{m} - \frac{(E\lambda_{m-4}) + (E\lambda_{m+4})}{2}$$

where

$\Delta E^{1\%}_{1\,cm}$ = variation of specific extinction at λ_{m}

$E\lambda_{m}$ = specific extinction at the wavelength of maximum absorption near 270 nm

$E\lambda_{m-4}$ and $E\lambda_{m+4}$ = specific extinctions at wavelengths of λ_{m} plus or minus 4 nm

8.15.6 Additional procedure for determination of the specific extinction after passage through alumina

Place 30 g of basic alumina as described in 8.15.2.2 in a chromatography column approximately 450 mm long and 35 mm in diameter, furnished with a draining tube of about 10 mm diameter. Pack the alumina mechanically by repeatedly tapping the column, held vertically, on a wooden surface. Place in the column thus prepared 100 ml of a solution of 10% oil in hexane. Collect the drainings and evaporate the solvent in a vacuum at less than 25°C. Using the oil so obtained, immediately determine the specific extinction at 270 mm, as previously described.

8.16 *Determination of Alpha-Tocopherol*

According to the FAO/WHO Codex Alimentarious Method (Recommended International Standard for Margarine CAC/RSs 32-1969, Section 9.6 *Determination of Vitamin E (Tocopherols) Content*, CAC/RM 18-1969)*

Results are expressed as mg alpha-tocopherol/kg oil.

8.17 *Determination of Matter Volatile at 105°C*

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.1.1 *Moisture and Volatile Matter*).

Results are expressed as % m/m.

8.18 *Determination of Insoluble Impurities*

According to the IUPAC (1964) method (IUPAC Standard Methods for the Analysis of Oils, Fats and Soaps, 5th Edition, 1966, II.C.2 *impurities*).

Results are expressed as % m/m.

8.19 *Soap Test*

CAC/RM 27-1970.

8.19.1 Principle of Method

Detection of alkalinity using bromophenol blue as indicator.

8.19.2 Reagents

8.19.2.1 *Solution of 0.1% of bromophenol blue* in 96% v/v ethanol.

8.19.2.2 *Freshly distilled acetone*, 2% v/v water content.

A few drops of the solution of bromophenol blue should give a yellow to yellow-green colour to the acetone with 2% water.

8.19.3 Apparatus

8.19.3.1 150 mm x 15 mm test tube.

8.19.4 Procedure

Place 10 ml of the acetone and 1 drop of the *Bromophenol blue solution* in a test tube. The solution should have a yellow colour. If not, rinse the test tube with acetone until the blue colour disappears. Place 10 g of the oil in the test tube, stopper with a clean stopper, shake and allow to settle. The presence of blue colour in the upper acetonic layer indicates the presence of soap.

8.19.5 Expression of Results

The result is expressed as positive or negative.

* Might be replaced by the IUPAC method when results of collaborative testing are available.

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Official methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965). A.O.A.C., P.O.B. 540 Benjamin Franklin Station, Washington 4, D.C.

Standard Methods of the Oils and Fats Section of the I.U.P.A.C., 5th Edition, incorporating First Supplement up-to-date to 1965, Butterworths, London, 1966.

Supplement 1966 to the above.

National Olive Oil Index Files, International Olive Oil Council Juan Bravo, 10, Madrid 6—Spain.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5477 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 168]

[Docket No. 78N-0363]

SOFT SUGARS

Notice of Intent to Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for Soft Sugars" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

P. G. Harrill, Bureau of Foods (HFF-410), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarious Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for soft sugars.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for soft sugars.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for soft sugars specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 6-1969—RECOMMENDED INTERNATIONAL STANDARD FOR SOFT SUGARS

1. *DESCRIPTION*

The term *soft sugar* means fine-grain purified moist sugar and does not include large-grain brown or yellow sugars such as Demerara sugar.

2. *ESSENTIAL COMPOSITION AND QUALITY FACTORS*

2.1 *Specification A:* Soft Sugar (other than White Soft Sugar)

2.1.1 *Sucrose (saccharose) plus invert sugar content*—not less than 88.0% m/m expressed as sucrose

2.1.2 *Invert sugar content*—not less than 0.3% m/m, not more than 12.0% m/m

2.1.3 *Sulphated ash*—not more than 3.5% m/m

2.1.4 *Loss on drying* (3 hours at 105°C)—not more than 4.5% m/m

2.1.5 *Colour*—white to dark brown

2.2 *Specification B:* White Soft Sugar

2.2.1 *Sucrose (saccharose) plus invert sugar content*—not less than 97.0% m/m expressed as sucrose

2.2.2 *Invert sugar content*—not less than 0.3% m/m not more than 12.0% m/m

2.2.3 *Conductivity ash*—not more than 0.2% m/m

2.2.4 *Loss on drying* (3 hours at 105°C)—not more than 3.0% m/m

2.2.5 *Colour*—not more than 60 ICUMSA units

3. *FOOD ADDITIVES*

3.1 Sulphur dioxide—not more than 40 mg/kg

4. *CONTAMINANTS*

4.1 Arsenic (As)—not more than 1 mg/kg

4.2 Copper (Cu)—not more than 10 mg/kg

4.3 Lead (Pb)—not more than 2 mg/kg (temporarily endorsed)

5. *HYGIENE*

It is recommended that the products covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. N° CAC/RCP 1-1969).

6. *LABELLING*

In addition to Section 1, 2, 4, and 6.1 of the General Standard for the Labelling of Prepackaged Foods (Ref. N° CAC/RS 1-1969), the following specific provisions apply:

6.1 *The Name of the Food*

6.1.1 All products designated as *Soft Sugar* must conform to Specification 'A' of Section 2 and to Sections 3, 4, and 5 of the Standard and products not conforming may not be so designated.

6.1.2 All products designated as *White Soft Sugar* or *Soft White Sugar* must conform to Specification 'B' of Section 2 and to Sections 3, 4, and 5 of the Standard and products not conforming may not be so designated.

6.1.3 The name of a product conforming to the Standard shall be such as to give a true indication of the nature of the sugar.

6.2 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.3 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be delcared.

6.4 *Country of Origin*

6.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7. *METHODS OF ANALYSIS AND SAMPLING*

The methods of analysis and sampling referred to hereunder are international referee methods.

7.1 *Determination of sucrose plus invert sugar content* (For Specifications A and B)

According to the Tate and Lyle invertase method (ICUMSA Methods of Sugar Analysis, 1964, p. 31; for the tables consult Lane and Eynon Volumetric Method, *ibid.*, p. 13). Results are expressed as % m/m sucrose.

7.2 *Determination of invert sugar content* (for Specifications A and B)

According to the Lane and Eynon Volumetric Method as described in Tate and Lyle method for the determination of the original invert sugar content (ICUMSA Methods of Sugar Analysis, 1964, p. 71; for the tables consult Lane and Eynon method, *ibid.*, p. 13). Results are expresed as % m/m invert sugar.

7.3 *Determination of sulphated ash* (for Specification A)

According to the ICUMSA sulphated ash method (ICUMSA Methods of Sugar Analysis, 1964, p. 36 a.). Results are expressed as % m/m sulphated ash.

7.4 *Determination of conductivity ash*

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 8-1969, *Determination of conductivity ash*). Results are expressed as % m/m conductivity ash.

7.5 *Determination of loss on drying* (for Specifications A and B)

According to the FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 3-1969, *Determination of loss on drying at 105°C for 3 hours*). Results are expressed as % m/m loss on drying.

7.6 *Determination of colour* (For Specification B)

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 6-1969, *Determination of colour*). Results are expressed in ICUMSA units.

7.7 *Determination of sulphur dioxide*

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 4-1969, *Determination of sulphur dioxide* (according to Monier-Williams method)). Results are expressed as mg SO_2/kg.

7.8 *Determination of arsenic*

According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Analytical Chemists (Official Methods—AOAC, 1965, *24.011*—24.014, 24.016-24.017, 24.006-24.008. Results are expressed as mg arsenic/kg.

7.9 *Determination of copper*

According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106 b. *Copper*). Results are expressed as mg copper/kg.

7.10 *Determination of lead*

According to the ICUMSA 'wet ashing' method (ICUMSA Methods of Sugar Analysis, 1964, p. 48 c. *'Wet-ashing' Procedure for low-grade Products*). Results are expressed as mg lead/kg.

SELECTED BIBLIOGRAPHY

1. International Commission for Uniform Methods of Sugar Analysis (ICUMSA), 23 Avenue d'Iena, Paris 16ème, France:

—Report of the Proceedings of the Twelfth Session held at the National Bureau of Standards and at the Shoreham Hotel, Washington, D.C., U.S.A., from 2 to 6 June 1958.

—Report of the Proceedings of the Thirteenth Session held at the University of Hamburg and at the Atlantic Hotel, Hamburg, Germany, from 26 to 31 August 1962.

—Report of the Proceedings of the Fourteenth Session held at the A/S De Danske Sukkerfabrikker and at Ingeniorhuset, Copenhagen, Denmark, from 22 to 27 May 1966.

—ICUMSA Methods of Sugar Analysis, edited by H.C.S. De Whalley, Elsevier Publishing Co. Amsterdam, London, New York, 1964.

2. Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965), A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington 4, D.C.

3. Standard Analytical Methods of the Member Companies of Corn Industries Research Foundation Inc. prepared by the Analytical Procedures Subcommittee of the technical Advisory Committee, 2nd Ed.—1001, Connecticut Ave., Washington, D.C. 20036.

4. United States Pharmacopoeia; 17th Revn. (New York), 1965, Mack Publishing Co., Easton, PA.

Interested persons may, on or before (insert date 60 days after date of publication in the FEDERAL REGISTER) submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5474 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR Part 168]

[Docket No. 78N-0362]

WHITE SUGAR

Intent To Establish Standard

AGENCY: Food and Drug Administration.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice offers to interested persons an opportunity to review the Codex Alimentarius Commission (Codex) "Recommended International Standard for White Sugar" and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, the Food and Drug Administration (FDA) will not propose a standard.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments, data, or other information to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

P. G. Harrill, Bureau of Foods (HFF-410). Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for white sugar.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to inform the Codex Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for white sugar.

Under the procedure prescribed in 21 CFR 130.6(b)(3) and (c), the Commissioner of Food and Drugs is providing an opportunity for review and informal comment on the need for, and desirability of, a standard for this food, on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and on any other pertinent points.

The Commissioner notes that it is the policy of the present Administration to limit the number of new regulations. The Commissioner advises that, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country, providing it complies with applicable U.S. laws and regulations.

The Codex standard for white sugar specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA policy to employ the methods published in the lastest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. The Commissioner will adhere to this policy in any U.S. standard proposed pursuant to this notice.

Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 4-1969

RECOMMENDED INTERNATIONAL STANADARD FOR WHITE SUGAR

1. *Scope.* This standard applies to *white sugar* except that paragraph 3.1.4 (loss on drying) does not apply to *white sugar* in lump or cube form or to crystal candy sugar (crystal Korizato) or to rock sugar (korizato).

2. *Description. White sugar* is purified and crystallized sucrose (saccharose).

3. *Essential Composition and Quality Factors.*

3.1 *Specification A.*

3.1.1 *Polarization,* not less than 99.7°S.

3.1.2 *Invert sugar content,* not more than 0.04% m/m.

3.1.3 *Conductivity ash,* not more than 0.04% m/m.

3.1.4 *Loss on drying (3 hours at 105°C),* not more than 0.1% m/m.

3.1.5 *Colour,* not more than 60 ICUMSA units.

3.2 *Specification B.*

3.2.1 *Polarization,* not less than 99.5°S.

3.2.2 *Invert sugar content,* not more than 0.1% m/m.

3.2.3 *Conductivity ash,* not more than 0.1% m/m.

3.2.4 *Loss on drying (3 hours at 105°C)* not more than 0.1% m/m.

3.2.5 *Colour,* not more than 150 ICUMSA units.

4. *Food Additives.*

4.1 *Sulphur dioxide. Specification A,* not more than 20 mg/kg. *Specification B,* not more than 70 mg/kg.

5. *Contaminants.*

Specifications A and B

5.1 Arsenic (As), not more than 1 mg/kg.

5.2 Copper (Cu), not more than 2 mg/kg.

5.3 Lead (Pb), not more than 2 mg/kg (temporarily endorsed).

6. *Hygiene.* It is recommended that the products covered by the provisions of this Standard be prepared in accordance with the appropriate sections of the General Principles of Food Hygiene recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 1-1969).

7. *Labelling.* In addition to Sections 1, 2, 4 and 6.1 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1-1969), the following specific provisions apply:

7.1 *The Name of the Food.*

7.1.1 All products designated as *white sugar* without qualification must conform to Specifications 'A' of Sections 3 and 4, and the provisions of Sections 5 and 6 of this Standard, and products not conforming may not be so designated.

7.1.2 Products conforming to Specifications 'B' of Sections 3 and 4 but not conforming to Specifications 'A' of these Sections may be designated *plantation white sugar, mill white sugar* or any equivalent name accepted for such sugar in the country in which it is sold, or any designation which is not misleading and which does not include the word *white.*

7.1.3 All products designated *plantation white sugar* or *mill white sugar* must conform to Specifications 'B' of Sections 3 and 4 and the provisions of Sections 5 and 6, and products not conforming may not be so designated.

7.1.4 Where the designations *plantation white sugar* or *mill white sugar* or any other equivalent name incorporating the word *white* is used, the word *white* shall not be given undue prominence in relation to the words *plantation* or *mill* or to any other word in such name.

7.2 *Net Contents.* The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

7.3 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.4 *Country of Origin.*

7.4.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

8. *Methods of Analysis and Sampling.* The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 *Determination of polarization.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 7-1969, *Determination of polarization*). Results are expressed in degrees S.

8.2 *Determination of invert sugar content.*

8.2.1 *For products with invert sugar content between 0.02 and 0.3% m/m.* According to the Berlin Institute Method (ICUMSA Methods of Sugar Analysis, 1964, p. 25). Results are expressed as % m/m invert sugar.

8.2.2 *For products with invert sugar content above 0.2% m/m.* According to the Lane and Eynon Volumetric Method (ICUMSA Methods of Sugar Analysis, 1964, p. 13). Results are expressed as % m/m invert sugar.

8.3 *Determination of conductivity ash.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 8-1969, *Determination of conductivity ash*). Results are expressed as % m/m conductivity ash.

8.4 *Determination of loss on drying.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 3-1969, *Determination of loss on drying at 105°C for 3 hours*). Results are expressed as % m/m loss on drying.

8.5 *Determination of colour.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 6-1969, *Determination of colour*). Results are expressed in ICUMSA units.

8.6 *Determination of sulphur dioxide.* According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Sugars, CAC/RM 5-1969, *Determination of sulphur dioxide* (according to Carruthers, Heaney and Oldfield method)). Results are expressed as mg SO_2/kg.

8.7 *Determination of arsenic.* According to the colorimetric (silver diethyldithiocarbamate) method of the Association of Official Analytical Chemists (Official Methods—AOAC, 1965, *24.011-24.014, 24.016-24.017, 24.006-24.008*). Results are expressed as mg arsenic/kg.

8.8 *Determination of copper.* According to the ICUMSA method (ICUMSA Methods of Sugar Analysis, 1964, p. 106, b. *Copper*). Results are expressed as mg copper/kg.

8.9 *Determination of lead.* According to the ICUMSA 'wet ashing' method (ICUMSA Methods of Sugar Analysis, 1964, p. 48, c. *'Wet-ashing' Procedure for low-grade Products*). Results are expressed as mg lead/kg.

SELECTED BIBLIOGRAPHY

1. International Commission for Uniform Methods of Sugar Analysis (ICUMSA), 23 Avenue d'Iena, Paris 16ème, France:

—Report of the Proceedings of the Twelfth Session held at the National Bureau of Standards and at the Shoreham Hotel, Washington, D.C., U.S.A., from 2 to 6 June 1958.

—Report of the Proceedings of the Thirteenth Session held at the University of Hamburg, Germany, from 26 to 31 August 1962.

—Report of the Proceedings of the Fourteenth Session held at the A/S De Danske Sukkerfabrikker and at Ingeniorhuset, Copenhagen, Denmark, from 22 to 27 May 1966.

—ICUMSA Methods of Sugar Analysis, edited by H.C.S. De Whalley, Elsevier Publishing Co. Amsterdam, London, New York, 1964.

2. Official Methods of Analysis of the Association of Official Agricultural Chemists (10th ed. 1965), A.O.A.C., P.O.B. 540, Benjamin Franklin Station, Washington 4, D.C.

3. Standard Analytical Methods of the Member Companies of Corn Industries Research Foundation Inc. prepared by the Analytical Procedures Subcommittee of the Technical Advisory Committee, 2nd Ed.—1001, Connecticut Ave., Washington, D.C. 20036.

4. United States Pharmacopoeia; 17th Revn. (New York), 1965, Mack Publishing Co., Easton, PA.

Interested persons may, on or before April 24, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably four copies) regarding this notice. Each comment should identify the title of the Codex standard and the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5470 Filed 2-22-79; 8:45 am]

[4110-03-M]

[21 CFR PARTS 182, 184, 186]

[Docket No. 78N-0144]

CELLULOSE DERIVATIVES

Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of sodium carboxymethylcellulose and methylcellulose (with specific limitations) as direct human food ingredients, and carboxymethylcellulose, ethylcellulose, cellulose acetate, and regenerated cellulose as indirect human food ingredients. The safety of these ingredients has been evaluated under a comprehensive safety review being conducted by the agency. The proposal would list these ingredients as direct or indirect food substances affirmed as GRAS. The status of pure cellulose, including microcrystalline cellulose, will be addressed in a future proposal.

DATE: Comments by April 24, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive study of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by FDA. The Commissioner of Food and Drugs has issued several notices and proposed regulations (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating this review. Under this review, the safety of pure cellulose (including microcrystalline cellulose), methylcellulose, sodium carboxymethylcellulose, carboxymethylcellulose, ethylcellulose, cellulose acetate, regenerated cellulose and hydroxypropylmethylcellulose has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of sodium carboxymethylcellulose and methylcellulose (with specific limitations) as direct human food ingredients, and carboxymethylcellulose, ethylcellulose, cellulose acetate, and regenerated cellulose as indirect human food ingredients. No change is proposed in the current food additive status of hydroxypropylmethylcellulose (21 CFR 172.874). The GRAS status of pure celulose, including microcrystalline cellulose, will be addressed in a future proposal.

Cellulose ($(C_6H_{10}O_5)_n$) is an unbranched β-1,4-glucan (a linear polymer of D-glucopyranose units joined by β-1,4-glucosidic bonds). It is a natural substance and is the major structural carbohydrate of green plants. Cellulose products that are currently added to food are derived from purified cellulose obtained from wood and, to a limited extent, from cotton linters. Purified wood cellulose is a fibrous material obtained from wood after noncellulose material and low molecular weight cellulose residues have been removed. The wood is barked, chipped into small pieces, and cooked or digested at elevated temperatures with a mixture of sodium hydroxide and sodium sulfite solutions. This material is then bleached and extracted with sodium hydroxide solution in a multistage process. The resulting purified cellulose is used for addition to food and for preparing cellulose derivatives which are also used in food.

Sodium carboxymethylcellulose is the sodium glycolate ether of cellulose, It is prepared by swelling purified celluose with alkali, reacting this alkali cellulose with sodium monochloroacetate, then separating and purifying the resultant cellulose derivative. Carboxymethylcellulose, the free acid form of sodium carboxymethylcellulose, is a water-insoluble substance obtained by lowering the pH of a solution of sodium carboxymethylcellulose below 2.

Methylcellulose and ethylcellulose are, respectively, the methyl and ethyl ethers of cellulose. They are prepared by swelling purified cellulose with alkali, reacting this alkali cellulose with methyl chloride or ethyl chloride, respectively, then separating and purifying the resultant cellulose derivatives.

Cellulose acetate is the acetate ester of cellulose. It is prepared by acetylation of purified cellulose with acetic anhydride to form cellulose triacetate, which contains 44 percent combined acetyl groups by weight, followed by removal of some acetyl groups by controlled hydrolysis to form cellulose acetate with the appropriate degree of substitution (38.8 to 41.8 percent conbined acetyl groups by weight).

Regenerated cellulose is water-insoluble cellulose that has been regenerated from a solution of sodium cellulose xanthate. Regenerated cellulose is normally produced from wood, but cotton linters have also been used. The wood is barked, chipped into small pieces, and treated with sodium hydroxide solution. The mixture is shredded and aged under controlled temperature and humidity until the original high-polymer cellulose has broken down. The aged crumbs or shreds are dissolved with carbon disulfide followed by an aqueous solution of sodium hydroxide to form a solution of sodium cellulose xanthate, a viscous orange solution also known as viscose. The sodium cellulose xanthate solution is filtered to remove foreign bodies, debubbled by vacuum, and further aged to adjust the final viscosity and other solution characteristics. Cellulose is then regenerated in the form of films by introducing, through a narrow slit, a thin stream of solution into an acid-coagulating bath. The regenerated cellulose is washed, desul-

furized, bleached, and rewashed to remove the last traces of regenerating and treating chemicals.

Methylcellulose and sodium carboxymethylcellulose are listed in §§ 182.1480 (21 CFR 182.1480) and 182.1745 (21 CFR 182.1745), respectively, as multiple-purpose GRAS food substances, pursuant to a regulation published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938). By a previous FDA opinion, sodium carboxymethylcellulose and carboxymethylcellulose are considered GRAS for use as components of proper packaging for food. Carboxymethylcellulose is listed in § 182.70 (21 CFR 182.70) as GRAS as a component of cotton and cotton fabrics used in dry food packaging, pursuant to a regulation published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224). Carboxymethylcellulose was also sanctioned by the United States Department of Agriculture, prior to the 1958 Amendment to the Federal Food, Drug, and Cosmetic Act, for use as an extender and stabilizer in food. Methylcellulose and sodium carboxymethylcellulose are listed in Federal standards of identity as optional jelling ingredients in artificially sweetened fruit jellies, jams, and preserves (21 CFR 150.141 and 150.161). Sodium carboxymethylcellulose is also listed in other Federal standards of identity as an optional ingredient in some cheeses and related products (21 CFR 133.134, 133.178, and 133.179) and in most frozen desserts (21 CFR Part 135). It is also regulated as a boiler water additive (21 CFR 173.310). In addition, methylcellulose, carboxymethylcellulose, and sodium carboxymethylcellulose are regulated in 21 CFR 175.105 for use in adhesives intended for use in the packaging, transporting, and holding of food. Methylcellulose and carboxymethylcellulose are also regulated in 21 CFR 175.300 for use as basic polymers in resinous and polymeric coatings. Additionally, methylcellulose is regulated in 21 CFR 175.210 as an optional substance used in the preparation of acrylate ester copolymer coatings; in 21 CFR 176.200 as a defoaming agent used in coatings; and in 21 CFR 177.2260, in combination with dimethyl polysiloxane and sorbic acid, as an adjuvant employed in the production of resin-bonded filters.

Ethylcellulose and cellulose acetate are listed in § 182.90 (21 CFR 182.90) as GRAS for use in the manufacture of paper and paperboard products, pursuant to a regulation published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421). By a previous FDA opinion cellulose acetate is considered GRAS for use in filters. Ethylcellulose and cellulose acetate are prior sanctioned by the United States Department of Argiculture as suitable for use in films for wrapping food. They are also regulated in 21 CFR 175.300 for use as basic polymers in resinous and polymeric coatings. Ethylcellulose is also regulated in 21 CFR 172.868 as a binder and filler in dry vitamin preparations, as a component of protective coatings for vitamin and mineral tablets, and as a fixative in flavoring compounds.

Regenerated cellulose is prior sanctioned by the United States Department of Agriculture, as suitable for use in films used for wrapping food. It is also regulated in 21 CFR 176.170 for use in paper and paperboard in contact with aqueous and fatty foods.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which cellulose and cellulose derivatives were used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to these substances. In 1970 the use of cellulose in food was reported to be approximately 1 million pounds; the use of methylcellulose in food, 200 thousand pounds; and the use in food of carboxymethylcellulose and sodium carboxymethylcellulose was reported to be approximately 1 million pounds and 6 million pounds, respectively.

Cellulose and cellulose derivatives have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity; (2) occupational hazards; (3) metabolism; (4) reaction products; (5) degradation products; (6) any reported carcinogenicity, teratogenicity, or mutagenicity; (7) dose response; (8) reproductive effects; (9) histology; (10) embryology; (11) behavioral effects; (12) detection; and (13) processing. A total of 494 abstracts was reviewed, and 67 particularly pertinent reports have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

The evidence suggests that orally administered cellulose and its derivatives pass unchanged through the gastrointestional tracts of rats and man. For this reason few LD_{50} values have been reported; however, one figure of 27 g per kg has been reported as the oral LD_{50} in white rats fed sodium carboxymethyl cellulose. Because the fate of orally ingested cellulose and cellulose derivatives has been studied extensively, pertinent data for each substance are considered separately.

Four rats fed ^{14}C-labeled microcrystalline cellulose at 10 and 20 percent in the diet excreted 96 to 104 percent of the ^{14}C-label in the feces. One human subject received 150 g of ^{14}C-labeled microcrystalline cellulose on one day and 150 g of unlabeled material daily for the subsequent 10 days. No radioactivity was found in the urine or respiratory CO_2. Complete recovery of the radioactive label was found in the feces in two days.

It has been demonstrated that when proper precautions are observed, no significant breakdown of microcrystalline cellulose takes place in passage through the human gastrointestional tract. Microscopic examination of samples of feces collected after 5½ weeks supplementation of free-choice diets of 2 human subjects with 30 g microcrystalline cellulose daily showed no change in the cellulose particles recovered in the feces. Microcrystalline cellulose was fed to one subject in the dry flour form and in the colloidal gel form to the other. As recovered from the feces, the cellulose particles had completely normal and definitive birefringence patterns indicative of no significant chemical or physical breakdown within the body. However, quantitative recovery data were not reported.

Single oral doses of a refined form of α-cellulose (Cellan 300), up to 3,160 mg per kg in male albino rats, produced no acute deaths. Autopsies 7 days later showed no pathological effects. Microcrystalline cellulose, 30 g per day, was added to the free-choice diet of 16 humans for a 6-week period. No pathological changes were found in blood and urine samples. A similar study, over a two-week period in eight humans produced similar results.

Groups of 100 rats were fed diets of 30 percent dry, gel, or fibrous forms of cellulose for 72 weeks. The gel diet resulted in more weight gain than controls during the first year, but there were no differences in appearance, behavior, food consumption, or survival in the two groups. Terminal body weights and heart weights of females, and liver weights of males on the gel diet, were lower than controls. Changes were observed in the kidneys of females, especially in the dry and gel groups, but the kidneys of the male rats were normal. Dystrophic calcification of the terminal proximal tubules was found in some kidney specimens from female rats, but this was not related to the ingestion of the cellulose. All other organs were normal.

In rats maintained on 30 percent microcrystalline cellulose for 3 generations, second and third generation lit-

ters showed adverse effects on reproduction. The indices of fertility, live births, and lactation were depressed. No deformities of pups were seen. The adverse effects were attributed to nutritional deficiencies rather than to direct effects of cellulose.

Virtually 100 percent of methyl cellulose (Methocel HG) was recovered within 96 hours from the feces of 11 human subjects fed 3 to 8.9 g and three subjects fed 10 g. The possibility of methanol or formic acid formation by hydrolysis and oxidation of methyl cellulose in the gastrointestinal tract was considered and shown to be negligible.

Feeding 2 percent methyl cellulose to chicks for 20 days did not alter their growth rate.

Rats fed methyl cellulose, 0.5 g per kg, daily for 4 weeks had no changes in behavior, appetite, or body weight gain. A diet containing 10 percent methyl cellulose was fed to rats for 95 days. The average intake was 11.4 g per kg per day. No change in growth rate of males occurred, but females showed a 14 percent decrease in growth rate, apparently due to decreased food intake. No pathological changes were found at autopsy of males or females. Other studies extending over 6 months and 8 months produced similar results.

Dogs fed methyl cellulose at levels from 0.1 to 100 g per day for 30 days showed no toxic or otherwise undesirable effects.

Six normal adult human subjects taking up to 12 g per day of methyl cellulose for one week or more, and 30 patients taking up to 18 g per day, reported relief of constipation, without toxic effects. In a similar study, methyl cellulose in doses of 1 to 6 g per day was effective in relieving constipation in a majority of 37 patients. Continual use for as long as eight months did not cause unpleasant or toxic signs.

Male and female rats were fed diets containing up to 5 percent methyl cellulose for 12, 18, and 24 month periods. No significant changes were found in appearance, behavior, growth, mortality, tumor growths, or food intake, or in hematologic studies. Gross and microscopic examinations of the important viscera were negative.

Three generations of rats maintained on a 5 percent methyl cellulose diet reproduced normally. The methyl cellulose-fed animals had a greater increase in body weight than did the controls. In another study, rats raised on a diet of 5 percent methyl cellulose were mated after eight months. The young were placed on a 5 percent methyl cellulose diet and later mated. All generations had normal, healthy offspring with normal growth rates. Gibson *et al.* fed 0.25 to 0.5 percent methyl cellulose diets daily to pregnant rabbits (day 9 through day 16 of gestation) and observed no teratologic effects but found evidence of fetal toxicity.

Teratologic studies have been made on pregnant mice, rats, and hamsters following the oral administration of large doses of methyl cellulose (Methocel) in corn oil. Intubation of daily doses up to 345 mg per kg from day 6 through day 15 of gestation in mice had no clearly discernible effect on nidation or on maternal or fetal survival. The abnormalities observed did not differ from those occurring spontaneously in sham-treated control mice. Doses of 1,600 mg per kg per day caused a significant increase in mortality in treated dams and a decrease in the pregnancy rate of survivors. Among the females examined at term, there was a marked increase in the number of resorption sites. The live fetuses were smaller and exhibited significant retardation in maturation. While no clear evidence of a teratologic effect caused by the methyl cellulose could be demonstrated, the findings resembled those produced by high-molecular-weight polysaccharides such as the vegetable gums. The report notes that in the opinion of the investigator, "the administration of what amounts to essentially an LD_{50} dose (even though distributed over a 10-day period) had resulted in a predictable effect on both the pregnant animal and on the embryos present in the uterus."

Similar studies on rats, with oral doses up to 1,320 mg per kg for 10 consecutive days, had no clearly discernible effect on nidation or on maternal or fetal survival. The incidence of abnormalities in soft or skeletal tissues was the same in test animals and in sham-treated control rats.

The oral administration of methyl cellulose to pregnant hamsters in doses up to 1,000 mg per kg for five days (day 6 through day 10 of gestation) did not produce significant effects on nidation or on maternal or fetal survival. The incidence of abnormalities in soft or skeletal tissues was the same for both treated and control animals.

In rats on low-vitamin diets, methyl cellulose, in doses of 50 mg per rat, did not decrease absorption of water-soluble or oil-soluble vitamins.

Application of 1 or 2 percent methyl cellulose solution to the eyes of rabbits did not produce irritation, and 0.1 and 1 percent solutions did not change the normal contractions of isolated rabbit intestinal strips.

Carboxymethyl cellulose passed through the digestive tracts of rats and man unchanged.

Single oral doses of 5 g per kg of carboxymethyl cellulose fed to rats, guinea pigs, and rabbits produced no discernible toxic effects, and autopsy after two weeks revealed no gross or microscopic lesions. Rats maintained for eight months or for one year on a basal diet, with or without 5 percent carboxymethyl cellulose, did not show differences in food and water intake or in gross or microscopic histologic findings. A similar study with 20 percent carboxymethyl cellulose for 63 days resulted in negative findings. Young 100 g male rats fed a hypercholesterolemic diet with 5 percent carboxymethyl cellulose for 8 to 14 days had lower plasma and liver cholesterol levels than control animals. The mechanism of the effect was obscure because carboxymethyl cellulose did not alter cholesterol absorption from the gut.

A 5 percent carboxymethly cellulose diet was fed to weanling mice throughout their lifetime. No differences from controls were observed in food and water intake and body weight, or in gross signs at autopsy.

No irritation was produced by application of carboxymethyl cellulose (concentration unstated) to shaved bellies of rabbits five times a week for four weeks.

Kimmel *et al.* observed an increase in resorption rate and malformed fetuses in pregnant rats fed 5 ml of a 0.2 percent solution of carboxymethyl cellulose on the eleventh day of gestation.

In three studies, all orally administered, sodium carboxymethyl cellulose was recovered in the feces of rats. The derivative was also totally excreted by two dogs fed 20 g on each of six days.

Single oral doses of 3 g per kg of sodium carboxymethyl cellulose to rats, guinea pigs, and rabbits caused no toxic effects. In addition, rats fed 20 percent sodium carboxymethyl cellulose for 63 days, demonstrated no significant ill effects. Rats fed sodium carboxymethyl cellulose (either 0.5 or 1.0 g per kg per day) for six months did not change in weight gain or reproduction as compared to controls; all gross and microscopic findings were negative. Five percent sodium carboxymethyl cellulose fed to rats for eight months caused no ill effects and rats fed up to 0.5 g per day for two months did not exhibit signs of toxicity.

Guinea pigs were fed either 0.5 or 1.0 g per kg per day of sodium carboxymethyl cellulose for six months or one year. There were no differences from control animals in weight gain, fertility, or gross or microscopic findings.

Dogs receiving either 0.5 or 1.0 g sodium carboxymethyl cellulose orally per day for six months were comparable to control animals.

Sodium carboxymethyl cellulose was used as a laxative by 128 adult sub-

jects at a dose of 2 to 12 g daily. Laxation was established in most cases in one to three days. No serious effects occurred, although about 15 percent complained of cramps, belching, gas, or fullness of the stomach. In another study, 22 adults took about 10 g daily of sodium carboxymethyl cellulose for six months. Seven reported diarrhea or adominal discomfort; however, no significant hematologic changes, no toxic effects, or significant mucosal irritation were observed.

Mice were fed diets of 1 or 10 percent sodium carboxymethyl cellulose for 100 weeks. The body weights and mortalities were similar to control animals. In the same study, rats were fed diets containing 1 percent or 10 percent sodium carboxymethyl cellulose for 104 weeks. Some suppression of body weight occurred in the latter group in both males and females. Hematologic findings and tumor frequency were within normal limits.

Sodium carboxymethyl cellulose has been reported to be effective in mice, rats, and dogs as a colloidal laxative. It was used as a colloidal laxative in 250 adult human subjects over a three-year period, in doses from 2 to 18 g twice a day, without toxic effects.

Rats were placed on diets containing 0.1, 0.5, or 1 g sodium carboxymethyl cellulose per kg for 25 months. Offspring through the third generation were fed the same diets with no effects on weight gain or gross or microscopic pathology.

No irritation was produced by application of sodium carboxymethyl cellulose (concentrations unstated) to the skin of rabbit bellies five times per week for four weeks. In human subjects, application of 5 g sodium carboxymethyl cellulose by vaginal instillation in 134 cases caused no irritation to vaginal mucosa or external genitalia.

Single oral doses in rats of hydroxypropylmethyl cellulose up to 4 g per kg did not cause signs of injury. In another study, male and female rats were given hydroxypropylmethyl cellulose (Methocel 70 HG[1] as a dietary supplement in levels from 0.3 to 20 percent for 90 days. At the 0.3 and 3 percent dose levels, gross and microscopic examinations were negative; at the 10 percent dose level, slight growth retardation occurred; and at the 20 percent dose level, 30 percent of the rats died of undetermined causes. No histopathological effects related to hydroxypropylmethyl cellulose were found in any animals. A similar study of four months duration, using various proportions of hydroxypropylmethyl cellulose (Methocel 2602) up to 30 percent of the diet, resulted in the death of half the rats only at the highest level of 30 percent of the diet. However, in other studies, Methocel 90 HG has been fed to rats up to 20 percent of the diet for three months without ill effects; and Methocel 65 HG as either 20 percent or 25 percent of a test diet with no detrimental effects other than some decrease in growth rate.

Rats were fed Methocel 65 HG for 30 days at a 10 or 20 percent concentration in the diet. Their body weights were maintained and no pathology was found.

A dog fed 25 g per day of Methocel 65 HG for 30 days showed no changes. A dog fed 50 g per day for 30 days lost weight and became anemic. Other findings were normal.

Single oral doses of hydroxypropylmethyl cellulose (Methocel HG) up to 8.9 g in human subjects produced only minor side effects.

Groups of 100 rats were placed on diets containing 0, 1, 5, and 20 percent hydroxypropylmethyl cellulose for a two-year period. Male rats on the 20 percent diet alone show growth retardation. Blood and urine analyses and mortality rates were not different from controls. Autopsies revealed no abnormalities. The tumor incidence was similar in all groups.

Dogs were fed Methocel 65 HG at 0.1, 0.3, 1, or 3 g per kg per day for one year. Their body weights were maintained, and gross and microscopic findings were normal.

Rats given ethyl cellulose in a 1.2 percent concentration in the diet for eight months had an average daily intake of 182 mg of ethyl cellulose. No changes were observed in food or water intake and there were no gross or microscopic histologic findings of pathologic significance.

No biological information is available on cellulose acetate.

All the available safety information on cellulose (pure and regenerated, including microcrystalline), methylcellulose, hydroxypropylmethyl cellulose, carboxymethylcellulose, sodium carboxymethylcellulose, ethylcellulose, and cellulose acetate has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Cellulose is a major constituent of many foods of plant origin. As such it is a significant portion of the diet, but is neither degraded nor absorbed. Cellulose derivatives considered in this report are virtually unabsorbed and little or no degradation of absorbable products occurs in the human digestive tract. In man, consumption of large amounts appears to have no effect other than providing dietary bulk, reducing the nutritive value of such foodstuffs and possibly exerting a laxative effect. However, the existence of certain data and the different categorization of cellulose and the several cellulose derivatives on the GRAS list suggest that the Select Committee should render a separate opinion on each substance considered in this report.

Although pure cellulose and regenerated cellulose, including microcrystalline cellulose, are not on the GRAS list, there is nothing in the available information to suggest that such forms of cellulose have significantly different biological properties that distinguish these forms of cellulose from those currently considered as GRAS or from naturally occurring cellulose.

In humans, virtually 100 percent of orally ingested methyl cellulose can be recovered in the feces within four days, indicating that absorption does not occur. However, in pregnant mice, very high doses of methyl cellulose, while not teratogenic, cause a significant increase in maternal mortality and retardation of fetal maturation. Such increased maternal and fetal toxicity does not occur at a dose of methyl cellulose which is 26-fold (or more) greater than that estimated to be the average daily adult dietary intake. It is noteworthy in this regard that similar toxic effects have been observed in identical tests peformed by the same investigators on a large number of other polysaccharides fed at very high doses. The relative sensitivity of the several animal species to these effects varies, depending on the particular polysaccharide tested, but in all cases very large doses are required. Until these effects have been adequately explained, it appears to be inappropriate to conclude that unrestricted use of such substances in food would be without hazard.

Because carboxymethyl cellulose becomes the sodium salt in the presence of sodium ion, no distinction between the two substances as used in food need be made. Carboxymethyl cellulose is designated GRAS as a substance migrating to food from cotton or cotton fibers used in dry food packaging and is also presumed by FDA to be GRAS but unpublished.

Sodium carboxymethyl cellulose is designated GRAS as a miscellaneous and/or general purpose food additive. There are no data to suggest that its physiological action differs from that of carboxymethyl cellulose.

Hydroxypropylmethyl cellulose is not listed as GRAS./ It is a food additive used as thickening agent, stabilizer and emulsifier. Hydroxypropylmethyl cellulose is synthesized from methyl cellulose by the action of alkali and propylene oxide. There are no data available to suggest that hydroxypropylmethyl cellulose possesses adverse health effects; however, teratology studies similar to those conducted with methyl cellulose are not

[1] HG denotes "high gel"; the figure preceding refers to temperature of gelling.

available for its hydroxypropyl derivative. Therefore, it is suggested that, in due course, appropriate studies should be conducted with hydroxypropylmethyl cellulose.

There is a paucity of data concerning possible adverse health effects of ethyl cellulose and cellulose acetate. Both are included in the GRAS list as substances migrating to food from paper or paperboard products used in food packaging. According to the NRC survey [National Academy of Sciences, National Research Council survey of food manufacturers on the use of GRAS ingredients in foods], very small amounts of ethyl cellulose also appear to be used in hard candy and chewing gum. In the GRAS context, the quantity of ethyl cellulose or cellulose acetate migrating to foods from packaging would be orders of magnitude below the levels of cellulose and cellulose derivatives now known to occur in foods.

It is the conclusion of the Select Committee that:

1. There is no evidence in the available information on pure and regenerated cellulose, including microcrystalline cellulose, or on sodium carboxymethylcellulose and carboxymethylcellulose that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current, or that might reasonably be expected in the future;

2. There is no evidence in the available information of methylcellulose that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significent increase in consumption would constitute a dietary hazard.

3. There is no evidence in the available information on ethylcellulose and cellulose acetate that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used in food packaging materials as now practiced or as they might be expected to be used for such purposes in the future;

4. There is no evidence in the available information on hydroxypropylmethylcellulose that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current and in the manner now practiced (21 CFR 172.874).

Based on his own evaluation of all available information on methylcellulose, sodium carboxymethylcellulose, carboxymethylcellulose, ethylcellulose, cellulose acetate, and regenerated cellulose (including reports of mutagenic and teratogenic studies on methylcellulose and sodium carboxymethylcellulose which were not available when the Select Committee formed its conclusions), the Commissioner agrees with the conclusions of the Select Committee regarding these ingredients. Except for methylcellulose, a change in the GRAS or prior-sanctioned uses of these ingredients is not justified; therefore, this document proposes to affirm these ingredients as GRAS. The Commissioner further concludes that limitations must be adopted for use of methylcellulose in food, so that present safe conditions of use can be preserved. Under this proposal, use of this ingredient under conditions different from those proposed in this regulation would be considered to be in violation of section 402 of the act (21 U.S.C. 342). On the other hand, the Commissioner concludes that further evaluation of pure cellulose, including microcrystalline cellulose, is necessary; therefore, the GRAS status of these substances will be addressed in a future proposal. Finally, although the use of regenerated cellulose and ethylcellulose in films that contact food and the use of cellulose acetate in films and filters that contact food were not addressed explicitly in the Select Committee report, the Commissioner concludes that the information developed during the Select Committee's safety review also forms a scientific basis for affirming these uses of these cellulose derivatives as GRAS.

The Select Committee concluded that no distinction need be made between carboxymethylcellulose and sodium carboxymethylcellulose as used in food. Futher, it was reported that carboxymethylcellulose (CAS Reg. No. 9000-11-7) and sodium carboxymethylcellulose (CAS Reg. No. 9004-32-4) are used synonymously in the food industry to refer to actual food uses of sodium carboxymethylcellulose. Information has also been received that, because of its water insolubility, carboxymethylcellulose is unsuitable for direct food uses. Reported uses of this ingredient for direct food purposes are therefore regarded as in error and are recorded as direct food uses of sodium carboxymethylcellulose. Consequently, the Commissioner proposes to combine the reported direct food uses of carboxymethylcellulose with those of sodium carboxymethylcellulose, and to affirm the GRAS status of only sodium carboxymethylcellulose as a direct food ingredient.

Hydroxypropylmethyl cellulose, though not GRAS, was also included in the safety review of cellulose and its derivatives. Use of this ingredient is regulated by 21 CFR 172.874. The Commissioner concludes that there are insufficient grounds to alter the current status of this food additive. However, FDA will further evaluate the safety of this ingredient during an upcoming review of food additives.

During this safety review, information was received that indicated that ethylcellulose is used as an ingredient of chewing gum and hard candy. However, the data generated for this safety review are insufficient to asses the safety of direct food uses of this ingredient. In addition, the Commissioner is not aware of GRAS authorizations for its direct food use. Consequently, use of ethylcellulose in a manner not permitted by 21 CFR 172.868, 175.300, or this proposed regulation will be regarded as use of an unapproved food additive.

Copies of the scientific literature review on cellulose and certain cellulose derivatives, reports of mutagenic and teratogenic evaluations of methylcellulose and sodium carboxymethylcellulose, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price Code	Price [1]
Cellulose and Derivatives (scientific literature review)	PB-221-228	A05	$6.00
Cellulose and Certain Cellulose Derivatives (Select Committee report).	PB-274-667/AS	A03	4.50
Methylcellulose (teratogenic evaluation in mice, rats, hamsters and rabbits).	PB-233-823/AS	A04	5.25
Methylcellulose (teratogenic evaluation in rats)	PB-262-117/AS	A03	4.50
Methylcellulose (teratogenic evaluation in mice)	PB-264-256	A03	4.50
Methylcellulose (mutagenic evaluation)	PB-245-465/AS	A07	7.25
Sodium Carboxymethylcellulose (mutagenic evaluation)	PB-245-504/AS	A03	4.50
Sodium Carboxymethylcellulose (teratogenic evaluation in mice and rats).	PB-245-526/AS	A03	4.50

[1] Price subject to change.

The proposed actions do not affect the present uses of methylcellulose, sodium carboxymethylcellulose, carboxymethylcellulose, ethylcellulose, cellulose acetate, and regenerated cellulose for pet food or animal feed. The Commissioner has also determined that the regulated food additive uses of cellulose and other cellulose derivatives will not be affected by the proposed action.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348,371(a)) and under authority delegated to him (21 CFR 5.1), the Commissioner proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.70 [Amended].

a. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging*, by deleting the entry for "Carboxymethylcellulose."

§ 182.90 [Amended].

b. In § 182.90 *Substances migrating to food from paper and paperboard products*, by deleting the entries for "Cellulose acetate" and "Ethyl cellulose."

§ 182.1480 [Deleted].

c. By deleting § 182.1480 *Methylcellulose.*

§ 182.1745 [Deleted].

d. Be deleting § 182.1745 *Sodium carboxymethylcellulose.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new §§ 184.1480 and 184.1745, to read as follows:

§ 184.1480 Methylcellulose.

(a) Methylcellulose (CAS Reg. No. 9004-67-5) is the methyl ether of cellulose. It is prepared from purified wood or cotton cellulose by treatment with alkali, followed by methylation of the resulting alkali cellulose with methyl chloride.

(b) The ingredient meets the specification of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference. (c) The ingredient is used in food in accordance with § 184.1(b)(2) under the following conditions:

MAXIMUM USAGE LEVELS PERMITTED

Foods (as served)	Percent	Functions
Baked goods and baking mixes, § 170.3(n)(1) of this chapter.	0.75	Flavoring agent and adjuvant, § 170.3(o)(12) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter.
Beverages and beverage bases, nonalcoholic, § 170.3(n)(3) of this chapter.	0.01	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
Chewing gum, § 170.3(n)(6) of this chapter	2.2	Formulation aid, § 170.3(o)(14) of this chapter.
Dairy product analogs, § 170.3(n)(10) of this chapter	0.2	Surface-active agent, § 170.3(o)(29) of this chapter.
Fats and oils, § 170.3(n)(12) of this chapter	0.15	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
Frozen dairy desserts and mixes, § 170.3(n)(20) of this chapter.	0.5	Stabilizer and thickener, § 170.3(o)(28) of this chapter; texturizer, § 170.3(o)(32) of this chapter.
Grain products and pastas, § 170.3(n)(23) of this chapter.	1.0	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
Jams and jellies, § 170.3(n)(27) of this chapter	0.7	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
Meat products, § 170.3(n)(29 of this chapter?	0.3	Flavoring agent and adjuvant, § 170.3(o)(12) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter.
Nuts and nut products, § 170.3(n)(32) of this chapter	1.0	Formulation aid, § 170.3(o)(14) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter.
Poultry products, § 170.3(n)(34) of this chapter	0.025	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
Processed vegetables and vegetable juices, § 170.3(n)(36) of this chapter.	1.0	Stabilizer and thickener, § 170.3(o)(28) of this chapter.
All other food categories	0.003	Flavoring agent and adjuvant, § 170.3(o)(12) of this chapter; stabilizer and thickener, § 170.3(o)(28) of this chapter.

§ 184.1745 Sodium carboxymethylcellulose.

(a) Sodium carboxymethylcellulose (CAS Reg. No. 9004-32-4) is the sodium glycolate ether of cellulose. It is prepared by swelling purified wood or cotton cellulose with alkali, reacting this alkali cellulose with sodium monochloroacetate, separating and purifying the resultant cellulose derivative.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as an anticaking and free-flow agent as defined in § 170.3(o)(1) of this chapter, emulsifier and emulsifier salt as defined in § 170.3(o)(8) of this chapter, flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice, in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.4 percent for baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter; 0.5 percent for nonalcoholic beverages and nonalcoholic beverage bases as defined in § 170.3(n)(3) of this chapter; 0.9 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, and for frozen dairy desserts and mixes as defined in § 170.3(n)(20) of this chapter; 1.0 percent for gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter, for milk products as defined in § 170.3(n)(31) of this chapter, and for sweet sauces, toppings, and syrups as defined in § 170.3(n)(43) of this chapter; 5.0 percent for gravies

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[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

and sauces as defined in § 170.3(n)(24) of this chapter; and 0.8 percent or less for all other food categories.

* * * * *

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new §§ 186.1243, 186.1248, 186.1294, and 186,1680, to read as follows:

§ 186.1243 Carboxymethylcellulose.

(a) Carboxymethylcellulose (CAS Reg. No. 9000-11-7) is the cellulose ether of glycolic acid. It is produced by lowering the pH of a solution of sodium carboxymethylcellulose below 2. At this pH, carboxymethylcellulose is insoluble in aqueous solution.

(b) The ingredient meets the limits of impurities and the degree of substitution specified for sodium carboxymethylcellulose in the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a constituent of cotton and cotton fabrics used for dry food packaging and as a constituent of paper and paperboard used for food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice, in accordance with § 186.1(b)(1).

§ 186.1248 Cellulose acetate.

(a) Cellulose acetate (CAS Reg. No. 9004-35-7) is the acetate ester of cellulose. It is prepared by treating purified wood or cotton cellulose with acetic anhydride to form cellulose triacetate, which contains 44 percent combined acetyl groups by weight. This material is then hydrolyzed in slightly acid aqueous media to lower the percent of combined acetyl groups.

(b) Cellulose acetate meets the following specifications:

(1) *Assay.* Not less than 38.8 percent nor more than 41.8 percent by weight of combined acetyl (CH_3CO—) content, after drying.

(2) *Limits of impurities*—(i) *Arsenic* (as As). Not more than 3 parts per million (0.0003 percent).

(ii) *Free acidity* (as acetic acid). Not more than 0.1 percent.

(iii) *Heavy metals* (as Pb). Not more than 40 parts per million (0.004 percent).

(iv) *Lead.* Not more than 10 parts per million (0.001 percent).

(v) *Loss on drying.* Not more than 3 percent.

(vi) *Residue on ignition.* Not more than 0.05 percent.

(vii) *Sulfate.* Not more than 100 parts per million (0.01 percent).

(3) *Tests*—(i) *Assay.* ASTM [2] D-871, sections 10-14, which is incorporated by reference.

(ii) *Free acidity.* ASTM [2] D-871, Sections 7-9, which is incorporated by reference.

(iii) *Sulfate.* ASTM [2] D-871, sections 30, 31, 32.2, 32.3, 33, which is incorporated by reference.

(iv) *Arsenic.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(v) *Heavy metals.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(vi) *Lead.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(vii) *Loss on drying.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(viii) *Residue on ignition.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(c) The ingredient is used as a constituent of paper and paperboard used for food packaging and in films and filters that contact food.

(d) The ingredient is used at levels not to exceed good manufacturing practice, in accordance with § 186.1(b)(1).

§ 186.1294 Ethylcellulose.

(a) Ethylcellulose (CAS Reg. No. 9004-57-3) is the ethyl ether of cellulose. It is prepared by treating wood or cotton cellulose with alkali, followed by ethyl chloride.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] which is incorporated by reference.

(c) The ingredient is used as a constituent of paper and paperboard used for food packaging and films that contact food.

(d) The ingredient is used at levels not to exceed good manufacturing practice, in accordance with § 186.1(b)(1).

§ 186.1680 Regenerated cellulose.

(a) Regenerated cellulose is cellulose which has been regenerated from a solution of sodium cellulose xanthate by extruding a fine stream of the solution into an acid-coagulating bath.

(b) Regenerated cellulose meets the following specifications:

(1) *Assay.* Dissolves in Schweitzer's reagent, from which it can subsequently be precipitated by the addition of acid.

(2) *Limits of impurities*—(i) *Arsenic* (as As). Not more than 3 parts per million (0.0003 percent).

(ii) *Heavy metals* (as Pb). Not more than 20 parts per million (0.002 percent).

(iii) *Lead.* Not more than 10 parts per million (0.001 percent).

(iv) *Sulfate.* Not more than 100 parts per million (0.01 percent).

(v) *Ash* (total). Not more than 0.3 percent.

(vi) *Water soluble substances.* Not more than 1.5 percent.

(3) *Tests*—(i) *Assay.*[3]

(ii) *Arsenic.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(iii) *Heavy metals.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(iv) *Lead.* Follow instructions listed under "Ethylcellulose" in the Food Chemicals Codex, 2d Ed. (1972),[1] p. 286, which is incorporated by reference.

(v) *Sulfate.* ASTM [2] D-871, sections 30, 31, 32.2, 32.3, 33, which is incorporated by reference.

(vi) *Ash.* Heat 3 grams of sample at 500–600° C until completely charred, then ignite at 800° C until free from carbon. Cool in a desiccator, and weigh.

(vii) *Water-soluble substances.* Mix 6 grams of sample with 90 milliliters of recently boiled and cooled water, and allow to stand with occasional stirring for 30 minutes. Filter the mixture into a tared beaker, evaporate the filtrate to dryness on a steam bath, dry at 105° C for 1 hour, cool, and weigh.

(c) The ingredient is used as a constituent of films that contact food.

(d) The ingredient is used at levels not to exceed good manufacturing practice, in accordance with 186.1(b)(1).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adultera-

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[2] American Standard for Testing Materials (ASTM), Part 21 (1974). Copies may be obtained from: American Society for Testing and Materials, 1916 Ract St., Philadelphia, Pa. 19103.

[3] Copies of method may be obtained from: GRAS Review Branch (HFF-355), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204.

tion of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: February 14, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

NOTE.—Incorporations by reference approved by the Director of the Office of the Federal Register on July 10, 1973 and May 30, 1978. Referenced materials are on file at the Federal Register Library.

[FR Doc. 79-5525 Filed 2-22-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5160]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of El Dorado, Union County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of El Dorado, Union County, Ark. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Director of Public Works Office, City Hall, 204 Northwest Avenue, El Dorado, Ark. Send comments to: Mayor Larry Combs or Mr. W. R. Baker, Director of Public Works, City Hall, 204 Northwest Avenue, El Dorado, Arkansas 71730.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of El Dorado, Union County, Arkansas, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boggy Creek	Approximately 900 feet upstream of Southwest corporate limits.	191
	150 feet upstream of Highway 82.	190
A Creek	Mary Lane extended; approximately 400 feet upstream of corporate limits.	197
	200 feet upstream of Sunset Road extended.	189
B Creek	Seventeenth Street extended.	175
	100 feet downstream of Nineteenth Street.	171
B Creek Tributary BA.	Fifteenth Street extended.	177
Loutre Creek	Approximately 50 feet upstream of West Street.	190
Loutre Creek Main Stem.	Pratt Road extended; near southwest corporate limits.	198
Loutre Creek Tributary 2.	Approximately 100 feet upstream of Interstate 15.	208
F Creek	Brookwood Road extended.	168

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5332 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5161]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Albany, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Albany, Alameda County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 1000 South Pueblo Avenue, Albany, Calif. Send comments to: Mr. Bill Haden, City Administrator, City of Albany, City Hall, 1000 South Pueblo Avenue, Albany, Calif. 94706.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Albany, Calif., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of Flooding	Location	Elevation, feet, national geodetic vertical datum
San Francisco Bay	West of Interstate 80.....	6
Cerrito Creek.....	Hoffman Boulevard 40 feet upstream from centerline.	12
Codornices Creek..	San Pablo Avenue at centerline.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5333 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5162]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Culver City, Los Angeles County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Culver City, Los Angeles County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 9770 Culver Boulevard, Culver City, Calif. Send comments to: Mr. Dale Jones, Chief Administrative Office, City of Culver City, City Hall, 9770 Culver Boulevard, Culver City, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Culver City, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Depth in feet above ground
Shallow Flooding..	La Cienega Boulevard between Washington Boulevard and Fairfax Avenue.	1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5334 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5163]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Palo Alto, Santa Clara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Palo Alto, Santa Clara County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 250 Hamilton, Palo Alto, California. Send comments to: Honorable Scott Carey, Mayor, City of Palo Alto, City Hall, 250 Hamilton, Palo Alto, Calif. 94301.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Palo Alto, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Francisco Bay	At Palo Alto Municipal Airport.	7
	At intersection of Fabian Way and Charleston Road.	7
Matadero Creek	At intersection of Park Boulevard and Lambert Avenue.	30

Source of Flooding	Location	Depth, in feet above ground
San Francisquito Creek.	At intersection of Byron Street and Everett Avenue.	1
	At intersection of Channing Avenue and Greer Road.	2
Adobe Creek	At intersection of Park Boulevard and Whitclem Drive.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5335 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5164]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Petaluma, Sonoma County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Petaluma, Sonoma County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Petaluma, Calif. Send comments to: Mr. Robert H. Meyer, City Manager, City of Petaluma, P.O. Box 61, Petaluma, Calif. 94952.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Petaluma, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Petaluma River	East Washington Street—200 feet [1].	12
	Confluence with Capri Creek.	18
	Old U.S. Highway 101 (Redwood Highway)—10 feet [1].	32
Willow Brook	U.S. Highway 101—50 feet [1].	36

Source of flooding	Location	Depth in feet above ground
Thompson Creek	At intersection of G Street and 8th Street.	2
Kelly Creek	At intersection of F Street and 8th Street.	1

[1] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5336 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5165]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Rohnert Park, Sonoma County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Rohnert Park, Sonoma County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 6750 Commerce Boulevard, Rohnert Park, Calif.Send comments to: Mr. Peter M. Callinan, City Manager, City of Rohnert Park, City Hall, 6750 Commerce Boulevard, Rohnert Park, Calif. 94928.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Rohnert Park, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Laguna de Santa Rosa.	Commerce Boulevard at centerline.	98
	Upstream Corporate Limits.	105

Source of Flooding	Location	Depth, in feet above ground
Hinebaugh Creek	Snyder Lane at centerline.	1
Coleman Creek	At confluence with Baumgardner Creek.	1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5337 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5166]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of San Leandro, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of San Leandro, Alameda County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 835 East 14th Street, San Leandro, Calif. Send comments to: Mr. Lee Riorda, City Manager, City of San Leandro, City Hall, 835 14th Street, San Leandro, Calif. 94577.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for--in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
San Francisco Bay	At intersection of Neptune Drive and Lewelling Boulevard.	7
San Leandro—Line A (Zone 2).	Southern Pacific Railroad (downstream crossing)—10 feet [1].	8
	Morton Street—75 feet [1].	16
	Manor Boulevard—10 feet [1].	20
	Hesperian Boulevard—50 feet [1].	28
San Leandro—Line B (Zone 9).	Merced Street—80 feet [1].	11
	Fairway Drive—at centerline.	20
San Leandron-Line C (zone 9).	Juniper Street—10 feet [1]	9
	Corvallis Street—40 feet [1].	17
San Leandro—Line D (Zone 9).	Wicks Boulevard—60 feet [1].	9
San Leandro Creek—Line P.	Nimitz Freeway—at centerline.	17
	San Leandro Boulevard—10 feet [1].	42
	Foothill Boulevard-at centerline.	57

[1] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5338 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5167]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Torrance, Los Angeles County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Torrance, Los Angeles County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 3031 Torrance Boulevard, Torrance, Calif. Send comments to: Mr. Edward Ferraro, City Manager, City of Torrance, City Hall, 3031 Torrance Boulevard, Torrance, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Torrance, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ponding	Doris Way between Reese Road an Carol Drive.	63
	530 feet southwest of intersection of Carson Street and Madrona Avenue.	66
	Intersection of Dormont Avenue and Amsler Street.	72

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	550 feet southeast of intersection of Madrona Avenue and Monterey Street.	76
	Intersection of Alaska Avenue and California Street.	78
	570 feet southeast of intersection of Spencer Street and Anza Avenue.	81

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5339 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5168]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Lilburn, Gwinnett County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Lilburn, Gwinnett County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, Lilburn City Hall, 76 Main Street, Lilburn, Ga. 30247. Send comments to: Mayor Jack F. Sawyer, P.O. Box 268, Lilburn, Ga. 30247.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Lilburn, Gwinnett County, Georgia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Camp Creek	Approximately 450 feet downstream of Killian Hill Road.	869
	Approximately 100 feet upstream of Killian Hill Road.	873
	Approximately 170 feet downstream of Lilburn Corinth Church Road.	882
	Just upstream of Rockbridge Road.	903
Jackson Creek	Just upstream of Seaboard Coast Line Railroad.	865
	Approximately 440 feet downstream of U.S. Highway 29 (Lawrenceville Hwy).	871
	Approximately 200 feet downstream of Harbin Road.	887

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5340 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5169]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Bovill, Latah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bovill, Latach County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Bovill, Idaho. Send comments to: Honorable Lloyd Hall, Mayor, City of Bovill, P.O. Box 707, Bovill, Idaho 83806.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bovill, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Potlatch River.....	Most upstream Limit of Flooding affecting the City of Bovill.	2848

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5341 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5170]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Kendrick, Latah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Kendrick, Latah County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Kendrick, Idaho. Send comments to: Honorable Wayne Harris, Mayor, City of Kendrick, P.O. Box 122, Kendrick, Idaho 83537.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Kendrick, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Potlatch River.....	Mills Street—40 feet [1].....	1,193
	Confluence with Big Bear Creek—at centerline.	1,231
Big Bear Creek.....	State Route 42—100 feet. [1]	1,238

[1] Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5342 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5171]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Troy, Latah County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Troy, Latah County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the na-

tional flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Troy, Idaho. Send comments to: Honorable Ray Sodersprom, Mayor, City of Troy, P.O. Box 314, Troy, Idaho 83871.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Troy, Idaho, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Little Bear Creek.	State Highway 99 Bridge—50 feet upstream from centerline.	2,458
	State Highway 8 Bridge—at centerline.	2,471

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5343 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5172]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Northfield, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Northfield, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, 361 Happ Road, Northfield, Ill. Send comments to: Mr. George F. Hartnett, Village President, Village of Northfield, Village Hall, 361 Happ Road, Northfield, Ill. 60093.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Northfield, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Skokie River	Just downstream of the Chicago and North Western railroad.	625
	Just downstream of Willow Road.	625
Middle Fork North Branch.	Just upstream of Winnetka Road.	625
Chicago River	Just upstream of Old Willow Road.	628
	Just upstream of Middle Fork Road.	631
	At upstream corporate limit.	634

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5344 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4791]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Crown Point, Lake County, Ind.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: The notice published on January 4, 1979, at 44 FR 1161 in the FEDERAL REGISTER describing Merrillville Road listed under Main Beaver Dam Ditch in Crown Point as being 683 feet, should be corrected to read 687 feet.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5345 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5173]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Denton, Caroline County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Denton, Caroline County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 204 Gay Street, Denton, Md. Send comments to: Honorable Donald Messick, Mayor of Denton, P.O. Box 246, Denton, Maryland 21629.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Denton, Caroline County, Maryland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Choptank River.....	Downstream Corporate Limits.	7
	State Route 404 Bridge..	7
	Conrail Bridge.....	8
	Upstream Corporate Limits.	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5346 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5174]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Elkton, Cecil County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Elkton, Cecil County, MD. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the na-

tional flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Elkton, MD. Send comments to: Honorable James G. Crouse, Mayor of Elkton, Box 157, Elkton, MD. 21921.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Elkton, Cecil County, Maryland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elk River	At Confluence of Little and Big Elk Creek.	8
Big Elk Creek	At Confluence of Little Elk Creek.	8
	U.S. Route 40 Bridge (Upstream).	11
	South Bridge Street (Upstream).	14
	State Route 7 (Upstream).	15
	State Route 281 (Upstream).	20
	Dam (Upstream)	22
	Conrail (Upstream)	31
	State Route 279 (Upstream).	37
Little Elk Creek	Confluence with Big Elk Creek.	8
	Old Field Point Road (Upstream).	8
	Conrail (Upstream)	12
	U.S. Route 40 (Upstream).	14
	Wood Trestle Bridge for Railroad Spur (Upstream).	16
	State Route 279 (Upstream).	20
	Confluence of Dogwood Run.	22
Dogwood Run	Confluence with Little Elk Creek.	22
	Blue Ball Road (Downstream).	31

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5347 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-4551]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for the City of Frostburg, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Frostburg, Allegany County, Md. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 43047 on September 22, 1978, and in *The Evening Times* published on December 14, 1978, and December 15, 1978, and hence supersedes those previously published rules.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Frostburg Municipal Building, 37 Broadway, Frostburg, MD. 21532. Send comments to: Honorable David M. Linn, Mayor of Frostburg, Frostburg Municipal Building, 37 Broadway, Frostburg, MD. 21532.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Frostburg, Allegany County, Maryland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
George's Creek	Downstream of Grant Street.	1,886
	Green Street	1,890
	600' Downstream of Corporate Limits.	1,896
	Upstream Corporate Limits.	1,905
Sand Spring Run	350' downstream of Braddock Road.	1,869

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Braddock Road (Upstream Side).	1,878
	Footbridge (Upstream Side).	1,887
	450' upstream of Footbridge.	1,895
	Campus Loop Road (Downstream Side of Culvert).	1,902
	Campus Loop Road (Upstream Side of Culvert).	1,910
	300' upstream of Campus Loop Road.	1,921
	850' upstream of Campus Loop Road.	1,932
	1,100' upstream of Campus Loop Road.	1,939
	Lower Console Road (Upstream Side).	1,953
	300' upstream of Lower Console Road.	1,959
	635' upstream of Lower Console Road.	1,969
	935' upstream of Lower Console Road.	1,980
	Upper Console Road (Downstream Side).	2,001
	Upper Console Road (Upstream Side).	2,007
	420' upstream of Upper Console Road.	2,013
	630' upstream of Upper Console Road.	2,021
	880' upstream of Upper Console Road.	2,033
	1,180 upstream of Upper Console Road.	2,045
	1,440' upstream of Upper Console Road.	2,055
	1,700' upstream of Upper Console Road.	2,065
	Private Drive (Upstream Side).	2,072
	300' upstream of Private Drive.	2,080
	600' upstream of Private Drive.	2,090
	Wenks Lane (Downstream Side).	2,104
	Wenks Lane (Upstream Side).	2,108
	Footbridge (Upstream Side).	2,114
	110' upstream of footbridge.	2,120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5348 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5175]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Groveland, Essex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Groveland, Essex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Main Street, Groveland, Mass. Send comments to: Mr. Hobart B. Esty, Chairman, Board of Selectmen, Town of Groveland, Main Street, Groveland, Mass. 01834.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Groveland, Massachusetts, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	Corporate Limits (approximately 8,300 feet downstream of Bates Bridge)—at centerline.	18
	Bates Bridge—50 feet [1]...	20
Argilla Brook.....	Main Street—50 feet [1].....	20
	Center Street—25 feet [2]..	50
Johnson Creek	Main Street—50 feet [1].....	20
	Gravel Road over Dam:..	
	100 feet [2].....	26
	50 feet [1].....	36
	Center Street—50 feet [1]..	40
	Salem Street—100 feet [2].	66
	Salem Street—50 feet [1]...	76
	Uptack Road—50 feet [1]...	77
	Washington Street—50 feet [2].	77

[1] Upstream from centerline.
[2] Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5349 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5176]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Norwood, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Norwood, Norfolk County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Norwood, Mass. Send comments to: Mr. John J. Carroll, General Manager, Town of Norwood, Town Hall, 566 Washington Street, Norwood, Mass. 02062.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Norwood, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neponset River.....	At northeastern corporate limits.	48
	At Interstate 95 (centerline between northbound and southbound lanes).	48
	Upstream of Route 1	49
	At Pleasant Street.....	51
	At ConRail.....	54
	At Morse Street	59
	At foot bridge, 1,350 feet upstream of Morse Street.	68
	At southwestern corporate limit.	71
Plantingfield Brook.	160 feet upstream of Route 1.	51
	At downstream face of culvert, 1,500 feet upstream of Route 1.	57
	At upstream face of culvert, 2,900 feet upstream of Route 1.	106
	Upstream of Polaroid Access Road (most downstream crossing).	170
	Northern corporate limit.	191
Germany Brook	At Nichols Street.....	113
	At Westover Parkway.....	119
	Approximately 100 feet upstream of Warwick Road.	150
	Northwestern corporate limit.	157
Hawes Brook.....	Confluence with Neponset River.	58
	Upstream of Washington Street.	64
	At ConRail.....	80
	Upstream of Walpole Street.	101
	Ellis Pond Dam.....	111
	Western corporate limit.	137
Meadow Brook	At confluence with Neponset River.	49
	At Route 1	49
	Approximately 2,000 feet upstream of Route 1.	50
Purgatory Brook...	At Route 1	57
	At Everett Road	66
Traphole Brook.....	At Summer Street.....	81
	Upstream of Route 1	97
	At the corporate limits, 1,500 feet upstream of Route 1.	101

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5350 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5177]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Ganges, Allegan County, Michigan

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ganges, Allegan County, Michigan. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Hall, Route 1, Fennville, Michigan. Send comments to: Mr. Howard Margot, Township Supervisor, Township of Ganges, Township Hall, Route 1, Fennville, Michigan 49408.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ganges, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Michigan.....	Within north and south corporate limits of the Township of Ganges.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Administrator.

[FR Doc. 79-5397 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5178]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Montville, Morris County, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Montville, Morris County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, 86 River Road, Montville, New Jersey.

Send comments to: Honorable Frederick E. Eckhardt, Mayor, Township of Montville, Municipal Building, 86 River Road, Montville, New Jersey 07045.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Montville, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Most downstream corporate limits—at centerline.	173
	Horseneck Road—80 ft*.	173
	Interstate Highway 80—100 ft*.	173
	Bloomfield Ave.—100 ft*	173
	Confluence with Rockaway River—at centerline.	173
Rockaway River....	Riverside Drive—60 ft*...	174
	Interstate Highway 80—100 ft*.	176
	Vail Road—60 ft*.....	178
	Hiawatha Boulevard—100 ft*.	178
	Knoll Road—100 ft**	180
	Knoll Road—200 ft*.....	182
Hatfield Creek.....	Change Bridge Road—50 ft*.	177
	Gathering Road—20 ft*.	178
	Charlemagne Place—50 ft*.	184
	Brittany Road—100 ft**.	192
	Brittany Road—60 ft*.....	194
Crooked Brook	River Road—80 ft**.....	180
	River Road—40 ft*	182
	Church Lane—40 ft*	192
	Miller Lane—60 ft*.....	196
	U.S. Route 202—20 ft*....	210
	Nowak Lane—40 ft*.....	217
	Valhalla Road—30 ft*.....	243
	Dam upstream of Valhalla Road—30 ft**.	256
	Dam upstream of Valhalla Road—20 ft*.	266
	Conrail upstream of Valhalla Road—70 ft**.	280
	Conrail upstream of Valhalla Road—90 ft*.	285
	Second Conrail upstream of Valhalla Road—30 ft*.	290
	Vista Road—80 ft*.....	376
Crooked Brook tributary.	Interstate Highway 287—100 ft*.	211
	River Road—50 ft*	241
	Dam upstream of River Road—20 ft**.	280
	Dam upstream of River Road—30 ft*.	297
	Taylortown Road—30 ft*.	304
Beaver Brook.....	Jacksonville Road—100 ft*.	193
	Confluence with North Beaver Brook—at centerline.	198
Stony Brook.....	Confluence with Taylortown Reservoir Branch.	587

*Upstream from centerline
**Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5398 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5179]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for The Village of Washingtonville, Orange County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Washingtonville, Orange County, New York.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Washingtonville, New York.

Send comments to: Honorable Jack Ballard, Mayor of Washingtonville, Village Hall, 38 East Main Street, Washingtonville, New York 10992.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Washingtonville, Orange County, New York in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Moodna Creek	Downstream Corporate Limits.	304
	Downstream Locust Street Bridge.	306
	Upstream of Conrail Bridge.	309
	Upstream of Route 208 Bridge.	312
	Upstream Corporate Limits.	317

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administer.

[FR Doc. 79-5399 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5180]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the town of Brookford, Catawba County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Brookford, Catawba County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 1700 South Center Street, Hickory, North Carolina. Send comments to: Mr. Thomas Winstead, Town Manager, Town of Brookford, Town Hall, 1700 South Center Street, Hickory, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Brookford, N.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are re-

quired. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Henry Fork River.	Confluence with Barger Branch.	861
	Shuford Mills Dam-150 feet*.	862
	Shuford Mills Dam-150 feet**.	882
	State Highway 127***	883
	Confluence with Henry Fork Tributary No. 2.	887
Henry Fork Tributary No. 2.	Confluence with Henry Fork.	887
	U.S. Highway 1213-150 feet*.	893
	U.S. Highway 1213-25 feet**.	899
Barger Branch	Confluence with Henry Fork***.	861
	Treatment Plant Road-100 feet**.	863
	Upstream Corporate Limits***.	867

*Downstream from centerline.
**Upstream from centerline.
***At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5400 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5181]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Cramerton, Gaston County, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Cramerton, Gaston County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 155 North Main Street, Cramerton, North Carolina 28032. Send comments to: Mr. James Grubbs, Superintendent, Town of Cramerton, Town Hall, 155 North Main Street, Cramerton, North Carolina 28032.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Cramerton, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Catawba River.	Old Armstrong Ford Road—10 feet*.	570
	Old Armstrong Ford Road—10 feet**.	577
	Southern Railroad***	579
	U.S. Highways 29 and 74***.	583
Duharts Creek	Eighth Street***	577
	At Most Upstream Corporate Limits.	601
Halls Rocky Branch.	Lakewood Road***	580
Epplet Branch	Eleventh Street—10 feet**.	583

*Downstream from centerline.
**Upstream from centerline.
***At centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5401 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5182]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Woodfin, Buncombe County, North Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Woodfin, Buncombe County, North Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Woodfin Town Hall, 90 Elk Mountain Road, Ashville, North Carolina 28804.

Send comments to: Mayor Penley or Mr. Clarence Wilson, Mayor Protem, P.O. Box 8385, Ashville, North Carolina 28804.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Woodfin, Buncombe County, North Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
French Broad River.	Just downstream of Craggy Dam.	1,930
	Just upstream of Craggy Dam.	1,941
	Craggy Bridge	1,948
Beaverdam Creek..	Approximately 375 feet upstream of NC Highway 191.	1,943
	Just upstream of US Highway 19 and 23.	2,042
Unnamed Tributary to Beaverdam Creek.	Approximately 150 feet downstream Exit Ramp of US Highway 19 and 23.	2,066
	Approximately 25 feet upstream Exit Ramp of US Highway 19 and 23.	2,070
	Just downstream State Route 2086.	2,095

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5402 Filed 2-22-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5183]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Henryetta, Okmulgee County, Oklahoma

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in City of Henryetta, Okmulgee County, Oklahoma. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Civic Center, 4th and Broadway Streets, Henryetta, Oklahoma 74437.

Send comments to: Mayor P. W. Cunningham or Mr. Chester Simons, City Manager, P.O. Box 608, Henryetta, Oklahoma 74437.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Henryetta, Okmulgee County, Oklahoma, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Coal Creek	Just upstream of Trudgeon Street.	*668
	Just downstream of Lake Dr.	674
	Approximately 120 feet downstream of Fourth Street.	681
Dutch Creek	Southern Corporate Limits.	691
	Just downstream of Main St.	701
	Just upstream of Gentry St.	710
Unnamed Creek	Approximately 900 feet upstream of U.S. Highways 62 and 75.	665
	Just downstream of First St.	668

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5403 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5184]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Canonsburg, Washington County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Canonsburg, Washington County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, 68 East Pike Street, Canonsburg, Pennsylvania.

Send comments to: Honorable Louis Bell, Jr., Mayor of Canonsburg, 68 East Pike Street, Canonsburg, Pennsylvania 15317.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Canonsburg, Washington County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Chartiers Creek	Upstream Corporate Limits.	952
	Strabane Avenue (Upstream).	948
	Jefferson Avenue (Upstream).	936
	Euclid Avenue (Upstream).	928
	Downstream Corporate Limits.	924
Brush Run	Upstream Corporate Limit at Valley Road.	970

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements i order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5404 Filed 2-20-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5185]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for The Borough of Duncannon, Perry County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Duncannon, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Building, 428 High Street, Duncannon, Pennsylvania. Send comments

to: Honorable Wallace Wright, Mayor of Duncannon, 428 High Street, Duncannon, Pennsylvania 17020.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Duncannon, Perry County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Upstream Corporate Limits.	358
	Cherry Street (extended).	356
	Downstream Corporate Limits.	354
Little Juniata Creek.	Upstream Corporate Limits.	361
	Church Avenue (extended).	355
	Market Street, Pa. 274....	354

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5405 Filed 2-20-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5186]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Newtown, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Newtown, Bucks County, Pennsylvania.

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

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Hall, Newtown, Pennsylvania. Send comments to: Honorable Harry Weber, Mayor of Newtown, P.O. Box 502, Newtown, Pennsylvania 18940.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Newtown, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Newtown Creek.....	Downstream Corporate Limits.	125
	Center Avenue.....	144
	Jefferson Avenue.....	156
	Upstream Corporate Limits.	171

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5406 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5187]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Newtown, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Newtown, Bucks County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Newtown, Pennsylvania. Send comments to: Mr. Carl Sedia, Chairman of the Board of Supervisors of Newtown, P.O. Box 318, Newtown, Pennsylvania 18940.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Newtown, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Newtown Creek	Downstream Corporate Limits.	87
	Center Avenue	144
	Wright Road	236
	Eagle Road	255
	6,240 feet above Eagle Road.	293
Neshaminy Creek	Downstream Corporate Limits.	86
	Park Bridge Dam	105
	Upstream Corporate Limits.	114
Core Creek	State Route 332	141
	Corporate Limits	149

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5407 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5188]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of York Haven, York County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of York Haven, York County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Mrs. Mary DalPezzo, Borough Secretary, 28 Second Street, York Haven, Pennsylvania. Send comments to: Honorable Geno DalPezzo, Mayor of York Haven, 28 Second Street, York Haven, Pennsylvania 17370.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of York Haven, York County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Downstream Corporate Limit.	281
	Confluence of Conewago Creek.	281
	Upstream Corporate Limit.	282

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

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5408 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5189]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Township of Wheatfield, Perry County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Wheatfield, Perry County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, R. D. 1, Duncannon, Pennsylvania. Send comments to: Mr. Harold E. Mullen, Chairman of the Township of Wheatfield, R. D. 1, Duncannon, Pennsylvania 17020.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Wheatfield, Perry County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in Feet national geodetic vertical datum
Juniata River.....	Downstream Corporate Limits of the Township of Wheatfield.	365
	Confluence of Losh Run	370

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5409 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5190]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Danville, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Danville, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Danville, Virginia. Send comments to: Mr. James Lord, City Manager of Danville, Municipal Building, Danville, Virginia 24541.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Danville, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community

may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dan River	Downstream Corporate Limit.	401
	Confluence of Fall Creek.	403
	First Southern Railway Bridge.	404
	Second Southern Railway Bridge.	405
	Main Street	406
	Dam upstream from Union Street (Downstream).	408
	Dam upstream from Union Street (Upstream).	414
	Confluence of Sandy Creek.	421
	Confluence of Sandy River.	424
	Dam Upstream from Robertson Street (Downstream).	431
	Dam upstream from Robertson Street (Upstream).	445
	Upstream Corporate Limit.	451
Sandy River	Confluence with Dan River.	424
	U.S. Route 58	425
	Old U.S. Route 58	427
	Upstream Corporate Limit.	438
Sandy Creek	Confluence with Dan River.	421
	U.S. Route 58	427
	Central Boulevard	430
	Upstream Corporate Limit.	433
Fall Creek	Confluence with Dan River.	403
	East Thomas Street	404
	Upstream Corporate Limit.	407
Rutledge Creek	Confluence with Pumpkin Creek.	431
	Edmonds Street	438
	Holland Road	460
	Stokesland Avenue	466
	Elizabeth Street	489
	Upstream Corporate Limit.	567
Jackson Branch	Confluence with Dan River.	401
	Grant Avenue	446
	Limit of Detailed Study.	447
Pumpkin Creek	Downstream Corporate Limit.	400
	Oakwood Road	422
	Old Yanceyville Road	428
	Upstream Corporate Limit.	431

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5410 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5191]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Warren County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Warren County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Front Royal, Virginia. Send comments to: Mr. J. Ronald George, County Administrator, County of Warren, P.O. Box 908, Front Royal, Virginia 22630.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Warren County, Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork Shenandoah at Buckton.	State Route 668 (Extended).	490
Shenandoah River at Shenandoah Shores.	Weir	487
	Interstate 66	498
South Fork Shenandoah River at Front Royal.	4,000 feet from State Route 619.	495
	300 feet from State Route 619.	499

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5411 Filed 2-22-79; 8:45 am]

[4210-01—M]

[24 CFR Part 1917]

[Docket No. FI-5192]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Carnation, King County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Carnation, King County, Washington. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 4461 Tolt Avenue, Carnation, Washington. Send comments to: Honorable Nick Loutsis, Mayor, Town of Carnation, Town Hall, 4641 Tolt Avenue, Carnation, Washington 98014.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Carnation, Washington, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snoqualmie River.	Most downstream Corporate Limit.	67
	Most upstream Corporate Limit.	71

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5412 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5193]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Berkeley Springs, Morgan County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Berkeley Springs, Morgan County, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at 304 Warren Street, Berkeley Springs, West Virginia. Send comments to: Honorable L. F. Heiner, Mayor of Berkeley Springs, 304 Warren Street, Berkeley Springs, West Virginia 25411.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Berkeley Springs, Morgan County, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Warm Springs Run.	Confluence of Berkeley Road Run.	592
	Chessie System Bridge Upstream.	598

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Independence Street Upstream.	608
	Fairfax Street Bridge Upstream.	614
	Thomas Street Upstream.	620
	Broadway Avenue Upstream.	626
	John Street Upstream....	631
	Myers Street Downstream.	636
Yellow Spring Run.	Washington Street Upstream.	622
	Green Street Downstream.	633
	Upstream Corporate Limits.	646
Davis Road Run....	Confluence with Warm Springs Run.	606
	Upstream Corporate Limits.	632

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5413 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5194]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Martinsburg, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Martinsburg, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at 224 West King Street, Martinsburg, West Virginia. Send comments to: Honorable William C. Clohan, Mayor of Martinsburg, Box 828, 224 West King Street, Martinsburg, West Virginia 25401.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Martinsburg, West Virginia in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tuscarora Creek....	Private Road	392
	East Burke Street	404
	Conrail	454
	Old Mill Road	473
Dry Run	Adam Street	448
	Rothwell Avenue	448
	Upstream Corporate Limits.	448

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5414 Filed 2-22-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5195]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for Mason County, West Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Mason County, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mason County Courthouse, Point Pleasant, West Virginia. Send comments to: Mr. Bob R. Powers, President of the Mason County Commission, Mason County Courthouse, Point Pleasant, West Virginia 25550.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Mason County, West Virginia, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream Gallipolis Dam.	565
	Confluence of Kanawha River.	570
	U.S. Route 33	577
	Racine Dam	584
Arbuckle Creek	Conrail	572
	1 mile upstream of Conrail.	578
	1.5 miles upstream of Conrail.	592
	1.8 miles upstream of Conrail.	603
Kanawha River	Confluence with Ohio River.	570
	5 miles upstream of confluence with Ohio River.	570
	15 miles upstream of confluence with Ohio River.	571
Eighteenmile Creek.	Chessie System	562
	County Route 41	563
	County Routes 39 and 6.	565
Crab Creek	Conrail	567
	3 miles upstream of Conrail.	567
	5 miles upstream of Conrail.	570
	5.5 miles upstream of Conrail.	578
	6 miles upstream of Conrail.	589
Crab Creek	7.7 miles upstream of Conrail.	611

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-5415 Filed 2-22-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1063-3]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee: Proposed Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Tennessee Air Pollution Control Board adopted, after public notice and public hearing, revisions to their rules and regulations, to become effective April 12, and June 16, 1978. The revisions involve changes to the diffusion equation limiting particulate emissions, continuous monitoring requirements, vinyl chloride regulations, procedures for review of new sources in non-attainment areas, emission limits for wood-fired fuel burning equipment and other miscellaneous changes. The purpose of this notice is to announce these regulations as proposed rulemaking and to solicit public comment on them.

DATES: Comment must be received on or before March 26, 1979 to be considered.

ADDRESSES: Written comments on the proposed revisions should be addressed to Mr. Archie Lee of EPA's Air Programs Branch in Atlanta (see address below). Copies of the materials submitted by Tennessee may be examined during normal businesss hours at the following locations:

Public Information Reference Unit, Library Systems Branch, EPA (PM-213), 401 M Street, S.W., Washington, D.C. 20406.

EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308.

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37219.

FOR FURTHER INFORMATION CONTACT:

Mr. Archie Lee, Air Programs Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, 404/881-2864.

SUPPLEMENTARY INFORMATION: Proposed changes to the Tennessee Air Pollution Control Regulations were adopted by the Tennessee Air Pollution Control Board and submitted to EPA as a revision to the State Implementation Plan. The major revisions are discussed below.

The previous regulation of allowing dispersion enhancement techniques was corrected, and sources are prevented from returning to the diffusion equation after being regulated by the process weight table. Another revision fulfills EPA's requirements for continuous monitoring and requires written reports on emissions. In addition, Tennessee is proposing emission standards for vinyl chloride that are equivalent to federal standards. Wood-fired boilers were exempt under the Tennessee Air Quality Act until recently when the State Legislature removed their exemption. Regulations for control of wood-fired boilers were adopted in the original SIP but these requirements were based on the example region concept. Now that the Board has had time to reconsider the implications of the example region concept, they have adjusted the emission limits to conform more closely to those required to achieve the air quality standards, without without placing any unnecessary control burdens on the sources involved. Chapter 9, Construction and Operating Permits, has been revised to include provisions of the December 21, 1976, Interpretative Ruling in issuing permits to sources in or impacting non-attainment areas. Other miscellaneous changes were adopted regarding conflict of interest and other housecleaning revisions.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-5(a)).)

Dated: January 15, 1979.

JOHN C. WHITE,
Regional Administrator,
Region IV.

[FR Doc. 79-5567 Filed 2-22-79; 8:45 am]

notices

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.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 79-2-102; Docket 34296]

AIR NEW ENGLAND, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of February, 1979.

On December 20, 1978, Air New England applied in Docket 34296 for an amendment of its certificate of public convenience and necessity for Route 172 to authorize it to engage in scheduled nonstop air transportation of persons, property and mail between Burlington, Vermont, and New York/Newark by eliminating the one-stop restriction contained in condition (3). It also moved for consolidation of this application into the proceeding in Docket 33658, which considers, *inter alia*, Air New England's application for removal of a two-stop restriction in the Boston-New York/Newark market. Air New England argues that its request for restriction removal in the Burlington-New York/Newark market is noncontroversial in light of current Board policy and the language of newly enacted section 401(e)(7)(B) of the Federal Aviation Act of 1958, as amended; and that consolidation of this application into Docket 33658 will not delay that proceeding or prejudice the parties,[1] but will generally expedite restriction removal and simplify the Board's docket.

On January 11, 1979, Allegheny Airlines filed an answer opposing Air New England's motion to consolidate,[2] claiming that there is no substantive or procedural nexus between Air New England's application and the proceeding in Docket 33658 that requires or even justifies consolidation.

On the basis of the tentative findings below, we tentatively conclude that it is consistent with the public convenience and necessity to amend the Route 172 certificate of Air New England to permit nonstop operations in the Burlington-New York/Newark market.[3] Air New England's authority will be Category II subsidy-ineligible.[4] We have further tentatively concluded that there is no substantial dispute as to material determinative facts that would necessitate a formal hearing, and that therefore none will be held.

Established Board policy views operating restrictions as inherently wasteful and inefficient and calls for their removal unless a convincing affirmative showing is made that their retention is necessary. This policy is bolstered by the pro-competitive elements of the Airline Deregulation Act of 1978, and specifically the factors contained in its declaration of policy, such as the "encouragement, development and maintenance of an air transportation system relying on actual and potential competition," "maximum reliance on competitive market forces" and "the encouragement of entry into additional air transportation markets of existing air carriers."[5]

In this case, we find that the grant of the applications will result in benefits to the traveling public, enhance competition in the market, and otherwise meet the decisional criteria of section 102 of the Act. To the contrary, denial would be inconsistent with these criteria.

Air New England, however, has not submitted an environmental evaluation of its proposed Burlington-New York/Newark service, nor has it estimated additional fuel consumption, if any. We must, of course, have this information before making any final disposition of the application.[6] We therefore direct Air New England to supply this material within ten (10) days of the service date of this order, so that interested persons can address it in their responsive pleadings.

We will give interested persons thirty (30) days following the service date of this order to show cause why the tentative findings and conclusions set forth here should not be made final, with answers due within ten (10) days thereafter. We expect such persons to support such objections with detailed economic analysis. If an objector requests an evidentiary hearing, he should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. We will not entertain general, vague, or unsupported objections.[7]

Accordingly,

1. We direct all interested pesons to show cause why we should not issue an order making final the tentative findings and conclusions stated above and amending the certificate of Route 172 of Air New England, Inc., by removing the one-stop restriction so as to authorize Air New England, Inc., to engage in nonstop operations between Burlington, Vermont, on the one hand, and New York, New York and Newark, New Jersey, on the other;

2. We direct any interested persons objecting to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here, not later than March 23, 1979, to file with us and serve upon all persons listed in paragraph 8, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections; answers to objections shall be filed no later than April 2, 1979;

3. If timely and properly supported objections are filed, we will give full consideration to the matters and

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[1] By Order 78-12-54, December 7, 1978, the Board directed all interested persons to show cause by January 10, 1979, why Air New England's and Allegheny Airlines' restrictions in the Boston-New York/Newark market should not be removed. Air New England specifically contends that if Allegheny, which holds nonstop authority in the Burlington-New York/Newark market, wishes to answer Air New England's application, it has enough time to do so by January 10, 1979, in Docket 33658.

[2] Allegheny's answer was accompanied by a motion to file late. We will grant the motion.

[3] We also tentatively find that Air New England is a citizen of the United States and is fit, willing, and able to perform properly the transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations and requirements.

[4] *See* Phoenix-Des Moines/Milwaukee Route Proceeding, Order 78-1-116, Januay 26, 1978.

[5] Section 102(a)(4) of the Act, as amended.

[6] *See generally* section 102(2)(C) of the National Environmental Policy Act of 1969; 14 CFR § 313.4(a)(1).

[7] We deny Air New England's motion to consolidate this application into the proceeding in Docket 33658, finding that consolidation will not be conducive to the proper dispatch of the Board's business and will unduly delay the proceeding the Docket 33658. Although Dockets 33658 and 34296 both involve applications by Air New England, these applications deal with entirely different, unrelated markets. Air New England does not suggest that their contemporaneous consideration is requires as a matter of law, and we do not find that it is called for as a matter of convenience. The benefits to the Burlington-New York/Newark market from new nonstop authority will be given more than ample attention to this proceeding.

issues raised by the objections before we take further action;[5]

4. In the event no objections are filed, we will deem all further procedural steps to have been waived and may proceed to enter an order in accordance with the tentative findings and conclusions set forth here;

5. We direct Air New England, Inc., to submit an environmental evaluation of its proposed Burlington-New York/Newark nonstop operations, and an estimate of additional fuel consumption resulting from those operations, by March 5, 1979;

6. We deny the motion of Air New England for consolidation of its application in Docket 34296 into the proceeding in Docket 33658;

7. We grant the motion of Allegheny Airlines, Inc., dated January 11, 1979, to file a late answer; and

8. We will serve this order upon all persons designated by Rule 908 of the Board's Rules of Practice as recipients of service of applications.

We shall publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-5578 Filed 2-22-79; 8:45 am]

[6320-01-M]

[Order 79-2-106; Docket 34772, Agreement CAB 21511; Agreement CAB 21954, Docket 20993]

AIR CARRIER RULES GOVERNING THE APPLICATION OF TARIFFS

Order to Show Cause

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C. on the 15th day of February 1979.

Most U.S. certificated air carriers subscribe to Rule 1(G) in the domestic passenger rules tariff, CAB No. 142, which provides: "No agent, servant, or representative of carrier has authority to alter, modify, or waive any provision of the contract of carriage or of this tariff."

Overseas and foreign air carriers have similar provisions in other rules tariffs on file with the Board,[1] and there are notices printed as Paragraph No. 11 of the "Conditions of Contract" [2] on standard airline ticket forms pursuant to the above captioned agreements on file with the Board. This order is intended to apply to all of them. If followed to the letter, these provisions would effectively prevent carriers from dealing flexibly with customer complaints and serve as a possible protection from liability for most tariff-related errors made by airlines' own personnel. The Board has tentatively decided that such clauses are unjust, unreasonable and inconsistent with actual carrier practices and are thus unlawful. We therefore direct all interested parties to show cause why these tariff rules should not be cancelled and why Agreements 21511 and 21954 should not be amended to remove Paragraph No. 11 from the notice of conditions of carriage on airline passenger ticket forms.

One of our major objections to such provisions is that they tend to permit a carrier in a dispute with a customer to disregard completely any incorrect or misleading information that its own employees have given to the customer, even though airline passengers have no real alternative but to rely on the agents' statements. Under the cloak of the exculpatory clause the carrier can refuse to honor a commitment made in writing, as when a fare that has been miscalculated appears on the face of a passenger's ticket. In our view, it is unjust and unreasonable for an airline to give preeminence to a tariff provision when its own employees have told a passenger something different.

Section 403(a) of the Federal Aviation Act requires carriers to file tariffs with the Board that set forth in detail the terms of the contractual relationship between each airline and its customers. Tariffs list the carriers' fares and the conditions under which each fare is offered. They also include hundreds of pages with hundreds of rules covering virtually every aspect of the airlines' services or practices, from ticketing and check-in procedures to carrier policy concerning passengers travelling with parakeets or scuba diving equipment. Together with the conditions of contract and other notices printed notice on airline tickets, tariffs form the contract between airlines and their passengers, subject, of course, to applicable CAB regulations.[3]

Unlike most other businesses that hold customers responsible for knowing what is in a contract, airlines do not give passengers copies of the full terms and conditions of their agreements. Instead, they print abbreviated information on standard ticket forms, and incorporate the actual tariffs by reference While any passenger who wants to examine the tariffs has the legal right to do so, and while each airline is required to keep a set of current tariffs available at each ticket office for this purpose, the tariffs are of no practical use to most passengers. Tariffs are far more complicated than most agreements for the purchase of consumer goods and services, and we believe that it is unreasonable to expect passengers to use the tariffs to learn of their rights and obligations.

Most passengers do not ask to examine tariffs, and we doubt that many of them know what a tariff is. The public's dealing with the airline is instead with airline or travel agency employees who are perceived to be speaking for the company, and customers understandably believe they can rely on the information received from these experts. We believe that the rules at issue in this order are inconsistent with these reasonable passenger expectations. Even including similar language in the airline ticket notice does not, in our view, effectively warn passengers that airlines will not necessarily back up their employees' mistakes. Considering that passengers have no realistic alternaive but to believe what carrier agents tell them, it is unreasonable for the airlines to be able to say that they may not honor any employees' commitments that are contradicted by tariff rules.

The Board recently recognized that rigid adherence to the tariffs is not always in the public interest. In Order 78-12-49, issued December 7, 1978, we relieved carriers from tariff observance requirements to the extent necessary to resolve consumer complaints. Even before we issued this exemption, however, substantially all carriers issued so-called policy adjustments on a regular basis. These are payments to aggrieved customers that are insonsistent with the tariffs, but justified in the opinion of some carrier employee who, in fact, modifies or waives a tariff rule or condition of the contract in order to make the payment.

In Order 78-12-49 we made it clear that carriers' tariffs must realistically describe their practices, including policies for handling passenger grievances. Provisions like Rule 1(G) do not reflect the actual complaint handling

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[5] Because provision is made for the filing of objections to the substance of this order, we will not entertain petitions for reconsideration.

[1] These include the tariff rules listed in the Appendix to this order.

[2] Paragraph 11 uses slightly different wording: "No agent, servant or representative of carrier has authority to alter, modify or waive any provision of this contract." Tariffs are incorporated by reference in another statement printed on the ticket: "Subject to Tariff Regulations."

[3] This is not to say that tariff provisions provide an absolute defense to legal claims based on conduct consitent with those provisions. *See, e.g., Klicker* v. *Northwest Airlines*, 563 F. 2d 1310 (C.A. 9, 1977). As the Board has recognized in previous orders, (*see, e.g.*, Orders 78-7-100, pp. 6-7, EDR-359, p. 5, July 25, 1978, 43 F.R. 33733, August 1, 1978), this area of the law is in a state of flux, and an airline's attempt to bar legal claims on the ground that the carrier complied with the tariff may be ineffectual. What we propose to do by this order is remove one exculpatory clause from the tariff itself and thus remove any ability of the carrier to even assert that clause as a defense in a legal action.

practices of the carriers' or the fact that carriers no longer have a legal obligation to strictly observe the tariffs in resolving customer complaints.

While we tentatively believe these provisions should be removed from tariffs and the conditions of contract, we wish to make it clear there are other measures carriers may take to protect themselves from agents' mistakes. Carriers can find ways to upgrade their training programs and simplify the reference material their personnel use to find information on fares and other policies and practices. If some agents are negligent or consistently give misinformation, the airline may take disciplinary measures as it sees fit. In our view, it is far more reasonable for a carrier to hold employees, not passengers relying on information furnished by employees of the carrier who appear knowledgeable, accountable for errors that may be made in interpreting or applying tariffs. Moreover, by eliminating these tariff provisions, we in no way mean to imply that an employee's lack of apparent authority to change a tariff may not be used as a defense in a court action brought by a consumer. Our action would merely remove governmental endorsement of that contention.

In summary, we have tentatively concluded that Rule 1(G) in C.A.B. No. 142 and any similar rules found in other tariffs on file with the Board, including those listed in the appendix attached to this order, unjustly and unreasonalby exculpate carriers from responsibility for statements made by their own agents and employees not in accord with their tariffs, are inconsistent with carrier policies and practices, and are therefore unlawful and should be cancelled. We have also tentatively decided to withdraw our approval of C.A.B. Agreements No. 21511 and 21954 insofar as they authorize the carriers to include Paragraph No. 11 in the "Conditions of Contract" notice printed on airline tickets.

Accordingly:

1. The Board directs all interested parties to show cause why we should not issue an order making final the tentative findings and conclusions stated here;

2. Any interested party objecting to the issuance of such an order shall, within 30 days after the service of this order, file with the Board a statement of objection which shall set forth in detail any facts, economic or statistical data, and other evidence relied upon in support of the objection. Answers to objections shall be filed with the Board within an additional 14 days;

3. Parties requesting an evidentiary on-the-record hearing in this matter shall set forth in detail the reasons why a hearing is needed, including a statement of the facts they intend to develop in a hearing and the reasons why such facts cannot otherwise be presented;

4. If timely and properly supported objections are filed, we will consider fully the matters or issues they raise before taking further action; and

5. If no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order shall be served on all U.S. certificated air carriers and foreign air carriers and shall be published in the Federal Register.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR
Secretary.

APPENDIX

PASSENGER TARIFFS CONTAINING MODIFICATION AND WAIVER RULES

Airline Tariff Publishers Agency:
CAB No. 142—Rule 1(G).
CAB No. 248—Rule 1(G).
CAB No. 294—Rule 1(F).
CAB No. 174—Rule 95.
Air Tariff Corp.: CAB No. 55—Rule 26(B).
Continental Air Lines: CAB No. 70—Rule 15(B).
Trans World: CAB No. 17—Rule 19.
Canadian Pacific: CAB No. 31—Rule 19.
Laker: CAB No. 2—Rule 75(B).
Loftleidir: CAB No. 16—Rule 28.

[FR Doc. 79-5575 Filed 2-22-79; 8:45 am]

[6320-01-M]

[Order 79-2-78; Docket 34685]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of February, 1979.

On November 1, 1978, Pan American World Airways, Inc. (Pan American), filed fare increases for effect January 15, 1979, in four United States-Caribbean markets.[1] First-class, economy-class and excursion fares would be increased five percent. Other promotional fares, advance purchase and inclusive tour excursion and group inclusive tour fares, would remain unchanged. This fare filing matches earlier filings of American Airlines, Inc. (American), and Eastern Airlines, Inc. (Eastern).[2]

In support of the filing, Pan American forecasts a modest improvement in passenger revenue of $1.3 million, or 4.9 percent, and a rate of return on investment (ROI) of 6.98 percent.[3] The carrier argues that the limited fare increases will only slightly offset cost escalations faced in calendar year 1979.

The Board concludes that Pan American has demonstrated a need for additional revenue, and all but the proposed first-class fares between the United States and Port of Spain will be permitted to take effect. We find that an increase in United States-Caribbean fares is warranted in light of the carrier's low rate of return on scheduled passenger service. Pan American achieved an ROI of 9.96 percent for the year ended June 30, 1978, and at present levels is projected to earn less than 2 percent for calendar year 1979. With the limited fare increases proposed, Pan American's ROI for the forecast period will be less than 7 percent. We find, however, that the proposed increases in the Port of Spain first-class fares would result in increased excess-baggage charges because a weight-based baggage system applies. As we have indicated before, the Board explored the merits of a weight-based baggage system in Docket 24869.[5] We concluded that space, not weight, is the principal factor determining the cost of baggage services; weight may not be the sole determinant of the amount of baggage a passenger may carry without additional charge; and excess-baggage charges assessed at the rate of one percent of the one-way first-class fare per kilogram are unjust and unreasonable, in violation of section 404(a) of the Federal Aviation Act.[6] We have reaffirmed these findings in subsequent orders.[7] Because the weight system subjects passengers to unjustified baggage allowance restrictions and excess-baggage charges, we will not permit increases in these fares.[8]

ACCORDINGLY, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 801 and 1002(j) thereof,

1. We institute an investigation to determine whether the fares and provisions set forth in Appendix A, and rules, regulations, or practices affecting such fares and provisions, are or

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[1] Georgetown, Guyana; Port au Prince, Haiti; Port of Spain, Trinidad; and, Santa Domingo, Dominican Republic.

[2] Caribbean/Bermuda fare increases proposed by American and Eastern are scheduled to become effective at various times between December 16, 1978, and March 1, 1979, depending upon the market.

[3] Pan American forecasts a return on investment of 1.96 percent under present fares for the forecast period, calendar year 1979.

[5] *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation Case*, Order 76-3-81, March 12, 1976.

[6] In Order 76-3-81, we found the carriers' baggage costs more closely approximate seven-tenths of one percent of the one-way economy fare per kilogram.

[7] See, for example, Orders 78-4-80, April 14, 1978, 78-1-68, January 17, 1978, 77-4-97, April 20, 1977, 77-3-36, March 7, 1977, and 76-5-26, May 10, 1976.

[8] See, for example, Orders 78-10-60, October 5, 1978, 78-7-112, July 21, 1978, 78-02-106, February 23, 1978, 78-8-25, July 25, 1978, and 76-10-108, October 15, 1976.

will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend the tariff provisions specified in Appendix A. Their use is deferred from February 16, 1979, to and including February 15, 1980, unless otherwise ordered by the Board, and no changes shall be made therein during the period of suspension except by order or special permission of the Board;

3. We will submit this order to the President [9] and it shall become effective on February 16, 1979;

4. We will file copies of this order in the aforesaid tariffs and serve it on Pan American World Airways, Inc.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

WESTERN HEMISPHERE PASSENGER FARES, TARIFF NO. P-NS-4, C.A.B. NO. 74, ISSUED BY AIR TARIFFS CORPORATION, AGENT

On 3rd, 4th and 5th Revised Pages 304-B the "F" class fares between Miami, FL/New York, NY, and Port of Spain, Trinidad, published for the account of Pan American World Airways, Inc.

[FR Doc. 79-5577 Filed 2-2-79; 8:45 am]

[6320-010-M]

[Order 79-2-105; Docket 33218]

U.S. CERTIFICATED CARRIERS

Boarding Priority Rules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of February, 1979.

By Regulation ER-1050 effective September 3, 1978 (43 FR 24277, June 5, 1978), the Board amended Part 250 of its Economic Regulations to reflect its new policy dealing with the "bumping" of passengers with confirmed reservations caused by overbooking. The new rules are designed to reduce involuntary bumping without specifically prohibiting deliberate overbooking or rigidly regulating other reservation practices of the airline industry. The key features of the Board's new policy are as follows:

(1) In the event of an oversold flight, no passenger will be denied a seat until the airline seeks volunteers who are willing to relinquish their reserved space in exchange for compensation at a level of the carrier's discretion.

(2) If there are not enough volunteers, the airline will deny boarding to non-volunteers, on the basis of Board-approved boarding priority rules filed in carriers' tariffs.

(3) Denied boarding compensation for those bumped involuntarily has been increased.

(4) Those denied boarding, either voluntarily or involuntarily, must be fully and immediately advised in writing of their rights—their options, the amount of compensation, the method of payment, and the airlines' boarding priority rules.

By Order 78-8-98, August 17, 1978, the Board approved new denied boarding compensation rules filed by domestic carriers, but suspended their proposed boarding priority rules for interstate and overseas transportation. The suspension essentially reflected three areas of concern. First, some rules would have given passengers priority on the basis of fare category, *i.e.*, first class would be boarded before coach, full fare before discount, etc. We acknowledged that this kind of rule might have merit, but only if brought to the specific attention of passengers at the time they purchased their tickets, something the carriers did not intend to do. Second, some rules did not establish priority for the physically handicapped, unaccompanied children, or aged or infirm passengers, although it seemed most unlikely that the airlines did not contemplate doing so, as generally evidenced by their company manuals. Third, the rules were often inconsistent with tariff check-in procedures and were vague or ambiguous. Since the time and place of check-in affect the passenger's boarding priority and eligibility for denied boarding compensation, we ruled that the tariffs and notices to passengers must make clear when and where passengers are to present themselves to avoid being bumped or losing their rights to compensation.

On August 23, 1978, United Air Lines, Inc., (United) petitioned the Board to reconsider Order 78-8-98 insofar as it suspended rules because they failed to provide sufficient public notice, and to institute a new rulemaking proceeding to consider any additional public notice requirements. It alleges that the Board's additional notice requirement is a new rule not previously contemplated and impossible to place in effect before the September 3 date mandated for full implementation of Regulation ER-1050; and the merits of such a requirement can be handled in more orderly fashion in a separate rulemaking proceeding.

By Order 78-9-6, September 1, 1978, the Board waived, until further order, the requirement that the airlines file their boarding priority rules in their tariffs. We did this so that they could "be thoroughly considered by both the carriers and the Board to ensure that they are clear in their applications and fair to all concerned."

At the outset, by waiving until further notice the ER-1050 requirement that boarding priority rules be filed in tariffs, we have already resolved one of United's principal concerns—that the 13 days remaining between the date of Order 78-8-98 and the September 3 date mandated by ER-1050 was not ample time to effect acceptable tariffs and would lead to confusion, passenger inconvenience and the like. United and other carriers have now had several months to think the matter through and to consider the Board's concerns set out in Order 78-8-98. We are proceeding on the assumption that they have done so.

The remaining point United alleges is that our action was totally unanticipated—that we are requiring a new general notice which could not have been contemplated. To the contrary, however, our order is entirely consistent with our oft repeated position in ER-1050 that consumers must be fully informed of the airlines' boarding priorities. Clearly, the hall mark of our decision was that to the extent the consumer cannot be protected from the consequences of overbooking, he must be provided the information necessary to enable him to make informed decisions. This, of course, requires awareness of all the pertinent rules, and we reject any suggestion that the Board could have been expected to settle for anything less than clear, concise rules and the availability of full information for the consumer.

Thus, our decision does not in any way reflect a change in attitude—we have no intention of limiting airline discretion in handling overbookings and we have not done so.[1] Our suspension order clearly paves the way for the airlines to establish priority on the basis of fares paid, for example, provided only that passengers are fully informed. In fact, much of the problem encountered with the boarding priority tariff rules has been caused by our decision to give the airlines flexibility to establish their own rules. Having offered that, the Board simply had no way of anticipating the various proposals and, therefore, what consumer information might be necessary because of them.

Clearly, our primary concern was, and continues to be, what additional

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[9] We submitted this order to the President on February 8, 1979.

[1] The only boarding priority plan we turned down on its merits was that which failed to give any consideration to the physically handicapped, unaccompanied children, aged or infirm passengers, etc. That plan was generally inconsistent with airline practice. Also, the lack of uniform industry handling of such passengers could result in severe hardship, particularly where interline travel is involved.

notice, if any, is required. The basic information the passenger must know depends, in part, on the individual airline's boarding priority rules. The vast majority of airlines have opted for a first-come, first-served rule, for which we do not believe special notice is necessary—in the absence of rules to the contrary, this is precisely what passengers would generally expect, or at least accept as reasonable. But if an airline elects to establish priority on some other basis, such as the fare paid, the passenger must be made aware of such distinctions, and we will require such notice in addition to the denied boarding information specifically required by ER-1050. Unless a discount-fare passenger, for example, is aware of his lower boarding priority, he is unknowingly purchasing a lesser quality of service.

In addition to order of boarding priority, the passenger must also know when and where he must present himself at the airport so that his reservation will not be cancelled. As we stated in Order 78-8-98, time and place of check-in vary from airline to airline, and passengers generally are not aware of the rules or that their reservation and boarding compensation rights may be invalidated if they do not meet them. Thus, our review of boarding priority tariffs has caused us to focus upon the fact that the entire scheme of compensation and priority rules hinges on the passenger complying with check-in procedures. Since the interaction of the check-in rules with the boarding priority rules was not specifically dealt with by ER-1050, we are not in a position at this time to establish a formal rule requiring any particularized formal method of notice of check-in procedures. We point, however, that the failure to give reasonable notice may in some circumstances constitute an unfair and deceptive practice under section 411 of the Act. We are encouraged, however, that some carriers affirmatively acknowledge the interaction of the check-in and priority rules, and are prepared to take steps to inform consumers of both. American proposes to amend its overbooking notice (section 250.11) to identify when and where the passenger muct check-in in order to be eligible for denied boarding compensation.[2] Delta has amended its tariff to provide that it must direct attention to its check-in rules in its public timetables and ticket envelopes, which will also note that failure to comply with the rules will result in cancellation of reservation and ineligibility for denied boarding compensation. We applaud their action and urge other carriers to do likewise, so we may avert the necessity of an expedited rulemaking proceeding to perfect full notice to passengers and so that carriers can avoid exposing themselves to enforcement complaints under section 411 of the Act.[3]

To summarize, all carriers must refile boarding priority rules modified to correct the problems noted in Order 78-8-98 (and certain technical deficiencies brought to the airlines' attention by our staff). Many carriers have priority rules presently in effect for foreign air transportation. Certain of those rules deviate from the guidelines in Order 78-8-98 or this order and we urge the carriers to file revisions correcting those deficiencies. Carriers electing to tie boarding priority to fare paid must provide notice of that practice at the time of ticket purchase. All carriers should also provide notice of check-in procedures.

Last is the question of timing. In Order 78-9-6 we indicated our intention to set the termination date of the waiver to allow the airlines approximately two weeks from issuance of this order to file tariffs on statutory notice. We believe this is ample time for them to file since they have known for several months what the problems are, and we assume they have been trying to resolve them. Several carriers have made efforts to correct the deficiencies by special tariff permission requests that are not pending. Accordingly, the waiver granted in ordering paragraph (1) of Order 78-9-6 will be vacated effective 75 days after the date of service of this order. This will permit carriers to file revised tariffs on statutory notice; we will, however, consider favorably requests to place the rules in effect on less than statutory notice.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended,

1. The waiver from the requirements of section 250.3(b) of the Board's Economic Regulations granted by Order 78-9-6, September 1, 1978, is revoked effective May 2, 1979;

2. The petition of United Air Lines, Inc. for vacation of the suspension in Docket 33218 and for institution of a rulemaking proceeding is denied; and

3. Copies of this order shall be served on all air carriers and foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-5576 Filed 2-22-79; 8:45 am]

[2] American has requested permission to modify its Notice of Deliberate Overbooking required by section 250.11(a) of the Board's Economic Regulations to include a description of its denied boarding priority and to advise that passengers must present themselves for boarding at the loading gate at least five minutes before scheduled departure in order to be eligible for denied boarding compensation. The staff will approve American's request under delegated authority.

[3] Even though we will not require carriers who adopt a first-come first-served boarding priority rule to provide special notice at the time of ticket purchase, they could very easily do so with a minor amendment to their overbooking notice as American proposes. We urge them to consider doing this voluntarily.

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. APP. (1976), notice is hereby given that the Census Advisory Committee on the Black Population for the 1980 Census will convene on March 16, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on the Black Population for the 1980 Census is composed of 21 members appointed by the Secretary of Commerce. It was established in October 1974 to advise the Director, Bureau of the Census, on such 1980 census planning elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the black population, and expanding the dissemination of census results among present and potential users of census data in the black population.

The agenda for the meeting, which is scheduled to adjourn at 4:30 p.m. is: (1) Introductory remarks, (2) current status of 1980 census plans, (3) testing and selection aids, (4) National Services Program plans for 1979-1980, (5) Affirmative Action Program report, (6) promotional plan for 1980—minority Public Information Office plans, (7) report on interdenominational church meeting, (8) Committee discussion, and (9) recommendations and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing further information concerning these meetings or who wish to submit written statements may contact the Committee Control Officer, Larry Lucas, Decennial Census Division, Bureau of the Census, Room 2747, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233). Telephone (301) 763-2050.

Dated: February 16, 1979.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 79-5563 Filed 2-22-79; 8:45 am]

[3510-15-M]

Maritime Administration

[Docket No. S-636]

PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Application by Boston VLCC Tankers, Inc., VI

Notice is hereby that an application has been filed by Boston VLCC Tankers, Inc., VI (Boston VI), owners of the SS *Maryland*, for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the vessel in the carriage of oil in the domestic trade from Valdez, Alaska, to Panama.

The *Maryland* is a 265,000-deadweight-ton tanker, built with construction-differential subsidy. Boston VI has negotiated a time charter with Atlantic Richfield Company for the *Maryland* to carry oil in the Valdez/Panama service for a period of not more than six months beginning on or about April 12, 1979.

Interested parties may inspect Boston VI's application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received within five working days after the date of publication of this Notice in the FEDERAL REGISTER. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: February 16, 1979.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc. 79-5580 Filed 2-22-79; 8:45 am]

[3510-15-M]

[Docket No. S—637]

AMERICAN SHIPPING, INC.

Notice of Application

Notice is hereby given that American Shipping, Inc. (American), by application of February 16, 1979, requested approval for its owned tanker the SS *Beaver State*, of 91,849 DWT, to make two additional voyages in the Alaska/U.S. West Coast oil trade. American is the holder of long-term ODSA, Contract No. MA/MSB-272. On January 26, 1979, the Assistant Secretary for Maritime Affairs previously granted written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to American for the *Beaver State* to make two such voyages, the first voyage to commence on January 26, 1979. Written permission for these voyages was extended to related companies of American who are also holders of long-term operating-differential subsidy agreements.

It is necessary that written permission for the requested two additional voyages of the *Beaver State* also be extended to American's related companies. These companies are: Aeron Marine Shipping, Aquarius Marine Company, Aries Marine Shipping, Company, Atlas Marine Company, Pacific Shipping, Inc., and Worth Oil Transport Company.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on February 27, 1979 file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

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

By Order of the Assistant Secretary for Maritime Affairs.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc. 79-5581 Filed 2-22-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 15, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CFTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 12, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

COMMODITY FUTURES TRADING COMMISSION

The CFTC requests clearance of a new, single time, letter and Form CFTC-161, Open Contracts in Interest Rate Futures on March 30, 1979. The

letter and form are a Special Call for information on traders with five or more contracts in interest rate futures traded on the Chicago Board of Trade, the Chicago Mercantile Exchange and the AMEX Commodities Exchange, Inc. The information to be collected includes the occupation and location of such traders, along with the size and type of their positions. The Commission states that respondents will be domestic commodities brokers who are registered with the Commission and certain clearinghouse members of the above-named exchanges. Response is mandatory under authority contained in Part 21 of the Commodity Exchange Act. The proposed date of this Special Call is March 30, 1979. The CFTC estimates that each respondent will file approximately 30 responses and that reporting burden will average one-third hour per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-5560 Filed 2-22-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Notice of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, place	Type of meeting and contact person
Circulatory Devices Panel	March 30, 9 a.m., Room 1409, 200 C St. SW., Washington, DC.	Open public hearing 9 a.m. to 10 a.m.; closed committee deliberations 10 a.m. to 4 p.m.; Glenn A. Rahmoeller (HFK-450), 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7559.

General function of the Committee. The Committee reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Those desiring to make formal presentations should notify Glenn A. Rahmoeller by March 23, 1979, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Closed committee deliberations. The Panel will review applications for premarket approval. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as in practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential, information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily

may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: February 12, 1979.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc. 79-5462 Filed 2-22-79; 8:45 am]

[4110-03-M]

[Docket No. 78F-0431]

AMERICAN CYANAMID CO.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of maleic anhydride polymer with styrene, reaction product with ammonia and sodium hydroxide, as a component of paper and paperboard for food-contact use.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3232) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of maleic anhydride polymer with styrene, reaction product with ammonia and sodium hydroxide, as a surface size on paper and paperboard intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5303 Filed 2-22-79; 8:45 am]

[4110-03-M]

[Docket No. 78F-0433]

ANHEUSER-BUSCH, INC.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Anheuser-Busch, Inc. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Bakers yeast glycan in certain additional food products.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A 3188) has been filed by Anheuser-Busch, Inc., St. Louis, MO 63118, proposing that the food additive regulations be amended to provide for the safe use of Bakers yeast glycan in certain additional food products.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 1979.

SANFORD A. MILLER,
Director, Bureau of Foods.

[FR Doc. 79-5304 Filed 2-22-79; 8:45 am]

[4110-03-M]

CONSUMER PARTICIPATION NOTICE OF OPEN MEETING

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces a forthcoming Consumer Exchange Meeting to be chaired by the Los Angeles District Director of the Food and Drug Administration.

DATE: The meeting will be held at 1 p.m., Thursday, March 1, 1979.

ADDRESS: The meeting will be held at the FDA District Office, 1521 W. Pico Blvd., Los Angeles, CA 90015.

FOR FURTHER INFORMATION CONTACT:

J. Lawrence Stevens, Consumer Affairs Officer, Food and Drug Administration, Department of health, Education, and Welfare, 1521 W. Pico Blvd., Los Angeles, CA 90015, 213-688-3771.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to exchange information between FDA officials and consumer representatives, by providing an opportunity for consumer representatives to present their views to FDA management. In addition they may present problems to which they believe FDA would seek solutions. The meeting also will allow an opportunity for the agency to discuss and communicate vital health and policy issues to the concerned public.

Dated: February 13, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-5463 Filed 2-22-79; 8:45 am]

[4110-03-M]

[Docket No. 78D-0371]

MEDICATED BLOCKS: MANUFACTURE AND CONTROL

Availability of Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of guidelines for the manufacture and control of medicated blocks. The guidelines provide additional details regarding the requirements of the regulations and will be used as a guide in reviewing new animal drug applications (NADA's) for medicated blocks.

ADDRESS: Written comments may be submitted to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

John Markus, Bureau of Veterinary Medicine (HFV-104), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: Section 510.455 *New animal drug requirements for medicated blocks* (21 CFR 510.455) was issued in the FEDERAL REGISTER of August 2, 1976 (41 FR 32213) and amended in the FEDERAL REGISTER of May 6, 1977 (42 FR 23149). That regulation requires the submission of new animal drug applications to establish that medicated blocks are safe and effective for their labeled conditions of use.

Because of the unique nature of medicated blocks, the Bureau of Veterinary Medicine has developed guidelines to aid industry in meeting the requirements for new animal drug approval. The guidelines are intended to provide additional details regarding the requirements set forth in § 510.455 and will be used to guide the review of new animal drug applications for such products. Additionally, the guidelines may serve as the basis for the development of regulations regarding current good manufacturing procedures for medicated blocks, should such regulations be deemed necessary.

The guideline is available for public examination in the office of the Hearing Clerk. Written requests for single copies may be sent to the Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-226), 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may submit written comments on the guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to or revisions of the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) identified with the Hearing Clerk docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Hearing Clerk's office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: February 14, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-5461 Filed 2-22-79; 8:45 am]

[4110-03-M]

[Docket No. 78D-0426]

PESTICIDE RESIDUES IN HUMAN FOODS

Notice of Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of an administrative guideline establishing revised criteria for regulatory action against human foods containing pesticide residues.

ADDRESS: Written comments and requests for single copies of the guideline should be submitted to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has issued an administrative guideline that revises the criteria for regulatory action against domestic and imported, raw and processed human foods containing pesticide residues. Revised administrative guideline 7420.08, issued to replace previously existing guidelines 7420.08 and 7420.09, sets forth the action levels currently used by the agency as a basis for legal actions against human foods containing unavoidable pesticide residues. Additionally, the guideline specifices criteria for regulatory action when pesticide specifies criteria for regulatory action when pesticide residues exceed established tolerances, when pesticide residues result from misue, or when no tolerances of action levels have been established according to 21 CFR 109.4 for the pesticide in a particular commodity.

A copy of this guideline is available for public examination between 9 a.m. and 4 p.m., Monday through Friday, in the office of the Hearing Clerk (HFA-305), Food and Drug Administration (address below). Requests for single copies of the guideline may be made in writing to that office.

Interested persons may submit written comments on the guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Comments should be in four copies, identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments will be incorporated into the public file on the guideline and may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Dated: February 14, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-5459 Filed 2-22-79; 8:45 am]

[4110-03-M]

[Docket No. 77D-0200]

USE OF CONSUMPTION FACTORS TO ASSIGN TOLERANCES FOR RESIDUES OF ANIMAL DRUGS IN VARIOUS EDIBLE TISSUES

Availability of Working Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the availability of a working guideline for use in assigning animal drug residue tolerances in food-producing animals. The agency invites interested persons to submit written comments on the guideline.

ADDRESS: The guideline is available for public examination at, and comments may be submitted to, the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

T. M. Farber, Bureau of Foods

(HFF-180), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5760.

SUPPLEMENTARY INFORMATION: Over the past several years it has become increasingly evident in evaluations of animal drug residues and human safety that further consideration should be given to consumption levels of certain animal tissues and organ meats relative to that of muscle meat.

The Federal Food, Drug, and Cosmetic Act directs, in sections 512(d)(2)(A), (B), and (C) and 409(c)(5)(A), (B), and (C) (21 U.S.C. 360b(d)(2)(A), (B), and (C) and 21 U.S.C. 348(c)(5)(A), (B), and (C)), that in evaluating safe conditions of use of animal drugs and food (feed) additives that result in residues in edible animal products, the Secretary shall consider among other relevant factors (1) the probable consumption of such drug (or additive) and of any substance formed in or on food because of the use of such drug (or additive), (2) the cumulative effect on man or animal of such drug (or additive) in the diet, and (3) safety factors appropriate for the use of animal experimentation data.

Therefore, in the assigning of tolerances for residues of animal drugs and feed additives, consideration should be given to relative consumption of the particular edible animal product. It is known from food consumption and intake surveys that organ meat and specialty meat consumption has played a lesser role than muscle meat has played in total dietary consumption. A working guideline prepared by the Bureau of Foods presents a scheme for adjusting animal drug tolerances for evaluating the safety of organ meats as part of a total daily diet. It is intended that the working guideline be subject to modification as better information becomes available on food consumption and as significant changes occur in relative consumption of various meat products and organ tissues. The guideline is now being applied.

Because the working guideline has not been made generally available, this announcement serves to inform interested persons of its availability and to invite interested persons to submit comments on the guideline.

The guideline is available for public examination in the office of the Hearing Clerk. Written requests for single copies may be submitted to the Food and Drug Administration, Bureau of Veterinary Medicine, Industry Information Branch (HFV-226), 5600 Fishers Lane, Rockville, MD 20857.

Interested persons may submit written comments on the guideline to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857. Such comments will be considered in determining whether further amendments to or revisions of the guidelines are warranted. Comments should be in four copies (except that individuals may submit single copies) identified with the Hearing Clerk docket number found in brackets in the heading of this document. The guideline and received comments may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 14, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-5460 Filed 2-22-79; 8:45 am]

[4110-92-M]

Office of Human Development Services

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE, REESTABLISHMENT

AGENCY: Office of Human Development Services, DHEW.

ACTION: Notice of Advisory Committee Reestablishment.

PURPOSE: The Administration for Children, Youth and Families announces the reestablishment by the Secretary of Health, Education, and Welfare, with the concurrence of the General Services Administration, of the Child and Family Development Research Review Committee.

DATES: The charter for this Committee was signed by the Secretary of Health, Education, and Welfare on February 1, 1979. It will expire two years from this date unless renewed prior to its expiration.

FOR FURTHER INFORMATION CONTACT:

Barbara Rosengard, Executive Secretary, Administration for Children, Youth and Families, Research, Demonstration and Evaluation Division, P.O. Box 1182, Washington, D.C. 20013, 202/755-7758.

SUPPLEMENTAL INFORMATION: The authority for this Committee is 42 United States Code 1314 (f) and (g). The Committee is governed by provisions of Pub. L. 92-463 which sets forth standards for the formation and use of advisory committees. The Committee will review grant applications in the fields of child and family development, child welfare, and child abuse and neglect, in order to assist the Commissioner, Administration for Children, Youth and Families, in setting priorities for funding grant applications.

Dated: February 16, 1979.

ARNOLD H. SAMPSON,
HDS Committee Management Officer.

[FR Doc. 79-5561 Filed 2-22-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OF THE WESTERN AND CENTRAL GULF OF MEXICO

Availability of Final Environmental Statement Regarding Proposed Oil and Gas Lease Sale No. 58

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 110 tracts consisting of 215,743 hectares (532,885 acres) of submerged lands on the OCS offshore Texas, Louisiana, Mississippi and Alabama (OCS Sale No. 58).

Single copies of the final environmental statement can be obtained from the Office of the Manager, New Orleans OCS Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental statement will also be made available for inspection in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney, Houston, Texas; Rosenburg Library, 2310 Sealy, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazoport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library System, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; and Montgomery Public Library, 445 S.

Lawrence Street, Montgomery, Alabama.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

FEBRUARY 21, 1979.

[FR Doc. 79-5625 Filed 2-22-79; 8:45 am]

[4310-05-M]

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease No. W3446]

ATLANTIC RICHFIELD CO.—COAL CREEK MINE

Availability of Proposed Decision To Approve, With Stipulations, Coal Mining and Reclamation Plan

FEBRUARY 21, 1979.

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Availability of Proposed Decision To Approve, with Stipulations, a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining Reclamation and Enforcement has performed a technical review of a mining and reclamation plan and has recommended approval of the proposed plan contingent on the applicant's acceptance of certain stipulations. The plan is described below.

LOCATION OF LANDS TO BE AFFECTED BY PLANNED OPERATIONS

Applicant: Atlantic Richfield Co.
Mine Name: Coal Creek.
State: Wyoming.
County: Campbell.
Township, Range and Sections: T.46N, R.70W; 4, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34. T.46N, R.71W; 13, 24. T.45N, R.70W, 3, 4, 5.

Office of Surface Mining Reference Number: WY-0003.

The mine is located approximately 25 miles souh of Gillette, Wyoming, within 9,545 acres of permit area of which about 8,310 acres are proposed to be disturbed. The plan proposes an annual production rate of ten million tons per year. Mining will be a truck and shovel type operation. Coal will be shipped by rail. This coal mine would be one of a number of surface mining operations conducted in the Gillette area of northeastern Wyoming.

The purpose of this notice is to inform the public that the Regional Director, Region V, Office of Surface Mining Reclamation and Enforcement, has recommended, based on staff reviews and the reviews of the Wyoming Department of Environment Quality, the Bureau of Land Management, and the Geological Survey, approval of the coal mining and reclamation plan, subject to stipulations which must be accepted by the applicant in order for the approval to take affect. Any persons having an interest which is or may be adversely affected by the recommended approval may, in writing, request a public meeting to discuss their views regarding the plan.

The Coal Creek Mine was the subject of a site-specific analysis of impacts, mitigating measures, and alternatives in an environmental impact statement, titled "Proposed Mining and Reclamation Plan, Coal Creek Mine, Campbell County, Wyoming." The Final Environmental Statement was filed with the EPA on January 18, 1979 (FES 79-1). The availability of the mining and reclamation plan for Coal Creek was announced in the FEDERAL REGISTER On January 19, 1979 (44 FR 4020).

DATES: All requests for a public meeting must be made on or before March 15, 1979. No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The mining and reclamation plan, the OSM staff analysis, and proposed stipulations are available for review in the Region V Office of OSM. Requests for a public meeting must be submitted, in writing, to the Regional Director, Region V, Office of Surface Mining, Room 217, 1823 Stout Street, Denver, Colorado, 80202. Requests must include the name and address of the requestor.

FOR FURTHER INFORMATION CONTACT:

John Hardaway or Shirley Lindsay, Office of Surface Mining, Region V, Room 207, 1823 Stout Street, Denver, Colorado, 80202.

WALTER N. HEINE, P.E.,
Director.

[FR Doc. 79-5618 Filed 2-22-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-45]

CERTAIN COMBINATION LOCKS

Notice of Commission Determination and Action

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission orders the termination of investigation No. 337-TA-45, Certain Combination Locks, on the basis of a unanimous Commission determination that no violation of section 337 of the Tariff Act of 1930, as amended, exists.

This Commission order is effective on the date of its publication in the FEDERAL REGISTER. Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Such petitions must be in accord with section 210.56 of the Commission rules (19 CFR 210.56). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission's determination, order, and memorandum opinion (USITC Publication 945, February 1979) are available to the public during official working hours at 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 the Commission's investigation was published in the FEDERAL REGISTER of February 16, 1978 (43 FR 6845).

By order of the Commission.

Issued: February 16, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-5579 Filed 2-22-79; 8:45 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-78-129-C]

KENNEDY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Kennedy Coal Company, R.D. #5, Box 126, Punxsutawney, Pennsylvania 15767, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Kennedy #4 Mine in Jefferson County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner is mining in seam heights varying from 25 to 28 inches.

2. The low mining heights prevent the installation of lights on the top of the petitioner's Wilcox Mark 20 auger-type miners. Operating controls and the rope drums prevent the installation of lights on the sides of the auger type miners.

3. The auger-type miners are powered by 250 volts direct current. Mine-machine lighting using this type of current is not available from manufacturers at present.

4. The application of the standard would result in a diminution of safety to miners for the following reasons:

a. The additional lighting would result in the operator being unable to see the signal light of the jack-setters when they signal him to start or stop the machine.

b. Such lights as required by the standard could not be maintained due to contact of the machine with coal ribs, timbers, and jacks.

5. For these reasons, the petitioner requests relief from the application of the standard until such time as satisfactory direct current lights and power sources for use in low seam heights become available for the petitioner's auger-type miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before March 26, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: Feb. 12, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-5583 Filed 2-22-79; 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-4640]

ADVENT CORP., CAMBRIDGE, MASS.

Certifcation Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4640: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 10, 1979 in response to a worker petition received on January 3, 1979 which was filed on behalf of workers and former workers producing speakers for stereo, audio, and video systems at Advent Corporation, Cambridge, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on January 19, 1979 (44 FR 4039-4040). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Advent Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of enclosed loudspeakers increased absolutely in value in 1977 compared to 1976 and in January-September 1978 compared to the same period of 1977.

Advent Corporation is transferring a significant portion of its loudspeaker production operations from the Cambridge plant to Nogales, Mexico. Final assembly of completed loudspeakers into cabinets is being transferred to Portsmouth, New Hampshire.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitve with speakers for stereo, audio, and video systems produced at Advent Corporation, Cambridge, Massachusetts, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Advent Corporation, Cambridge, Massachusetts engaged in employment related to the production of loudspeakers who became totally or partially separated from employment on or after October 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-5599 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4488]

AMERICAN MOTORS CORP., BODY PLANT, MILWAUKEE, WIS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4488: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 8, 1978 in response to a worker petition received on December 4, 1978 which was filed by the United Auto Workers on behalf of workers and former workers producing car bodies and stampings at the Milwaukee, Wisconsin Body Plant of the American Motors Corporation. The investigation revealed that car body assembly at the Milwaukee Body Plant was for the intermediate-size Matador car which was discontinued in June 1978.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59179-80). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the American Motors Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Evidence developed during the course of the investigation indicated that a certification applicable to the petitioning group of workers was issued on November 17, 1976 TA-W-997). That certification remained in effect until November 17, 1978, two years from its date of issuance. No certification resulting from this investigation, therefore, may apply to any worker whose last total or partial separation from the subject firm occurred before November 17, 1978.

From November 17, 1978 to the end of the year, employment at the Milwaukee, Wisconsin Body Plant increased steadily.

CONCLUSION

After careful review, I determine that all workers at the Milwaukee, Wisconsin Body Plant of the American Motors Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-5600 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4645]

BEACON GARMENT COMPANY, INC., FALL RIVER, MASSACHUSETTS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4645: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 10, 1979 in response to a worker petition received on January 4, 1979 which was filed on behalf of workers and former workers producing ladies' dresses and sportswear at Beacon Garment Company, Incorporated, Fall River, Massachusetts. The investigation revealed that the sportswear production consists of blouses, vests, shirts, slacks and jackets.

The Notice of Investigation was published in the FEDERAL REGISTER on January 19, 1979 (44 FR 4039-4040). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Beacon Garment Company, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivison have decreased absolutely.

Evidence developed during the course of the investigation revealed that sales of ladies' dresses and sportswear at Beacon Garment Company, Incorporated increased, in quantity and value, in each quarter of 1978 when compared to the corresponding quarter of 1977. Sales and production are equivalent at Beacon.

Conclusion

After careful review, I determine that all workers of Beaon Garment Company, Incorporated, Fall River, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-5601 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4219]

BEDFORD KNITTING MILLS, BROOKLYN, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4219: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 29, 1978 in response to a worker petition received on September 29, 1978 which was filed on behalf of workers and former workers producing knitwear,women's sweaters at Bedford Knitting Mills, Brooklyn, New York. The investigation revealed that the plant produces misses' and juniors' sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795-96). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Bedford Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and juniors' sweaters increased from 1975 to 1976. In 1977, imports of sweaters increased 9.0 percent over the average level of imports for the years 1973 through 1976. The ratio of imports of sweaters to domestic production exceeded 140 percent in 1976 and in 1977. The import to domestic production (IP) ratio in 1977 was higher than the average IP ratio for the period 1973 through 1976.

A Department of Labor survey was conducted of customers of Bedford Knitting Mills. The survey revealed that customers increased their purchases of imported sweaters and decreased their purchases from Bedford Knitting Mills in 1977 as compared to 1976 and during January-September 1978 as compared to January-September 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with misses' and juniors' sweaters produced at Bedford Knitting Mills, Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Bedford Knitting Mills, Brooklyn, New York who became totally or partially separated from employment on or after December 2, 1977 and before December 9, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-5602 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4378]

ROBERT BRUCE, PHILADELPHIA, PENNSYLVANIA

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4378: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 9, 1978 which was filed by the Knitgoods Union, International Ladies' Garment Workers' Union on behalf of workers and former workers producing men's and boys' sweaters at the Philadelphia, Pennsylvania plant of Robert Bruce. The investigation revealed that the plant also produces men's and boys' tennis and racquetball shorts.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55013). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Robert Bruce, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers producing men's and boys' tennis and racquetball shorts at the Philadelphia, Pennsylvania plant of Robert Bruce:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Total company sales of men's and boys' tennis and racquetball shorts at Robert Bruce increased in both quantity and value in the first eleven months of 1978 compared with the same period in 1977. Production of tennis and racquetball shorts at the Philadelphia, Pennsylvania plant of Robert Bruce increased in 1977 compared with 1976 and in the first eleven months of 1978 compared with the same period in 1977.

With respect to workers producing men's and boys' sweaters, all of the group eligibility requirements of Section 222 of the Act have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased from 20.4 million units in 1975 to 26.5 million units in 1976 and to 28.3 million units in 1977. Imports increased to 33.2 million units in the first three quarters of 1978 as comparted to 22.6 million units in the first three quarters of 1977.

A Departmental survey conducted of customers of Robert Bruce revealed that several customers increased their purchases of imported sweaters and decreased their purchases from all domestic sources in 1977 as compared to 1976. Moreover, several customers decreased their purchases from Robert Bruce and increased their purchases of imported sweaters in January-November 1978 as compared to the same period in 1977. Among the total customers who were surveyed, foreign sources supplied an increasing proportion of customer sweater demand in 1977 compared to 1976 and in the first three quarters of 1978 compared to the same period of 1977.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' sweaters produced at the Philadelphia, Pennsylvania plant of Robert Bruce contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Philadelphia, Pennsylvania plant of Robert Bruce engaged in employment related to the production of men's and boys' sweaters who became totally or partially separated from employment on or after September 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers of the Philadelphia, Pennsylvania plant of Robert Bruce engaged in employment related to the production of tennis and racquetball shorts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of February 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-5603 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4439, 4439A, and 4439B]

CAMERON DRESS CO., HARRISBURG, PENNSYLVANIA, ET AL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4439, 4439B, 4439C: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 29, 1978 in response to a worker petition received on November 21, 1978 which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' jackets, slacks, skirts, gowns, blouses, dresses, etc., at the Cameron Dress Division of Genesco, Incorporated, Harrisburg, Pennsylvania.

The investigation revealed that the Cameron Dress Company along with two other plants is part of an integrated production process for the manufacture of Women's dresses. The investigation was expanded to include the two other plants: (1) the New Bloomfield Dress Company, Newport, Pennsylvania and (2) the Bonnie Ann Sportswear Company, Dallastown, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56953). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Cameron Dress Company, its manufacturers, its manufacture's customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The ratio of imports to domestic production for women's and misses' dresses has remained less than 5.0 percent since 1973.

The Department conducted a survey of the manufacturers for whom the subject firm did contract work.

Two manufacturers accounted for the majority of the subject firm's production. One of these manufacturers increased contract work with Cameron Dress Company in 1977 compared to 1976 and decreased contract work the first ten months of 1978 compared to the same period in 1977. This manufacturer's sales increased during this period and it imported no foreign made garments and did no business with foreign contractors.

The second of these major manufacturers imported no foreign garments and did no work with foreign contractors. Adjusted sales decreased in 1977 compared to 1976 and decreased slightly in the first nine months of 1978 compared to the same period in 1977. A secondary survey of this manufacturer's major customers revealed that customers accounting for an insignificant percentage of the manufacturer's total sales decreased purchases from this manufacturer while increasing purchases of imports.

CONCLUSION

After careful review, I determine that all workers of Cameron Dress Company, Harrisburg, Pennsylvania; Bonnie Ann Sportswear Company, Dallastown, Pennsylvania; and New Bloomfield Dress Company, Newport, Pennsylvania are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-5604 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4524]

CASEY MANUFACTURING CO., CASEY, ILLINOIS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4524: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing children's shoes at Casey Manufacturing Company, Casey, Illinois.

The Notice of Investigation was published in the FEDERAL REGISTER on December 29, 1978 (43 FR 61038-61039). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Casey Manufacturing Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers at Casey Manufacturing increased in 1978 compared with 1977 and in each of the four quarters in 1978 compared to the same quarters of the previous year.

CONCLUSIONS

After careful review, I determine that all workers of Casey Manufacturing Company, Casey, Illinois are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-5605 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4526, et al.]

ETTELBRICK SHOE CO., GREENUP, ILLINOIS, ET AL.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Ettelbrick Shoe Company, Greenup, Illinois, TA-W-4526; Greenup Manufacturing Company, Greenup, Illinois, TA-W-4529; and Robinson Manufacturing Company, Robinson, Illinois, TA-W-4535.

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4526, 4529, 4535: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing children's shoes at the Robinson Manufacturing Company, Robinson, Illinois, and the Greenup Manufacturing Company, Greenup, Illinois. A petition was also filed on behalf of workers and former workers at the Ettelbrick Shoe Company, Greenup, Illinois who perform warehousing and sales operations for the two manufacturing companies.

The Notice of Investigation was published in the FEDERAL REGISTER on December 29, 1978 (43 FR 61038-61039). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Ettelbrick Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of children's non-rubber footwear increased relative to domestic production in 1977 compared to 1976. Imports remained significant relative to domestic production in the first nine months of 1978.

A survey conducted by the Department revealed that Ettelbrick's major customer increased imports of children's shoes in 1978 from 1977 while reducing purchases from Ettelbrick.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with children's shoes produced at Greenup Manufacturing Company, Greenup, Illinois and Robinson Manufacturing Company, Robinson, Illinois contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Ettelbrick Shoe Company, Greenup, Illinois and the Robinson Manufacturing Company, Robinson, Illinois who became totally or partially separated from employment on or after December 6, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers of Greenup Manufacturing Company, Greenup, Illinois who became totally or partially separated from employment on or after December 5, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of February 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-5606 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4299]

LOUIS GOLDSMITH, INC., PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4299: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 26, 1978 in response to a worker petition received on October 24, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored suits and sportcoats at Louis Goldsmith, Inc., Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on November 3, 1978 (43 FR 51475-51476). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Louis Goldsmith, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act

must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' tailored dress coats and sportcoats decreased from 1976 to 1977 and increased in quantity during the first three quarters of 1978 compared to the same period of 1977.

Imports of men's and boys' tailored suits increased in quantity from 1976 to 1977 and decreased during the first three quarters of 1978 compared to the same period of 1977.

Louis Goldsmith produces two lines of men's wear, a designer line and a tailored line. Employment and production declines can be attributed to business declines in the tailored line.

The Department conducted a survey of customers of the tailored line produced by Louis Goldsmith. The survey indicated that some customers had decreased purchases from Louis Goldsmith and increased purchases of imported men's tailored suits and sportcoats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's tailored suits and sportcoats produced at Louis Goldsmith contributed importantly to the decline in sale or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Louis Goldsmith, Incorporated, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 23, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of February 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-5607 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4608]

GOPHER MINING CO., HILTON VILLAGE, WEST VIRGINIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4608: Investigaton regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 8, 1979 in response to a worker petition received on January 2, 1979 which was filed by the United Mine Workers of America, District 29 on behalf of workers and former workers producing metallurgical coal at the Hilton Village, West Virginia mine of the Gopher Mining Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 19, 1979 (44 FR 4029-30). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Gopher Mining Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Employment at the Hilton Village mine began in September 1978. Average monthly employment of miners increased through November and remained unchanged in December. Average biweekly hours worked by the miners increased each month from September through December 1978. There is no immediate threat of separation of workers at this mine.

CONCLUSION

After careful review, I determine that all workers at the Hilton Village, West Virginia mine of the Gopher Mining Company are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-5608 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4456]

THE INLAND STEEL MINING CO. AND THE SHERWOOD MINE, IRON RIVER, MICHIGAN

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4456: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1978 in response to a worker petition received on November 27, 1978 which was filed by the United Steelworkers of America on behalf of workers and former workers engaged in production related to the mining of iron ore at the Sherwood mine, Iron River, Michigan facility of the Inland Steel Mining Company, Iron River, Michigan.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1978 (43 FR 57692-3). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of the Inland Steel Mining Company, the Inland Steel Company, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Total shipments of iron ore received from all sources at the Indiana Harbor Works steel mill of the Inland Steel Company increased in 1978 as compared to 1977. Although shipments of iron ore received at the steel mill from the Sherwood mine decreased in 1978 as compared to 1977, the decrease was far exceeded by increased production and shipments in iron ore received from all other domestic sources in 1978 as compared to 1977. In addition, shipments of iron ore and pellets received at the mill from all foreign sources decreased in 1978 as compared to 1977.

CONCLUSION

After careful review, I determine that all workers of the Sherwood Mine of the Inland Steel Mining Company, Iron River, Michigan are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research

[FR Doc. 79-5609 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4382]

INTERNATIONAL SHOE CO., JACKSON, MISSOURI

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4382: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 14, 1978 in response to a worker petition received on November 13, 1978 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing women's dress and casual shoes at the Jackson, Missouri plant of International Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55013). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of International Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's nonrubber footwear, except athletic, increased absolutely from 1975 to 1976 and then decreased in absolute terms from 1976 to 1977. Imports increased absolutely in the first three quarters of 1978 compared to the same period of 1977. The ratio of imports to domestic production increased each year from 1975 to 1977 and in the first three quarters of 1978 compared to the same period of 1977.

A Department survey, conducted with customers who purchased shoes produced by International Shoe Company, revealed that customers increased imports of women's dress and casual shoes from 1976 to 1977 and in the first nine months of 1978 compared to the same period of 1977, while decreasing purchases from International Shoe Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's dress and casual shoes produced at the Jackson, Missouri plant of the International Shoe Company contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Jackson, Missouri plant of the International Shoe Company who became totally or partially separated from employment on or after November 9, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of February 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-5610 Filed 2-22-79; 8:45 am]

[4510-28-M]

[TA-W-4205, and TA-W-4295]

JACOBY-BENDER, INC., WOODSIDE, NEW YORK, AND JACOBY-BENDER, INC., BRONX, NEW YORK

Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4205 and 4295: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on September 21, 1978 and October 25, 1978 in response to worker petitions received on September 19, 1978 and October 23, 1978 which were filed by the Watch and Jewelry Workers' Union on behalf of workers and former workers producing metal watchbands and metal jewelry at the Woodside, New York plant of Jacoby-Bender, Incorporated and on behalf of workers and former workers producing leather watch straps at the Bronx, New York plant of Jacoby-Bender, Incorporated. The investigation revealed that the Bronx plant also produces nylon watch straps.

The Notices of Investigation were published in the FEDERAL REGISTER on October 10, 1978 and November 3, 1978 (43 FR 46591 and 51475). No public hearing was requested and none was held.

The determinations were based upon information obtained principally from officials of Jacoby-Bender, Incorporated, its customers, Manufacturing Jewelers and Silversmiths of America, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of watchbands increased from 20,370 thousand dollars in 1975 to 30,630 thousand dollars in 1976 and to 34,019 thousand dollars in 1977. Imports of watchbands increased from 15,539 thousand dollars in the first six months of 1977 to 23,823 thousand dollars in the first six months of 1978. The ratio of imports to domestic production increased from 66 percent in 1975 to 103 percent in 1976 and to 108 percent in 1977. The import-to-domestic production ratio increased from 102 percent in the first six months of 1977 to 149 percent in the same period of 1978.

A Department of Labor survey of customers of Jacoby-Bender, Incorporated revealed that, from 1976 to 1977 and during the first three quarters of 1978 compared to the same period in 1977, several customers decreased purchases of both non-metal and metal watchbands from Jacoby-Bender and increased their reliance on imported non-metal and metal watchbands.

The results of this survey are consistent with industry data which indicates a high level of import penetration in the watchband industry. The survey findings reveal that Jacoby-Bender's customers use a high percentage of imports to satisfy their domestic demand for watchbands.

Jacoby-Bender itself increased its company imports of metal watchbands from 1976 to 1977 and in the first three quarters of 1978 compared to the same period of 1977. Therefore, not only have the purchasing patterns by Jacoby-Bender's customers had a negative impact on production and employment at both plants of Jacoby-Bender, Incorporated but also Jacoby-Bender's own increased purchases of imported watchbands have contributed to the declines in production and employment.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with metal watchbands produced at the Woodside, New York plant of Jacoby-Bender, Incorporated and with leather and nylon watchbands produced at the Bronx, New York plant of Jacoby-Bender, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers at these plants. In accordance with provisions of the Act, I make the following certification:

All workers of the Woodside, New York plant of Jacoby-Bender, Incorporated engaged in employment related to the production of metal watchbands who became totally or partially separated from employment on or after October 14, 1978 and all workers of the Bronx, New York plant of Jacoby-Bender, Incorporated who became totally or partially separated from employment on or after October 17, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 13th day of February 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-5611 Filed 2-22-79; 8:45 am]

[4510-28-M]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of February 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Buffalo Knitting Mills, Inc. (ILGWU).	Pen Argyl, Pa	Feb. 8, 1979	Jan. 31, 1979	TA-W-4,800	Men's sweaters.
Copper Range Co., Hussey Metals Div. (USWA).	Leetsdale, Pa	Feb. 8, 1979	Jan. 15, 1979	TA-W-4,801	Copper and copper alloys strip, coil, bar sheet and tape.
Fiesta Fashions, Inc. (company).	Hoboken, N.J	Feb. 6, 1979	Feb. 2, 1979	TA-W-4,802	Ladies' coats
Goodyear Tire and Rubber Company (Graphic and Shoe Products Div. (URW).	Windsor, Vermont	Feb. 8, 1979	Feb. 5, 1979	TA-W-4,803	Heels and soles, soling slabs.
GTE-Sylvania, Electronic Tube Division (USWA).	Seneca Falls, N.Y	Feb. 5, 1979	Jan. 20, 1979	TA-W-4,804	Color television tubes and components.
Piney Creek Coal Co., Piney Creek Mine No. 1 (U.M.W.A.).	Beckley, W. Va	Feb. 6, 1979	Feb. 2, 1979	TA-W-4,805	Low-volatile metallurgical coal mining.
Savoy Leather Manufacturing Corporation (workers).	Ward Hill, Mass	Feb. 5, 1979	Jan. 31, 1979	TA-W-4,806	Attache cases, 8-track cassette tape cases and luggage.
T. Shriver (USWA)	Harrison, N.J	Feb. 8, 1979	Feb. 2, 1979	TA-W-4,807	Filter presses and pumps for industry and water waste plants.
Truitt Brothers, Inc. (workers).	Belfast, Maine	Feb. 6, 1979	Jan. 30, 1979	TA-W-4,808	Men's dress shoes.
Truitt Brothers, Inc. (workers).	Gardiner, Maine	Feb. 6, 1979	Jan. 30, 1979	TA-W-4,809	Men's dress shoes.
W & R Coal Company, Inc., Mine No. 1 (UMWA).	Clifftop, W. Va	Feb. 6, 1979	Feb. 2, 1979	TA-W-4,810	Low-volatile metallurgical coal mining.
W & R Coal Company, Inc. Mine No. 2 (UMWA).	Clifftop, W. Va	Feb. 6, 1979	Feb. 7, 1979	TA-W-4,811	Low-volatile metallurgical coal mining.
Westinghouse Electric Corporation, Small Motors Div. (IUE).	Lima, Ohio	Feb. 5, 1979	Feb. 1, 1979	TA-W-4,812	Frame size 56 electric motors.

[FR Doc. 79-5585 Filed 2-22-79; 8:45 am]

[4510-28-M]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 9th day of February 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Barry Fashions (ILGWU)	Clifton, N.J	Feb. 5, 1979	Jan. 31, 1979	TA-W-4,781	Ladies' sportswear.
B.B.M., Incorporated (workers).	Boston, Mass	Jan. 30, 1979	Jan. 26, 1979	TA-W-4,782	Women's sportswear.
Bethlehem Mines Corp (U.S.W.A.).	Johnstown, Pa	Jan. 25, 1979	Jan. 23, 1979	TA-W-4,783	Accounting office.
Boot Makers' of Sturgeon Bay (Footwear Div. of Retail Clerks International Union).	Sturgeon Bay, Wis	Feb. 2, 1979	Jan. 29, 1979	TA-W-4,784	Men's and women's sport boots, and men's steel toe work boots, work boots, and shoes.
Crazy Horse (ILGWU)	Paterson, N.J	Jan. 30, 1979	Jan. 26, 1979	TA-W-4,785	Ladies' sportswear.
Eastern Isles Manufacturing, Inc. (workers).	Grundy, Va	Jan. 22, 1979	Jan. 18, 1979	TA-W-4,786	Ladies' and children's sleepwear.
Eastern Isles Manufacturing, Inc. (workers).	Richlands, Va	Jan. 22, 1979	Jan. 18, 1979	TA-W-4,787	Ladies' and children's sleepwear.
Galaxy Costume Corp. (Amalgamated Ladies' Garment Cutters Union).	New York, N.Y	Feb. 6, 1979	Jan. 22, 1979	TA-W-4,788	Ladies' coats and jackets.
Goodyear Tire and Rubber Co., Industrial Products Division (URW).	Akron, Ohio	Jan. 29, 1979	Jan. 26, 1979	TA-W-4,789	Fire hose, irrigation hose, machine built hose, hand belt hose, air springs, extruted, and special products, and conveyor belt hose.
Harrison Beach, Inc. (workers).	Boston, Mass	Jan. 31, 1979	Jan. 26, 1979	TA-W-4,790	Women's sportswear.
Jupiter Fashions, Inc. (company).	Middle Village, N.Y	Feb. 2, 1979	Jan. 30, 1979	TA-W-4,791	Sweaters for men, women and children.
Northway Sportswear (ILGWU).	Hudson Falls, N.Y	Jan. 30, 1979	Jan. 22, 1979	TA-W-4,792	Ladies' sportswear.
Paradigm Apparel (workers).	New York, N.Y	Jan. 19, 1979	Jan. 12, 1979	TA-W-4,793	Men's better cotton shirts (dress and sport).
Parlane Sportswear Company, Inc. (workers).	Boston, Mass	Jan. 30, 1979	Jan. 26, 1979	TA-W-4,794	Women's sportswear.
Portland Stove Foundry (workers).	Portland, Maine	Feb. 5, 1979	Jan. 31, 1979	TA-W-4,795	Wood stoves and repair parts for older stoves.
Q—T Shoe Manufacturing Co., Inc. (workers).	Lebanan, Pa	Jan. 25, 1979	Jan. 19, 1979	TA-W-4,796	Women's casual shoes.
D. B. Rosenblatts (ACTWU).	Minneapolis, Minn	Feb. 1, 1979	Jan. 22, 1979	TA-W-4,797	Men's sportcoats, and suits.
D. B. Rosenblatts (ACTWU).	Fergus Falls, Minn	Feb. 1, 1979	Jan. 22, 1979	TA-W-4,798	Men's sportcoats, and suits.
Sunshine Kiddie Knitwear Company, Inc. (ILGWU, Intimate Apparel Workers Union).	New York, N.Y	Feb. 5, 1979	Jan. 29, 1979	TA-W-4,799	Infants and toddlers knit playwear, and swimwear.

[FR Doc. 79-5586 Filed 2-22-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR PHYSICS, SUBCOMMITTEE TO REVIEW NSF-SUPPORTED NUCLEAR PHYSICS LABORATORIES

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee to Review NSF-Supported Nuclear Physic Laboratory.
Date and time:
March 9, 1979, 1:00 pm—10:00 pm.
March 10, 1979, 9:00 am—10:00 pm.
March 11, 1979, 9:00 am—12:00 noon.
Place: Lecture Room, National Academy of Sciences, 2100 Pennsylvania Avenue, Washington, DC
Type of meeting:
March 9, 1979, 1:00 pm—3:00 pm. Closed.
3:00 pm—10:00 pm. Open.
March 10, 1979, 9:00 am—10:00 pm. Open.
March 11, 1979, 9:00 am—12:00 noon. Closed.
Contact person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone 202-632-4318
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, DC 20550
Purpose of committee: To examine the programs of those nuclear physics accelerator laboratories which are supported by NSF primarily for research by resident faculty and associated personnel, and to recommend on their support for the period 1980-1985 within each of two funding guidelines provided by NSF.

The laboratories to be considered are at: California Institute of Technology; Florida State University; University of Maryland; University of Notre Dame; University of Pennsylvania; University of Pittsburgh; Princeton University; Rutgers University; Stanford University; State University of New York at Stony Brook; University of Rochester

Agenda:

March 9, 1979

Closed Session (1:00 pm—3:00 pm). Discussion of projects under consideration for funding.

Open Session (3:00 pm—10:00 pm). Presentations by research groups of proposed projects, and discussion thereof.

March 10, 1979

Open Session (9:00 am—10:00 pm). Continuation of previous day's activities.

March 11, 1979

Closed Session (9:00 am—12:00 noon). Discussion of projects under consideration for funding.

Reason for closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

A waiver is requested of the notice normally required for announcement, to enable the Subcommittee to begin its work in time for completion prior to the May 10-12 meeting of the Advisory Committee for Physics.

We were unable to set dates earlier due to difficulties encountered in scheduling attendance of the members.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 16, 1979.

[FR Doc. 79-5544 Filed 2-22-79; 8:45 am]

[7550-01-M]

THE ALAN T. WATERMAN AWARD COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee.
Date: March 6, 1979.
Time: 9:00 a.m.
Place: Room 543, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of Meeting: Closed.
Contact Person: Lois J. Hamaty, Executive Secretary, Office of Planning and Resources Management, National Science Foundation, Washington, D.C., AC 202/632-5394.
Purpose of Committee: To provide recommendations concerning recipient of the Alan T. Waterman Award.
Agenda: To review nominations as part of the selection process for the Award.
Reason for Closing: The nominations being reviewed include information of a personal nature. These matters are within the exemptions of 5 U.S.C., 552(b), (5).
Authority to Close Meeting: The determination made on February 16, 1979, by the Director of the National Science Foundation pursuant to provisions of Section 19(d) of Public Law 92-463.
Reason for Late Notice: Unable to obtain a concensus from Committee members on a mutually convenient date for the meeting.

M. REBECCA WINKLER,
Committee Management Coordinator.

FEBRUARY 16, 1979.

[FR Doc. 79-5546 Filed 2-22-79; 8:45 am]

[6325-01-M]

OFFICE OF PERSONNEL MANAGEMENT

ABOLITION OF CERTAIN STATUTORY PERSONNEL REQUIREMENTS UNDER THE CIVIL SERVICE REFORM ACT

Title VI, Section 602, of the Civil Service Reform Act (P.L. 95-454) will have a direct impact on Federal grant-in-aid programs through the provision abolishing some statutory personnel requirements which are a condition of eligibility for Federal financial assistance to State and local governments. A purpose of this notice is to provide information to Federal agencies and State and local governments about the nature of that impact. Federal agencies are also requested to assist in identifying the specific statutory requirements which are affected; information about Federal personnel requirements (statutory or regulatory) would also be welcome from State and local governments.

The Civil Service Reform Act, signed into law by President Carter on October 13, 1978, is a major Administration initiative to improve the management of government at all levels and, ultimately, the delivery of services to the public. The Act calls for a simplification of personnel regulations and increased Federal managerial flexibility and accountability. While most of the Civil Service Reform Act is concerned with improving management of the Federal Government, key provisions of Title VI relate to State and local government, and provide for a simplified, more uniform approach to personnel requirements established as a condition for Federal grants-in-aid to State and local governments.

Through this legislation, Congress has endorsed a broader application of the Merit System Standards to appropriate grant-in-aid programs. The Standards, which have been in use since 1939, have done much to assist in the establishment and improvement of State and local personnel management systems. These Standards have an integral role in the development of proper and efficient administration of grant-in-aid programs. The legislation authorizes all Federal agencies to apply the Standards to grant-aided programs administered by State and local governments and directs the inclusion of the merit principles of the intergovernmental Personnel Act in the Standards.

Further, Congress provided for the abolition on October 13, 1979, of all statutory personnel requirements, except those specifically retained, which have been established as a condition for the receipt of Federal grants

by State and local governments. The exceptions are:

The current programs requiring the Merit System Standards;

Those statutes that generally prohibit discrimination in employment or require equal employment opportunity;

The Davis-Bacon Act (the requirement that workers on construction projects, for which the Federal Government is a party to the contract, be paid not less than minimum wages); and

The political activity provisions applicable to State and local governments (Hatch Act).

Consideration currently is being given to appropriate ways to follow through on this congressional initiative by Administration action to reduce personnel requirements established by regulation as a condition for the receipt of Federal grants, while assuring proper administration of the program involved. We will be contacting Federal agencies and other interested parties at a future date regarding these activities.

In this notice, we are concerned with statutory personnel requirements which could be affected by the Civil Service Reform Act. The statutory requirements could include those which mandate specific qualifications, procedures, or conditions for employment, including hiring, layoff, promotion, personnel recordkeeping, performance measurement, compensation, employee development, labor-managment relations, standards of conduct, or any other personnel management provision not covered under the exemptions above.

To insure implementation of the Civil Service Reform Act, the Office of Personnel Management (OPM) is requesting assistance in identifying the statutory requirements which will be abolished on October 13, 1979. Pursuant to OPM's authority in Title VI, Section 602, of the Civil Service Reform Act to issue regulations to accomplish the congressional objective to minimize Federal intervention in State and local personnel administration, Federal agencies are hereby requested to examine statutes affecting their grants to State and local governments to assist in identification of the relevant personnel requirements. An inventory, providing a list of statutory citations which contain relevant personnel requirements, a copy of the text of affected provisions, and any relevant legislative history regarding the intent or impact of these requirements, should be submitted within 60 days of the date of this notice. Information would also be welcome from State or local officials or any other interested parties about Federal statutes or regulations containing such requirements.

For further information, contact Lawrence D. Greene, 202/632-6044. Materials identifying specific requirements should be addressed to Mr. Norman Beckman, Assistant Director for Intergovernmental Personnel Programs, Office of Personnel Management, 1900 E Street, NW., Washington, D.C. 20415.

OFFICE OF PERSONNEL MANAGEMENT,
JAMES C. SPRY,
Special Assistant to the Director.

[FR Doc. 79-5556 Filed 2-22-79: 8:45 am]

[6325-01-M]

NATIONAL IPA PROJECTS

Availability of Funds

Because of commitments made in previous years to multi-year projects, and applications already pending, there is an extremely limited amount of Intergovernmental Personnel Act (IPA) grant funds available in Fiscal Year 1979 for new national IPA grant projects. Consequently, the Office of Personnel Management (OPM) will not issue an announcement this year requesting proposals for Fiscal Year 1979 funding of national projects. Any unsolicited proposals submitted will, however, be given consideration.

The amount of IPA grant funds proposed in the President's budget for Fiscal Year 1980 will provide resources for new national projects which would commence after September 30, 1979. An estimated $500,000 will be available for such projects. In Fiscal Year 1980, it is OPM's intent to give priority consideration to applications for programs which would:

1. Provide management improvement assistance to elected or appointed State or local government officials.
2. Improve State or local government productivity.
3. Modernize State or local government personnel management systems.
4. Strengthen State or local government employee selection procedures in accord with the Uniform Guidelines on Employee Selection Procedures.
5. Develop the capacity for evaluating State or local government personnel management systems.

Within the broad priority areas indicated above, OPM is interested in projects which, on a nationwide basis, would use innovative training activities and techniques to assist in the solving of high priority State and local government management problems; or which, through research, demonstration, or training, would contribute to the resolution of priority State and local personnel management issues. First consideration will be given to those project applications received on or before August 15, 1979.

To be eligible for consideration, an application must:

1. Involve a substantial national audience; i.e., participating officials and jurisdictions would come from all or many parts of the country. (Projects which would be carried out on a local or regional basis, even though wider applicability is intended or projected, should be submitted for consideration to the appropriate State IPA or OPM regional office.)
2. Be principally directed toward training State and local employees and officials and contain evidence that the proposed project has been requested by State or local governments, if the applicant is an "other organization" as defined in Section 304 of the IPA, rather than a State or general local government.

Proposals will be evaluated according to the following basic criteria:

1. The probable impact of the proposed projects on improved central policy making and management capability.
2. The extent of need by and support of the proposed project as expressed by State or local government officials and the extent to which the project would encourage improved intergovernmental cooperation.
3. The extent to which the proposed project would result in newly established or strengthened programs, systems, or activities which would be continued after an initial period of IPA support.
4. The quality and efficiency of the proposed means by which the projects would be executed.
5. The means for evaluating project results and the potential for broader use of the results or products by other jurisdictions and organizations.
6. The amount and kind of cost-sharing which the applicant would provide (IPA grant funds can support up to 50 percent of the costs of eligible projects).

For further information, application forms, and guidelines, please contact: Office of Personnel Management, Intergovernmental Personnel Programs, Grants Administration Division, 1900 E Street, NW., Washington, D.C. 20415, (202) 632-6274. Interested parties are encouraged to contact the above office and to discuss project plans with OPM staff before submitting a formal application.

This notice pertains only to the award of IPA assistance funds for national programs. For further information about IPA assistance funds for specific State and local governments and combinations thereof, contact the appropriate regional office of OPM (see list below).

OFFICE OF PERSONNEL MANAGEMENT.
JAMES C. SPRY,
Special Assistant to the Director.

UNITED STATES OF AMERICA OFFICE OF PERSONNEL MANAGEMENT
INTERGOVERNMENTAL PERSONNEL PROGRAMS

Region	Headquarters	Director	IPP Division Chief	Area served
Atlanta	1340 Spring Street, NW., Atlanta, GA 30309.	David Caldwell, Ph: 404-881-2436, FTS: 8-257-2436.	George Murphy, Ph: 404-881-2448, FTS: 8-257-2448.	Alabama, Florida, Georgia, Kentucky, Mississippi, Tennessee, North Carolina, South Carolina.
Boston	John W. McCormack Post Office and Courthouse, Boston, MA 02109.	Charles A. Maher, Ph: 617-223-2538, FTS: 8-223-2538.	Thomas D. McCarthy, Ph: 617-223-6835, FTS: 8-223-6835.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Chicago	John C. Kluczynski Bldg., 29th Fl., 230 South Dearborn Street, Chicago, IL 60604.	Keith Roelofs, FTS: 312-353-2901, FTS: 8-353-2901.	John S. Anderson, Ph: 312-353-5262, FTS: 8-353-5262.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Dallas	1100 Commerce Street, Dallas, TX 75242.	Edward Vela, Jr., Ph: 214-749-3352, FTS: 8-749-3352.	Orman Wright, Ph: 214-749-1907, FTS: 8-749-1907.	Arkansas, Louisiana, new Mexico, Oklahoma, Texas.
Denver	Bldg. 20, Denver Federal Center, Denver, CO 80225.	Robert J. Dunn, Ph: 303-234-2023, FTS: 8-234-2023.	Charles P. Dooley, Ph: 303-234-4047, FTS: 8-234-4047.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
New York	New Federal Building, 26 Federal Plaza, New York, NY 10007.	John J. Lafferty, Ph: 212-264-0440, FTS: 8-264-0440.	Sally Williams, Ph: 212-264-4612, FTS: 8-264-4612.	New Jersey, New York, Puerto Rico, Virgin Islands.
Philadelphia	William J. Green, Jr., Federal Building, 600 Arch Street, Philadelphia, PA 19106.	Robert E. Sperry, Ph: 215-597-4543, FTS: 8-597-4543.	William T. Kesselring, Ph: 215-597-9125, FTS: 8-597-9125.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia.
St. Louis	1256 Federal Building, 1520 Market Street, St. Louis, MO 63103.	Gerald K. Hinch, Ph: 314-279-4262, FTS: 8-279-4262.	Victor Young, Ph: 314-279-4941, FTS: 8-279-4941.	Iowa, Kansas, Missouri, Nebraska.
San Francisco	525 Market Street, 235d Floor, San Francisco, CA 94105.	Francis V. Yanak, Ph: 415-556-0581, FTS: 8-556-0581.	Joseph Rosati, Ph: 415-556-1190, FTS: 8-556-1190.	Arizona, California, Hawaii, Nevada, Guam, American Samoa, Trust Territory.
Seattle	Federal Building, 915 Second Avenue, 26th Fl., Seattle, WA 98174.	Thomas G. McCarthy, Ph: 206-442-7536, FTS: 8-399-7536.	Robert A. McBride, Ph: 206-442-0464, FTS: 8-399-0464.	Alaska, Idaho, Oregon, Washington.

[FR Doc. 79-5394 Filed 2-22-79;8:45 am]

[3190-01-M]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-13]

TANNER'S COUNCIL OF AMERICA 301 COMMITTEE

Change of Hearing Date

Pursuant to FEDERAL REGISTER notice of January 17, 1979, hearings were scheduled for February 27 and 28, 1979 with respect to proposed action on certain articles from Japan under Section 301 of the Trade Act. (See FEDERAL REGISTER of January 17, 1979, page 3580). This action has been proposed in response to Japanese import restrictions on leather exported from the United States and elsewhere.

Because of scheduling conflicts, the hearing date has been changed. The hearing, originally scheduled for February 27 and 28, will now be held on March 13 and 14, 1979.

Submissions of briefs and requests to present oral testimony are due in the Office of the Special Representative for Trade Negotiations by the close of business on March 6, 1979. Interested persons are referred to the FEDERAL REGISTER of January 17, 1979 (page 3580) and to the Regulations of the Office of the Special Representative for Trade Negotiations (15 CFR Chapter 20, part 2006) for information on procedures to be followed with respect to the public hearings.

SHIRLEY COFFIELD,
Chairman, Section 301 Committee.

[FR Doc. 79-5656 Filed 2-22-79; 8:45 am]

[1505-01-M]

POSTAL SERVICE

TEMPORARY CHANGE IN MAIL CLASSIFICATION SCHEDULE

Parcel Post Classification Matters

Correction

In FR Doc. 79-5057 appearing on page 9819 in the issue for Thursday, February 15, 1979, in the bracketed filing information which appears directly beneath the signature of W. Allen Sanders, the document filing time now listed as "2-13-79; 8:45 am" should be corrected to read "2-13-79; 1:22 pm". As corrected, the file line should read as follows:

[FR Doc. 79-5057 Filed 2-13-79; 1:22 pm]

[8010-01-M]

UNITED STATES OF AMERICA BEFORE THE SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20923; 31-766]

OHIO EDISON CO.

Notice of Application by Registered Holding Company for Exemption

FEBRUARY 15, 1979.

In the matter of Ohio Edison Company, 76 South Main Street, Akron, Ohio 44308, (31-766).

NOTICE IS HEREBY GIVEN that Ohio Edison Company ("Ohio Edison"), an operating utility and a registered holding company, has filed with this Commission an application on behalf of itself and each of its subsidiaries as such under Section 3(a)(2) of the Public Utility Holding Company Act of 1935 ("Act"). Ohio Edison requests an exemption from all provisions of the Act, except Section 9(a)(2). All interested persons are referred to the application, which is summarized below, for a complete description of Ohio Edison and its subsidiaries and a statement as to the basis upon which the exemption is claimed.

Ohio Edison was organized under the laws of the State of Ohio in 1930, and furnishes electric service in 553 communities as well as in rural areas of central and northeast Ohio. The principal communities served are Akron, Youngstown, Warren Mansfield, Springfield and Lorain, Ohio. Ohio Edison also sells energy for resale by 21 municipalities and 8 rural cooperatives in Ohio and supplies steam in the downtown business sections of Akron, Springfield and Youngstown. The area served by Ohio Edison has a population estimated at 2,380,000. The company's rates and service are regulated by the Public Utilties Commission of Ohio and the Federal Energy Regulatory Commission.

Ohio Edison owns all of the issued and outstanding common stock of Pennsylvania Power Company ("Penn Power"), an electric utility company organized in Pennsylvania and serving 137 communities and five municipalities in a part of western Pennsylvania which is contiguous to Ohio Edison's service territory. New Castle and Sharon, Pennsylvania, are the largest communities served. The area served has a population of 324,000. Penn Power is subject to the jurisdiction of the Pennsylvania Public Utility Commission and the Federal Energy Regulatory Commission.

Ohio Edison and Penn Power currently own, separately and jointly, generating units having a net demon-

strated capability of 3,927 MW, and share, as tenants-in-common with other public utility companies, ownership of various other generating units for a total demonstrated system capability of 5,704 MW. Ohio Edison, Penn Power and three neighboring investor-owned public utilities comprise the Central Area Power Coordination Group ("CAPCO Group"). All of the major additions to the generated capacity of Ohio Edison and Penn Power now planned or under construction are a part of the CAPCO Group program for joint development of generation and transmission facilities. Pursuant to agreement's among the CAPCO Group companies, each member is obligated to provide a portion of the construction and operating costs of the shared facilities.

Ohio Edison also owns 14.2% of the issued and outstanding common stock of Ohio Valley Electric Corporation ("OVEC"), which in turn owns all of the stock of Indiana-Kentucky Electric Corporation ("IKEC"). OVEC, an Ohio corporation, and IKEC, an Indiana corporation, were organized in 1952 pursuant to an agreement among Ohio Edison, Penn Power and thirteen other independent public utility companies and holding companies and the then Atomic Energy Commission ("AEC"), now part of the Department of Energy ("DOE"), to supply the power requirements of an AEC gaseous diffusion plant north of Portsmouth, Ohio. The Commission approved the acquisition of the common stock of OVEC by their sponsoring electric companies under Section 10 of the Act on November 7, 1952, reserving jurisdiction to reopen and examine certain issues under Section 10 which were not then resolved. *Ohio Valley Electric Corporation*, 34 SEC 323.

Under participation arrangements with DOE, the sponsor companies are obligated to supply OVEC certain capital funds, if needed, and are entitled to receive any available power in excess of the DOE contract demand. The participation percentages of Ohio Edison and Penn Power are 14.2% and 2.0%, respectively. OVEC and IKEC own two steam electric generating stations on the Ohio River with a combined generating capacity of 2,365 MW. These plants are connected by a 345 kv transmission network and are interconnected with the major transmission systems of the sponsoring parent companies. In 1977 the combined output of the two plants was 17,256,857,667 KWH, of which 16,506,628,666 were sold to DOE.

Ohio Edison was formerly a subsidiary of Commonwealth & Southern Corporation, a registered holding company. Pursuant to a plan under Section 11(e) of the Act, dated July 30, 1947, and approved on November 22, 1948, as necessary and appropriate to effect compliance with Section 11(b)(1), Commonwealth & Southern Corporation divested its interest in the common stock of Ohio Edison and other subsidiary companies. Ohio Edison became an independent registered holding company system at that time. See *Commonwealth & Southern Corporation, et al.*, 28 SEC 776 (1948). The electric utility facilities of Ohio Edison and Penn Power constitute a single integrated electric utility system, as required by Section 11(b)(1) of the Act.

Under Section 3(a)(2) of the Act, the Commission may exempt a holding company and its subsidiaries from any provision or provisions of the Act which would apply to such companies in their capacity as such if it finds that "such holding company is predominantly a public-utility company whose operations as such do not extend beyong the state in which it is organized and states contiguous thereto . . . ." The Commission may deny, limit or condition any application for exemption under Section 3(a) if it finds the exemption "detrimental to the public interest or the interest of investors or consumers . . . ."

At September 30, 1978, Ohio Edison had issued an outstanding 51,825,219 shares of common stock, par value $9, owned by approximately 155,833 shareholders. The stock is traded on the New York and Midwest Stock Exchanges. Ohio Edison and Penn Power each have outstanding and publicly-held several series of cumulative preferred stock and first mortgage bonds. For the year ended December 31, 1977, Ohio Edison reported $696,246,000 in gross electric revenues and $126,027,000 in net operating income, after intercompany eliminations and adjustments. For the same period, Penn Power reported $100,843,000 in electric sales and $20,481,000 in net income. At December 31, 1977, the net utility plant of Ohio Edison and Penn Power was $1,559,348,000 and $304,707,000, respectively. OVEC and IKEC file separate consolidated statements. At December 31, 1977, the consolidated net utility plant of OVEC and IKEC was $64,666,081. Gross revenues for the year then ended were $194,880,083.

NOTICE IS FURTHER GIVEN that any interested person may, not later than March 12, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including notice of the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-5559 Filed 2-22-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-5365]

BROOKLYN CAPITAL CORP.

Notice of Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. *et seq.*), has been filed by Brooklyn Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 C.F.R. 107.102 (1978).

The officers, directors and stockholders of the applicant are as follows:

Isaac Raitport, Chairman of the Board, President, 1739 49th Street, Brooklyn, N.Y. 11204.

Shirley K. Raitport, Secretary, Director, 100% Stockholder, 1739 49th Street, Brooklyn, N.Y. 11204.

Judah L. Benjaminson, Treasurer, Director, General Manager, 612 Montgomery Street, Brooklyn, N.Y. 11225.

The applicant, a New York Corporation, with its principal place of business at 1476 39th Street, Brooklyn, New York 11218, will begin operations with $505,000 of paid-in capital and paid-in surplus derived from the sale of 5,050 shares of common stock.

The applicant will conduct its activities principally in Brooklyn, New York, with emphasis on the Boro Park, Crown Heights and Flatbush sections of the city.

Applicant intends to provide assistance to all qualified socially or eco-

nomically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than March 12, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Brooklyn, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 12, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-5552 Filed 2-22-79; 8:45 am]

[8025-01-M]

[Application No. 04/04-5160]

CRESTWOOD INVESTMENT CORP.

Notice of Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Crestwood Investment Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1978).

The officers, directors and stockholders of the applicant are as follows:

Dana P. Brigham, President, Director, 1435 N.E. 104th St., Miami Shores, Fla. 33138.

Thurman R. Hamman, Executive Vice President, Treasurer, and Director, 101 N.W. 108th St., Miami Shores, Fla. 33169.

Patricia M. Brigham, Secretary, Director, 1435 N.E. 104th St., Miami Shores, Fla. 33138.

Larsh Foundation, 100% Stockholder, 846 Brickell Ave., Miami, Fla. 33131.

The applicant, a Florida corporation, with its principal place of business at 846 Brickell Avenue, Miami, Florida 33131, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 500,000 shares of common stock.

The applicant will conduct its activities principally in the State of Florida, and in other areas within the United States of America.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, not later than March 12, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: February 12, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[8025-01-M]

REGION VI ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of San Antonio, Texas, will hold a public meeting at 9:00 a.m. on Friday, March 9, 1979, at the Texas Industrial Commission, 410 E. Fifth Street, Austin, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James S. Reed, District Director, U.S. Small Business Administration, 727 E. Durango, San Antonio, Texas 78206, (512) 229-6105.

Dated: February 15, 1979.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-5548 Filed 2-22-79; 8:45 am]

[8025-01-M]

REGION VI ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VI Advisory Council, located in geographical area of the Lower Rio Grande Valley, Texas, will hold a public meeting at 9:30 a.m. on Monday, March 5, 1979, at the First State Bank & Trust, 100 E. Cano, Edinburg, Texas, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James R. Woodall, District Director, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550, (512) 734-4533.

Dated: February 14, 1979.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-5549 Filed 2-22-79; 8:45 am]

[8025-01-M]

REGION VI ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Oklahoma City, Oklahoma, will hold a public meeting at 10:00 a.m. on Tuesday, March 13, 1979, at the Skirvin Plaza Hotel, One Park Avenue, Oklahoma City, Oklahoma, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Donald D. Grose, District Director, U.S. Small Business Administration, 200 N.W. 5th Street—Suite 670, Federal Building, Oklahoma City, Oklahoma 73102 (405)736-5237.

Dated: February 14, 1979.

K DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-5550 Filed 2-22-79; 8:45 am]

[8025-01-M]

[License No. 04/05-0076]

SUNFLOWER INVESTMENT CORPORATION

Notice of License Surrender

Notice is hereby given that Sunflower Investment Corporation, Intersection U.S. Highway 49 at Second Street Extension, Indianola, Mississippi 38751, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958 (Act), as amended. Sunflower Investment Corporation was licensed by the Small Business Administration on October 31, 1962.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted January 31, 1979, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 12, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-5551 Filed 2-22-79; 8:45 am]

[8120-01-M]

TENNESSEE VALLEY AUTHORITY

IMPROVING GOVERNMENT REGULATIONS

Response to Executive Order No. 12044

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final Revised Report Implementing Executive Order No. 12044.

SUMMARY: TVA is publishing the final revised report required by § 5(b) of Executive Order No. 12044, Improving Government Regulations (43 FR 12661). The report outlines the process by which TVA develops and revises the regulations it issues. In addition, the report includes a description of some of the mechanisms TVA uses to enhance the public's opportunity to provide input to TVA's programs.

EFFECTIVE DATE: These procedures are effective at the present time as to all actions covered by the report.

ADDRESS: Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT:

Lynn G. Morehous, Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E10D76, Knoxville, Tennessee 37902.

Dated: February 13, 1979.

LEON E. RING,
General Manager.

FINAL REPORT

1. *Purpose of Report.* In accordance with the requirements of § 5 of Executive Order No. 12044 this report outlines the process by which the Tennessee Valley Authority (TVA) develops and revises the regulations it issues. This report also includes a description of some of the mechanisms which TVA uses to enhance the public's opportunity to provide input to TVA's programs.

2. *Existing TVA Regulations.* TVA has no significant existing regulations; and because of the nature of its activities, it is unlikely to issue any in the future. TVA is essentially a program agency and has issued few rules and regulations. It conducts no major financial assistance programs. In addition, TVA has traditionally made a concerted effort to minimize the number of regulations it issues. These circumstances are unlikely to change in the future. The only existing TVA regulations concern the following subjects:

a. Ethical and conduct standards for TVA employees and special Government employees;

b. Equal employment opportunity provisions in TVA contracts;

c. Nondiscrimination in programs financially assisted by TVA;

d. Use of off-the-road vehicles at Land Between The Lakes;

e. Relocation assistance and real property acquisition policies;

f. Freedom of Information Act guidelines;

g. Privacy Act guidelines;

h. Government in the Sunshine Act guidelines; and

i. Approval of construction in the Tennessee River system and regulations of structures (§ 26a of the TVA Act).

All but the last regulation generally follow the form of fairly standard Government-wide regulations which are unlikely to change or be substantially revised on a regular basis. The last regulation implements an informal approval process which requires revision only at infrequent intervals.

All TVA regulations are initially developed by the appropriate office or division within TVA and submitted to the TVA Board of Directors for approval.

3. *Mechanism for Obtaining Public Participation.* TVA uses the following mechanisms, among others, to enhance the public's opportunity to provide input to TVA's programs.

a. *Open Board Meetings.* Even before enactment of the Government in the Sunshine Act, TVA's three-member Board of Directors began holding its meetings in public. At these regular meetings the public is encouraged to comment on TVA actions and existing programs, projects, and policies. Through a well-publicized agenda the public is informed before each meeting of the items pending. During the Board meeting the Chairman receives comments and questions from the public on each item before making a decision. After completing the agenda items, the Chairman opens the floor for questions and statements from the press and public on any TVA program or activity.

b. *Area Representative Offices.* To ensure the fullest opportunity for communication between TVA and the public served by it, TVA currently operates, under the direction of the Director, Office of Tributary Area Development, area representative offices at the following locations:

1878 Southern Avenue, Memphis, Tennessee 38114, Telephone: 901-276-4552.

Northeast Mississippi Power Utilization Office, 1014 Gloster Avenue, Tupelo, Mississippi 38801, Telephone: 601-842-5825.

Room 100, 283 Plus Park Boulevard, Nashville, Tennessee 37217, Telephone: 615-255-0611.

179 Charlotte Street, Asheville, North Carolina 28801, Telephone: 704-254-7842.

Chamber of Commerce Building, 524 Holiday Avenue, Dalton, Georgia 30720, Telephone: 404-278-8504.

The following offices are planned:

Abington, Virginia (to be opened fiscal year 1979).

Hopkinsville, Kentucky (to be opened fiscal year 1979).

c. *TVA Information Lines.* TVA operates toll-free information lines for use by the public in the Tennessee Valley region to obtain answers to questions about TVA activities and to offer comments and suggestions on agency programs. The lines are open 24 hours to all 7 states served by TVA—Tennessee, Georgia, Mississippi, Alabama, Kentucky, North Carolina, and Virginia. The toll-free numbers are:

Knoxville area, 632-4100.

Tennessee (outside the Knoxville area), 800-362-9250.

Outside Tennessee, 800-251-9242.

d. *Special Public Hearings.* When appropriate for particular issues, programs, and proposed actions, TVA schedules and sponsors special public hearings at which the public is encouraged to attend and express its ideas.

e. *Electric Power Distributors.* TVA-produced electric power is supplied to the public through 160 publicly owned or cooperatively owned electric power distributors. Because these distributors deal directly with the public on a day-to-day basis, their communications with TVA, both formal and informal, constitute a valuable source of public input.

4. *Future TVA Regulations.*

a. *Changes in Existing Process.* No changes are proposed in the existing process for developing TVA regulations. The head of the agency is the TVA Board of Directors. The Board of Directors reviews and approves all regulations before they are proposed or issued. The infrequency with which TVA regulations are issued requires no formal internal development process, and the establishment at this time of a formal process would be counterproductive to the objectives the Executive order.

TVA will, of course, provide full opportunity for public comment on proposed regulations as suggested in the order. In addition, TVA will continue to develop a close relationship with the institutions and the public it serves by informing them well in advance of any major revisions or projects undertaken. To enhance the public's opportunity to make its views known, TVA will semiannually published a notice in the FEDERAL REGISTER identifying the liaison offices described under item 3.

b. *Proposed Criteria for Defining "Significant" Agency Action.* Similarly, the establishment at this time of elaborate criteria to determine which future TVA regulations are "significant" would be counterproductive to simplifying regulations and their development process. For each proposed new regulations the TVA Board of Directors will use the guidelines set forth in § 2(e) of the order to determine on a case-by-case basis whether the proposed new regulations should be regarded as "significant."

c. *Proposed Criteria for Determining Whether a "Regulatory Analysis" Will Be Performed.* Again, the preparation of elaborate criteria would be counterproductive in light of the infrequency with which TVA issues regulations and the nature of those regulations. TVA will follow the guidelines in § 3 for determining whether a regulatory analysis should be performed for each proposed new regulation which the TVA Board of Directors has determined to be significant.

d. *Criteria for Selecting Existing Regulations To Be Reveiwed.* TVA will review an existing regulation whenever the experiences of those subject to the regulation indicate that some revisions should be made, whenever TVA's experience with implementing the regulation indicates that some revisions should be made, whenever the regulation no longer serves its intended public purpose (except where the regulation continues to be required by statute or other law), whenever the lead Federal agency (in the case of a Government-wide regulation where there is a lead agency) proposes to revise the underlying regulation, or whenever the underlying statutory or other legal basis for the regulation is changed. Review of any existing regulation will include as a factor in that review the correction of any unnecessary gender-specific terminology or element of substative sex discrimination. No future proposed which TVA may be required to promulgate will be classified as nonsignificant if it has a disparate impact based on gender.

[FR Doc. 79-5458 Filed 2-22-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 274 (Sub-No. 3)]

ABANDONMENT OF RAILROAD LINES—USE OF OPPORTUNITY COSTS

AGENCY: Interstate Commerce Commission.

ACTION: Proposed policy change.

SUMMARY: The purpose of this document is to institute a proceeding to determine the use of opportunity costs [1] as a factor in approving abandonments.

DATES: Comments must be received on or before April 9, 1979.

ADDRESSES: Send comments to: Interstate Commerce Commission, 12th St. and Constitution Ave., N.W., Washington, DC 20423. All written submissions will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, 202-275-7245.

SUPPLEMENTARY INFORMATION: In *Texas and Pacific Railway Company Abandonment Between San Martine and Rock House, in Culberson County, Texas,* docket No. AB-20 (Sub-No. 3), the Commission in denying the abandonment noted that the use of opportunity costs as a criterion in granting abandonments was not foreclosed by either case law or the regulations.

Although opportunity cost was not used as a criterion in that case, due to the fact that the parties had not had an opportunity to comment on its use as a factor, we believe it should be a factor in future abandonment proceedings.

We propose that the opportunity cost a rail carrier incurs in not being able to use its rail assets in an alternative rail transportation setting should be one of the factors considered in balancing the public need for continuing service versus the burden on the carrier.

We anticipate that there will be many questions at issue in this proceeding, including but not limited to the following: (1) should opportunity costs be a factor in permitting abandonments? (2) if it is a factor should carriers be (a) limited to evidence regarding alternative rail uses? or (b) allowed to present evidence as to any alternative use of rail assets, including non-rail uses? and (3) will this additional factor have an effect on the Commission's subsidy program?

This notice is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559) and 49 U.S.C. § 10903, 10904 and 10905.

Dated: February 9, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Vice Chairman Brown absent and not participating. Commissioner Gresham dissenting. Commissioner Christian concurring.

H. G. HOMME, Jr.,
Secretary.

COMMISSIONER GRESHAM, dissenting:

This proceeding is entirely unnecessary. The majority's inability to extract the rabbit from the hat in AB-20 (Sub-No. 3) has prompted the search for a new incantation. The majority seems to be suggesting that "opportunity costs" will effect some change in our abandonment procedures. I must admit to some surprise, for I thought we had always considered whether the public might be better served through other uses of idle rail assets. This seems to me rather fundamental, and it should not require another rulemaking for this agency to exercise some common sense.

COMMISSIONER CHRISTIAN, concurring:

For the reasons expressed in my dissent to the entire Commission's decision in AB-20 (Sub-No. 3), I believe

[1] The term opportunity cost is used to describe the real economic loss an entity experiences when it must forego some other, more profitable use of its resources.

this proceeding is unnecessary. However, since the majority is unwilling to recognize the fact that opportunity costs are already encompassed within our traditional balancing of interests in the abandonment area I concur in the institution of this proceeding.

[FR Doc. 79-5619 Filed 2-22-79; 8:45 am]

[7035-01-M]

[Notice No. 29]

ASSIGNMENT OF HEARINGS

FEBRUARY 16, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 95540 (Sub-No. 1031F), Watkins Motor Lines, Inc., now assigned for hearing on March 14, 1979 (3 days), at Chicago, Illinois, in a hearing room to be later designated.

No. MC 124004 (Sub-No. 45F), Richard Dahn, Inc., now assigned for hearing on May 7, 1979 (2 days) at New York, New York in a hearing room to be later designated.

No. MC 82492 (Sub-No. 145), Mitchigan & Nebraska Transit Co., Inc., now assigned for hearing on April 11, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

No. MC 59457 (Sub-No. 38F), Sorensen Transportation Company, Inc., now assigned for hearing on March 20, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

No. MC 124211 (Sub-No. 336F), Hilt Truck Line, Inc., now assigned for hearing on April 17, 1979, (1 day), at Atlanta, Georgia in a hearing room to be later designated.

No. MC 107515 (Sub-No. 1174F), Refrigerated Transport Co., Inc., now assigned for hearing on April 18, 1979, (3 days), at Atlanta, Georgia in a hearing room to be later designated.

No. MC 118159 (Sub-No. 282F), National Refrigerated Transport, Inc., now assigned for hearing on April 23, 1979, (1 week), at Atlanta, Georgia in a hearing room to be later designated.

No. MC 124896 (Sub-No. 61F), Williamson Truck Lines, Inc., now assigned for hearing on February 22, 1979, at Kansas City, Mo. is postponed to February 28, 1979 (1 days), at Kansas City, Missouri, in Room 609, Federal Building, 911 Walnut Street.

No. MC 25869 (Sub-No. 142F), Nolte Bros. Truck Line, Inc., now assigned March 22, 1979, at Chicago, Illinois is canceled transferred to Modified Procedure.

No. MC 81592 (Sub-No. 7F), Wisconsin Northern Transportation Co. Inc., now assigned March 21, 1979, at Eau Claire, Wisconsin is canceled transferred to Modified Procedure.

No. MC 119988 (Sub-No. 153F), Great Western Trucking Co., Inc., now assigned March 19, 1979, at San Francisco, California is canceled transferred to Modified Procedure.

No. MC 119493 (Sub-No. 221F), Monkem Company, Inc., now assigned March 20, 1979, at Chicago, Illinois is canceled transferred to Modified Procedure.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-5537 Filed 2-22-79; 8:45 am]

[7035-01-M]

[Notice No. 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no signficant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 200 (Sub-331TA), filed January 17, 1979. Applicant: RISS INTERNATIONAL CORP. 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). (a) *Metal containers,* from Wayne, NJ and Baltimore, MD and its commercial zone to Holland, St. Joseph, Benton Harbor and Shoreham, MI; and (b) *Pallets, packing materials, and dunnage,* from Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI, Columbus and Worthington, OH, and Indianapolis, IN to Wayne, NJ, Baltimore, MD and its commercial zone, and points in IL, IN, WI, MI and OH, restricted to traffic destined to the facilities of The Continental Group, Inc. at the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 441 (Sub-6TA), filed January 11, 1979. Applicant: HINTON MOTOR SERVICE, INC., 1410 Gardner Expressway, Quincy, IL. 62301. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL. 62701. Contract—irregular (1) *Paper and paper products* (except in bulk) From Quincy, IL. to points in the United States except AK, HI, AR, AL, GA, KY, MS, MI, MN, NY, NC, PA, TX, TN, VA, WV and WI. and (2) Waste paper (except in bulk) From points in the United States except AK, HI, AR, AL, IN, GA, KY, MS, MI, MN, NY, NC, PA, TX, TN, VA, WV and WI to Quincy, IL. for the account of Celotex Corporation of Quincy, IL., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Celotex Corporation, 1500 North Dale Mabry, Tampa, FL. 33607. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL. 62701.

MC 2202 (Sub-581TA), filed January 25, 1979. Applicant: ROADWAY EX-

PRESS, INC., 1077 Gorge Boulevard, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Avenue, Washington, D.C. 20014. *Common carrier:* regular routes: *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 Toms River, NJ and points in its commercial zone as on off-route point in connection with applicant's regular routes, for 180 days. Applicant will tack with MC 2202 and all Subs thereto. Supporting Shipper(s): Paeco Inc., 1 Executive Drive, Toms River, NJ 08753. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 5285 (Sub-6TA), filed January 23, 1979. Applicant: BAYSE TRANSPORTATION SERVICE, INC., 2031 Industrial Drive, P.O. Box 1002, Salem, VA 24135. Representative: Charles W. Bayse (same address as applicant). *Heavy and industrial machinery, contractors machinery, equipment, materials and supplies, and storage vans* between points in VA on and west of US Hwy 29 and south of US Hwy 33 from point of intersection at Ruckersville, VA, and points in WV, TN and KY for 180 days. NOTE: Applicant proposes to interline at Roanoke and Wythe counties, VA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are six supporting shippers to this application which can be examined at the offices of the Interstate Commerce Commission, Washington, D.C. 20423. Send protests to: Paul D. Collins, District Supervisor, ICC, 400 North 8th Street, Richmond, Virginia 23240.

MC 14252 (Sub-39TA), filed January 10, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, OH 43227. Common carrier-regular route. *Commodities (except those of unusual value, class A or B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Wellington, IL and points in OH, KS, MO, PA and CA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are (14) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 26396 (Sub-221TA), filed January 11, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Fireplace logs* from the facilities of Northwest Forest Fuels, Inc. at or near Livingston, MT to points in AZ, CA, CO, FL, ID, IL, IA, IN, KS, MD, MI, MO, MN, MS, NE, NM, NY, ND, OH, OR, WA, WI and WY; and to the U.S.-Canada International Boundary line at or near all ports or entry in MT restricted to foreign commerce; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Northwest Forest Fuels, Inc., P.O. Box 680, Livingston, MT 59047. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 26396 (Sub-225TA), filed January 25, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Iron and steel articles* from Decatur, IL to Mills, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Western Oil Tool & Mfg. Co., Inc., P.O. Box 260, Casper, WY 82601. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 29910 (Sub 202TA), filed January 26, 1979. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th, Fort Smith, AR 72901. Representative: Joseph K. Reber (same as applicant), *Uranium concentrate* (except in bulk), from uranium mine sites and mills at points in McKinley and Valencia Counties, NM to Gore, OK, with no transportation for compensation on return except as otherwise authorized, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United Nuclear Corporation, P.O. Box 3951, Albuquerque, NM 87110. Cobb Nuclear Corporation, 20 First Plaza/Suite 404, Albuquerque, NM 87102. Reserve Oil & Minerals Corp., Suite 308, 20 First Plaza, Albuquerque, NM 87102. Kerr-McGee Corporation, Kerr-McGee Center, Oklahoma City, OK 73125. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 48221 (Sub-19TA), filed January 5, 1979. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, NE 68107. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses as described in Section A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 209 and 766 (except hides and commodities in bulk)*, from Omaha, NE to points in IA, MN, and WI, for 180 days. Supporting Shipper(s): Delbert W. Kroupa, Northern States Beef, Inc., 3435 Gomez Ave., Omaha, NE. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 50069 (Sub-541TA), filed January 10, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, OH 43616. Representative: Wm. P. Fromm (same address as applicant). *Petroleum and petroleum products*, in bulk, in tank vehicles, from Morenci, MI to points in the US (except AK and HI), for 180 days. Common-irregular. Supporting Shipper(s): Parker Div., Oxy Metal Industries Corp., 21441 Hoover Rd., Warren, MI 48089. Send protests to: I.C.C., 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 51146 (Sub-672TA), filed January 9, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. (a) *Metal containers*, from Wayne, NJ and Baltimore, MD and its commercial zone to Holland, St. Joseph, Benton Harbor, Shoreham, and Detroit, MI; Columbus and Worthington, OH; and Indianapolis, IN; and (b) *Pallets, packing materials, and dunnage*, from Holland, St. Joseph, Benton Harbor, Shoreham, and Detroit, MI; Columbus and Worthington, OH; and Indianapolis, IN to Wayne, NJ; Baltimore, MD and its commercial zone; and points in IL, IN, WI, MI and OH, restricted to traffic destined to the facilities of The Continental Group, Inc. at the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days authority. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th St., Chicago, IL 60638. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, Milwaukee, Wisconsin 53202.

MC 61825 (Sub-89TA), filed January 24, 1979. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). (1) *Paper and Paper Products*, from Lockport, IL, Gary, IN, Kalamazoo, MI, Lyons Falls, NY, Plattsburg, NY and Warwick, NY to points in NJ, NY, MD, DE, PA, VA, WV, NC, SC and DC; and (2) *beds and bedding and parts and materials*, from Elizabeth, NJ to Columbus, OH and Munster, IN, for 180 days. Supporting Shipper(s): Georgia-Pacific Corporation, 800 Summer Street, Stamford, CT 06901. Send protests to: Paul D.

Collins, District Supervisor, ICC, 400 North 8th Street, Richmond, VA 23240.

MC 82492 (Sub-222 TA), filed January 25, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same as applicant). *Frozen foods,* from points in MI to points in KS and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 15 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 99427 (Sub-42 TA), filed January 26, 1979. Applicant: ARIZONA TANK LINES, INC., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as applicant). *Residual fuel oil, in bulk, in tank vehicles,* from Farmington, NM to points in AZ, CO, and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Giant Industries, Inc., 5107 N. Seventh St., Phoenix, AZ 85014. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 102616 (Sub-974 TA), filed January 19, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). *Petroleum products, vehicle bodysealers, sound deadening compounds, and accoustical Control Items,* in bulk, in tank vehicles, from Warren County, MS, to points in U.S. except AK, and HI, restricted to shipments originating at the facilities of Quaker State Oil and Refining Corporation in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 East Ninth Street, Cleveland, OH 44199.

MC 104654 (Sub-164 TA), filed January 19, 1979. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Avenue & 13th Street, NW., Washington, DC 20004. *Liquid fertilizer in bulk,* from Chaffee, MO, to points in AR, IL, KY, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift Agricultural Chemicals Corp., 2502 Kings Highway, East St. Louis, IL 62201. SEND PROTESTS TO: Lois M. Stahl, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107151 (Sub-27TA), filed January 10, 1979. Applicant: H. F. JOHNSON, INC., 1524 Lockwood Road, Billings, MT 59101. Representative: Daniel H. Sweeney, P.O. Box 1321, Billings, MT 59103. *Coal spray oil, in bulk, in tank vehicles,* from Billings, MT to East and West Decker Coal Mines at or near Decker, MT via Sheridan County, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): E. A. Mattox, Director, Petroleum Traffic, Continental Oil Company, P.O. Box 2197, Houston, TX 77001. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 107403 (Sub-1157TA), filed January 8, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same as applicant). *Naval stores, naval store products,* in bulk, in tank vehicles from DeRidder, LA to Portland, OR; Stattle, WA; Los Angles and San Francisco, CA, 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Westvaco Corp., P.O. Box 4795, Charleston Heights, SC 29405. Send protest to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 107496 (Sub-1180TA), filed January 16, 1979. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as applicant). *Ground slag, in bulk,* from Gary, IN to Oelwein, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Transco, Inc., P.O. Box 112, Oelwein, IA 50662. Send protest to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1181TA), filed January 17, 1979. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as applicant). *Liquid fertilizer, in bulk, in tank vehicles,* from Chaffee, MO to points in IL, KY, and AR for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift Agricultural Chemicals Corp., P.O. Box 338, E. St. Louis, IL 62202.

MC 108207 (Sub-489TA), filed January 5, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (address same as applicant). *Cloth or fabric, other than with pile or loop surfaces, coated with aluminum, plastic, pyroxylin or rubber, or pyroxylin processed other than by coating,* from Los Angeles, CA to Phoenix (Litchfield Park), AZ for 180 days. Supporting Shipper(s): CIBA-GEIGY Corp., 10910 Talbert, Fountain Valley, CA 92708. Send protest to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Texas 75242.

MC 108380 (Sub-99TA), filed January 8, 1979. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. *Sand and aggregates,* from Yellowstone County, MT to Sheridan and Johnson Counties, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Reeves, Inc., P.O. Box 610, Buffalo, WY 82834. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 109238 (Sub-12TA), filed January 11, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64-70 West, P.O. Box 368, Conover, NC 28613. Representative: Joe W. Flowers, Hwy. 64-70 West, Conover, NC 28613. *Compounds, cleaning, scouring, washing and textile softening, drugs, chemicals, medicines, toilet preparations, dental or hospital supplies, logs, fireplace compressed, insecticides, plastic articles and prepared food, in strait or mixed truckloads* from Jersey City, NJ to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Colgate-Palmolive Co., 105 Hudson St., Jersey City, NJ 07032. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd., RM CC 516, Mart Office Building, Charlotte, NC 28205.

MC 111401 (Sub-541TA), filed January 4, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (Same as applicant). *Para-dimethoxybenzene,* in bulk, in tank vehicles from Marinette, WI to LaPorte (Strang), TX, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): The Ansul Company, Marinette, WI 54143. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., Oklahoma City, OK 73102.

MC 112713 (Sub-243TA), filed January 24, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same as applicant). *General commodities (except Classes A and B explosives, commodities in bulk, household goods, as defined by the Commission, commodities of unusual*

value and those requiring special equipment), serving the facilities of Acme Tube, Inc. at Mansfield, LA as an off-route point in connection with carrier's otherwise authorized operations for 180 days. Supporting Shipper(s): Acme Tube, Inc., P.O. Box 1309, Mansfield, LA. Send protests to: DS John V. Barry, ICC, 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 112801 (Sub-221TA), filed January 10, 1979. Applicant: TRANS-UNITED, INC., 425 W. 152nd Street, P.O. Box 2081, E. Chicago, IN 46312. Representative: Joseph Winter, 29 S. LaSalle Street, Chicago, IL 60603. *Contract Carrier:* irregular routes: *Such commodities as are used in the manufacture of insulated glass* (except commodities in bulk), from the facilities of Lorin Industries and its subsidiaries at or near Muskegon, MI to the facilities of Allmetal Weatherstrip Co. at Sparks, NV; from the facilities of Allmetal Weatherstrip Co. at Sparks, NV to the facilities of Allmetal Weatherstrip Co.; King County, WA under contract with Allmetal Weatherstrip Co., 636 Thomas Drive, Bensenville, IL 60106 for 180 days. Supporting Shipper(s): Allmetal Weatherstrip Company, 636 Thomas Drive, Bensenville, IL 60106. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 113828 (Sub-262TA), filed January 8, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Chloride solution*, in bulk, in tank vehicles From Chattanooga, TN to Cincinnati, OH and Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): W. R. Grace Co., Davison Chemical Div., 10 E. Baltimore St., Baltimore, MD 21202. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 114045 (Sub-529TA), filed January 15, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same as above). *Frozen foods*, from the facilities of Ore-Ida Foods, Inc., Greenville, MI to points in TX, for 180 days. Supporting Shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83701. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 114334 (Sub-43TA), filed January 10, 1979. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles* from Memphis, TN to Birmingham, AL, for 180 days. Supporting Shipper(s): Kelley Manufacturing Company, 10745 Marina Drive, Olive Branch, MS 38654. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Street, 100 North Main Building—Suite 2006, Memphis, TN 38103.

MC 115716 (Sub-23TA). Applicant: DENVER - LIMON - BURLINGTON TRANSFER CO., 3650 Chestnut Place, Denver, CO 80216. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. *Meat, meat products, meat byproducts* and articles distributed by meat packinghouses, between Denver and Brush, CO and their respective commercial zones, on the one hand, and points in CA, on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sigman Meat Company, Inc., 600 West 54th Avenue, Arvada, CO. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115821 (Sub-39TA), filed January 12, 1979. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL. 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, 411 North 7th Street, St. Louis, MO 63101. *Fluorspar*, in bulk, from Rosiclare, IL to Amarillo, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 115821 (Sub-40TA), filed January 11, 1979. Applicant: FRANK BEELMAN, d.b.a. BEELMAN TRUCK CO., St. Libory, IL 62282. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, 411 North 7th Street, St. Louis, MO 63101. *Ground limestone, in bulk, in dump vehicles*, from the facilities of Columbia Quarries, Inc., at or near Valmeyer, IL to the facilities of Midland Glass Company, Inc. at Terre Haute, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Midland Glass Company, Inc., P.O. Box 557, Cliffwood, NJ 07721. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 115826 (Sub-386TA), filed January 30, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Wine*, from points in CA to points in NM, for 180 days. Underlying ETA seeks 90 day authority. Supporting Shipper(s): United Wholesale Liquor Co., Inc., 901 Second Street, S.W., Albuquerque, NM 87102. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 116967 (Sub-22TA), filed January 10, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, E. Chicago, IN 46312. Contract carrier: irregular routes: *Face and Common building brick, approximately 8" equivalents*, between Chicago, IL and points in OH, WI, MO, MI, IA, IN, for 180 days. An underlying ETA has been granted for 90 days authority. Supporting Shipper(s): W. E. Olsen Co., 538 Busse Highway, Park Ridge, IL 60068. Send protests to: Louis M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 116967 (Sub-23TA) filed January 10, 1979. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, E. Chicago, IN 46312. Contract carrier: irregular routes: *face and common building brick, approximately 8" equivalents*, between Chicago, IL and points in OH, MI, MO, WI, IA, IN, for 180 days. An underlying ETA has been granted for 90 days authority. Supporting Shipper(s): American Brick Company, 6558 W. Fullerton, Chicago, IL. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 117568 (Sub-18TA) filed January 25, 1979. Applicant: KEMPT TRUCK LINES, P.O. Box 156, Verona, MO 65679. Representative: Charles B. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract: irregular: *Charcoal and related items*, from Husky Industries Plant at Pachuta, MS to all points in AL, LA, GA, FL, TN, NC, SC; and from Husky Industries plant in Dickenson, ND to all points in CA, WA, CO, UT, ID, OR, MT, NE, SD, NM, TX; and from Husky Indutries plant in Isanti, MN to all points in NE, KS, OK, SD, ND, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA. Send protests to: DS John V. Barry, ICC, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 117686 (Sub-238TA) filed January 18, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address

as above). *Frozen foods*, from the facilities of The Pillsbury Company at or near Minneapolis and St. Paul, MN, to AZ, CA, CO, ID, NV, OR, UT, and WA, for 180 days. Restricted to the transportation of traffic originating at the above named origin points and destined to the above named destination points. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Olivia M. Bradley, The Pillsbury Company, 608 Second Ave. S., Minneapolis, MN 55402. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 117730 (Sub-37TA) filed January 10, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Avenue, Park Ridge, IL 60068. *Hospital supplies and drugs (except commodities in bulk), in vehicles equipped* with mechanical refrigeration, from the facilities of Abbott Laboratories at N. Chicago, IL to Raleigh, NC; New Orleans, LA; Memphis and Nashville, TN; and St. Louis, MO, for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): Abbott Laboratories, 1400 Sheridan Rd., N. Chicago, IL 60064. Send protests to: Lois Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 118127 (Sub-27TA) filed January 10, 1979. Applicant: HALE DISTRIBUTING CO., INC., 914 South Vail Avenue, Montebello, CA 90640. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743. *Frozen foods*, from Lakewood, NJ to CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Old Fashioned Kitchens, Inc., 1045 Towbin Avenue, Lakewood, New Jersey 09701. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 124078 (Sub-938TA) filed January 22, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). (1) *Corn products, dry, in bulk, in tank vehicles* (2) *Corn Gluten Meal, dry, in bulk, in tank vehicles.* (1) From Milwaukee, WI to Elkhart, IN and (2) from Elkhart, IN to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Krause Milling Co., P.O. Box 1156, Milwaukee, WI 53201. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124154 (Sub-73TA) filed January 15, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Agricultural Chemicals (not in bulk)*, from Muscatine, IA to points in AL, AR, DE, GA, KY, LA, MD, NJ, NY, NC, SC, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-74TA) filed January 24, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Agricultural Chemicals and Agricultural Chemical Material* (1) from Tifton, GA to Des Moines, IA; Sioux City, IA; Omaha, NE and Kansas City, MO, and (2) from Valdosta, GA to Indianapolis, IN; Peoria, IL; Des Moines, IA; Sioux City, IA; Omaha, NE; and Kansas City, MO., for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Mobil Chemical Company, P.O. Box 26683, Richmond, VA 23261. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC 124692 (Sub-265TA) filed January 29, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Fiberglass tanks* from Denver, CO to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Lifetime Fiberglass Tank Co., 5000 Packinghouse Rd., Denver, CO. Send protests to: Paul L. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

No. MC 124692 (Sub-266TA), filed January 29, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. *Bathroom fixtures and accessories* from the U.S.-Canada International Boundary line at Rouses Pt., NY to the U.S.-Mexico International Boundary line at Brownsville and Laredo, TX and Nogales, AZ, restricted to foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Suporting Shipper(s): Roberto Andrade Palafox, Official Office, Secretary of Commerce and Transportation, Insurgentes 450 Mexico, DF. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

No. MC 124770 (Sub-14TA), filed January 8, 1979. Applicant: TELLERI TRUCKING CO., A CORPORATION, 301 Allen Street, Elizabeth, NJ 07202. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract carrier, irregular routes, *Meats, meat products*, and *packing house products*, between Elizabeth, Jersey City and Newark, NJ on the one hand and on the other points in CT, DE, MD, MA, NY, PA, RI, VA, AND DC for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Economy Meats, Inc., 65 Henry Street, Elizabeth, NJ 07201. Gemco Boneless Beef Corp., 97 Central Avenue, Jersey City, NJ 07306. Great American Veal, Inc., 50 Avenue L. Newark, NJ 07105. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, New Jersey 07102.

No. MC 124813 (Sub-192TA), filed January 25, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Steel* from points in IN in the Chicago, IL Commercial Zone to Moline, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Air Filter Company, 215 Central Avenue, Louisville, KY 40277. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

No. MC 125254 (Sub-53TA), filed January 30, 1979. Applicant: MORGAN TRUCKING CO., P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *(1) Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the commodities in (1) above*, between Clinton and Davenport, IA, on the one hand, and on the other, points in IN, KY, MO, MI, OH, and WI. RESTRICTION: (1) and (2) restricted against the transportation of commodities in bulk, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125368 (Sub-43TA), filed January 18, 1979. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same as applicant). *Foodstuffs* between the

facilities of Campbell Soup Company at or near Maxton (Robeson County), NC, on the one hand and on the other, points in AL, DE, DC, FL, GA, IL, MD, NJ, NC, OH, PA, SC, TN, TX, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Campbell Soup Company, Rt. 1, Box 98, Maxton, NC 28364. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 129387 (Sub-74TA), filed January 29, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same as applicant). *Meat, 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) in vehicles equipped with mechanical refrigeration, from Perry and Des Moines, IA and their commercial zones to points in Cook, Will, DuPage, Kane and Lake Counties, IL; Madison and Jefferson, WI. RESTRICTION: Restricted to traffic originating at the facilities of Oscar Mayer and Co. at Perry and Des Moines, IA and destined to the named destination points., for 180 days. Supporting Shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 133562 (Sub-34 TA) filed January 26, 1979. Applicant: HOLIDAY EXPRESS CORP., P.O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Meat, meat products, meat by-products and articles distributed by meat packing houses,* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in tank vehicles, from the facilities of Huron Dressed Beef, Inc. at Huron, SD to points in AZ and CA. Restricted to the transportation of shipments originating at the named facilities at named origin and destined to named destinations, except traffic moving in foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Huron Dressed Beef, Inc., P.O. Box 924, Huron, SD 57350. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC134105 (Sub-42 TA) filed January 10, 1979. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210. *Foodstuffs,* from facilities of Hudson Industries, Inc., at Brundidge, AL, to points in the U.S. (except AK and HI), for 180 days. Supporting Shipper(s): Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. Send protests to: Transportation Assistant Glenda Kuss, Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC134134 (Sub-37 TA) filed January 29, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, P.O. Box 7439, Omaha, NE 68107. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. *Heating and air conditioning equipment, accessories, parts, materials, and supplies (except in bulk),* between the facilities of Fedders Corporation at or near Edison, NJ; Elkton and Frederick, MD; Effingham, IL; and Muskegon, MI, on the one hand, and on the other, points in IA, NE, KS, CO, MO, IL, WI, MI, IN, OH, KY, PA, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mitchel El Koury, Fedders Corporation, Woodbridge Ave., Edison, NJ 08817. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 134405 (Sub-58TA), filed January 30, 1979. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Soybean oil,* in bulk, in tank vehicles, from the facilities of Cargill, Inc. at or near Wichita, KS, to the Port of Catoosa, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cargill, Inc., 715 East 13th Street, P.O. Box 2696, Wichita, KS 67201. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Okalahoma City, OK 73102.

MC 134467 (Sub-40TA), filed January 29, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Foodstuffs* (except in bulk), from the facilities of Globe Products Co., at or near Clifton, NJ to points in AR, OK, TX, LA and CA, for 180 days, as a common carrier over irregular routes. Supporting Shipper(s): Globe Products Co., Inc., 55 Webro Road, Clifton, NJ 07015. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 135033 (Sub-6TA), filed January 29, 1979. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Rd., Omaha, NE 68106. Representative: Robert M. Cimino (same address as above). *Contract carrier:* irregular routes: *(1) Air conditioning, dishwashing, drying, heating, air cleaning, and humidifying equipment; and (2) materials and supplies used in the manufacture and distribution of those commodities listed in (1) above,* between the facilities of Fedders Corporation at or near Edison, NJ; Elkton and Frederick, MD; Effingham and Herrin, IL; and Muskegon, MI, on the one hand, and on the other, points in KS, MO, IA, MI, WI, IL, OH, SD, KY, TN AR, MN, PA, NJ, IN, NY, WV, and NE, under contract with Fedders Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mitchell El Koury, Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 135797 (Sub-174TA), filed January 26, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same as applicant). (1) *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses and, (2) *materials, equipment and supplies* used in the manufacture, distribution and sale of commodities in (1); between San Diego, CA; Denver, CO; Flagstaff, AZ and Sparks, NV on the one hand and on the other, points in GA, MI, OH, KY, TN, and all states west thereof for 180 days, as a common carrier over irregular routes. Supporting Shipper(s): Ralston Purina Company, Checkerborad Square, St. Louis, MO 63188. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 136161 (Sub-17TA), filed January 22, 1979. Applicant: ORBIT TRANSPORT, INC., P.O. Box 163, Spring Valley, IL 61362. Representative: Barry W. Welbers (same as applicant). *Plastic articles and materials and supplies used in the manufacture thereof, other than bulk,* between Washington Court House, OH, and points in WI, IL, MI, IN, KY, PA, WV, VA, TN, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Raven Industries, Inc., 2424 Kenskill Avenue, Washington Court House, OH 43160. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 136220 (Sub-68TA), filed January 26, 1979. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164,

Ponca City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May, Oklahoma City, OK 73112. *Alfalfa pellets and alfalfa meal* (in bulk, in dump vehicles), from points in Sumner County, KS to points in AR and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Western Alfalfa Corporation, P.O. Box 69, Shawnee Mission, KS 66201. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136220 (Sub-69TA), filed January 26, 1979. Applicant: SULLIVAN'S TRUCKING CO., INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. *Spent catalyst* (in bulk, in dump vehicles), from the facilities of Oxirane Chemical Co., at Channelview (Houston), TX, to Walnut Ridge, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oxirane Chemical Co., P.O. Box 580, Channelview, TX 77530. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73012.

MC 136814 (Sub-5TA), filed January 29, 1979. Applicant: JESSE E. MATLOCK, d.b.a. MATLOCK TRANSPORTATON, 1988 West Valley Boulevard, Colton, California 92324. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. *Contract:* irregular: *Magazines, publications, and printed matter,* from Seattle, WA to points in CA, NV, AZ, CO, UT and OR, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Look Magazine, Inc., 150 E. 58th Street, New York, NY 10022. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 138206 (Sub-5TA), filed January 24, 1979. Applicant: TRULINE CORP. 4455 South Cameron Avenue, Las Vegas, NV 89103. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. *Gypsum products* from Clark County, NV to points in UT, except Salt Lake City, UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Flintkote Supply Co., 2201 E. Washington Blvd., Los Angeles, CA 90021. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Bldg., Carson City, NV 89701.

MC 138469 (Sub-104TA), filed January 26, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Drugs and Pharmaceuticals,* Except commodities in bulk, from the facilities of Hoechst-Roussel Pharmaceuticals, Inc., at or near Somerville, NJ to the facilities of Hoechst-Roussel Pharmaceuticals, Inc., at or near Indianapolis, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hoechst-Soussel Pharmaceuticals, Inc., Route 202-206 North, Somerville, NJ 08876. Send protest to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138875 (Sub-131TA), filed January 10, 1979. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, Idaho 83705. Representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. *Door hardware and accessories,* from Adrian & Lincoln Park, MI and Tonawanda, NY and their respective commercial zones to Portland, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jim Walter Doors Division, Celotex Corporation a Subsidiary of Jim Walter Corporation, P.O. Box 66317, Portland, OR 97266. Send protests to: Barney L. Harding, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 139923 (Sub-56TA), filed January 4, 1979. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Zinz oxide and zinc dust* (except commodities in bulk) from the facilities of St. Joe Zinc Company at Josephtown (Beaver County), PA to pts. in OK, for 180 days. Supporting Shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140033 (Sub-82TA), filed January 29, 1979. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, Dallas, TX 75245. *(1) Foodstuffs (except commodities in bulk) moving in vehicles equipped with mechanical refrigeration; and (2) restaurant furniture, fixtures and supplies when moving in mixed loads with the commodities in (1) above* From Dallas, TX to Atlanta, GA, for 180 days. Underlying ETA filed for 90 days authority. Supporting Shipper(s): Norco Manufacturing & Distributing Co., A Div. of The Pizza Inn, Inc., 2930 Stemmons Freeway, Dallas, TX 75247. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 140172 (Sub-3TA), filed January 22, 1979. Applicant: ED DAVENPORT, INC., P.O. Box 907, Brady, TX 76825. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Silica sand,* from Mill Creek, OK, to Hondo, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Universal Rundle Corporation, General Delivery, Hondo, TX 78861. Send protests to: Martha A. Powell, T/A, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 140176 (Sub-13TA), filed January 26, 1979. Applicant: POWELL TRUCKING CO., INC., Rt. 3, Box 13, Sumrall, MS 39482. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Contract carrier:* irregular routes: *Poles, posts and piling* from the facilities of Crown Zellerbach Corp. at Gulfport, MS and Mobile, AL to points in CO, GA, MA, MD, ME, NC, NJ, NM, NY, OK, SC, TK, VA, VT and WV for the account of Crown Zellerbach Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Crown Zellerbach Corp., P.O. Box 1060, Bogalusa, LA 70427. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 140947 (Sub-3TA), filed January 29, 1979. Applicant: VAN GROLL, INC., Route 4, Kaukauna, WI 54130. Representative: James Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. Contract carrier; irregular routes; *Fish, meat and poultry meal and tankage* from Milwaukee, WI to points in IA under continuing contract or contracts with Badger By-Products Co., Inc., Milwaukee, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Badger By-Products Co., Inc., 511 E. Menomonie St., Milwaukee, WI 53202. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 141436 (Sub-3TA), filed January 29, 1979. Applicant: HARKER'S TRANSPORTATION, INC., P.O. Box 1308, LeMars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract*

carrier: irregular routes; *Frozen foods,* from LeMars, IA to Albuquerque, NM, under a continuing contract(s) with Harker's Wholesale Meat, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gary DeKoter, Harker's Wholesale Meat, Inc., 521 Eighth Avenue, S.W., LeMars, IA 51031. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 141599 (Sub-9TA), filed December 11, 1979. Applicant: MOUNTAIN PACIFIC TRANSPORT (EDMONTON), LTD., d.b.a. Shadow Lines, 241 Schoolhouse Street, Coquitlam, BC, Canada V3K 4X9. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Brick,* (1) from ports of entry on the International Boundary line between the U.S. and Canada located in ID, MT and WA to points in OR and WA; and (2) from ports of entry on the U.S.-Canada International Boundary line in WA to points in UT and ID; and (3) from Everett, WA to points in ID and UT, for 180 days. Supporting Shipper(s): Clayburn Industries, 10655 N.E. 4th, Suite 507, Bellevue, WA 98004. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142335 (Sub-5TA), filed January 29, 1979. Applicant: C & E TRUCKING CO., INC., 11910 Greenstone Avenue, Santa Fe Springs, CA 90670. Representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, CA 91790. *Steel,* from Geneva, UT to Henderson, NV, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): State Industries, Lake Mead Drive, Henderson, NV. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142686 (Sub-11TA), filed January 23, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). Contract: irregular: *Air conditioning equipment, and materials and supplies used in the manufacture, distribution and installation thereof,* from Santa Fe Springs, CA, to Baltimore, MD; Newark, NJ; New York, NY; Philadelphia, PA; Columbus, Dayton and Cincinnati, OH; Atlanta, GA; St. Louis, MO; Kansas City, MO; and San Antonio, TX, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Frigid Coil/Frick, Inc., 13711 Freeway Drive, Santa Fe Springs, CA 90670. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 143127 (Sub-22TA), filed January 30, 1979. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580. *Animal feed, canned and dry,* from Jefferson, WI to Mechanicsburg, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, Michael L. Whitehead, Asst. Mgr. of Transportation, 5045 Wilshire Blvd. Los Angeles, CA 90036. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, New York 13260.

MC 143462 (Sub-4TA), filed January 5, 1979. Applicant: ERWIN TRUCKING, INC., 7176 North 50th Street, Omaha, NE 68152. Representative: Paul D. Kratz, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract carrier: irregular: (1) *hydraulic cylinders, hydraulic pumps, hydraulic motors, hydrostatic transmissions, valves, and parts therefor,* from Omaha, NE; Joplin and Columbia, MO; Searcy, AR; and Madison Heights, MI, to points in the US (except AK and HI); and (2) *Parts, accessories, materials, equipment, and supplies used in the manufacture of the commodities listed in* (1) *above,* (a) from points in the US (except AK and HI) to Joplin, Columbia and St. Louis, MO; Searcy, AR; and Madison Heights, MI; and (b) from points in the US (except AK and HI, and except from points in IL in the Chicago commercial zone and except from Radford, Archer Creek, and Lynchburg, VA) to Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Leonard J. Fredrick, Sperry Vickers, 6600 North 72nd St., Omaha, NE. Send protests to: Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143901 (Sub-3TA), filed December 26, 1978. Applicant: THOROUGHBRED TRUCKING, INC., 402 308th Street NE., Stanwood, WA 98292. Representative: Ronald P. Erickson, 2120 Pacific Building, Seattle, WA 98104. Contract carrier: irregular routes: *Commodities such as are dealt in by grocery and food houses,* from Seattle, WA on the one hand to Eugene, OR and Sacramento, San Francisco, Fresno, Bakersfield, Los Angeles, Redding, Santa Barbara, San Luis Obispo and San Diego, CA on the other, for the account of Green Garden Food Products, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Green Garden Food Products, Inc., 500 Aloha Street, Seattle, WA 98109. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 144303 (Sub-5TA), filed January 25, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. Contract Carrier—Irregular Routes. (*1*) *Electrical equipment and parts,* (*2*) *and materials and supplies used in the manufacture and distribution of electrical equipment and parts (except commodities in bulk, those which require special equipment, and aerospace craft and aerospace craft parts),* between the facilities of General Electric Company at or near East Flat Rock and Fletcher, NC, on the one hand, and on the other, points in AR, IA, MO, TX and LA (except those points in LA in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the LA-MS state line) pursuant to a continuing contract or contracts with General Electric Company, for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): General Electric Company, Hendersonville, NC 28739. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 144855 (Sub-7TA), filed January 19, 1979. Applicant: TRANS CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anaheim, CA 92803. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Frozen prepared foods,* from the facilities of Tommy's Foods, Inc., in Orange County, CA to all points in the United States, except Alaska and Hawaii, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Tommy's Foods Inc., 2030 E. Walnut Avenue, Fullerton, CA 92631. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145152 (Sub-30TA), filed January 11, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Frozen inedible meats and meat by-products,* from Ft. Dodge and Sioux City, IA; Wichita, KS; and Amarillo, TX, to Gloucester, MA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kal-Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal

Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145441 (Sub-16TA), filed January 29, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey (same as applicant). *Canned tuna and animal food,* from Terminal Island, CA to points in AL, AR, IL, KS, MI, MO, NE, ND, SD, and TX, for 180 days as a common carrier over irregular routes. Supporting Shipper(s): Pan Pacific Division, C.H.B. Foods, Inc., 338 Cannery Street, Terminal Island, CA 90731. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145931 (Sub-1TA), filed January 23, 1979. Applicant: HORSESHOE'S GARAGE & TIRE CENTER, INC., P.O. Box 775, Denton, NC 27239. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. (1) *Wrecked and disabled tractors, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses,* from points in AR, CT, DE, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, NE, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WV, WI and DC to points in Davidson County, NC; (2) *Replacement vehicles* for the vehicles named in (1) above, from points in Davidson County, NC, to the origin points as described in (1) above; (3) *Wrecked and disabled tractors,, wrecked and disabled trailers (other than those designed to be drawn by passenger vehicles), wrecked and disabled trucks, and wrecked and disabled buses,* from points in the U.S. (except AK, HI and NC), to points in Guilford and Randolph Counties, NC; and (4) *Replacement vehicles* for the vehicles named in (3) above, from points in Guilford and Randolph Counties, NC to the origin points as described in (3) above, for 180 days. Restriction: Restricted to a transportation service performed by use of wrecker equipment and lowboy equipment. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Billings Transfer Corp., Inc., Green Needles Rd., Lexington, NC 27292. Harrelson Rubber Company & Walker Shoe Company, P.O. Drawer 1167, Asheboro, NC 27203. Fashion Design, P.O. Box 218, Jamestown, NC 27282. Stuart Furniture Industries, Inc., P.O. Box 220, Asheboro, NC 27203. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd.-Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 145997TA, filed January 9, 1979. Applicant: J.E.M. EQUIPMENT, INC., P.O. Drawer 396, Alma, AR 72921. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Glass and blown glass components and parts for lamps and light fixtures* from the facilities of Southwestern Glass Company in Van Buren, AR, to Phoenix, AZ; Chicago, IL; Philadelphia, PA; New York and Brooklyn, NY; Mayfield, KY; Memphis, TN; Dallas, TX; Tyler and Houston, TX; and Los Angeles and San Francisco, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Southwestern Glass Company, Inc., 2605 Industrial Park Road, Van Buren, AR 72956. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201.

MC 146006 (Sub-1TA), filed January 11, 1979. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Springfield, MA 01103. *Contract carrier,* irregular routes: *Stationery, office and school supplies and equipment,* between Springfield, MA, Meridian, MS, Chicago, IL, and Los Angeles, CA and the commercial zones thereof, under contract with National Blank Book Company, for 180 days. An underlying ETA was granted for 90 days. Supporting Shipper(s): National Blank Book Company, 655 Page Boulevard, Springfield, MA 01104. Send protests to: David M. Miller, District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Springfield, MA 01103.

MC 146073 (Sub—1TA), filed January 26, 1979. Applicant: CANYON DISTRIBUTORS, LTD., 5919-5th Street SE., Calgary, AB, Canada T2H 1L5. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Meats, meat products and meat byproducts and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209, 766 (except hides and commodities in bulk) between the U.S.-Canada International Boundary line, on the one hand, and, on the other, points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kerr Meat Packers, Ltd., 2825 Bonnybrook Rd SE, Calgary, AB, Canada. Lakeside Feeders, Ltd., Box 800, Brooks, AB, Canada. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146085 (Sub-1TA), filed January 25, 1979. Applicant: JOHN J. BUTTON & EVA MAY BUTTON d.b.a TRANS FAST OF MISSOURI, Highways 13 & T, P.O. Box 275, Bolivar, MO 65613. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65101. Contract-irregular: *Sand, in bulk, in dump vehicles,* from Wyandotte County, KS to Cedar, Dade, Dallas, Hickory, Polk and St. Clair Counties, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Polk County Concrete Co., Inc., P.O. Box 101, Bolivar, MO 65613. Send protests to: DS John V. Barry, ICC, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 146132 (Sub-1TA), filed January 29, 1979. Applicant: JIM LESTER, 2904 Auburn Road, Huntington, WV 25704. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Carpets, carpeting and related sundries,* between points in Bartow, Catoosa, Chatooga, Dade, Floyd, Gordon, Murray, Walker, Whitfield Counties, GA and Marion, Monroe Counties, TN to points in Cabell, Wayne Counties, WV and Boyd, Carter, Lawrence Counties, KY and Lawrence, Scioto Counties, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 5 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Ruth F. Stark, Secretary, ICC, Room 3108 Federal Bldg., 500 Quarrier Street, Charleston, WV 25301.

MC 146137 (Sub-1 TA), filed January 25, 1979. Applicant: POWER PACKAGING TRANSPORTATION, 1815 Arthur Drive, West Chicago, IL 60185. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *Contract carrier:* irregular routes: (*a*) *Foodstuffs:* (*b*) *Materials, equipment, and supplies used in the manufacture, packaging and distribution of foodstuffs.* Restricted against the transportation of commodities in bulk and Classes A and B explosives, under contract with Power Packaging, Inc., West Chicago, IL, between Placentia, CA; Chicago, IL, and its commercial zone; and Grand Prairie, TX, on the one hand, and, on the other, points in the 48 contiguous United States. An underlying ETA seeks 90 days authority. 180 days. Supporting Shipper(s) Power Packaging, Inc., 1815 Arthur Drive, West Chicago, IL 60185. Send protests to: Lois M. Stahl, TA, ICC, 219 South Dearborn, Room 1386, Chicago, IL 60604.

MC 146152 (Sub-1 TA), filed January 26, 1979. Applicant: W. S. GILSTRAP, d.b.a. W. S. GILSTAP TRUCKING, Route 1 Live Oak Ridge, Nipomo, CA 93444. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract:* irregular: *Electrical switchgears,* from Santa Maria, CA, to points in AZ, CO, ID, MT, NV, MN, OR, TX, UT, WA, and WY, under a continuing contract(s) with Gould,

Inc., Switchgear Division of Santa Maria, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Gould, Inc., Switchgear Division, 2643 Industrial Parkway, Santa Maria, CA 93456. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146177 (Sub-1TA), filed January 26, 1979. Applicant: DEAN W. KRUIZE, d.b.a. KRUIZE TRUCKING, Route No 1, Sibley, IA 51249. Representative: Edward A. O'Donnell, 1004-29th Street, Sioux City, IA 51104. *Contract carrier:* irregular routes: *Feed and feed ingredients,* from the facilities of Farmland Industries, Inc., at or near Corson, SD to the facilities of Farmers Co-op Elevator of Sibley, at or near Sibley, IA, for 180 days. Restricted to a transportation service performed under continuing contract or contracts with Farmers Co-op Elevator of Sibley. An underlying ETA seeds 90 days authority. Supporting Shipper(s): Arthur C. Doden, Farmers Co-op Elevator Co. of Sibley, 1107 2nd Avenue, Sibley, IA 51249. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146197TA, filed January 23, 1979. Applicant: DAYCO PIPE SERVICE, INC., 9801 Rosedale Highway, Bakersfield, CA 93308. Representative: Earl N. Miles, Jr., 3704 Candlewood Drive, Bakersfield, CA 93306. *Clay, in packages,* from all points and places within Nye County, NV, to all points and places within the following California Counties: Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Kings, Lake, Los Angeles, Madera, Monterey, Orange, Riverside, Sacramento, San Benito, San Josquin, San Luis Obispo, Santa Barbara, Solano, Sonoma, Sutter, Tehama, Tulare, Ventura and Yolo, for 180 days. Supporting Shipper(s): Phenix Mud Service, 1200 Coffee Road, Bakersfield, CA. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146198TA, filed January 24, 1979. Applicant: J & J TRANSPORTATION CO., INC., 14 Marsh Court, Westport, CT 06880. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. *Contract carrier:* irregular routes: *Advertising material, store displays, and materials and supplies used in the manufacture of displays,* between New York, NY, and Edison, NJ, on the one hand, and, on the other, points in the United States, (except AK and HI), for 180 days, for the account of Dauman Displays, Inc., for 180 days. Supporting Shipper(s): Dauman Displays, Inc., 527 West 34th Street, New York, NY 10001. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 146203TA, filed January 25, 1979. Applicant: ERNEST C. LADNER, INC., 12921 Keith Place, Tustin, CA 92680. Representative: Ernest C. Ladner (same address as applicant). *Contract:* irregular: *Canned goods and preserved foodstuffs,* (1) From Santa Ana, CA to Phoenix, AZ; Yuma, AZ; Luke AFB, AZ; Fort Huachuca, AZ; Williams AFB, AZ; Davis-Monthan AFB, AZ; Marine Corps Air Station, Yuma, AZ; and Flagstaff, AZ, and (2) Between Santa Ana, CA, on the one hand, and, on the other, points in NM, for 180 days. Supporting Shipper(s): Case-Swayne Company, Inc., Santa Ana, California. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-5535 Filed 2-22-79; 8:45 am]

[7035-01-M]

[Notice No. 159]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 28955, filed January 29, 1979. TRANSFEREE: Zeller Marine Service, Inc., 660 Emerson Street, Woodmere, NY 11598. TRANSFEROR: Zeller Marine Equipment, Inc., 381 Sunrise Highway, Lynbrook, NY 11563. REPRESENTATIVE: Gordon P. MacDougall, Esq., 1100 17th Street, NW., Washington, DC 20036. On February 15, 1979, the Motor Carrier Board granted authority for purchase by transferee of the operating rights of transferor set forth in Amended Permit and Order No. W-179, issued September 3, 1946, as follows: Authority to operate at New York, NY as a contract carrier by water, in interstate or foreign commerce, in furnishing for compensation (under charter, lease, or other agreement) non-self-propelled deck scows to persons other than carriers subject to the act, to be used by such persons in the transportation of their own property.

Any interested party may file a petition for reconsideration within 20 days from the service date of the decision. SEND PETITIONS FOR RECONSIDERATRION TO: The Secretary, Interstate Commerce Commission, Washington, DC 20423.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-5539 Filed 2-22-79; 8:45 am]

[7035-01]

[Notice No. 160]

MOTOR CARRIER TRANSFER PROCEEDINGS

Date: February 22, 1979.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 C.F.R. Part 1132:

MC-FC 78030. By application filed February 2, 1979, BROWN & SONS, INC., P.O. Box 55, Gratis, OH 45330, seeks temporary authority to transfer the operating rights of WEBER TRUCKING CO., 1061 Township Street, Cincinnati, OH 45225, under section 210a(b). The transfer to BROWN & SONS, INC., of the operating rights of WEBER TRUCKING CO., is presently pending.

By the Commission.

H.G. HOMME, Jr.,
Secretary.

[FR Doc. 79-5538 Filed 2-22-79; 8:45 am]

[7035-01-M]

[Notice No. 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 16, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" dicket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 8544 (Sub-33TA), filed January 12, 1979. Applicant: GALVESTON TRUCK LINE CORP., 7415 Wingate, Houston, TX 77011. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. Common carrier over irregular routes. (1) *Petroleum wax, except in bulk,* from Barnsdall, OK to Kilgore, TX and (2) *petroleum wax, except in bulk, in intermodal containers and trailers* from Barnsdall, OK to Houston, TX for 180 days. Supporting Shipper(s): Petrolite Corporation, Bareco Div., 6910 East 14th, Tulsa, OK 74115. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Avenue, Houston, TX 77002.

MC 13123 (Sub-95TA), filed January 17, 1979. Applicant: WILSON FREIGHT COMPANY, 11353 Reed Hartman Highway, Cincinnati, OH 45241. Representative: Milton H. Bortz (same address as applicant). Common carrier: regular routes: *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 the facilities of General Electric Company at or near Mt. Vernon, IN, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days. NOTE: Applicant intends to tack with MC 13123, and Subs, and to interline. Applicant is authorized to operate as a common carrier in AR, CT, DE, GA, IL, IN, LA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, OK, PA, RI, TN, VT, VA, WV, WI and DC. An underlying ETA seeks 90 days authority. Supporting Shipper(s): General Electric Company, George Bodkin, Distribution Specialist, Lexan Lane, Mt. Vernon, IN 47620. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main Street, Cincinnati, OH 45202.

MC 14215 (Sub-22TA), filed January 16, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. 5th Avenue, Columbus, OH 43212. *Steel and steel products, from Steubenville, OH to points in IL, IN, KY and the lower peninsula of MI, for 180 days. An underlying ETA seeks 90 days authority.* Supporting Shipper(s): Trans-Buckeye Sheet & Strip Steel Co., P.O. Box 579, Steubenville, OH 43952. Send protests to: J. A. Niggemyer, DS, 416 Old PO Bldg., Wheeling, WV 26003.

MC 14252 (Sub-40TA), filed January 19, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, Ohio 43227. Representative: William C. Buckham, 3400 Refugee Road, Columbus, Ohio 43227. *Lawn and garden products and agricultural insecticides and fungicides, in containers* between the facilities of O. M. Scott and Sons, Inc. located at or near Columbus, Marysville and Vermilion, OH on the one hand and on the other, Davenport, IA, and points in (1) IN, IL and MO; (2) Beaver, Crawford, Erie, Green and Washington counties, PA; (3) KY on and north of Interstate Hwy. 64; and (4) WV on and north of a line beginning at the PA-WV state line and extending south along Interstate Hwy. 79 to Charleston, WV and then west along Interstate Hwy. 64 to the WV-KY state line, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): O. M. Scott and Sons, Inc., Marysville, Ohio 43040. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building & U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 18121 (Sub-24TA), filed January 22, 1979. Applicant: ADVANCE TRANSPORTATION CO., P.O. Box 719, Milwaukee, WI 53201. Representative: Wayne W. Wilson, 150 E. Gilman Street, Madison, WI 53703. *Paper, paper products, cellulose products, and textile softeners* from Green Bay, WI to Chicago, IL and its commercial zone, restricted to the transportation of traffic orginating at the facilities of Procter & Gamble Paper Products Co. and destined to Chicago, IL and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Procter & Gamble Paper Products Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 18738 (Sub-50TA), filed January 9, 1979. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One N. LaSalle Street, Chicago, IL 60606. *Iron and steel articles,* from the plant sites of the United States Steel Corp., at or near Gary, IN and Joliet and South Chicago, IL to points in Kenosha, Milwaukee, Racine, Waukesha, Washington and Ozaukee Counties, WI for 180 days. An underlying ETA has been filed. Supporting Shipper(s): United States Steel Corporation, 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 18738 (Sub-51TA), filed January 9, 1979. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One N. LaSalle Street, Chicago, IL 60606. *Iron and steel products,* between Chicago, IL and the commercial zone, on the one hand, and, on the other, Kenosha, Milwaukee, Racine, Waukesha, Washington and Ozaukee Counties, WI, for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): Central Steel & Wire Co., 3000 W. 51st

St., Chicago, IL 60632. Send protests to: Lois Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 18738 (Sub-52TA), filed January 10, 1979. Applicant: SIMS MOTOR TRANSPORT LINES, INC., 610 W. 138th Street, Riverdale, IL 60627. Representative: Eugene Cohn, One No. LaSalle Street, Chicago, IL 60606. *Iron & Steel Articles*, from the plant site of Inland Steel Co., East Chicago, IN to points in Kenosha, Milwaukee, Racine, Waukesha, Washington and Ozaukee Counties, WI, for 180 days. An underlying ETA has been granted. Supporting Shipper(s): Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 24583 (Sub-19TA), filed January 18, 1979. Applicant: FRED STEWART CO., 112 Clay Street, Magnolia, AR 71753. Representative: Joe Woodward, P.O. Box 727, Magnolia, AR 71753. *Plastic pipe and pipe fittings and plastic products* from Magnolia, AR to all points and places in AL, CO, FL, IL, LA, KS, MS, MO, OK, TN and TX., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Robintech, Inc., P.O. Box 460, Magnolia, AR 71753. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 35519 (Sub-6TA), filed January 12, 1979. Applicant: J. W. ATHEY, SR. and J. W. ATHEY, JR., d.b.a. Athey Trucking, Route 1, Box 364, Stephens City, VA 22655. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. (1) Wood crating, wooden crates, wooden boxes, and wooden pallets, from the facilities of R & L Lumber, at or near Stephens City, VA, and from the facilities of Burch Manufacturing Company, Inc., at or near Summit Point, WV, to points in DE, IL, MD, KY, NJ, NY, NC, OH, PA, VA, WV, and (2) *wood chips*, from the facilities of R & L Lumber, at or near Stephens City, VA, and from the facilities of Burch Manufacturing Company, Inc., at or near Summit Point, WV, to Spring Grove and Sunbury, PA and Luke, MD, for 180 days. Supporting Shipper(s): R & L Lumber, Burch Manufacturing Co., Inc., Stephens City, VA 22655 & Summit Pt., WV. Send protests to: T. M. Esposito, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 35519 (Sub-7TA), filed January 12, 1979. Applicant: J. W. ATHEY, SR. and J. W. ATHEY, JR., d.b.a. Athey Trucking, Route 1, Box 364, Stephens City, VA 22655. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Tires*, from Findlay, OH to the facilities of Tire Distributors, Inc., at or near Winchester, VA, for 180 days. Supporting Shipper(s): Tire Distributors, Inc., Winchester, VA 22601. Send protests to: T. M. Esposito, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 35831 (Sub-16TA), filed January 12, 1979. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Lumber, lumber products, and plywood (except commodities in bulk)*, from the plantsite of Champion Building Products in Polk County, TX, to Port Arthur, TX; restricted to shipments having subsequent movement by water, for 180 days. Supporting Shipper(s): Champion International Corporation, Knightsbridge Dr., Hamilton, OH. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 40978 (Sub-52TA), filed January 22, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 South, Sheboygan, WI 53081. Representative: Wm. C. Dineen, 710 Plankinton Avenue, Milwaukee, WI 53203. (1) *Powdered and granular plastic materials* in bags and drums, and *hexamethylenetetramine*, in bags and drums, from the facilities of Plastics Engineering Co., at Sheboygan, WI, to points in AL, AR, CT, DC, DE, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MN, MO, MS, NC, NE, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, and WV and (2) Materials and supplies except commodities in bulk used in the manufacture and distribution of the above described commodities from the destinations named in (1) above to the facilities of Plastics Engineering Co. at Sheboygan, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Plastics Engineering Co., 3518 Lakeshore Rd., Sheboygan, WI 53081. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 47171 (Sub-119TA), filed January 10, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (Same as applicant). *Boots, shoes, shoe laces, shoe boxes, knock down cartons, shoe findings and materials used in the manufacture of shoes*, between Jasper, GA and Auburn, Boston, Brocton, Canton, Natick and Worcester, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gold Seal Rubber Company, 65 Sprague Street, Boston, MA 02137. Send protests to: E. E. Strotheid, District Supervisor, Rm. 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 48784 (Sub-3TA), filed January 26, 1979. Applicant: P. J. GARVEY CARTING & STORAGE, INC., 465 Cornwall Avenue, Buffalo, NY 14215. Representative: James P. Burgio, 3350 Marine Midland Center, Buffalo, NY 14203. *Household Goods (except commodities in bulk)*, between Buffalo, NY and points within 60 miles thereof, on the one hand, and, on the other, points in TX, OK, MS, LA and AR, for 180 days. Supporting Shipper(s): Buffalo Electric Co., Inc., 75 West Mohawk Street, Buffalo, NY 14202. (2) Buffalo Electric Construction Co., Inc., 101 South Avenue, West Seneca, NY 14224. Send protests to: ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 51146 (Sub-675TA), filed January 17, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Boulevard, Ft. Lauderdale, FL 33308. (1) *Metal containers* from Longview, TX to Tulsa, OK and Little Rock, AR; and (2) *Equipment, materials, and supplies used in the manufacture and distribution of the commodities named in (1) above* in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Continental Can Co., U.S.A., 4615 Post Oak Place Dr., P.O. Box 1557, Houston, TX 77027. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 55896 (Sub-109TA), filed January 18, 1979. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same as applicant). *Iron and steel articles*, from Granite City, IL, to points in IA, KS, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): William E. Liesman, Michigan Metal Processing, 6650 Mt. Elliott, Detroit, MI 48211. Send protests to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 102567 (Sub-216TA), filed January 18, 1979. Applicant: McNAIR TRANSPORT, INC. 4295 Meadow Lane, P.O. Drawer 5557, Bossier City, LA 71111. Representative: Mr. Joe C. Day, 13403 Northwest Freeway, Suite 130, Houston, TX 77040. Applicant is seeking authority to operate as a common carrier over irregular routes transporting *Liquid Hydrobromic Acid*, in bulk, in tank vehicles, from El Dorado, AR to Viterbo (near Beau-

mont), TX and Gulfport, MS for 180 days. Applicant has also filed an underlying ETA for 90 days. Supporting Shipper(s): Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611. Send protests to: Connie A. Guillory, ICC T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 106009 (Sub-12TA), filed January 23, 1979. Applicant: CAUSTIC SODA TRANSPORTATION CO., P.O. Box 6035, Asheville, NC 28806. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington, DC 20004. *Caustic soda, in bulk, in tank vehicles,* between Buncombe and Haywood Counties, NC and Spartanburg County, SC, on the one hand, and, on the other, points in Cocke, Greene, and Unicoi Counties, TN, points in NC on and west of NC Hwy. 16, and points in SC on and north of SC Hwy. 72, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tjcar Chemical Co., P.O. Box 4205, Asheville, NC 28806. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 108589 (Sub-15TA), filed January 19, 1979. Applicant: Eagle Express Co., P.O. Box 680, Somerset, Ky. 20423. Representative: Michael Spurlock, 275 East State Street, Columbus, Ohio 42315. Authority sought to transport, as a common carrier over regular routes, General Commodities except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment: (1) From Fonthill, KY, to Cincinnati, OH, serving the intermediate and off-route points within ten miles of Fonthill, KY, and points in the Cincinnati, OH commercial zone. From Fonthill over unnumbered highway to junction Ky. Highway 80, thence over Ky. Highway 80 to junction U.S. Hwy. 127 formerly Ky. Highway 35), thence over U.S. Hwy. 127 to Danville, KY, thence over Ky. Highway 34 to junction U.S. Hwy 27, thence over U.S. Hwy 27 to Lexington KY, and thence over U.S. Hwy 25 to Cincinnati, OH. (2) Between Russell Springs, KY and Columbia, KY, serving all intermediate points, and all points in the Columbia, Ky. commercial zone. From Russell Springs over Ky. Hwy. 80 to Columbia, KY. and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 20 supporting shippers to application, primarily located in Russell Springs, Columbia, and Jamestown, KY and Knoxville, Tenn. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY. 40202.

MC 113059 (Sub-8TA), filed January 16, 1979. Applicant: KELLER TRANSPORT, INC., Route 1, Katy Lane, Billings, MT 59101. Representative: F. E. Keller (same address as applicant). *Machinery, materials, supplies and equipment incidental to or used in the construction, development, operation and maintenance of facilities for discovery, development and production of natural gas, petroleum and coal and the construction and maintenance of highways and irrigation and power projects,* between points in MT East of the Western boundary of Glacier, Pondera, Teton, Cascade, Meagher and Gallatin Counties, MT and points in ND West of the eastern boundary of Bottineau, McHenry, Sheridan, Burleigh and Emmons Counties, ND, for 180 days. An underlying ETA seeks 90 days. authority. Supporting Shipper(s): There are 12 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 114569 (Sub-382TA), filed January 10, 1979. Applicant: Shaffer Trucking, Inc., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. *Foodstuffs,* other than frozen, N.O.I., from Chester County, PA., to Chicago, IL; Dallas, TX and Los Angeles, CA., and their commercial zones, for 180 days. An underlying ETA seeks 90 days. authority. Supporting Shipper(s): SCM Corporation, 900 Union Commerce Bldg., Cleveland, OH 44115. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 115311 (Sub-332TA), filed January 16, 1979. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree Street, NE., Atlanta, GA 30303. *Sand and gravel* from Marion County, GA to AR, IL, IN, MO, OH and OK and from Benton County, TN and Tuscaloosa County, AL to AL, AR, FL, GA, IL, IN, LA, MS, ND, NC, OH, OK, SC, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jessie S. Morie & Son, Inc., Georgia Silica Division, P.O. Box 106, Junction City, GA 31812. Send protests to: Sara K. Davis, T/A, I.C.C., 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 115975 (Sub-32TA), filed January 22, 1979. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Illinois 62985. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Missouri 63101. Contract Carrier, over Irregular Routes, to transport Petroleum lubricating oils, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation in St. Louis, Missouri, to Falcon Coal Company, Jackson, Kentucky, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mobil Oil Corporation, 8350 N. Central Expressway, Suite 522, Dallas, Texas 75206. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 117119 (Sub-713TA), filed January 22, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same as applicant). *Such merchandise as is dealt in by retail discount, department, and variety stores* (except commodities in bulk), from points in Orange, Los Angeles, Riverside and San Bernardino Counties, CA, to the facilities of Wal-Mart Stores, Inc. at Bentonville, Fort Smith and Searcy, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117119 (Sub-714TA), filed January 22, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same as applicant). *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Ralston Purina Company at Battle Creek, MI, and Lancaster and Sharonville, OH, to Clearfield, UT, for 180 days, as a common, irregular route carrier. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117503 (Sub-13TA), filed January 16, 1979. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, CA 95814. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. *General commodites, except commodities in bulk, class A explosives, household goods as defined by the Commission, and those of unusual value,* between Oakland, Sacramento and Stockton, CA and Reno, NV on the one hand

and, on the other hand, points in the Counties of Butte, Colusa, El Dorado, Glenn, Nevada and Placer, CA and the Counties of Douglas, Lyon, Storey and Washoe, and Carson City, NV, restricted to the transportation of traffic moving on freight forwarder freight bills or bills of lading, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Acme Fast Freight, Inc., POB 1226, Sacramento, CA 95806. Clipper Express Company, 3871 San Pablo Avenue, Emeryville, CA 94608. Send protests to: District Supervisor A. J. Rodriquez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 117589 (Sub-59TA), filed January 19, 1979. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. *Meat, meat products and meat by-products, as described in Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank or hopper type vehicles)*, from the Seattle, WA Commercial Zone to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nobel, Inc., 1101 West 48th Ave., Denver, CO. Green River Cheese Co., 19029 84th S., Kent, WA. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 118130 (Sub-98TA), filed January 16, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. *Margarine, shortening, salad oil, bacon bits, powdered milk and butter, in straight or mixed shipments*, from Fort Worth, TX, to points in AL, AR, FL, GA, LA, MS, and TN, for 180 days. Supporting Shipper(s): Collier Industries, 915 East 9th Street, Fort Worth, TX 76102. Send protests to: Martha A. Powell, T/A, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 118831 (Sub-172TA), filed January 18, 1979. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007 Uwharie Road, High Point, NC 27264. Representative: Ben H. Keller III (Same as applicant). *Liquid chemicals, in bulk, in tank vehicles* from Winder, GA to points in FL, MO, NC, NJ, OH, PA, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Westvaco Corporation, P.O. Box 643, Winder, GA 30680. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 123672 (Sub-8TA), filed January 26, 1979. Applicant: BCD Trucking, Inc., R.D. Two Center Road, Forestville, NY 14062. Representative: Robert C. Gawley, P.O. Box 184, Buffalo, NY 14221. Contract carrier-irregular routes. *Bakery Products, except Frozen Bakery Products*, from points in Erie County, NY to points on the International Boundary between the United States and Canada located on the Niagara River, for 180 days. SUPPORTING SHIPPER: ITT Continental Baking Company Inc., P.O. Box 731, Rye, NY 10580. SEND PROTESTS TO: ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202. Supporting Shipper(s): ITT Continental Baking Company, Inc., P.O. Box 731, Rye, NY 10580. Send protests to: ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 125368 (Sub-41TA) filed January 18, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (Same as applicant). *Meat products, meat by-products, and articles distributed by meat packing houses as described in Motor Carrier Certificate 61 MCC 209 and 766 (except commodities in bulk)* from the facilities of Swift and Company at Rochelle and St. Charles, IL, Glenwood, Des Moines, Marshalltown and Sioux City, IA and Grand Island, NE to points in CA, AZ, UT, OR, WA, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Archie W. Andrews, Disatrict Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 125470 (Sub-41TA), filed January 26, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, rural route 4, Norfolk, NE 68701. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Iron and steel articles*, from Chicago, IL; Wilton Junction, IA; Minneapolis and St. Paul, MN; Kansas City and St. Louis, MO; and Houston, TX, and points in their respective commercial zones, to the facilities of Norfolk Iron & Metal Co., Inc., at or near Norfolk, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Claire Byrne, Norfolk Iron & Metal Co., Inc., Box 1129, Norfolk, NE 68701. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 127938 (Sub-3TA), filed January 2, 1979. Applicant: MAX KER & SON LUMBER CO., 1798 South Yellowstone, Idaho Falls, ID 83401. Representative: Steven E. Ker (Same as above). *Asphalt and related processed roofing materials in cartons, pails and boxes*, from the Husky Refinery near Cody, WY to points in ID south of the Salmon River, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Modern Builders supply, 1921 No. Harrison, Pocatello, ID 83201. Hughes Roofing Co., 3710 Bombardier, Idaho Falls, ID 83401. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 13064 (Sub-20TA), filed January 5, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1) *Petroleum, petroleum products, vehicle body sealer and sound deadener compounds (except in bulk, in tank vehicles) and filters* from points in Warren County, MS, to all points in and east of MN, IA, MO, OK and TX; and (II) *Petroleum, petroleum products, vehicle body sealer and sound deadener compounds, filters, and materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part (I) above (except in bulk, in tank vehicles)*, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, restricted in Parts (I) and (II) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Sara K. Davis, T/A, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N. W., Rm. 300, Atlanta, GA 30309.

MC 134105 (Sub-44TA), filed January 18, 1979. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23d Street, Chattanooga, TN 37404. Representative: L. D. Miller III (Same address as applicant). *Frozen Food Products*, from the facilities of Ore-Ida Foods, Inc. at Greenville, MI to points in AL, FL, GA, KY, LA, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 134467 (Sub-39TA), filed January 8, 1979. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203. Part I, *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters* from points in Warren County,

MS to points in and west of GA, FL, KY, MI, PA, TN, and WV. Part II, *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA and WV to points in Warren County, MS: Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS., for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201.

MC 134783 (Sub-45TA), filed January 17, 1979. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Foodstuffs* (except in bulk), from the facilities of Fisher Cheese Company, at or near Wapakoneta, OH to points in TX, for 180 days. Underlying ETA seeking 90 days authority was filed. Supporting Shipper(s): Fisher Cheese Company, 409 Krien Avenue, P.O. Box 409, Wapakoneta, OH. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101. Supporting Shipper(s): Fisher Cheese Company, 409 Krien Avenue, P.O. Box 409, Wapakoneta, OH. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 135234 (Sub-13TA), filed January 17, 1979. Applicant: TRENCO, INC., P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, DC 20001. *Contract carrier:* irregular routes: *Furniture parts*, Between Williamsport, PA and Louisburg, NC, for the account of J. K. Rishel Furniture Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J. K. Kishel Furniture Co., P.O Box 3067, Williamsport, PA 17701. Send protests to: P. J. Kenworthy, DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 135982 (Sub-23TA), filed January 18, 1979. Applicant: S. L. HARRIS d.b.a. PBI, P.O. Box 7130, Longview, TX 75602. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Burlap bags, plastic bags, burlap bagging and woven paper fabric bagging*, from facilities of the Chase Bag Company, New Orleans, LA to Dallas and Houston, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Chase Bag Company, 814 Commerce Dr., Oak Brook, IL 60521. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136220 (Sub-67TA), filed January 15, 1979. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. *Clay* (in bulk, in dump vehicles), from the facilities of Stauffer Chemical Company at Little Rock, AR to the facilities of Stauffer Chemical Company at Springhill, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: Interstate Commerce Commission, Connie Stanley, Transportation Assistant, .Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma, City, OK 73102.

MC 138054 (Sub-29TA), filed January 3, 1979. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster Street, Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier;* irregular routes: *Lawn and garden equipment, and accessories and parts therefor* (except commodities in bulk, and commodities which by reason of size or weight require the use of special equipment), from Houston, TX, to points in the United States (except TX, AK, and HI). RESTRICTION: Restricted to a transportation service under contract(s) with Emerson Electric Co. of St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Emerson Electric Co., 8100 W. Florissant, St. Louis, MO 63136. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 138512 (Sub-37TA), filed January 22, 1979. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 656, Cudahy, WI 53110. Representative: Allan J. Morrison, (Same address as applicant). Contract carrier; irregular routes: *Cheese* (except commodities in bulk) from the facilities of Swift & Co., Pauly Cheese Div., Green Bay, WI to points in AR, LA, OK & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 138686 (Sub-6TA), filed January 22, 1979. Applicant: L.C.W. TRUCKING, INC., 119 East Chavez St., Edinburg, TX 78539. Representative: L. C. Waller, P.O. Box 718, Edinburg, TX 78539. *Frozen fruits, frozen vegetables, frozen berries and frozen citrus concentrate* from points in Webb, Hidalgo, and Cameron Counties of TX to points in TX, LA, MS, AL, GA, and TN for 180 days. Supporting Shipper(s): There are 5 shippers. Their statements may be examined at the office listed below and Headquarters. Send Protests to: Richard H. Dawkins, District Supervisor, Room B-400 Federal Bldg., 727 E. Durango, San Antonio, TX 78206.

MC 138704 (Sub-4TA), filed January 17, 1979. Applicant: GARY L. DUNPHY, Embden, ME 04958. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, Arlington, VA 22201. Contract carrier: irregular routes: *Printing paper, other than newsprint or carbonized print* (except in bulk) from the facilities of Madison Paper Corporation, at or near Madison, ME, to points in MA, RI, NY, NJ, PA, MD, WV, VA, OH, IN, IL, WI, IA, NE, UT, TX, LA, MS, KY, TN, AL, GA, FL, NC and SC under contract(s) with Madison Paper Corporation. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Madison Paper Corporation, Main St., Madison, ME 04950. Send protests to: ICC, 76 Pearl St., Rm. 305, Portland, ME 04111.

MC 138805 (Sub-4TA), filed January 19, 1979. Applicant: S & L SERVICES, INC., Road No. 1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, DC 20006. Foodstuffs, except in bulk from the facilities of American Home Foods at Milton, PA to Points in CT, NJ, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Home Foods, American Home Products Corporation, 685 Third Avenue, New York, NY 10017. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 138824 (Sub-20TA), filed January 22, 1979. Applicant: REDWAY CARRIERS, INC., 5910 49th St., Kenosha, WI 53142. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603. Contract carrier, irregular routes: Glassware, bottles, or jars, n.o.i. other than cut, with or without their equipment of caps, covers, stoppers, or tops, between facilities of Glass Containers Corp. at or

near Parker, PA and the facilities of Ocean Spray Cranberries, Inc. in Kenosha Co., WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ocean Spray Cranberries, Inc., 7800 S. 60th Ave., Kenosha, WI 53142. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 139850 (Sub-18TA), filed January 17, 1979. Applicant: FOUR STAR TRANSPORTATION, INC., Box 77, Underwood, IA 51576. Representative: Vance A. Trivley, same address as above. *Meats*, from the plantsite of Beef Nebraska, Inc., at Omaha, NE, to NY, NJ, PA, MA, and CT, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority sought herein with its existing authority in MC 139850. Supporting Shipper(s): R. M. Andress, Beef Nebraksa, Inc., P.O. Box 7203, Omaha, NE 68107. Send protests to: Carroll Russell, ICC, Suite 620, 110 N. 14th St., Omaha, NE 68102.

MC 141212 (Sub-1TA), filed January 22, 1979. Applicant: JOHN M. RADKE, Route 2, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Animal and poultry feeds and feed ingredients* from the facilities of Cargill, Inc., Nutrena Feed Div. at or near New Richland, MN to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Cargill, Inc., P.O. Box 471, New Richland, MN 56072. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 141575 (Sub-15TA), filed January 16, 1979. Applicant: TFS, INC., R.R. 2, Box 126, Grand Island, NE 68801. Representative: Charles Chapman (same as applicant). *Meat and packinghouse products*, from York, NE, to Los Angeles, Lodi, and Fresno, CA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): York Packing Company, Inc., L. C. Kennedy, President, York, NE 68467. Send protests to: District Supervisor Max H. Johnston, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE, 68508.

MC 142037TA, filed January 12, 1979. Applicant: SHULTZ BROTHERS, INC., Box 373, Guy, TX 77444. Representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, TX 78701. Common carrier over irregular routes. *Liquid livestock feedstuff* from points in Harris County, TX to points in LA and OK for 180 days. Supporting Shipper(s): Ralston Purina Company, Box 1200, Ft. Worth, TX 76101. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

MC 1413179 (Sub-11TA), filed January 19, 1979. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as above). *Rebonded polyurethane carpet padding*, from Dallas, TX, to points in AR, IA, KS, MO, NE, and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): C. W. Berger, General Felt Industries, Inc., Park 80 Plaza West-One, Saddle Brook, NJ 07662. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 143183 (Sub-7TA), filed January 18, 1979. Applicant: L. M. ROACH, d.b.a. D & L TRUCKING CO., 145 Sampson Road, P.O. Box 1741, Wilmington, NC 28401. Representative: Ralph McDonald, P.O. Box 2246, 336 Fayetteville Street Mall, Raleigh, NC 27602. *Dry fertilizer* from Wilmington and Statesville, NC to points in TN and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): W. R. Grace & Co., P.O. Box 368, Wilmington, NC 28402. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 143206 (Sub-3TA), filed January 15, 1979. Applicant: PRIVATE COURIERS, INC., 4661 North 25th Avenue, Schiller Park, IL 60176. Representative: Donal S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. *Medical isotopes, medical test kits, radio-active drugs, radioactive compounds for medical research*, from the facilities of New England Nuclear Corporation at or near Schiller Park, IL to points in the following Indiana counties: Lake, LaPorte, St. Joseph, and Porter; and to the following Wisconsin counties: Dane, Green, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha, for 180 days. Supporting Shipper(s): Donald S. Mullins, 4704 W. Irving Park Road, Chicago, IL 60641. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 143478 (Sub-9TA), filed January 26, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway Alabama 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. Contract, irregular: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, except hides, and commodities in bulk in tank vehicles.* From the facilities of Dixie Packers, Inc., in Madison County, FL, to the facilities of Winn Dixie Stores, Inc. in Montgomery, AL, Louisville, KY, Atlanta, GA, Raleigh and Charlotte, NC, Greenville, SC, New Orleans, LA, and Fort Worth, TX, restricted to a continuing contract or contracts with Dixie Packers, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dixie Packers, Inc., P.O. Box 622, Madison, FL 32340. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 143607 (Sub-6TA), filed January 18, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: A. C. Horne, 2611 University Parks Drive, Waco, TX 76706. *Contract carrier*-irregular routes: *Building materials (except iron and steel articles, commodities which because of size or weight require special equipment, and commodities in bulk)*, from Waco, TX, to points in the U.S. in and east of ND, SD, NE, KS, OK, TX, and points in CO and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ideal Company, Division of Certain-teed Products Corp., Box 889, Waco, TX 76703. Send protests to: Martha A. Powell, T/A, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 144051 (Sub-6TA), filed January 8, 1979. Applicant: ALFORD-LOGSTON, INC., 1714 Tabor, Houston, TX 77009. Representative: Dale Alford, 1714 Tabor, Houston, TX 77009. Contract Carrier over Regular Routes. *Home care products* from Memphis, TN to all points in State of MS for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Stanley Home Products, Inc., 112-116 Pleasant St., Easthampton, MA 01027. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., Houston, TX 77002.

MC 144303 (Sub-4TA), filed January 16, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. *Contract Carrier*-Irregular Routes: *Aluminum and zinc ingots*, from Maple Heights, OH to points in AL, GA, KY, NC, SC, and TN pursuant to a continuing contract or contracts with Aluminum Smelting and Refining Co. and Certified Alloys, Inc., 180 days. An underlying ETA seeks 90

days authority. Supporting Shipper(s): Certified Alloys, Inc., 5463 Dunham Rd., Maple Heights, OH 44137. Aluminum and Refining Co., 5463 Dunham Rd., Maple Heights, OH 44137. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 144326 (Sub-7TA), filed January 9, 1979. Applicant: RICHARDSON TRUCKING, INC., d.b.a. TRIARC TRANSPORT, 603 8th Street, Greeley, CO 80631. Representative: Wm. Fred Cantonwine (same as above). *Meat and Meat By-Products and Materials distributed by packing houses* for the account of Meat Sales International, Inc., from Dubuque, Denison, Des Moines, Iowa Falls, Sioux City and Waterloo, IA; Chicago, IL; Wichita, KS; St. Joseph, MO; Crete, Fremont and Omaha, NE; Sioux Falls, SD to Los Angeles and Oakland, CA; and Seattle, WA, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Meat Sales International, Inc., No. 1 Appletree Square, Minneapolis, MN 55420. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 144326 (Sub-8TA), filed January 9, 1979. Applicant: RICHARDSON TRUCKING, INC., d.b.a. TRIARC TRANSPORT, 603 8th Street, Greeley, CO 80631. Representative: Wm. Fred Cantonwine (same as above). (1) *Frozen foods and foodstuffs* from the facilities of Blue Star Foods, Inc. at Council Bluffs, IA and Laramie, WY and their commercial zones to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MT, NM, OH, OR, TX, UT, WA, and WY; (2) *Foodstuffs and materials used in production, packaging and distribution of (1) above in reverse movements* for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Blue Star Foods, Inc., 1023 4th St., Council Bluffs, IA 51501. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 144326 (Sub-9TA), filed January 16, 1979. Applicant: RICHARDSON TRUCKING, INC., d.b.a. TRIARC TRANSPORT, 603 8th Street, Greeley, CO 80631. Representative: Wm. Fred Cantonwine (same as above). *Malt Beverages and related advertising materials* from Phoenix, AZ; Irvine and Los Angeles, CA; Belleville and Peoria Heights, IL; Memphis, TN; San Antonio, TX and Milwaukee, WI to facilities of Murray Brothers Distributing Company in Denver, CO for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Murray Bros. Distributing Company, 1505 W. Third Avenue, Denver, CO 80223. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 144926 (Sub-4TA), filed January 19, 1979. Applicant: E. W. WYLIE CORP., Box 1188, Fargo, ND 58107. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Contract carrier: irregular routes: *Sugar beet pulp and sugar beet pulp pellets*, in bulk, from the facilities of Southern Minnesota Beet Sugar Cooperative near Renville, MN, to Superior, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Southern Minnesota Beet Sugar Cooperative, 400 South County Road 18, Suite 219, Minneapolis, MN 55426. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue, North, Fargo, ND 58102.

MC 145026 (Sub-1TA), filed January 23, 1979. Applicant: HORNING TRUCKING CO., 4042 Waterloo Road, Randolph, OH 44265. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. (1) *Charcoal briquettes, boxed fireplace coal, fireplace logs, fuel lighting liquids and advertising materials* from Sebring, Canton and Alliance, OH, to those points in the U.S. east of ND, SD, NE, KS, OK and TX; (2) *Materials and supplies used in the manufacture and distribution of the commodities listed in (1) above* (except commodities in bulk) from the above described destinations to the above described origins; (3) *Charcoal briquettes* from Paris and Cotter, AR, and Salem, MO, to those points in the U.S. east of ND, SD, NE, KS, OK and TX; (4) *Boxed fireplace coal* from Louisville, KY, to those points in the U.S. east of ND, SD, NE, KS, OK and TX; and (5) *Fuel lighting liquids* from Princeton, NJ, to those points in the U.S. east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sebring Forest Industries, Inc., P.O. Box 230, Sebring, OH 44672. Send protests to: Mary A. Wehner, District Supervisor, Interstate Commerce Commission, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 145036 (Sub-1TA), filed January 23, 1979. Applicant: TOM MARTINDALE, 727 N. Fairfax Avenue, Los Angeles, CA 90046. Representative: Same as above. *Classic automobiles*, between CA, AZ, NM, TX, NV, UT, CO, OK, LA, OR and WA, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Kruse Classic Auction, Inc., 12855 Moorpark, Studio City, CA 91604. Rolls Royce of Beverly Hills, Ltd., 8833 West Olympic Blvd., Beverly Hills, CA 90211. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145099 (Sub-2TA), filed January 22, 1979. Applicant: MARLOR ENTERPRISES, LTD., 2950 Altamont Crescent, West Vancouver, B.C., Canada. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract carrier:* irregular routes: *Pipe coating* from Fontana, CA to the ports of entry on the U.S.-Canada International Boundary line in Washington, under contract with Shaw Pipe Protection (Pacific) Ltd., Surrey, BC, Canada for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Shaw Pipe Protection (Pacific) Ltd., 12905—80th Ave., Surrey, BC, Canada V3W 3B1. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 145102 (Sub-6TA), filed January 22, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, Suite 1200, 235 Peachtree Street, NE., Atlanta, GA 30303. *Meats, meat products and meat by-products* from Ft. Dodge and Ottumwa, IA; Austin, MN and Fremont, NE to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 145102 (Sub-7TA), filed January 8, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, P.O. Box 872, Atlanta, GA 30301. *Fresh meats and packing house products*, from the facilities of Wilson Foods Corporation at Albert Lea, MN; Cedar Rapids, Cherokee and Des Moines, IA; Logansport, IN; Monmouth, IL; Marshall, MO and Cold Storage facilities at Peoria, IL to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 145102 (Sub-8TA), filed January 22, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188,

Shullsburg, WI 53586. Representative: Mark C. Ellison, Suite 1200, 235 Peachtree Street, NE., Atlanta, GA 30303. *Meat, meat products, meat by-products and articles distributed by meat packing houses,* from Worthington and St. Paul, MN to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Armour Fresh Meats Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 145220 (Sub-6TA), filed January 16, 1979. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Edible molasses and edible syrup, in bulk, in tank vehicles,* from Edgard and Patoutville, LA to Byhalia, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd.—Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 145339 (Sub-4TA), filed January 10, 1979. Applicant: NEBRASKA BEEF EXPRESS, INC., 5521 S. 91st. St., Omaha, NE 68127. Representative: Kenneth P. Weiner, 408 Executive Bldg., Omaha, NE 68102. *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 MCC 209 and 766 (except hides and commodities in bulk),* from Omaha, NE to Detroit, MI and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): David Kousgaard, Palamera Beef Corporation, 25th & Z Streets, Omaha, NE. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 145384 (Sub-21TA), filed January 16, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Titanium, nickel base, and stainless steel alloys* between the facilities of Tiken, Inc. at or near New Kensington, PA and Stead, NV, on the one hand, and, on the other, points in CA, CT, IN, MI, NY, NV, OH, OR and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Tiken, Inc., P.O. Box 516, New Kensington, PA 15068. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-22TA), filed January 19, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Steel, stainless steel, nickel and aluminum* from the facilities of A. M. Castle & Co. at City of Commerce and Vernon, CA to Salt Lake City, UT, and points in its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): A. M. Castle & Co., 2187 South Garfield, City of Commerce, CA 90040. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 145399 (Sub-5TA), filed January 17, 1979. Applicant: SHAY DISTRIBUTING CO., INC., P.O. Box 3465, Orange, CA 92665. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *(1) Commercial laundry tumblers, dryers and drying equipment; and (2) Washing and cleaning compounds (except in bulk),* from Louisville, KY and Cincinnati, OH to points in GA, FL and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fabritec International, Inc., W. M. Cissell Manufacturing Company, P.O. Box 32270, Louisville, Kentucky 40232. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145406 (Sub-12TA), filed January 18, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Fresh meat* from the facilities utilized by John Morrel & Co. at Sioux City, IA to points in MI for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145577 (Sub-2TA), filed January 9, 1979. Applicant: GULLETT-GOULD, LTD., Drawer 32, Union City, OH 47390. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. *Photographic materials, equipment, chemicals and supplies,* from the facilities of Eastman Kodak Company at Rochester, NY, to the facilities of Eastman Kodak Company in San Ramon, Hollywood and Whittier, CA, and Dallas, TX., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eastman Kodak Company, Michael J. Edie, Manager-Operations, Planning and Analysis, 2400 Mt. Read Blvd., Rochester, NY 14650. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 145588 (Sub-6TA), filed January 17, 1979. Applicant: GULF-MIDWESTERN, INC., 12151 West 44th Avenue, Denver, Colorado 80033. Representative: William W. Selman, 18700 John F. Kennedy Blvd., Houston, TX 77205. *Synthetic resins, reclaimed plastic materials and chemicals,* between points in Brazoria, Galveston, Harris, Jefferson, La Vaca and Orange Counties, TX; to points in the states of CA, GA, IL, IN, IA, LA, MN, NJ, NY, NC, OH, TN, WV, and WA; between points in the states of CA, GA, IN, IA, LA, MN, NJ, NY, NC, OH, TN, TX, WV and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Polydynamics, Inc., Division of Hancor, Inc., Box 392, Hwy. 90A, Hallettsville, TX 77964. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145588 (Sub-7TA), filed January 17, 1979. Applicant: GULF-MIDWESTERN, INC., 12151 West 44th Avenue, Denver, CO 80033. Representative: William W. Selman, 18700 John F. Kennedy Blvd. Houston, TX 77205. *Clay products, glassware, chinaware, earthenware, pottery, stoneware, plastic products, clay bricks and metal products,* from Houston, TX and Humboldt, KS to points in the United States except Alaska and Hawaii, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): CDP Corporation, P.O. Box 587, Richardson, TX 75080. Send protests to: District Supervisor H. C. Ruoff, 492 U. S. Customs House, 721 19th St., Denver, Colorado 80202.

MC 145735 (Sub-1TA), filed January 26, 1979. Applicant: KENNETH BASS, 916 Lakewood Drive, Milton, FL 32570. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Contract, irregular: *Crushed limestone, crushed slag, and crushed rock,* from Shelby, Escambia, Montgomery and Monroe Counties, AL to Milton and Bagdad, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Blackwater Prestressed Concrete, Inc., P.O. Box 808, Milton, FL 35270. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 145781 (Sub-1TA), filed January 16, 1979. Applicant: L and L TRANSPORTATION, INC., 1700 Swanson Drive, Space 80, Rock Springs, WY 82901. Representative: Lynn S. Simonson, (Same address as applicant). (1) *Machinery, equipment and supplies*

used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, restricted against the transportation of complete oil drilling rigs for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are eight shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105 Federal Bldg. & Crt. House, 111 South Wolcott, Casper, WY 82601.

MC 145904 (Sub-2TA), filed January 15, 1979. Applicant: SOUTH WEST LEASING INC., 170 W. 18th Street, Waterloo, IA 50702. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, except hides and commodities in bulk,* FROM Cedar Rapids, IA to points in IL; St. Louis, MO and Chicago, IL and their respective Commercial Zones for 180 days. Restricted to shipments originating at the facilities utilized by Wilson Foods Corporation at Cedar Rapids, IA and destined to the named points. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wilson Foods Corp., 4545 Lincoln Blvd. Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145943 (Sub-1TA), filed January 26, 1979. Applicant: BILLY BARNES ENTERPRISES, INC., P.O. Box 252, Monroeville, AL 36460. Representative: Emmett O. McKenzie, (same address as applicant). *Wood residuals; viz, wood, bark, sawdust, chips, shavings and wood residuals N.O. I.,* between points in AL and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Capital Veneer Works, Inc., P.O. Box 3145, Montgomery, AL 36109. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 145947 (Sub-1TA), filed January 12, 1979. Applicant: SHELTON D. SMITH, d.b.a. PROTOCOL TRUCKING COMPANY, P.O. Box 40961, Garland, TX 75041. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. *Contract carrier:* irregular routes: *Drilling muds, including muds, including friction reducers, non-foaming agents, gels (muds), (restricted against the transportation of said commodities in bulk, in tank vehicles)* from the plantsite of Fritz Chemical Company, Mesquite, TX to points in LA, for the account of Haliburton Services, P.O. Box 1431, Duncan, OK 73533 for 180 days. Underlying ETA for 90 days filed. Supporting Shipper(s): Haliburton Services, P.O. Box 1431, Duncan, OK 73533. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 146018 (Sub-1TA), filed January 16, 1979. Applicant: PENCHANT ENTERPRISES, P.O. Box 3004, Charlotte, NC 28203. Representative: W. G. Reese, III, 2225-M Kilbourne Drive, Charlotte, NC 28205. *Animal, fish & poultry feed, insecticides, fungicides, medicines, drugs, foodstuffs, plastic, bagging, and fibre* between facilities of Ralston Purina Company located at or near Richmond, VA, Wilson and Charlotte, NC on the one hand and, on the other, points and places in NC, SC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Charlotte, NC. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146024 (Sub-1TA), filed January 15, 1979. Applicant: G & R PETROLEUM, INC., 253 SW 4th Avenue, Ontario, OR 97914. Representative: Douglas G. Combs, 7 S W 3rd, Ontario, OR 97914. *Petroleum products in bulk and in tank vehicle,* from the pipeline terminal and storage facilities at or near Boise, ID and Fruitland, ID to points in Malheur County, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Stewart Oil Company, 1025 SE 2nd Street, Ontario, OR 97914; Hansen Oil Company, P.O. Box 96, Vale, OR 97918. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 146066 (Sub-1TA), filed January 26, 1979. Applicant: R. E. GARRISON TRUCKING, INC., P.O. Box 186, Cullman, AL 35055. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Carpet yarn,* from Talladega, AL, to Los Angeles, Irvine, Norwalk, Tustin, and LaMirada, CA, restricted to a transportation service to be performed under a continuing contract, or contracts, with Mid America Yarn Mills, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mid America Yarn Mills, Inc., P.O. Box 1079, Talladega, AL 35160. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146071 (Sub-1TA), filed January 22, 1979. Applicant: DEETZ TRUCKING, INC., P.O. Box 2, Strum, WI 54770. Representative: Ronald V. Dreckman, P.O. Box 306, Whitehall, WI 54773. *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 commodities in bulk and hides), from facilities of Huron Dressed Beef at or near Huron, SD to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Huron Dressed Beef, Inc., P.O. Box 924, Huron, SD. Send protests to: Gail Daugherty, Transportation Asst.

MC 146087TA, filed January 19, 1979. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract carrier:* irregular routes: *Iron and steel articles,* from Pueblo, CO to points in CA, AZ, and NV under contract with CF&I Steel Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): T. E. Nast, CF&I Steel Corporation, P.O. Box 316, Pueblo, CO 81002. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146141TA, filed January 19, 1979. Applicant: ROBERT M. PATE TRUCKING COMPANY, INC., P.O. Box 1479 Momisa Drive, Goldsboro, NC 27530. Representative: Robert M. Pate (same as applicant). Contract authority-irregular routes *furniture and materials, equipment and supplies used in the manufacture of furniture* from Goldsboro, NC to Houston, Dallas, Fort Worth, San Antonio, and El Paso, TX, Albuquerque, NM, Phoenix, Tucson, and Flagstaff, AZ, San Diego, Los Angeles, Oakland, and Sacramento, CA, Las Vegas and Reno, NV, Portland, OR, Seattle and Tacoma, WA, Salt Lake City, UT and Boise, ID; materials, equipment and supplies used in the manufacture of new furniture from Houston, Dallas, Fort Worth, San Antonio, and El Paso, TX, Albuquerque, NM, Phoenix, Tucson, and Flagstaff, AZ, San Diego, Los Angeles, Oakland, and Sacramento, CA, Las Vegas and Reno, NV, Portland, OR, Seattle and Tacoma, WA, Salt Lake City, UT and Boise, ID to Goldsboro, NC under a continuing contract with Kemp Furniture Industries, Inc., Goldsboro, NC for 180 days. Support-

ing Shipper(s): Kemp Furniture Industries, Inc., South Center Street, Goldsboro, NC. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 146142TA, filed January 9, 1979. Applicant: LO-JOHN TRUCKING COMPANY, 432 Walnut Street, Room 1100, Cincinnati, OH 45202. Representative: Beatrice W. Adams, Suite 1400, Six East 4th Street, Cincinnati, OH 45202. Contract carrier: irregular routes: *Steel products*, between Chicago, IL, and Cincinnati, OH, for 180 days. Supporting Shipper(s): United Steel Dist., Robert Baron, President, 432 Walnut Street, Cincinnati, OH 45202. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 146143TA, filed January 11, 1979. Applicant: JOHNIE R. JOHNSON AND BETTY J. RODGER, d.b.a. B & J TRUCKING, R.R. No. 3, Cisne, IL, 62823. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL. 62701. (1) Roofing material, fencing, and nails, from Whiting, IN. to points in IL. on and South of Highway 36. (2) Roofing materials, fencing, and nails, from Camden, AR, Marrero, LA, Laural, MS, Memphis and Paris, TN. to Fairfield, IL. (3) Wall paneling, from Camden, AR, and New Orleans, LA. to Fairfield, IL. For the account of Southern Wholesale Lumber Co., for 180 days. Supporting Shipper(s): Southern Wholesale Lumber Co., 600 S. 1st St., Fairfield, IL. 62837. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 146147TA, filed January 15, 1979. Applicant: WILLIAM R. SHADBURNE AND ESTER W. SHADBURNE; d.b.a. Shadburne Trucking Co., P.O. Box 218, Grass Valley, CA 95945. Representative: William R. Shadburne, (same as applicant). *Contract carrier;* irregular routes: *Lumber*, from points in OR to points in CA, for the account of All Coast Forest Products, for 180 days. Supporting Shipper(s): All Coast Forest Products, 13880 Monta Vista, Chino, CA 91710. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Bldg., Carson City, NV 89701.

MC 146205TA, filed January 26, 1979. Applicant: ROAD COMMERCE CORPORATION, 807 Chestnut Street, Chattanooga, TN 37402. Representative: Joel M. Merren, 295 Cities Service Building, 3445 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract carrier;* irregular routes: *Scrap metals*, between points in AL, DC, FL, GA, IN, IL, KY, LA, MA, MI, MS, MO, NC, NJ, NY, OK, PA, SC, AR, DE, TN, TX, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Southern Foundry Supply, Inc., P.O. Box 6216, Chattanooga, TN 37401. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

PASSENGER APPLICATIONS

MC 93475 (Sub-2TA), filed January 16, 1979. Applicant: ASHBOURNE TRANSPORTATION, INC., 827 E. Glenside Avenue, Wyncote, PA 19117. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. *Passengers and their baggage, in charter operations, conducted with conventional school bus equipment or equipment specifically designed for the transportation of handicapped persons*, beginning and ending at pts. in Philadelphia County, PA, and extending to pts. in DE and NJ, for 180 days. An underlying ETA seeks 90 days authority. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 11 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: T. M. Esposito, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 145553 (Sub-1TA), filed January 18, 1979. Applicant: WILLIAM T. WALLACE, d.b.a. WALLACE CAMPING TOURS, 642½ 26th Street, San Pedro, CA 90731. *Passengers and their baggage, and equipment pertaining to camping to be carried in the same vehicle with passengers in round-trip camping/sightseeing tours*, beginning and ending at Los Angeles, CA and extending to points in CA, AZ, ID, NV, UT, and WY, for 180 days. Supporting Shipper(s): Deutsches Reisebuero, Inc./DER Travel Service, 10100 Santa Monica Boulevard, Los Angeles, California 90067. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 145859 (Sub-1TA), filed January 15, 1979. Applicant: SIERRA HIGHLANDS BUS COMPANY, INC., 1559 Broadway, Fresno, CA 93721. Representative: Otto L. Johansen (Same address as applicant). *Passengers and their baggage in the same vehicle*, in charter operations; (1) From WA and OR to El Centro and Calexico, CA and El Paso, TX; (2) From Fresno, Merced, Madera, San Joaquin, Tulare, Kings, and Kern Counties, CA to El Paso, TX, RESTRICTED TO OPERATIONS WITH THE U.S. DEPT. OF JUSTICE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): U.S. Department of Justice, 511 N. W. Broadway, Portland, OR 97209. Send protests to: District Supervisor M. M. Butler, 211 Main—Suite 500, San Francisco, CA 94105.

By the Commission.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-5541 Filed 2-21-79; 8:45 am]

[7035-01-M]

[Volume No. 12]

PERMANENT AUTHORITY DECISIONS

Decision-notice

Decided: February 5, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after 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.

We Find:

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 common carrier applicant had demonstrated that its proposed service is required by the 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 national tranportation policy. 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 (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed on or before March 26, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-324F), filed November 22, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese,* from the facilities of Newman Grove Creamery Company, at Newman Grove, NE, to points in DE, IL, IN, MD, MA, MI, MN, NJ, NY, OH, PA, VT, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 720 (Sub-60F), filed November 16, 1978. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53703. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53963. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of Wiscold, Inc., at Milwaukee and Beaver Dam, WI, to points in IL, IN, IA, MN, NE, ND, SD, and the Upper Peninsula of MI. (Hearing site: Madison or Milwaukee, WI.)

MC 720 (Sub-61F), filed November 19, 1978. Applicant: BIRD TRUCKING COMPANY, INC., P.O. Box 227, Waupun, WI 53963. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household laundry products, household cleaning compounds, and textile softeners* (except commodities in bulk, in tank vehicles), from the facilities of Purex Corporation, (1) at St. Louis, MO, to those points in IL on and north of U.S. Hwy 36, and (2) at Chicago, IL, to points in WI and the Upper Peninsula of MI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 2110 (Sub-9F), filed November 20, 1978. Applicant: BOWLUS TRUCKING CO., INC., 200 County Road 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *automotive wheels, automotive brakes, and automotive brake assemblies,* and (2) *materials and supplies used in the manufacture or distribution of the commodities named in* (1), between those points in the United States in and east of MN, IA, MO, AR, and LA, under contract with Kelsey-Hayes Co., Auto/Truck Group, of Romulus, MI. (Hearing site: Columbus, OH.)

MC 2392 (Sub-117F), filed December 20, 1978. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furfural and furfuryl alcohol,* from Omaha, NE, to Los Angeles, Ukiah, and Vallejo, CA, Groton, CT, Coffeyville, KS, Pikesville, MD, Hubbard, Columbus, Newark, and South Points, OH, State College, PA, and Memphis, TN. (Hearing Site: Omaha, NE, or Chicago, IL.)

MC 2900 (Sub-350F), filed November 30, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408-R, Jacksonville, FL 32203. Representative: John Carter (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum footwalks and steel footwalks,* from the facilities of IKG Industries, at or near (1) Charlotte, NC, (2) Gulfport, MS, (3) Kansas City, KS, and (4) Nashville, TN, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Nashville, TN, or Atlanta, GA.)

MC 4491 (Sub-13F), filed November 27, 1978. Applicant: GREAT COASTAL EXPRESS, INC., a NJ Corporation, 5600 Midlothian Turnpike, Richmond, VA 23225. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Providence, RI, New York, NY, Philadelphia, PA, points in Orange, Rockland and Westchester Counties, NY, those in Adams, Bedford, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware,

Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Pike, Scuylkill, Snyder, Susquehanna, Union, Wayne, Wyoming, and York Counties, PA, and points in CT, MA, and NJ, on the one hand, and, on the other, points in GA, NC, and SC. (Hearing sites: New York, NY, and Charlotte NC.)

MC 5470 (Sub-163F), filed November 20, 1978. Applicant: TAJON, INC., a Delaware Corporation, R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th St., NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coke*, in dump vehicles, from Detroit and Monroe, MI, to points in IN, NY, OH, PA, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 5470 (Sub-164F), filed November 21, 1978. Applicant: TAJON, INC., a Delaware Corporation, R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alloys, ores, and metals*, in dump vehicles, from Baltimore, MD, to points in CT, MD, NJ, RI, and those in PA on and east of U.S. Hwy 19. (Hearing site: Washington, DC, or New York, NY.)

MC 5470 (Sub-165F), filed November 21, 1978. Applicant: TAJON, INC., a Delaware Corporation, R.D. 5, Mercer, PA 16137. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alloys*, in dump vehicles, from Calvert City, KY, to points in AL, AR, GA, KS, LA, ME, MS, MO, NC, OK, SC, and TN. (Hearing site: Washington, DC, or Buffalo, NY.)

MC 11220 (Sub-163F), filed November 28, 1978. Applicant: GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., P.O. Box 59, Memphis, TN 38101. Representative: James J. Emigh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural herbicides, agricultural insecticides, and agricultural fungicides*, (except commodities in bulk), from the facilities of CIBA-GEIGY Corporation, at or near (1) Birmingham, McIntosh, and Mobile, AL, (2) Baton Rouge, Port Allen, and St. Gabriel, LA, (3) Jackson, MS, and (4) Memphis, TN, to points in IL, IN, OH, and Shelby County, TN, restricted to the transportation of traffic originating at the named origins. (Hearing site: Washington, DC.)

MC 22195 (Sub-176F), filed December 11, 1978. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Avenue, Sioux Falls, SD 57105. Representative: F. Fred Fischer (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products*, in bulk, in tank vehicles, from Minot, ND, to points in MN. (Hearing site: Minneapolis MN, or Sioux Falls, SD.)

MC 25798 (Sub-354F), filed January 5, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina Corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, AR, FL, GA, KS, MO, NC, OK, SC, TN, and TX; and (2)(a) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters*, and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, and SC, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Tampa, FL.)

MC 26825 (Sub-21F), filed January 2, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh and Park Avenue, Box 1609, Norfolk, NE 68701. Representative: Floyd F. Knutson, 3290 Bridgeford Road, Omaha, NE 68124. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers and distributors of infant and juvenile products, between Union Springs, AL, St. Louis, MO, and Gordonsville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Louis, MO.)

MC 26825 (Sub-26F), filed January 2, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh and Park Avenue, Box 1609, Norfolk, NE 68701. Representative: Floyd F. Knutson, 3290 Bridgeford Road, Omaha, NE 68124. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *room heating devices*, from Seattle, WA, San Diego, Los Angeles, and San Francisco, CA, to points in the United States in and east of ID, NV, and AZ, restricted to the transportation of traffic having a prior movement by air or water. (Hearing site: Omaha, NE.)

MC 35320 (Sub-165F), filed November 20, 1978. Applicant: T.I.M.E.-DC, INC., a Delaware Corporation, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Tennessee Valley Authority Yellow Creek Nuclear Plant, at or near Iuka, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. CONDITION: Any certificate issued in this proceeding will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Memphis, TN, or Washington, DC.)

MC 41406 (Sub-99F), filed November 17, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from Union, MO, to points in IL, IA, MS, IN, NC, AR, OK, KY, TN, VA, GA, PA, SC, KS, WI, AL, OH, WV, MI, and (2) *materials* used in the manufacture of steel tubing, in the reverse direction. (Hearing site: Chicago, IL.)

MC 52460 (Sub-228F), filed November 24, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles, and materials, equipment, and supplies used in the manufacture or distribution of paper and paper articles*, (except commodities in bulk, in tank vehicles), between the facilities of Union Camp Corporation, at or near Tifton and Savannah, GA, on the one

hand, and, on the other, those points in the United States in and east of NM, CO, WY, and MT. (Hearing site: Atlanta, GA, or Dallas, TX.)

MC 52614 (Sub-9F), filed November 13, 1978. Applicant: R. S. POWELL, INC., Route 4, Box 673, Madison Heights, VA 24572. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and materials, equipment, and supplies* used in the manufacture, installation, and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in DE, MD, NC, SC, TN, VA, WV, and DC, under contract with Georgia-Pacific Corporation, of Rosemont, PA. (Hearing site: Washington, DC.)

MC 59317 (Sub-12F), filed November 13, 1978. Applicant: BISOM TRUCK LINE, INC., 725 First Street North, Newton, IA 50208. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *household appliances, commercial washing machines, and commercial dryers*, and (2) *parts and accessories* for the commodities in (1) above, from Newton, IA, to points in IL, MN, ND, NE, SD, WI, those in the Upper Peninsula of MI, those in MT in and east of Phillips, Petroleum, Musselshell, Yellowstone, and Big Horn Counties, and those in WY in and east of Sheridan, Johnson, Natroona, and Carbon Counties. (Hearing site: Des Moines, IA, or Minneapolis, MN.).

MC 71902 (Sub-97F), filed December 12, 1978. Applicant: UNITED TRANSPORTS, INC., P.O. Box 18547, Oklahoma City, OK 73154. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new imported agricultural tractors*, in secondary truckaway service, from the facilities of the Hinomoto Tractor Sales, U.S.A., Inc., at points in Grayson County, TX, to points in AR, LA, MS, OK, and TX. (Hearing site: Washington, DC, or Houston, TX.)

MC 75320 (Sub-204F), filed November 24, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Solar Hardware Corp., at or near Taylorsville, MS, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Jackson, MS.)

MC 82226 (Sub-3F), filed November 14, 1978. Applicant: CENTRAL MOVING & STORAGE CORP., 515 South First Street, Milwaukee, WI 53204. Representative: Richard C. Alexander, Suite 412, Empire Building, 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, as defined by the Commission, and *unaccompaned baggage*, between Milwaukee, WI, on the one hand, and, on the other, points in Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha Counties, WI, restricted to the transportation of shipments having a prior or subsequent movement beyond the above points. (Hearing site: Washington, DC.)

MC 82492 (Sub-213F), filed December 26, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals* (except commodities in bulk), from the facilities of National Starch & Chemical Corporation, at or near Meredosia, IL, to those points in NY in and west of Broome, Cortland, Onondaga, and Oswego Counties, and points in OH, KY, TN, MO, KS, NE, MN, IA, WI, IL, IN, and MI. (Hearing site: Washington, DC, or Chicago, IL.)

MC 82492 (Sub-214F), filed December 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, materials* and *supplies* used in the manufacture of paper and paper products, between the facilities of International Paper Company, at or near Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

MC 90870 (Sub-13F), filed November 20, 1978. Applicant: RIECHMANN ENTERPRISES, INC., a Missouri Corporation, Route 2, Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of LaBarge, Inc., at (a) St. Louis, MO, (b) Bellevue, OH, (c) Waggner, OK, (d) Memphis, TN, (e) New Orleans, LA, and (f) Houston, TX, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies used in the manufacture or distribution of iron and steel articles*, in the reverse direction. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 90870 (Sub-14F), filed November 22, 1978. Applicant: RIECHMANN ENTERPRISES, INC., a Missouri corporation, Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lead, lead alloys, and zinc*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk and those requiring the use of special equipment), between Herculaneum, MO, on the one hand, and, on the other, points in AL, GA, IL, IN, IA, KY, LA, MI, MO, OH, OK, TN, and WI. (Hearing site: St. Louis, MO, or Washington, DC)

MC 93840 (Sub-41F), filed November 17, 1978. Applicant: GLESS BROS., INC., P.O. Box 216, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement and cement products*, from Buffalo, IA, to points in IL, MN, MO, and WI. (Hearing site: Des Moines, IA, or Chicago, IL)

MC 95540 (Sub-1064F), filed November 22, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 W. Griffin Rd., P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appen-

dix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Huron, SD, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Phoenix, AZ, or Washington, DC)

MC 95920 (Sub-51F), filed November 20, 1978. Applicant: SANTRY TRUCKING CO., a corporation, 10505 N.E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such foodstuffs, equipment, and supplies as are used by restaurants and institutions*, between Carson, Bakersfield, and Fresno, CA, Portland, OR, and Las Vegas, NV, on the one hand, and, on the other, points in CA, NV, OR, and WA, under contract with International Foodservice/Los Angeles, Inc., of Carson, CA. (Hearing site: Los Angeles, CA)

MC 100449 (Sub-95F), filed January 11, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from Appleton, WI, to points in CO, IA, KS, MN, MO, NE, ND, and SD. (Hearing site: Buffalo, NY, or Washington, DC)

MC 100449 (Sub-99F), filed January 11, 1979. Applicant: MALLINGER TRUCK LINE, INC., R. R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of The Larsen Company, at points in WI, to points in AR, CO, IA, KS, LA, MO, MN, NE, ND, OK, SD, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: Green Bay, WI)

MC 100449 (Sub-100F), filed January 11, 1979. Applicant: MALLINGER TRUCK LINE, INC., R. R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, (1) from the facilities of Rich Products Corp., at Appleton, WI, to the facilities of Rich Products Corp., at Murfreesboro, TN, and (2) from the facilities of Rich Products Corp., at Murfreesboro, TN, to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Buffalo, NY, or Washington, ED)

MC 100449 (Sub-101F), filed January 11, 1979. Applicant: MALLINGER TRUCK LINE, INC., R. R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beverages and beverage concentrates*, (except commodities in bulk), from the facilities of Texsun Corporation, at or near Weslaco, TX, to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, and WI, restricted to the transportation of traffic originating at the named origin. (Hearing site: Dallas or Houston, TX)

MC 100449 (Sub-102F), filed January 11, 1979. Applicant: MALLINGER TRUCK LINE, INC., R. R. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Farmland Foods, at Denison, Carroll, Iowa Falls, Des Moines, Fort Dodge, Cherokee, and Sioux City, IA, and Crete and Lincoln, NE, to points in IL, IN, KS, MI, MN, MO, NE, ND, OK, SD, TX, and WI. (Hearing site: Washington, DC, or Kansas City, MO.)

MC 105045 (Sub-93F), filed January 11, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corp., at Ravenswood, WV, to points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Washington, DC.)

MC 106674 (Sub-356F), filed November 13, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and materials, equipment, and supplies* used in the manufacture, installation and distribution of building materials, between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in AL, CT, DE, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107012 (Sub-328F), filed December 18, 1978. 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). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *appliances, equipment and parts* for appliances, from points in Los Angeles, Orange, and San Bernardino Counties, CA, to points in the Unites States (except AK and HI), restricted against the transportation of household appliances, from points in Los Angeles, Orange, and San Bernardino Counties, CA, to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, WI, and DC. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 108382 (Sub-31F), filed December 28, 1978. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Richard L. Poirier (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pig iron*, in dump vehicles, between Bay City, MI, and points in MI. (Hearing site: Lansing or Detroit, MI.)

MC 110525 (Sub-1278F), filed January 10, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a Delaware corporation, 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *methanol*, in bulk, in tank vehicles, from New Haven, CT, to points in RI, MA, ME, and NH. (Hearing site: Boston, MA.)

NOTE.—Dual operations may be involved.

MC 110525 (Sub-1279F), filed January 11, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., a Delaware corporation, 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry sugar*, in bulk, in tank vehicles, from

Yonkers, NY, to points in VA. (Hearing site: New York, NY.)

NOTE.—Dual operations may be involved.

MC 111401 (Sub-537F), filed December 6, 1978. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum naphtha*, in bulk, in tank vehicles, from Cyril, OK, to points in IA. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 111401 (Sub-538F), filed December 6, 1978. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour*, in bulk, in tank vehicles, from Fargo, ND, to Pittsburg, KS. (Hearing site: Kansas City, MO, or Tulsa, OK.)

MC 111611 (Sub-40F), filed November 3, 1978. Applicant: NOERR MOTOR FREIGHT, INC., 105 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic containers*, and *parts* for plastic containers, from the facilities of IMCO Container Company, (1) at or near Lewistown, PA, to points in OH, IL, IN, VA, PA, NY, MD, DE, NJ, CT, RI, and MA, and (2) at or near Harrisburg, PA, Rockaway, NJ, Jeffersonville, IN, Vandalia, IL, Pittsfield, MA, and Goleta, LaMirada, and Union City, CA, to Lewistown, PA. (Hearing site: San Francisco, CA, or Harrisburg, PA).

MC 111812 (Sub-606F), filed December 27, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Wilson Foods Corporation, at Monmouth, IL, to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL).

MC 111812 (Sub-609F), filed December 26, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and filters*, (except commodities in bulk, in tank vehicles), from the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, to points in CO, CT, DE, FL, GA, IA, IL, KS, ME, MD, MA, MN, MO, NC, NE, NH, ND, NJ, NY, SC, SD, VT, and WI; and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufactures, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in IL, NY, OH, and SC to the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Vicksburg, MS).

MC 111812 (Sub-610F), filed December 27, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, (a) from Franklin, KY, to points in the United States (except AK, HI, and KY) and (b) from Waseca, MN, to Franklin, KY; and (2) *materials, equipment, and supplies* used in the manufacture and production of printed matter (except commodities in bulk and those requiring special equipment), from points in the United States (except AK, HI, and KY), to Franklin, KY. (Hearing site: St. Paul, MN).

MC 112520 (Sub-357F), filed November 28, 1978. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, from points in Muscogee County, GA, to points in AL, LA, MS, NC, SC, TN, TX, and VA. (Hearing site: Atlanta, GA.)

MC 113460 (Sub-9F), filed November 16, 1978. Applicant: BLACKHAWK TRANSPORTATION, INC., 3509 E. 29th St., Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, cooked, cured, or preserved, from the facilities of Wilson Foods Corp., at Clarinda, IA, to points in IN, MA, MI, NJ, NY, OH, and PA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 113855 (Sub-460F), filed January 2, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by distributors and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products, (except commodities in bulk), from Belleville, PA, to points in AL, FL, GA, IL, IN, MN, MS, MO, and WI. (Hearing site: Washington, DC.)

MC 113855 (Sub-461F), filed January 2, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Alan Foss, 502 First First National Bank Building, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by distributors and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products, (except commodities in bulk), (1) from New Holland and Mountville, PA, to points in AL, FL, GA, IL, IN, MN, MS, MO, and WI, and (2) from Grand Island and Lexington, NE, to points in MN, ND, SD, and WI. (Hearing site: Washington, DC.)

MC 113855 (Sub-462F), filed January 12, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58126. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *water treating equipment, pollution control equipment, metal fabrications, and machinery*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, between the facilities of Belco Pollution Control Corp., in Fairfield,

NY, on the one hand, and, on the other, points in the United States (including AK but excluding HI). (Hearing site: Washington, DC.)

MC 114274 (Sub-54F), filed November 9, 1978. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *household cleaning products and household cleaning articles*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) between St. Louis, MO, and Chicago, IL, on the one hand, and, on the other, points in IA and NE, and (b) from Omaha, NE, to Rockford, IL. (Hearing site: St. Louis, MO.)

NOTE.—The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate.

MC 114284 (Sub-79F), filed November 8, 1978. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, 1700 South Portland, P.O. Box 82307, Oklahoma City, OK 73108. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Corporation at or near Dodge KS, to points in AZ, AR, CA, IL, IA, MO, NE, NM, NV, OK, TX, and SD, restricted to the transportation of traffic originating at the named origin. (Hearing site: Wichita, KS.)

MC 114890 (Sub-85F), filed November 20, 1978. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminster Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk, in tank vehicles, from Walnut Ridge, AR, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MS, NE, TN, and TX. (Hearing site: St. Louis, MO, or Memphis, TN.)

MC 114890 (Sub-86F), filed November 20, 1978. Applicant: COMMERCIAL CARTAGE CO., a corporation, 343 Axminister Drive, Fenton, MO 63026. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk, from the facilities of Brunswick River Terminal, Inc., at or near Brunswick, MO, to points in AR, IL, IN, IA, KS, KY, MO, NE, OK, and TN. (Hearing site: Oklahoma City, OK, or St. Louis, MO.)

MC 115162 (Sub-444F), filed December 27, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. DRAWER 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Charleston, WV, or Washington, DC.)

MC 115841 (Sub-659F), filed December 5, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., an AL corporation, 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture*, and *furniture parts*, from the facilities of Thomasville Furniture Industries, Inc., at or near Appomattox and Brookneal, VA, and Thomasville, Winston-salem, Pleasant Garden, Lenoir, and Hickory, NC, to points in AR, AZ, CA, CO, IA, IL, IN, KS, LA, MI, MN, MO, NE, NM, NV, OH, OK, OR, TX, WA, and WI. (Hearing site: Raleigh, NC.)

MC 117574 (Sub-322F), filed November 15, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles, steel pole substation structures, and materials, equipment, and supplies* used in the construction and erection, and maintenance of substation structures (except commodities in bulk), between the facilities of Power Enterprises, Inc., Power Structures Division, at or near Belle Chasse, LA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IA, KY, LA, ME, MA, MD, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Washington, DC, or New Orleans, LA.)

MC 117872 (Sub-11F), filed December 7, 1978. Applicant: A. JOSEPH AND COMPANY, a corporation, 352 E. Woodrow Wilson Avenue, P.O. Box 4798, Jackson, MS 39216. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *coconuts and pineapples* which are otherwise exempt from economic regulation under Section 10526 (a)(6) (formerly Section 203 (b)(6)) of the Interstate Commerce Act, in mixed loads with bananas, from Galveston, TX, to points in CO. (Hearing site: Denver, CO.)

MC 117940 (Sub-303F), filed November 28, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and foodstuffs), (1) from the facilities of Associated Shippers, Inc., at St. Louis, MO, to points in AL, CO, CT, FL, GA, LA, NM, OR, TX, WA, and DC, and (2) between the facilities of Associated Shippers, Inc., at St. Louis, MO, on the one hand, and, on the other, points in CA, MA, NC, NJ, NY, and PA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: St. Louis, MO.)

MC 118130 (Sub-93F), filed November 14, 1978. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *charcoal briquettes, vermiculite, hickory chips, fire place logs, wax impregnated compressed sawdust, charcoal lighter fluid, and accessories* for barbeque grills, (a) from Springfield, OR, to points in AZ, CA, ID, MT, NV, UT, WA, and WY, (b) from Elk Grove, CA, to points in AZ, CA, NV, and UT, (c) from Cotter, AR, to points in AZ, CA, CO, IL, KS, MO, NM, OK, and TX, and (d) from Jacksonville, TX, to

points in AZ, CA, CO, NV, NM, and OK, and (2) *materials, equipment, and supplies* used in the sale and distribution of the commodities in (1) above, (a) from points in AZ, CA, ID, MT, NV, UT, WA, and WY, to Springfield, OR, (b) from points in AZ, CA, NV, and UT, to Elk Grove, CA, (c) from points in AZ, CA, CO, IL, KS, MO, NM, OK, and TX, to Cotter, AR, and (d) from points in AZ, CA, CO, NV, NM, and OK, to Jacksonville, TX. (Hearing site: Dallas, TX, or Louisville, KY.)

MC 118159 (Sub-312F), filed January 14, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., a Louisiana corporation, P.O. Box 51366 Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Boulevard, Ft. Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of The Mead Corporation, at or near Kingsport, TN, to points in AL, CT, DE, FL, GA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: Chicago, IL.)

MC 119380 (Sub-6F), filed November 20, 1978. Applicant: RICHARD LEAF, DALE RATLIFF, OLIVER RATLIFF, and DAMON BARRITT, a partnership, d.b.a. RATLIFF, BROS. AND CO., 701 Dewey Ave., Kewanee, IL 61443. Representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, IL 60641. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in dump vehicles, from points in Fulton County, IL, to points in Clinton, Des Moines, Lee, Louisa, Muscatine, and Scott Counties, IA. (Hearing site: Chicago, IL.).

MC 119496 (Sub-16F), filed November 13, 1978. Applicant: THE JAMES GIBBONS CO., a corporation, 1700 Sutton Avenue, Baltimore, MD 21227. Representative: L. C. Major, Jr., Suite 400 Overlook Bldg., 6121 Lincolnia Road, P.O. Box 11278, Alexandria, VA 22312. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in containers, from the facilities of Quaker State Oil Refining Corp., in Congo, WV, to Baltimore, MD, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: Washington, DC, or Baltimore, MD.)

MC 119634 (Sub-30F), filed November 13, 1978. Applicant: DICK IRVIN, INC., 218 12th Avenue North, P.O. Box F, Shelby, MT 59474. Representative: Charles R. Irving (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drilling mud and materials* used in the manufacture of drilling mud, from points in Big Horn County, WY, to points in MT, ID, and WA. (Hearing site: Great Falls or Billings, MT.)

MC 119634 (Sub-31F), filed November 13, 1978. Applicant: DICK IRVIN INC., 218 12th Avenue North, P.O. Box F, Shelby, MT 59474. Representative: Charles R. Irvin (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, from points in ID and WA to points in MT, ID, WA, and OR. (Hearing site: Great Falls or Billings, MT.)

MC 119700 (Sub-50F), filed November 17, 1978. Applicant: STEEL HAULERS, INC., a Kansas corporation, 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of United States Steel corp., at McDonald, Cleveland, and Lorain, OH, to points in AR, KS, LA, MO, MS, OK, and TX. (Hearing site: Pittsburgh, PA, or Chicago, IL.)

MC 119726 (Sub-147F), filed November 14, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rubber articles and plastic articles, and rubber and plastic articles*, from the facilities of Entek Corporation of America, at or near Irving, TX, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, (except commodities in bulk), in the reverse direction. (Hearing site: Dallas, TX, or Indianapolis, IN.)

MC 121060 (Sub-82F), filed November 17, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum articles*,, between Belton, SC, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), in the reverse direction. (Hearing site: Washington, DC.)

MC 121470 (Sub-17F), filed November 14, 1978. Applicant: TANKSLEY TRANSFER CO., a corporation, 801 Cowan Street, Nashville, TN 37207. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *treated poles, crossarms, cross ties, switch ties, lumber, and piling*, from the facilities of American Creosote Works, Inc., at or near (1) Jackson, TN, and (2) Louisville, MS, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and WI. (Hearing site: Nashville, TN.)

MC 121664 (Sub-48F), filed November 14, 1978. Applicant: G. A. HORNADY, CECIL M. HORNADY, and B. C. HORNADY, a partnership, d.b.a. HORNADY BROS. TRUCK LINE, P.O. Box 846, Monroeville, AL 36460. Representative: Donald B. Sweeney, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel plates, steel sheets, and steel coils*, from Gadsden, AL, to points in FL, GA, NC, SC, VA, WV, TN, KY, MS, TX, LA, AL, and AR. (Hearing site: Birmingham, AL.)

MC 123819 (Sub-77F), filed January 5, 1979. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *paper bags* and (b) *textile bags*, in mixed loads with paper bags, from Memphis, TN, to points in CA, CT, DE, ID, MN, MT, NV, NH, NJ, ND, OR, PA, RI, SD, UT, VT, WA, WV, WI, WY, and DC, (2) *textile bags*, from Memphis, TN, to points in AL, FL, LA, MS, and TX, (3) *plastic bags*, from Memphis, TN, to points in the United States (except AK and HI), and (4) *materials and supplies* used in the manufacture, processing and distribution of the commodities in (1), (2), and (3) above, from points in the United States (except AK and HI), to Memphis, TN. (Hearing site: Memphis, TN.)

MC 124071 (Sub-15F), filed November 26, 1978. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue, South, St. Cloud, MN 56301. Repre-

sentative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel castings*, from Chehalis, WA, to Sartell, MN; and (2) *clay*, in bags, from Anniston, AL, to Sartell, MN, under contract with DeZurik Corporation, of Sartell, MN. (Hearing site: St. Paul, MN.)

NOTE.—Dual operations may be involved.

MC 124692 (Sub-258F), filed December 27, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *prefabricated metal buildings*, knocked down, *component parts, materials, and accessories* for prefabricated metal buildings, from Spanish Forks, UT, to points in AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, TX, WA, and WY; and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, from Sparrow Point, MD, Pueblo, CO, and Gadsden, AL, to Spanish Forks, UT. (Hearing site: Salt Lake City, UT, or Houston, TX.)

MC 127042 (Sub-232F), filed December 6, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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), (1) from Council Bluffs, IA, to points in AZ, CA, NV, OR, and WA, (2) from Estherville, IA, to points in CA, (3) from Sioux Center, IA, to points in CA, (4) from Sioux City, IA, to points in AZ, CA, OR, UT, and WA, (5) from St. Paul, MN, to points in CA, (6) from Omaha, NE, to points in AZ, CA, NV, OR, and WA, (7) from Kenosha, WI, to points in CA and CO, and (8) from Oakland, IA, to points in IL. (Hearing site: Omaha, NE, or Sioux City, IA.)

MC 127042 (Sub-235F), filed December 26, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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, in tank vehicles), (1) from Milwaukee, WI, to points in CA, OR, and WA, and (2) from New London and Seymour, WI, to points in CA. (Hearing site: Milwaukee, WI.)

MC 127840 (Sub-84F), filed November 17, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, between points in Lake Country, IN, and Cook, Will, DuPage, Kane, Kendall, Grundy, Lake, and McHenry Counties, IL, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 127840 (Sub-85F), filed November 20, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal fats, animal oils, and vegetable oils*, in bulk, in tank vehicles, and (2) *products and blends of the commodities named in (1)*, in bulk, in tank vehicles, from Bradley, IL, to points in AL, AZ, AR, CA, FL, GA, ID, LA, MS, MO, MT, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY; and (3) *materials and supplies used in the manufacture or distribution of the commodities named in (1) and (2)*, in bulk, in tank vehicles, from points in the United States (except AK and HI), to Bradley, IL. (Hearing site: Chicago, IL.)

MC 128051 (Sub-3F), filed December 4, 1978. Applicant: MAKAR TRUCKING, INC., 48 South Jefferson Road., Whippany, NJ 07981. Representative: Nathaniel H. Yohalem, Sutton Metro Park, Woodbridge, NJ 07095. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, wood products, aspenite*, and *railroad ties*, between points in CT, DE, MD, NJ, NY, and PA. (Hearing site: New York, NY, or Washington, DC.)

MC 128270 (Sub-31F), filed October 10, 1978, previously noticed in FEDERAL REGISTER issue of December 5, 1978. Applicant: REDIEHS INTERSTATE, INC., a Delaware corporation, 1477 Ripley Street, Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities as are dealt in or used by wholesale metal dealers, wholesale metal processors, and automobile crushers*, (2) *transmissions and frames*, and (3) *such commodities as are used in the installation of the commodities named in (1) and (2) above*, between those points in the United States in and west of OH, KY, TN, GA, and FL (except AK and HI), restricted to the transportation of traffic originating at or destined to points in the territory described above. (Hearing site: Chicago, IL, or Denver CO.)

NOTE.—This republication adds *transmissions and frames* in the commodity description and changes the territorial description from radial to non-radial movements.

MC 128270 (Sub-33F), filed November 8, 1978. Applicant: REDIEHS INTERSTATE, INC., a Delaware corporation, 1477 Ripley Street, Lake Station, IN 46405. Representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building and construction materials, and iron and steel articles*, (except commodities in bulk), between points in CO, on the one hand, and, on the other, points in AZ, ID, MT, NE, NV, NM, OK, TX, UT, and WY. (Hearing site: Denver, CO.)

MC 128966 (Sub-7F), filed November 13, 1978. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, MO 64101. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, and (2) *frozen foods and foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Kansas City, MO, to points in KS on and east of U.S. Hwy 281. (Hearing site: Kansas City, MO.)

MC 129026 (Sub-6F), filed November 17, 1978. Applicant: J. C. D. TRANSPORTATION CORP., P.O. Box 487, 5950 Fisher Road, East Syracuse, NY 13057. Representative: Martin Werner, 15th Floor, 888 Seventh Avenue, New York, NY 10019. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk, in tank vehicles), between the facilities of Seneca-Lin-

coln Foods Division of Seneca Foods Corp., at or near Dundee, Geneva, Himrod, and Penn Yan, NY, on the one hand, and, on the other, New York, NY, and points in AR, MO, OH, MI, IN, IL, WI, KY, PA, WV, NC, MD, NJ, and DC, under contract with Seneca Foods Corp., of Dundee, NY. (Hearing site: Syracuse, NY.)

MC 129031 (Sub-6F), filed November 27, 1978. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 North Avenue 18, Los Angeles, CA 90031. Representative: William Davidson, 2455 East 27th Street, Vernon, CA 90058. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wearing apparel*, between Los Angeles and Carson, CA, on the one hand, and, on the other, Chicago, and Alsip, IL, Atlanta and Forest Park, GA, and North Bergen, NJ, under contracts with Fashion Barn Inc., of Bayside, NY, and K-Mart Apparel Corp., of North Bergen, NJ. (Hearing site: Los Angeles, CA.)

MC 129291 (Sub-10F), filed November 8, 1978. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Road, Lexington, KY 40505. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Paris, KY, and Carlisle, KY, from Paris over U.S. Hwy 68 to the southernmost junction of U.S. Hwy 68 and KY Hwy 32, then over KY Hwy 32 to Carlisle, and return over the same route, serving all intermediate points, restricted against the transportation of traffic originating, at, or destined to the facilities of Blue Grass Knitting, Inc., and Jockey Men's Wear, at or near Carlisle, KY, and the facilities of W. R. Stamler Corp., at or near Millersburg, KY. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's written request, of MC 129291 Sub 9. (Hearing site: Lexington or Louisville, KY.)

NOTE—Applicant presently holds the similar authority in MC 129291 Sub 9, served August 11, 1977, which is restricted against the transportation of traffic originating at, or destined to the facilities of Blue Grass Knitting, Inc., Blue Grass Industries, Inc., and Jockey Men's Wear, at or near Carlisle, KY, and the facilities of W. R. Stamler Corp., at or near Millersburg, KY. The purpose of this application is to modify the restriction in MC 129291 Sub 9.

MC 133095 (Sub-232F), filed December 29, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic beverages*, (except in bulk), from Louisville and Frankfort, KY, Lawrenceburg, IN, and Schenley, PA, to Cheyenne, WY. (Hearing site: Dallas, TX.)

MC 133095 (Sub-235F), filed January 15, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds* (except commodities in bulk), from Detroit, MI, to points in CA, GA, KY, LA, NC, TN, and TX. (Hearing site: New York, NY, or Boston, MA.)

MC 133095 (Sub-236F), filed January 12, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plumbers goods and fittings*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, from the facilities of American Standard, at New Orleans, LA, to points in AR, OK, NM, and TX. (Hearing site: New York, NY.)

MC 133562 (Sub-32F), filed December 27, 1978. Applicant: HOLIDAY EXPRESS CORP., P.O. Box 115, Estherville, IA 51104. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, 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, skins, and commodities in bulk, in tank vehicles), from the facilities of John Morrell & Co., at or near Estherville, IA, to points in IL, IN, MI, OH, and WI, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Chicago, IL.)

MC 133591 (Sub-56F), filed November 21, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery products*, from Fort Worth, TX, to those points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI.) (Hearing site: Dallas, TX, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 135237 (Sub-5F), filed November 14, 1978. Applicant: EAST PENN TRUCKING COMPANY, a Corporation, R.D. 1, Lehighton, PA 17108. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *minerals and mineral mixtures* (except commodities in hopper or tank vehicles), (a) between points in Carbon, Luzerne, and Schuylkill Counties, PA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, and (b) between points in NJ, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 135410 (Sub-31F), filed November 20, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed and poultry feed* (except commodities in bulk), from the facilities of Doane Products Company, (a) at Manassas, VA, to points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, and WV, and (b) at Muscatine, IA, to points in CT, DE, IL, IN, KY, MD, MA, MI, NJ, NY, OH, PA, RI, VA, WV, and WI; and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, except commodities in bulk and those requiring the use of special equipment), from CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, WV, and WI, to the facilities of Doane Products Company, at Manassas, VA, restricted, in (1) and (2), to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: Kansas City or St. Louis, MO.)

MC 136315 (Sub-53F), filed January 11, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, and hydrants*, and (2) *accessories* used in the installation of the commodities in (1) above, from the facilities of Clow Corporation, at or near (a) Columbia, MO, and (2) Buckhannon, WV, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Jackson, MS, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 136315 (Sub-52F), filed January 11, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *refractory products*, and *materials, equipment, and supplies* used in the manufacture and distribution of refractory products (except commodities in bulk), from the facilities of Harbison Walker Refractories, (1) at or near Bessemer and Fairfield, AL, to points in AR, KS, LA, MS, MO, OK, and TX, (2) Fulton and Vandalia, MO, to points in AL, FL, KY, LA, MS, NC, SC, TN, and TX, and (3) Hammond, IN, to points in AL, AR, FL, GA, LA, MS, OK, TN, and TX. (Hearing site: Jackson, MS, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 136315 (Sub-55F), filed January 11, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of EBAA Iron, Inc., at or near Eastland and Frisco, TX, to points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in the reverse direction. (Hearing site: Jackson, MS, or Dallas, TX)

NOTE.—Dual operations may be involved.

MC 138469 (Sub-101F), filed January 11, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Steel and plastic strappings, steel and plastic bands, bailing, tie buckles, strapping seals, wire reels, gummed tape, packing containers*, and *mechanical hand tools*, from the facilities of A. J. Gerrard & Company, (a) at or near Leeds, AL, to the facilities of A. J. Gerrard & Company, at Des Plaines, IL, and points in AZ, (b) at Florence, AL, to the facilities of A. J. Gerrard & Company, at Des Plaines, IL, and points in AZ, CA, OR, and WA, (c) at Des Plaines, IL, to the facilities of A. J. Gerrard & Company, at or near Florence and Leeds, AL, and (2) *cold rolled steel*, from the facilities of A. J. Gerrard & Company, at or near Florence, AL, to the facilities of A. J. Gerrard & Company, at Des Plaines, IL, restricted in (1) and (2) above, to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Chicago, IL)

MC 138732 (Sub-15F), filed December 27, 1978. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress St., Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, and wood products*, from points in OR, to points in AZ, CA, and NV. (Hearing Site: San Francisco, CA)

NOTE.—Dual operations are at issue in this proceeding.

MC 139482 (Sub-81F), filed December 28, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), between the facilities of Shari Candies, Inc., at Mankato, MN, and the facilities of Barg and Foster, Inc., at Milwaukee, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: St. Paul, MN)

NOTE.—Dual operations are at issue in this proceeding.

MC 139482 (Sub-82F), filed December 28, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by wholesale and retail department stores, drug stores, pet stores, and food houses (except commodities in bulk), from the facilities of Carter-Wallace, Inc., at or near Cranbury and Lakewood, NJ, to points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, OH, OK, SC, TN, TX, VA, WI, and DC. (Hearing site: New York, NY, or Chicago, IL.)

NOTE.—Dual operations are at issue in this proceeding.

MC 139495 (Sub-405F), filed January 4, 1979. Applicant: NATIONAL CARRIERS, INC. 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20901. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery products*, from the facilities of Interbake Foods, Inc., at or near Battle Creek, MI, and North Sioux City, SD, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 139495 (Sub-406F), filed January 5, 1979. Applicant: NATIONAL CARRIERS, INC. 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, and *materials and supplies* used in the manufacture and distribution of frozen foods (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN. (Hearing site: Washington, DC.)

MC 139814 (Sub-3F), filed November 13, 1978. Applicant: G.W. TRANSFER, INC., 3100 State Route, P.O. Box 295, Mt. Gilead, OH 43338. Representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials and equipment* used in the manufacture of power shovels, drag lines, and drills, and (2) *accessories, attachments, and parts* for power shovels, drag lines, and drills, between points in the United States (except HI), under contract(s) with Marion Power Shovel, Division of Dresser Industries, Inc., of Marion, OH. (Hearing site: Columbus, OH.)

MC 141450 (Sub-7F), filed November 20, 1978. Applicant: OLIN WOOTEN TRANSPORT, INC., P.O. Box 731, Hazelhurst, GA 31539. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sheet steel containers*, from Baltimore, MD, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MI, MS, NC, NJ, NY, OH, PA, SC, TN, VA, and WV, under contract with Steeltin Can Corporation, of Baltimore, MD. (Hearing site: Jacksonville, FL, or Atlanta, GA.)

MC 141452 (Sub-3F), filed December 29, 1978. Applicant: INDUSTRIAL MOLASSES COMPANY, INC., 6600 France Avenue South, Minneapolis, MN 55435. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid feed and liquid feed ingredients*, (1) from Rothschild, WI, to points in MN, and (2) from Peru and Pekin, IL, to points in WI and IA, under contract with Westway Trading Corporation, of Minneapolis, MN. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 141575 (Sub-14F), filed January 22, 1979. Applicant: TFS, INC., Box 126, Rural Route 2, Grand Island, NE 68801. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pepperoni*, from San Francisco, CA, to Salina, KS, under contract with Oxford Cheese Corporation, of Oxford, NE. (Hearing site: Lincoln, NE, or Grand Island, NE.)

MC 141694 (Sub-6F), filed November 14, 1978. Applicant: HARCO CARRIERS, INC., 1808 Ford Road, Minnetonka, MN 55343. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sheet steel fireplaces*, knocked down, from the facilities of El Fuego Corp., at or near Oakville, CT, to points in WI, IA, MN, NE, ND, SD, and those in IN on and north of U.S. Hwy 30, and those in IL on and north of Interstate Hwy 80. (Hearing site: Minneapolis, MN.)

MC 141804 (Sub-150F), filed November 9, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper bags and plastic bags*, from Florence, KY, and New York, NY, to points in WA, OR, and CA. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-151F), filed November 9, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *mouldings, mill work, wood products, and building materials*, from the facilities of Sierra Pacific Industries at Chico, CA, to Atlanta, Ga, Grandville, MI, Hatfield, MA, Ocala, FL, Providence, RI, Toledo, OH, and Waterbury, CT. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-152), filed November 13, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *toys, pools, and accessories* for toys and pools, between points in CA, WA, OR, UT, and AZ, on the one hand, and, on the other, Amsterdam and Gloversville, NY. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141804 (Sub-153F), filed November 13, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper labels, gummed paper, corrugated boxes*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Los Angeles County, CA, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Los Angeles of San Francisco, CA.)

MC 142332 (Sub-5F), filed December 21, 1978. Applicant: MEAT HANDLERS' EXPRESS, INC., 900 Easy Street, Camano Island, WA 98292. Representative: Michael D. Duppenthaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the manufacture of grinding wheels, from Worcester, MA, Bound Brook, Camden, South Brunswick, and South Hackensack, NJ, Cave-In-Rock, IL, and points in Niagara and Erie Counties, NY, to Marysville, WA, under contract with Pacific Grinding Wheel Co., Inc., of Marysville, WA. (Hearing site: Seattle, WA.)

MC 142941 (Sub-20F), filed November 28, 1978. Applicant: SCARBOROUGH TRUCK LINES, INC., a corporation, 1313 North 25th Ave., Phoenix, AZ 85009. Representative: Lewis P. Ames, 111 West Monroe, Phoenix, AZ 85003. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at or near Joplin and Carthage, MO, to points in AZ, CA, and UT, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. NOTE: In view of the findings in No. MC 142941 (Sub-No. 5) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 1 year from its effective date unless, prior to its expiration applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations. (Hearing site: Minneapolis, MN, or Phoenix, AZ.)

MC 143551 (Sub-3F), filed December 4, 1978. Applicant: ROBERT and DOROTHY MUCKENHIRN, d.b.a. TRIANGLE TRUCKING, Delano, MN 55403. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55043. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ceramic tile, quarry tile, and tile setting products*, from Mineral Wells, TX, Lexington, NC, and Atlanta, GA, to Minneapolis, MN, under contract with Minnesota Tile Supply, of Minneapolis, MN. (Hearing site: Minneapolis, or St. Paul, MN.)

MC 144122 (Sub-38F), filed December 26, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, and such commodities* as are dealt in by distributors of petroleum products (except commodities in bulk),

from the facilities of Texaco Inc., at points in Jefferson County, TX, to points in IL, IN, KY, MI, NJ, NY, PA, and TN. (Hearing site: New York, NY.)

NOTE.—Dual operations are at issue in this proceeding.

MC 144326 (Sub-6F), filed November 14, 1978. Applicant: RICHARDSON TRUCKING, INC., 603 8th Street, Greeley, CO 80631. Representative: Wm. Fred Cantonwine (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat and meat byproducts, and materials distributed by meat-packing houses*, from the facilities of Morgan Colorado Beef Company, at Ft. Morgan, CO, to Los Angeles, CA. (Hearing site: Denver, CO.)

NOTE.—Dual operations are involved.

MC 144810 (Sub-2F), filed November 24, 1978. Applicant: FLOYD M. CROSS, 62911 Lopez Street, Espanola, NM 87532. Representative: Roger Eaton, P.O. Box 2168, 800 Public Service Building, Albuquerque, NM 87103. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum and gypsum products*, from Rosario, NM, to Denver, Grand Junction, Loveland, and Colorado Springs, CO, under contract with Western Gypsum Company, of Santa Fe, NM. (Hearing site: Denver, CO, or Albuquerque, NM.)

MC 145329 (Sub-1F), filed December 20, 1978. Applicant: LARRY L. SMITH, Box 74, Geff, IL 62842. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood chips* and *unfinished lumber*, from Olney and Ramsey, IL, to points in IN, under contract with Paul Hites, doing business as Paul E. Hites & Sons, of Olney, IL. (Hearing site: St. Louis, MO.)

MC 145540 (Sub-1F), filed November 20, 1978. Applicant: VILLAGE MOTORS OF CATTARAUGUS COUNTY, INC., 730 E. State St., Olean, NY 14760. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *battery chargers, rectifiers, and transformers*, and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)* between Cuba and Allegany, NY, Lumberton, NC, and Salt Lake City, UT, under contract with Acme Electric Corporation, of Cuba, NY. (Hearing site: Buffalo, NY.)

MC 145582 (Sub-1F), filed November 6, 1978. Applicant: DENMARK TRUCKING, INC., P.O. Box 1274, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages, and containers*, between the facilities of the Anheuser Busch Brewery, at or near St. Louis, MO and points in MS, under contract with Anderson Beverage Company, of Yazoo City, MS, Riverside Distributors, Inc., of Greenville, MS, Charley Peyton Distributors, Inc., of Vicksburg, MS, and A & B Distributors, Inc., of Olive Branch, MS. (Hearing site: Jackson, MS.)

MC 145684 (Sub-2F), filed November 13, 1978. Applicant: T. H. SOSSAMAN, P.O. Drawer 33, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dry animal and poultry feeds, and equipment and supplies* used in the raising of livestock, in mixed loads with dry animal and poultry feeds, (except liquid commodities in bulk, in tank vehicles), from Hereford, TX, to points in OK, NM, NE, KS, and CO; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of dry animal and poultry feeds, (except liquid commodities in bulk, in tank vehicles), from points in OK, NM, NE, KS, and CO, to Hereford, TX, under contract with Moorman Manufacturing Company, of Quincy, IL. (Hearing site: Amarillo or Lubbock, TX.)

MC 145714 (Sub-1F), filed November 13, 1978. Applicant: EARL M. CHRISTOPHERSON d.b.a. CHRISTOPHERSON TRUCKING, Rural Route 3, Mondovi, WI 54755. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, ties, timbers, posts, and logs*, between points in Buffalo County, WI, on the one hand, and, on the other, points in IL, IA, MN, MO, ND, SD, and WY. (Hearing site: Madison, WI, or St. Paul, MN.)

MC 145768F, filed November 9, 1978, and previously published in the FEDERAL REGISTER on December 21, 1978. Applicant: KREILKAMP TRUCKING, INCORPORATED, R. R. No. 1, Allenton, WI 53002. Representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, WI 53705.To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *pole buildings* and *parts* for pole buildings, from Town of Wayne, Washington County, WI, to points in IA, IN, IL, OH, MN, MI, MO, NE, KS, ND, and SD; and (2) *materials, equipment, and supplies* used in the manufacture of pole buildings, in the reverse direction, restricted in (1) and (2) above to the transportation of traffic moving on shipper-owned trailers. (Hearing site: Milwaukee or Madison, WI).

NOTE.—(1) Applicant shall conduct separately its for-hire carriage and other business operations, (2) it shall maintain separate accounts and records for each operation, and (3) it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time.

NOTE.—The purpose of this republication is to correct the origin point in (1) above and the destination point in (2) above.

MC 145780F, filed November 21, 1978. Applicant: SUTTLE LEASING, INC., Hwy 70 E., P.O. Box 530, DeQueen, AR 71832. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tractors and log skidders*, from points in the United States (except AK and HI), to the facilities of Suttle Equipment Company, at DeQueen and Warren, AR, restricted to the transportation of traffic destined to the named destinations, under contract with Suttle Equipment Company, of DeQueen, AR. (Hearing site: Little Rock, AR.)

MC 145830F, filed November 29, 1978. Applicant: ATCO, INC., P.O. Box 711, Pine Bluff, AR 71611. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer* (except in bulk, in tank vehicles), from the facilities of (1) Pine Bluff Warehouse Company, at Pine Bluff, AR, (2) Helena Port Terminal, at Helena, AR, (3) Fort Smith Port Terminal, at Fort Smith, AR, and (4) Osceola Port Terminal, at Osceola, AR, to points in AL, AR, IL, IN, KS, LA, MS, MO, NE, OK, TN, and TX. (Hearing site: Little Rock, AR.)

MC 145866F, filed November 24, 1978. Applicant: GADSEN MOVING & STORAGE COMPANY, INC., 2629 E. Merghan Blvd., Gadsen, AL 35903. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105.To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Cullman, De Kalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, St. Clair, Shelby, Talla-

dega, Walker, and Winston Counties, AL, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of a pickup and delivery service in connection with packing, crating, and containerization, and unpacking, uncrating, and decontainerization of such shipments. (Hearing site: Gadsen, AL, or Biloxi, MS.)

MC 145772 (Sub-2F), filed December 26, 1978. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 North Plankinton, Milwaukee, WI 53203. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *books and bookcases*, knocked down, in mixed loads with books, from the facilities of Encyclopedia Britannica, Inc., at Chicago, IL, to points in WI. (Hearing site: Chicago, IL.)

MC 145782 (Sub-1F), filed December 26, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE OF TEXAS, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture, furnishings, and appliances*, from the facilities of Finger Furniture Company, Inc., at or near Beaumont and Houston, TX, to points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, Rapides, Sabine, Vermilion, and Vernon Parishes, LA. (Hearing site: Houston, TX, or Oklahoma City, OK.)

MC 145861F, filed November 30, 1978. Applicant: VANSTRANS, INC., 11375 Greenwich Rd., Homerville, OH 44235. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials*, and *ice control compounds*, from the facilities of Revere Chemical Corporation, in Cuyahoga County, OH, to points in Cuyahoga County, OH, to points in NJ, IA, CA, WA, OR, and TX, under contract with Revere Chemical Corp., of Solon, OH. (Hearing site: Columbus, OH.)

MC 145945 (Sub-2F), filed January 4, 1979. Applicant: WILLIS LEASING CORPORATION, 3175 Wall Avenue, Ogden, UT 84401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *tires and tread rubber*, from Findlay, OH, and Texarkana, TX, to points in CO, UT, WY, ID, and OR, under contracts with Dick Morrison Tire Company, Inc., of Salt Lake City, UT, and Superior Tire Service, Inc., of Vernal, UT. (Hearing site: Salt Lake City, UT, or Washington, DC.)

MC 146109F, filed December 27, 1978. Applicant: JOEL BULLER AND DAVID ERICKSON, a Partnership, doing business as B & E MOBILE HOME SERVICE. Representative: John W. Carey, 117 S. Park, Box 182, Fairfax, MN 55332. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mobile homes and modular homes*, from Tracy and Redwood Falls, MN, to points in IA, ND, SD, and MT, under continuing contracts with Homera, Inc., of Tracy, MN, and Schult Homes, of Redwood Falls, MN. (Hearing site: Redwood Falls or Marshall, MN.)

MC 145992F, filed December 18, 1978. Applicant: THE TOWN TOUR FUN BUS COMPANY, INC., DOING BUSINESS AS, FUN BUS SYSTEMS, 304 Katella Way, Anaheim, CA 92802. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at points in Orange County, CA, and extending to points in AZ, CO, ID, NV, and UT. (Hearing site: Anaheim or Los Angeles, CA.)

MC 145684F, filed November 13, 1978. Applicant: PARAGON TRANSPORTATION CO., INC., 680 Purchase Street, New Bedford, MA 02741. Representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, (1) from points in MA, RI, and CT, to points in the United States (except HI), and return, and (2) from points in the United States (except HI), to points in MA, RI, and CT, restricted in (2) above to the transportation of charter parties having a prior movement by air, water, or rail. (Hearing site: Boston, MA.)

MC 130542F, filed December 14, 1978. Applicant: LARRY E. RALSTON, Route No. 1, 3553 CH 47, Upper Sandusky, OH 43351. Representative: Jeffrey P. Roth, 50 Court Street, P.O. Box 87, Upper Sandusky, OH 43351. To engage in operations, in interstate or foreign commerce, as a *broker*, at points in Wyandot County, OH, in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers, in round trip special and charter operations, beginning and ending at points in Wyandot County, OH, and extending to points in the United States (including AK, excluding HI). (Hearing site: Upper Sandusky or Columbus, OH.)

MC 130541F, filed December 11, 1978. Applicant: TENHOLDER TRAVEL, INC., 136 South County Centerway, St. Louis, MO 63129. Representative: Thomas Tenholder (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at St. Louis and St. Charles, MO, and Belleville, and Godfrey, IL, in arranging for the transportation by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers, in roundtrip special and charter operations, between points in the United States (except AK and HI). NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension-New York, NY*, 54 M.C.C. 291 (1952). (Hearing site: St. Louis, MO.)

[FR Doc. 79-5542 Filed 2-21-79; 8:45 am]

[7035-01-M]

[Volume No. 13]

PERMANENT AUTHORITY DECISIONS

Decision—Notice

Decided: February 7, 1979.

The following applications are governed by Special Rule 247 of the Commission's *rules of practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether

by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after 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.

We Find:

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 common carrier applicant has demonstrated that its proposed service is required by the 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 national transportation policy. 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 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Appliants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones (Review Board Member Jones not participating).

H. G. Homme, Jr.,
Secretary.

MC 200 (Sub-325F), filed November 29, 1978. Applicant: RISS INTERNATIONAL CORP., a Delaware corporation, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except commodities in bulk and those requiring special equipment), from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, to points AK, CA, HI, OR, and WA, restricted to the transportation of traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8) (formerly Section 402(a)(5) of the Interstate Commerce Act). Condition: The certificate to be issued in this proceeding, insofar as it authorizes the transportation of explosives, will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Kansas City, MO.)

MC 730 (Sub-422F), filed November 7, 1978. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum asphalt*, in bulk, in tank vehicles, from Boise, ID, to those points in OR in or west of Morrow, Wheeler, Crook, Deschutes, and Lake Counties. (Hearing site: Boise, ID.)

MC 730 (Sub-423F), filed November 15, 1978. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada corporation, P.O. Box 8004, Walnut Creek, CA 94596. Representative: A. G. Krebs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods defined by the Commission, commodities in bulk, and those requiring special equipment), serving Carson City, NV, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Washington, DC, or San Francisco, CA.)

MC 2900 (Sub-347), filed November 28, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Knoxville, TN, and Lexington, KY, over Interstate Hwy 75, (2) between Lexington, KY, and Cincinnati, OH, over Interstate Hwy 75, (3) between Nashville, TN, and Lexington, KY, from Nashville over U.S. Hwy 31E to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington, and return over the same route, (4) between Charleston, WV, and Lexington, KY, over Interstate Hwy 64, and (5) between Lexington, KY, and New Albany, IN, over Interstate Hwy 64, serving, in (1) through (5), inclusive, all intermediate and off-route points in Anderson, Bourbon, Boyle, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Madison, Mercer, Montgomery, Scott, and Woodford Counties, KY. (Hearing site: Lexington, KY.)

MC 2900 (Sub-348F), filed November 29, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as de-

fined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of L. Perrigo Company, at or near Allegen, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kalamazoo, MI.)

MC 8771 (Sub-44F), filed December 5, 1978. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10701. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical antipollution systems* and *mechanical antipollution systems*, and (2) *parts* for the commodities named in (1) above, from Warren, OH, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 11207 (Sub-461F), filed November 22, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue West, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, hardboard, paneling, and composition board*, from Camden, AR, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA, and WV. (Hearing site: Memphis, TN, or Birmingham, AL.)

MC 25798 (Sub-355F), filed January 8, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *apple juice*, in bulk, in tank vehicles, from Barker, NY, to Front Royal, VA. (Hearing site: Washington, DC.)

MC 25798 (Sub-356F), filed January 8, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., a North Carolina corporation, P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of The Larsen Company, in WI, to points in AL, AR, FL, GA, KS, LA, MS, NC, OK, SC, and TX, restricted to the transportation of traffic originating at the named origins. (Hearing site: Milwaukee, WI.)

MC 27817 (Sub-149F), filed November 22, 1978. Applicant: H. C. GABLER, INC., a Delaware corporation, P.O. Box 220, Chambersburg, PA 17201. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe and plastic pipe fittings*, from the facilities of Cresline Plastic Pipe Co., Inc., at or near Mechanicsburg, PA, to points in CT, DE, MD, MA, ME, NJ, NH, NY, OH, RI, VA, VT, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 37327 (Sub-12F), filed November 20, 1978. Applicant: PENN EMPIRE TRANSPORT, INC., P.O. Box 517, Livingston Avenue, Jamestown, NY 14701. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *new furniture*, from points in Cattaraugus and Chautauqua Counties, NY, to points in IN, MI, and OH, and (2) *voting machines*, and *accessories* for voting machines, between Jamestown, NY, on the one hand, and, on the other, points in IL, IN, MI, and OH. (Hearing site: Buffalo, NY.)

MC 44447 (Sub-31F), filed November 21, 1978. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, OH 43212. Representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, OH 43220. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New Haven, IN, and Napoleon, OH, over U.S. Hwy 24, serving no intermediate points, as an alternate route for operating convenience only. (Hearing site: Columbus, OH.)

MC 47171 (Sub-116F), filed December 4, 1978. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors* and *wines* (except commodities in bulk), between the facilities of Heublein, Inc., at or near Paducah, KY, on the one hand, and, on the other, points in FL, GA, NC, and SC, restricted to the transportation of traffic originating at or destined to the above-named facilities. (Hearing site: Washington, DC.)

MC 51146 (Sub-654F), filed October 31, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of (1) *paper and paper products*, (2) *cellulose materials and products*, (3) *forest products*, (4) *consumer service and specialty products*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at and destined to the facilities of Kimberly-Clark Corporation. (Hearing site: Chicago, IL.)

MC 52750 (Sub-24F), filed November 28, 1978. Applicant: BLUE LINE TRANSPORTATION CO., INC., P.O. Box 11125, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients*, (1) between points in ID, OR, and WA, on the one hand, and, on the other, points in MT, UT, and WY, and (2) between points in MT, UT, and WY. (Hearing site: Portland, OR.)

MC 59457 (Sub-39F), filed November 20, 1978. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *magazines and parts for magazines*, from the facilities of W. R. Bean & Son, Inc., at Atlanta, GA, to Richmond, VA, North Bergen, NJ, Harrisburg, PA, Bethany, CT, and Buffalo, NY. (Hearing site: Hartford, CT, or Washington, DC.)

MC 71536 (Sub-15F), filed October 16, 1978. Applicant: ARROW CARRIER CORP., 2600 Penhorn Avenue and State Highway 3, North Bergen, NJ 07047. Representative: A. David Millner, 167 Fairfield Road, P.O. Box 1409 Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, 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 Merrimack, NH, as an off-route point in connection with carrier's otherwise authorized

regular-route operations, restricted to the transportation of traffic originating at or destined to the facilities of Nashua Corporation.

MC 79687 (Sub-22F), filed November 27, 1978. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Road, Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers and accessories* for glass containers, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of glass containers, from the facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc., at Lawrenceburg, IN, to points in OH and PA. (Hearing site: Washington, DC, or Pittsburgh, PA.)

MC 80653 (Sub-13F), filed December 13, 1978. Applicant: DAVID GRAHAM COMPANY, a corporation, P.O. Box 115, Croydon, PA 19020. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Worthington Steel Co., at Baltimore, MD, to points in DE, VA, WV, TN, KY, IN, NC, DC, and those points in PA on and west of a line beginning at the PA-MD State line and extending north on U.S. Hwy 220 to its junction with U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line, and (2) from the facilities of Worthington Steel Co., at Columbus, OH, to points in PA, NY, NJ, CT, DE, and VA. (Hearing site: Washington, DC.)

MC 83539 (Sub-515F), filed January 8, 1979. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by dealers and manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products, (except commodities in bulk), from the facilities of Sperry New Holland Division, Sperry Rand Corporation, at or near Grand Island and Lexington, NE, to points in AR, LA, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations (except that this restriction does not apply to traffic moving in foreign commerce). (Hearing site: Washington, DC, or Chicago, IL.)

MC 83539 (Sub-516F), filed January 8, 1979. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by dealers and manfucturers of agricultural equipment, industrial equipment, and lawn and leisure products, (except commodities in bulk), from the facilities of Sperry New Holland Division, Sperry Rand Corporation, at or near Fowler, CA, to points in AZ, AR, LA, MN, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations, (except that this restriction does not apply to traffic moving in foreign commerce). (Hearing site: Washington, DC, or Chicago, IL.)

MC 87523 (Sub-97F), filed December 26, 1978. Applicant: STEWART TRUCKING CO., INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M Street, NW. Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic and plastic products* and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of plastic and plastic products, (except commodities in bulk), between Manchester, NH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Boston, MA, or Washington, DC.)

MC 87909 (Sub-29F), filed January 15, 1979. Applicant: KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles*, from Grundy Center, IA, to Watertown, MN. (Hearing site: St. Paul, MN.)

MC 90870 (Sub-15F), filed November 29, 1978. Applicant: RIECHMANN ENTERPRISES, INC., a Missouri corporation, Route 2—Box 137, Alhambra, IL 62001. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, and hydrants*, and (2) *accessories* used in the installation of the commodities named in (1) above, from the facilities of Clow Corporation at or near Columbia, MO, Buckhannon, WV, and Birmingham, AL, and in Talladega County, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: St. Louis, MO, or Washington, DC.)

MC 95920 (Sub-52F), filed November 28, 1978. Applicant: SANTRY TRUCKING CO., a corporation, 10505 Northeast Second Avenue, Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from St. Paul, MN, to Olympia, WA, under contract with Olympia Brewing Co., of Olympia, WA. (Hearing site: Seattle, WA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 95920 (Sub-53F), filed November 28, 1978. Applicant: SANTRY TRUCKING CO., a corporation, 10505 Northeast Second Avenue, Portland, OR 97211. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages*, from St. Paul, MN, to points in FL, GA, KY, NM, TN, and TX; and (2) *materials, equipment, and supplies used in the manufacture or distribution of malt beverages*, (except commodities in bulk), in the reverse direction, under contract with Olympia Brewing Co., of Olympia, WA. (Hearing site: Seattle, WA.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 103051 (Sub-466F), filed December 5, 1978. Applicant: FLEET TRANSPORT CO., INC., a Georgia corporation, 934—44th Avenue, North, Nashville, TN, 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, from Winder, GA, to points in AL, TN, MS, LA, AR, NC, SC, those in TX on and east of Interstate Hwys 35 and 35W, and those in OK on and east of Interstate Hwy 35. (Hearing site: Nashville, TN, or Atlanta, GA.)

NOTE.—Dual operations may be involved.

MC 103993 (Sub-944F), filed December 19, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cast iron pipe, and fittings and accessories* for cast

iron pipe, from the facilities of McWane Cast Iron Pipe Company, at Birmingham, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Birmingham, AL.)

MC 107403 (Sub-1152F), filed December 26, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA, 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, and chemicals*, in bulk, in tank vehicles, between points in Brazoria, Galveston, Jefferson, Montgomery, Orange, and Travis Counties, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC).

MC 107403 (Sub-1154F), filed December 22, 1978. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, from the facilities of Bulk Distribution Centers, Inc., at Atlanta, GA, to points in TN, GA, FL, AL, NC, SC, KY, MS, LA, VA, and WV. (Hearing site: Washington, DC).

MC 107496 (Sub-1176F), filed November 21, 1978. Applicant: RUAN TRANSPORT CORP., 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sweeteners*, in bulk, in tank vehicles, from the facilities of Industrial Sugars, Inc., at or near St. Louis, MO, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture and distribution of sweeteners, in the reverse direction. (Hearing site: Des Moines, IA, or Kansas City, MO.)

MC 109397 (Sub-432F), filed November 24, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., A Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fireplaces, grates, and hearths*, from Santa Cruz, CA, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA.)

MC 109397 (Sub-433F), filed November 27, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *backhoes, cranes, lift trucks, and self-propelled vehicles*, and (2) *parts, attachments, and accessories* for the commodities in (1) above, between Tifton, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 109689 (Sub-341F), filed December 20, 1978. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway—No. 400, Salt Lake City, UT 84101. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *montmorillonite clay*, in bulk, from points in Nye County, NV, to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Salt Lake City, UT.)

MC 110567 (Sub-14F), filed November 21, 1978. Applicant: SOONER TRANSPORT CORP., an Oklahoma corporation, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from the facilities of Martin Marietta Cement Company, at or near Tulsa, OK, to points in AR, KS, MO, and those in Sherman, Hansford, Ochiltree, Lipscomb, Moore, Hutchinson, Roberts, Hemphill, Potter, Carson, Gray, Wheeler, Randall, Armstrong, Donley, Collingsworth Childress, Hardeman, Wilbarger, and Wichita Counties, TX. (Hearing site: Kansas City, MO, or Tulsa, OK.)

MC 110683 (Sub-134F), filed December 21, 1978. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, VA 24401. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Washington, DC 20036. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, 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 General Electric Company, at or near Mt. Vernon, IN, as an off-route point in connection with applicant's regular route operations. (Hearing site: Evansville, IN, or Washington, DC.)

MC 111201 (Sub-36F), filed December 4, 1978. Applicant: J. N. ZELLNER & SON TRANSFER CO., a corporation, P.O. Box 91247, East Point, GA 30364. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic containers*, from the facilities of Sewell Plastics, Inc., at or near Greenville, SC, and Pittsburgh, PA, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, TX, VA, WV, MD, and DC; (2) *plastic preforms*, and *plastic base cups* for plastic containers, from the facilities of (a) Sewell Plastics, Inc., at or near Atlanta, GA, and (b) Coats and Clark, Inc., at or near Seneca, SC, to the facilities of Sewell Plastics, Inc., at or near Greenville, SC, and Pittsburgh, PA; and (3) *materials, equipment and supplies* used in the manufacture and distribution of plastic containers and plastic container parts, (except commodities in bulk), in the reverse direction of (1) above. (Hearing site: Atlanta, GA.)

MC 111231 (Sub-254F), filed December 4, 1978. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asbestos roofing, asbestos siding, building wallboard*, and *roofing insulation*, from the facilities of G.A.F. Corporation, at or near St. Louis, MO, to points in AL, AR, IL, LA, MS, OK, TN, and TX, restricted to the transportation of traffic originating at the named origin. (Hearing site: Washington, DC.)

MC 112617 (Sub-412F), filed November 22, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt and salt products*, from the facilities of Cargill, Incorporated, at or near Florence, AL, to points in AL, GA, MS, and TN. (Hearing site: Louisville, KY, or Washington, DC.)

MC 112617 (Sub-416F), filed November 24, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Charles R. Dunford (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coloring syrup*, in bulk, in tank vehicles, from Louisville, KY, to Fergus Falls, MN. (Hearing

site: Louisville, KY, or Washington, DC.)

MC 112713 (Sub-231F), filed December 21, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *bakery goods* (except frozen), serving the facilities of Sunshine Biscuits, Inc., at Mount Pleasant, MI, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO, or New York, NY)

MC 112713 (Sub-232F), filed December 22, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in vehicles equipped with mechanical refrigeration, from Winchester, VA, to points in AZ, CA, and CO. (Hearing site: Washington, DC.)

MC 113528 (Sub-38F), filed January 8, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: Joy Stephenson, P.O. Box 1247, Mobile, AL 36601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (except commodities which because of size and weight require the use of special equipment), from the facilities of Nucor Steel Company, at or near Jewett, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Houston, TX, or Birmingham, AL).

MC 114273 (Sub-496F), filed December 20, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned foodstuffs*, from Eaton, IN, to points in MN, MO, KS, IA, and NE. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-497F), filed December 20, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Northwestern Steel and Wire, at Sterling and Rock Falls, IL, to points in IN, OH, MI, VA, and WV. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-498F), filed December 20, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Mt. Summit, IN, to points in IA, KS, MD, MN, MO, NE, PA, and VA. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-499F), filed December 20, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Ashland, KY, to Lincoln, NE. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petitioin for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC).

MC 114273 (Sub-500F), filed December 21, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wallboard and insulating material*, and (2) *materials and supplies* used in the installation of the commodities named in (1) above (except in bulk), from the facilities of Armstrong Cork Co., at or near Marietta, PA, to points in CO, IA, KS, MN, MO, NE, ND, SD, WI, and IL. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-501F), filed December 21, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper articles*, from Royersford, PA, to Menasha, WI. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-502F), filed December 21, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *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, commodities in bulk, and foodstuffs), and (2) *foodstuffs* (except those in (1) above) when moving in mixed loads with the commodities named in (1) above, from Madison, WI, to points in VA. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-504F), filed December 21, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *drugs and feed supplements*, (except in bulk, in tank vehicles), from Belvidere, NJ, to Chicago, IL, and Ames, IA. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114457 (Sub-459F), filed November 22, 1978. Applicant: DART TRAN-

SIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum ingots and zinc alloy ingots*, (except commodities in bulk, in dump vehicles), from the facilities of Aluminum Smelting and Refining Company, Inc., and the facilities of Certified Alloys Company, at Maple Heights, OH, Clinton, IA, Minneapolis, MN, and Waukesha, WI, to points in AL, CT, GA, KY, IA, IL, MN, MO, MI, NC, NJ, NY, SC, TN, and WI; and (2) *scrap aluminum*, (except in bulk, in dump vehicles), from the destination points in (1) above, to Maple Heights, OH. (Hearing site: Cleveland, OH, or St. Paul, MN.)

MC 114569 (Sub-273F), filed January 8, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prunes, prune extract, and prune juice*, in containers, (1) from Middleboro, MA, and Burlington and Bordentown, NJ, to points in MD, NY (except New York City and points in Nassau and Suffolk Counties), PA, and DC, (2) from Bordentown and Burlington, NJ, to Atlanta, GA, and points in NC, SC, and VA, and (3) between Middleboro, MA, and Bordentown, NJ. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-274F), filed January 17, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stainless steel sinks, faucets, water coolers, disposers, and hardware*, between the facilities of Elkay Manufacturing at Broadview, IL, Dayton, TN, Ogden, UT, Lanark, IL, and Los Angeles, CA. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-276F), filed January 17, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (1) from Hazleton, PA, to points in CA, OR, and WA, (2) from York, Harrisburg, and points in Hampden Township (Cumberland County), PA, to points in CA and IN, (3) from Frankfort, IN, to points in CA, CT, and PA, (4) from Chicago, IL, to points in CT, (5) from Naugatuck, CT, to points in CA, IN, and PA, and (6) from Elizabeth, NJ, to points in CA and PA. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114569 (Sub-277F), filed January 14, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *canned mushrooms and frozen mushrooms*, and (2) *fresh mushrooms*, otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6)(1978), (formerly section 203(b)(6) of the Interstate Commerce Act), when moving in mixed loads with the commodities in (1) above, from the facilities of The Oxford Corp., at or near Oxford, PA, to points in CO, IL, IN, IA, KS, LA, MI, MN, MS, MO, NE, OH, TN, TX, and WI. (Hearing site: Harrisburg, PA, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 114781 (Sub-4F), filed December 4, 1978. Applicant: HAROLD H. WARFEL, RR No. 2, Box 18, Peach Bottom, PA 17563. Representative: John E. Fullerton, 407 North Fourth Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in containers or in trailers from Karns City and Petrolia, PA, to Baltimore, MD, restricted to the transportation of traffic having an immediately subsequent movement by water. (Hearing site: Washington, DC.)

MC 115496 (Sub-108F), filed October 30, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building wall and insulation board, molding, hardboard, particleboard, and plywood*, from the facilities of Pan American Gyro-Tex Company, at Jasper, FL, to points, in GA, IL, IN, OH, OK, MD, MO, KS, PA, NC, NY, SC, VA, TN, and TX. (Hearing site: Atlanta, GA, or Jacksonville, FL.)

MC 115654 (Sub-110F), filed September 18, 1978, previously noticed in the FEDERAL REGISTER issue of December 7, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Avenue, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by wholesale and retail grocery houses, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from Fostoria and Cincinnati, OH, to points in KY, and (b) from Fostoria, OH, to points in WV, restricted in (b) above to the transportation of traffic originating at the facilities of Fostoria Distribution Service Co., and in (a) and (b) above to the transportation of traffic destined to the indicated destinations. Condition: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Cincinnati, OH, or Nashville, TN.)

NOTE.—This republication removes the facilities restriction for part (a).

MC 115841 (Sub-658F), filed December 4, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., an Alabama corporation, 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron roofing, steel roofing, and aluminum roofing*, and (2) *accessories* used in the installation of the commodities named in (1) above, from Jackson, GA, to points in AL, TN, FL, NC, and SC. (Hearing site: Atlanta, GA, or Knoxville, TN.)

MC 116763 (Sub-462F), filed December 19, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials and building supplies*, and (2) *floor coverings, and materials and supplies* used in the distribution and installation of floor coverings, (except commodities in bulk, in tank vehicles), from the facilities of Kentile Floors, Inc., at or near Chicago, IL, to points in AL, FL, GA, KY, MI, NC, SC, TN, and VA. (Hearing site: Chicago, IL.)

MC 117119 (Sub-712F), filed January 14, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *physical fitness apparatus, home safety devices, and homes recreational devices*, from Pennsauken, NJ, to points in AR, AZ, CA, CO, ID, IL, IA, KS, MN, MO, MT, NE, NV, ND, OK, OR, SD, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC)

MC 118130 (Sub-94F), filed November 29, 1978. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in or used by grocery and food business houses*, (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Troy and Brundidge, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Montgomery or Birmingham, AL.)

MC 118263 (Sub-79F), filed December 18, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs (except in bulk)*, in vehicles equipped with mechanical refrigeration, from the facilities of Munford Refrigerated Warehouses, at Atlanta, GA, to points in IN, KY, TN, VA, and WV, restricted to the transportation of traffic originating at the named origin. (Hearing site: Atlanta, GA.)

MC 119226 (Sub-110F), filed November 24, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sorbitol*, in bulk, in tank vehicles, from the facilities of Pfizer, Inc., at Terre Haute, IN, to points in IA, IL, MI, NE, OH, TN, and WI. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 119441 (Sub-48F), filed November 21, 1978. Applicant: BAKER HIWAY EXPRESS, INC., 555 Commercial Parkway, P.O. Box 506, Dover, OH 44622. Representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, OH 43107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *brick products* and *clay products*, from Minerva, OH, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NH, NY, NC, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC; and (2) *materials and supplies* used in the sale and distribution of brick products and clay products, (except commodities in bulk), in the reverse direction. (Hearing site: Columbus, OH.)

MC 119555 (Sub-23F), filed November 13, 1978. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., a corporation, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Ray F. Koby, 314 Montana Building, Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *liquid hydrocarbons*, in bulk, in tank vehicles, from Borger, TX, to points on the International Boundary line between the United States and Canada, at or near Marine City and Port Huron, MI. (Hearing site: Great Falls, MT.)

NOTE.—Dual operations may be involved.

MC 119641 (Sub-152F), filed December 4, 1978. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, IN 47944. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wood fibre roof deck panels*, from the facilities of Martin Fireproofing, Georgia, Inc., at Elberton, GA, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, and WI. (Hearing site: Atlanta, GA, or Chicago, IL.)

MC 119767 (Sub-344F), filed November 22, 1978. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by grocery and food business houses and drug and discount stores, in vehicles equipped with mechanical refrigeration, (except commodities in bulk), from the facilities of S. C. Johnson & Son, Inc., at Waxdale, WI, to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, and TN; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL, or Washington, DC.)

MC 123407 (Sub-511F), filed November 24, 1978. Applicant: SAWYER TRANSPORT, INC., a Minnesota corporation, South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paneling, composition board, and moulding*, from Jasper, FL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Jacksonville, FL.)

MC 124078 (Sub-926F), filed January 10, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI, 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from the facilities of Manley Brothers, in LaSalle County, IL, and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. (Hearing site: Chicago, IL.)

MC 124078 (Sub-927F), filed January 8, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI, 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control items*, in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin. (Hearing site: Pittsburgh, PA.)

MC 124078 (Sub-928F), filed January 8, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI, 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, in bulk,

from Waverly, OH, to points in IN, KY, PA, and WV. (Hearing site: Columbus, OH.)

MC 124078 (Sub-930F), filed January 10, 1979. Applicant: SCHWERMAN TRUCKING CO., A corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk, from the facilities of Chevron Chemical Company, at or near Fort Madison, IA, to points in IL, IN, MN, MO, and WI. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 124078 (Sub-931F), filed January 15, 1979. Applicant: SCHWERMAN TRUCKING CO., A corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer*, in bulk, in tank vehicles, from the facilities of Texas Sulphur Products Co., Inc., at or near Ottawa, IL, to points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, PA, SD, and WI. (Hearing site: Chicago, IL.)

MC 124423 (Sub-7F), filed December 21, 1978. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, furniture, garments, garment materials, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Newark, NJ, Philadelphia, PA, and points in Middlesex and Somerset Counties, NJ, on the one hand, and, on the other, points in DE, MD, MA, NH, NY, NC, PA, RI, VA, VT, and DC, restricted against the transportation of articles weighing in the aggregate more than 5,000 pounds, moving from one consignor at one location to one consignee on any one day. (Hearing site: Newark, NJ.)

MC 124656 (Sub-13F), filed November 16, 1978. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Dean Williamson, 280 National Foundation Life Building 3535 Northwest 58th Street, Oklahoma City, OK 73112. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glass bottles*, from Muskogee and Ada, OK, to points in ID, MT, NV, OR, UT, WA, and WY, under contract with Brockway Glass Co., Inc., of Muskogee, OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 124887 (Sub-64F), filed November 24, 1978. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *railroad equipment*, between Greenville, SC, on the hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 124896 (Sub-78F), filed November 22, 1978. Applicant: WILLAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) [formerly Section 203(b)(6) of the Interstate Commerce Act], when moving in mixed loads with bananas, from Tampa, FL, to points in IL, IN, KY, MI, MO, NC, NJ, NY, OH, PA, TN, VA, WI, and WV. (Hearing site: Miami, FL.)

MC 125433 (Sub-187F), filed December 19, 1978. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brass and bronze ingots*, from the facilities of Weiner Steel Corporation, at or near Paramount, CA, to points in IL, IN, OH, WI, MO, AR, OK, KY, MI, and TX. (Hearing site: Los Angeles, CA, or Salt Lake City, UT.)

MC 125996 (Sub-65F), filed November 21, 1978. Applicant: ROAD RUNNER TRUCKING, INC., 2225 South 400 West, Salt Lake City, UT 84115. Representative: Mac R. Reber (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by department stores (except foodstuffs and commodities in bulk), from Seattle, WA, to Omaha, NE, restricted to the transportation of traffic having a prior movement by water, and further restricted to traffic destined to the facilities of Pamida, Inc., at or near Omaha, NE. (Hearing site: Omaha, NE, or Salt Lake City, UT.)

NOTE.—Dual operations are involved in this proceeding.

MC 126717 (Sub-14F), filed November 9, 1978. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mine drilling machinery, quarry drilling machinery, and well drilling machinery*, in drive-away service, from Enid, OK, to points in the United States, including AK, but excluding HI. NOTE: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interestate Commmerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Enid, OK, or Indianapolis, IN.)

MC 133095 (Sub-233F), filed January 2, 1979. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Marshall Kragen, 1835 K Street NW., Suite 600, Washington, DC. 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (exept commodities in bulk, in tank vehicles), and *filters*, from points in Warren County, MS, to points in the United States, (except AK, HI, WA, OR, MT, WY, ND, SD, ID, NV, and UT), restricted to the transportation of traffic originating at the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Washington, DC.)

MC 134286 (Sub-90F), filed November 22, 1978. Applicant: ILLINI EXPRESS, INC., a Nebraska corporation, P.O. Box 1564, Sioux City, IA 51102. Representative: Kenneth L. Ackerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat, 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 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 Denision, Fort Dodge,

and Sioux City, IA, Emporia and Wichita, KS, Luverne, MN, and Dakota City and West Point, NE, to points in CO, IA, IL, IN, KS, KY, MN, MI, MO, NE, ND, OH, OK, SD, and WI. NOTE: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) [formerly Section 5(2) of the Interstate Commerce Act] or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 134301 (Sub-6F), filed December 6, 1978. Applicant: ATLANTIS TRANSPORTATION SERVICES INC., 753 Farewell Avenue, Oshawa, Ontario, Canada L1H 6N4. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. To operate as a *common carrier,* by motor vehicle, in foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between points on the International Boundary line between the United States and Canada, in MI and NY, on the one hand, and, on the other, O'Hare International Airport, at or near Chicago, Il, Detroit Metropolitan Airport, at or near Romulus, MI, Willow Run Airport, at or near Willow Run, MI, Cleveland Hopkins Airport, at or near Cleveland, OH, Buffalo International Airport, at or near Buffalo, NY, Monroe County Airport, at or near Rochester, NY, LaGuardia International Airport, at or near Flushing, NY, J. F. Kennedy International Airport, at or near Jamaica, NY, Philadelphia International Airport, at or near Philadelphia, PA, and Newark Airport, at or near Newark, NJ, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Detroit, MI, or Washington, DC.)

MC 134477 (Sub-289F), filed November 22, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning and polishing compounds, textile softener, lubricants, hypoclorite solution, deodorants, disinfectants, paints, stains, varnishes, plastic bags, and filters,* (except commodities in bulk), from the facilities of Economics Laboratory, Inc., at or near Joliet, IL, to Hanover and Harrisburg, PA. (Hearing site: St. Paul, MN.)

MC 135121 (Sub-4F), filed November 28, 1978. Applicant: DODSWORTH, INCORPORATED, 928 West 19th Street, Erie, PA 16512. Representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, MI 48084. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Mahoning, Ashtabula, Trumbull, Cuyahoga, Lake, Geauga, Lorain, Summit, Stark, and Portage Counties, OH, Erie, Crawford, Mercer, Venango, Warren, Lawrence, Butler, Beaver, and Allegheny Counties, PA, and Chautauqua, Cattaraugus, and Erie Counties, NY, restricted to the transportation of shipments limited to individual articles not exceeding 100 pounds in weight, moving as shipments not exceeding 500 pounds in weight from one consignor to one consignee in a single day on bills of lading of freight forwarders as defined in 49 U.S.C. § 10102(8), formerly Section 402(a)(5), of the Interstate Commerce Act. (Hearing site: Erie or Pittsburgh, PA.)

MC 135410 (Sub-32F), filed November 29, 1978. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, 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 Wilson Foods Corporation, at Cedar Rapids and Des Moines, IA, to points in IN, MI, and OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

MC 135797 (Sub-158F), filed November 6, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed,* (except commodities in bulk), from Kansas City, MO, to points in AL, AR, AZ, CA, CO, FL, GA, IN, MI, NC, NM, OH, OK, PA, TX, UT, and WI. (Hearing site: Kansas City, MO.)

MC 135797 (Sub-166F), filed November 17, 1978. Applicant: J. B. HUNT TRANSPORT, INC., a Georgia corporation, P.O. Box 200, Lowell, AR 72745. Representative: William D. Brejcha, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail stores, (except foodstuffs and commodities in bulk), from points in the United States (except AK and HI), to points in AZ, CA, CO, FL, IA, ID, IL, KS, MI, MN, MO, MT, ND, NE, NV, OH, OR, SD, TX, UT, WA, and WY. (Hearing site: Chicago, IL, or Des Moines, IA.)

MC 136013 (Sub-4F), filed December 26, 1978. Applicant: BAKERSFIELD EXPRESS, INC., 1825 De La Cruz Boulevard, Santa Clara, CA 95050. Representative: William J. Monehein, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulation products and materials,* and *flexible air ducts,* (except commodities in bulk), from Chowchilla, CA, to points in AZ, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY, under contract with CertainTeed Products Corporation, of Valley Forge, PA. (Hearing site: San Francisco, CA.)

NOTE.—Dual operations may be involved.

MC 138157 (Sub-101F), filed November 21, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods,* from Terminal Island, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

NOTE.—Dual operations are involved in this proceeding.

MC 138438 (Sub-40F), filed January 4, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bricks,* from Wallace, SC, to points in MD, PA, VA, and DC. (Hearing site: Midvale, OH.)

NOTE.—Dual operations are involved in this proceeding.

MC 138777 (Sub-6F), filed November 28, 1978. Applicant: FETZ INC., P.O.

Box 47685, Doraville, GA 30340. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, in tank vehicles, between points in Bartow County, GA, on the one hand, and, on the other, points in AL, FL, LA, MS, NC, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 139906 (Sub-21F), filed November 16, 1978. Applicant: INTERSTATE CONTRACT CARRIER CORP., 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by farm and home supply stores (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in the United States (except AK and HI), to the facilities of Quality Farm and Fleet, Inc., at points in MI, IN, and OH, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

NOTE.—Dual operations are involved in this proceeding.

MC 139923 (Sub-54F), filed December 26, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Box Drawer "D", Stroud, OK 74079. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, and drugstores, (except frozen commodities, and commodities in bulk), from the facilities of The Colorox Company, at or near Houston, TX, to points in AR and OK, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: San Francisco, CA.)

NOTE.—Dual operations may be involved.

MC 140273 (Sub-11F), filed December 21, 1978. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron oxide granules*, from St. Paul, MN, to points in IA. (Hearing site: Minneapolis, MN.)

MC 140563 (Sub-21F), filed December 20, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulation products and materials*, and *flexible air ducts*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), between the facilities of CertainTeed Corporation, at or near Kansas City, KS, on the one hand, and, on the other, points in AL, AR, GA, IN, KY, LA, MD, MI, MS, NJ, NY, OH, PA, TN, and VA. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations may be involved.

MC 140829 (Sub-176F), filed January 11, 1979. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of the Frozen Foods Division, of Pet, Incorporated, at Benton Harbor, Frankfort, and Hart, MI, to points in AR, IA, KS, MO, NE, OK, and TX. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 140829 (Sub-178F), filed January 11, 1979. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *herbicides* (except in bulk, in tank vehicles), from Tuscaloosa, AL, to points in CO, IL, IA, KS, MN, MO, NE, NJ, PA, and TX. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 140829 (Sub-179F), filed January 12, 1979. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new kitchen cabinets and vanities*, from the facilities of Home-Crest Corporation, at or near Goshen, IN, to points in CO, IA, KS, ME, MN, MO, NE, NH, OK, and VT. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—Dual operations may be involved in this proceeding.

MC 140829 (Sub-180F), filed January 14, 1979. Applicant: CARGO CONTRACT CARRIER CORP., a New Jersey corporation, P.O. Box 206, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Avenue, Morristown, NJ 07960. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *food products* dealt in by grocery houses, from points in IN, IA, MI, MN, and WI, to points in IA, KS, MO, NE, OK, and TX. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—Dual operations may be involved in this proceeding.

MC 141357 (Sub-7F), filed November 28, 1978. Applicant: SHANUS, INC., 232 North First Street, Minneapolis, MN 55401. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum coke*, in bulk, from Pine Bend, MN, to points in WI. (Hearing site: Minneapolis or St. Paul, MN.)

MC 141804 (Sub-143F), filed October 10, 1978, previously noticed in the FEDERAL REGISTER issue of December 21, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *ice making machines, cooling boxes, coolers, and freezers*, and (2) *parts and accessories* used in the manufacture and distribution of the commodities in (1) above, from Easton and Erie, PA, Spirit Lake, IA, Louisville, KY, and Denton, TX, to points in WA, OR, NV, AZ, and CA. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—This republication replaces Easton and Erie, IA, with Easton and Erie, PA.

MC 142508 (Sub-45F), filed January 19, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of The Larsen Company, in WI, to points in the United

States (except AK, HI, and WI), restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Green Bay or Milwaukee, WI.)

MC 143059 (Sub-47F), filed January 19, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite, barite, lignite, and drilling mud additives*, (except commodities in bulk), between points in ID, MT, NV, ND, SD, and WY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Washington, DC.)

MC 143059 (Sub-49F), filed Janauary 19, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel bar joists, and steel roof decking*, and (2) *parts and accessories* used in the installation of the commodities in (1) above, from the facilities of Vulcraft Division of Nucor Corp., at Grapeland, TX, to points in AZ, AR, KS, LA, MS, MO, NM, OK, and TN. (Hearing site: Louisville, KY, or Washington, DC.).

MC 143436 (Sub-22F), filed November 21, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hershey Foods Corp., at or near Cincinnati, OH, to points in IN, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destination. (Hearing site: Indianapolis, IN.)

MC 143521 (Sub-1F), filed November 13, 1978. Applicant: TWEHOUS EXCAVATING CO., INC., Route 3, Jefferson City, MO 65101. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction equipment* (except contractors' equipment), and *contractors' equipment*, (2) *excavating equipment* and *mining equipment*, the transportation of, which because of size or weight, require the use of special equipment, and (3) *equipment, materials, and supplies* for the commodities named in (1) and (2) above, (except commodities in bulk), (a) between points in AL, AZ, AR, CO, IL, IN, KY, OH, OK, MO, MT, UT, WV, and WY, and (b) between the points named in (a) above, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Peabody Coal Company. (Hearing site: St. Louis, MO.)

MC 143775 (Sub-57F), filed January 10, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *apple juice and sweet cider*, in containers, from Fremont, MI, to Rogers, AR, Denver, CO, Minneapolis, MN, Kansas City, MO, Oklahoma City, OK, and Dallas, Houston, and Paris, TX. (Hearing site: Grand Rapids, MI, or Washington, DC)

NOTE.—Dual operations are involved.

MC 143970 (Sub-1F), filed November 29, 1978. Applicant: GARY PFEIL, d.b.a. GARY PFEIL TRUCKING, 3711 Singleton Blvd., Dallas, TX 75212. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing materials*, from Stroud, OK, to points in TX, under contract with Pfeil & Son, of Dallas, TX. (Hearing site: Dallas, TX, or Tulsa, OK)

MC 144030 (Sub-3F), filed November 28, 1978. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, Lawrenceburg, IN 47025. Representative: Norbert B. Flick, 715 Executive Bldg., Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used whiskey barrels*, from Baltimore, MD, Bardstown, Boston, Clermont, Frankfort, Louisville, and Owensboro, KY, Cincinnati, and Overpeck, OH, Lawrenceburg and Versailles, IN, Peoria, IL, Philadelphia and Schenley, PA, and Tullahoma, TN, to points in the United States (except AK and HI). (Hearing site: Cincinnati, OH)

NOTE.—The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a), [formerly Section 5(2), of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary.

MC 144117 (Sub-21F), filed November 24, 1978. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *processed nuts, processed seeds, and dried banana chips*, and (2) *commodities* which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) [formerly section 203(b)(6) of the Interstate Commerce Act] when moving in mixed loads with the commodities in (1) above, from the facilities of Tenneco West, Inc., at Paso Robles, Chico, Indio, Kerman, and Bakersfield, CA, to points in the United States (except AK and HI). (Hearing site: Los Angeles or Bakersfield, CA)

MC 144433 (Sub-2F), filed December 26, 1978. Applicant: DOUGLAS G. MARCHIONDA d.b.a. DOUG MARCHIONDA TRUCKING, Champlin Avenue, Penn Yan, NY 14527. Representative: Morris H. Gross, 121 Hawthorne Way, Chittenango, NY 13037. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from Gorham and Penn Yan, NY, to New York, NY, and points in Suffolk Counties, NY, and AL, CT, FL, GA, IL, IN, MD, MA, MI, NH, NJ, NC, OH, PA, SC, VT, VA, and WI. (Hearing site: Syracuse or Rochester, NY)

MC 144757 (Sub-1F), filed November 13, 1978. Applicant: SHERIDAN HEIGHTS, INC., d.b.a. DAKOTA PACIFIC TRANSPORT, 301 Mt. Rushmore Road, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *shakes and shingles*, from points in OR and WA, to points in CO, SD, and WY. (Hearing site: Rapid City or Pierre, SD)

NOTE.—Dual operations are involved.

MC 144827 (Sub-16F), filed November 28, 1978. Applicant: DELTA MOTOR FREIGHT, INC., 2877 Farrisview, Box 18423, Memphis, TN 38118. Representative: Billy R. Hallum (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods*, from Pulaski, TN, to points in TX. (Hearing site: Dallas, TX)

MC 144910 (Sub-2F), filed November 28, 1978. Applicant: TYREE D. PRUITT, d.b.a. TY PRUITT TRUCKING, 811 Landay Ave., Baltimore, MD

21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning products, toilet preparations, non-medicated syrups, and shortening*, (except commodities in bulk), (1) from the facilities of Lever Brothers Company, at Baltimore, MD, to points in FL, and (2) from Jacksonville, FL, to the facilities of Lever Brothers Company, at Baltimore, MD. (Hearing site: Washington, DC)

MC 145253 (Sub-1F), filed November 7, 1978. Applicant: GEORGE MARKOTA d.b.a. GEORGE MARKOTA TRUCKING, 7540 Salem-Warren Road, Berlin Center, OH 44401. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from the facilities of National Industrial Lumber Company, at North Jackson and Columbus, OH, to those points in PA on and west of U.S. Hwy 219, those in WV on and north of a line extending from the KY-WV State line along Interstate Hwy 64 to its junction with WV Hwy 4, then along WV Hwy 4 to junction U.S. Hwy 119 to the PA-WV State line, and KY and IN, under contract with National Industrial Lumber Company, of North Jackson, OH. (Hearing site: Columbus, OH)

MC 145517 (Sub-1F), filed November 24, 1978. Applicant: MANITO TRANSIT CO., an Illinois Corporation, Box 8, Ashkum, IL 60911. Representative: Douglas G. Brown, The INB Center, Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid petroleum products*, in bulk, in tank vehicles, from Ashkum, IL, to those points in IN on and north of Interstate Hwy 70. (Hearing site: Chicago, IL.)

NOTE.—To the extent the certificate granted in this proceeding authorized the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 145709 (Sub-2F), filed December 20, 1978. Applicant: RICKY L. CHRISTY, 809 F Avenue, Vinton, IA 52349. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rough cut lumber*, from the facilities of Big Timber, Inc., at or near Vinton, IA, to points in IL, KS, MN, NE, and WI. (Hearing site: Kansas City, MO, or Des Moines, IA.)

MC 145959 (Sub-1F), filed December 21, 1978. Applicant: THOMAS O. CARTMEL, P.O. Box 364, Westfield, IN 46074. Representative: Orville G. Lynch (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper bags*, and *materials and supplies* used in the manufacture and distribution of paper bags, between the facilities of Samson-Midamerica, Inc., at Indianapolis, IN, on the one hand, and, on the other, points in KY, MD, MO, NJ, NY, NC, SC, TN, VA, WV, WI, and DC, under contract with Samson-Midamerica, Inc., of Indianapolis, IN. (Hearing site: Indianapolis, IN.)

NOTE.—Dual operations may be involved in this proceeding.

MC 146108F filed December 27, 1978. Applicant: BIG T TRANSFER, INC., an Indiana corporation, 1814 Gillett Avenue, Louisville, KY 40216. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus, IN 47201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry calcium carbide*, in containers, between the facilities of Airco Carbide, a Division of Airco, Inc., at Louisville, KY, on the one hand, and, on the other, Clarksburg, WV, Fort Worth and Houston, TX, Kansas City, KS, Milwaukee, WI, Minneapolis, MN, Omaha, NE, and points in AL, GA, IL, IN, LA, MI, MO, NJ, NY, NC, OH, PA, and VA, under contract with Airco Carbide, A Division of Airco, Inc., of Louisville, KY. (Hearing site: Louisville, KY, or Indianapolis, IN.)

MC 142407 (Sub-2F), filed November 27, 1978. Applicant: ROLL-ON, INC., P.O. Box 1962, Colvis, NM 88101. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from the facilities of Accurate Envelope Co., at New York, NY, to points in AZ, CA, and TX, under contract with Accurate Envelope Co., of New York, NY. (Hearing site: New York, NY, or Dallas, TX.)

[FR Doc. 79-5543 Filed 2-21-79; 8:45 am]

[7035-01-M]

[Volume No. 8]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

FEBRUARY 14, 1979.

The following applications are governed by Special Rule 247 of the Commission's general rules of practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set fourth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the rquirements of the rules may be rejected.

The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. If the protest includes a request for oral hearing, such request shall meet the requirements of Section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission decision 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, and re-*

strictive amendments will not be entertained following publication in the T4Federal Register of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 143059 (Sub-45F), filed January 10, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of ITT-Grinnell Corp., or its subsidiaries, at points in the United States (except AK and HI), on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of ITT Grinnell Corp. or its subsidiaries. (Hearing site: Louisville, KY, or Washington, DC.)

Finance Applications

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) of 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission on or before March 26, 1979. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conversation Act of 1975.

MC-F-13804F. Applicants: CRST, INCORPORATED, P.O. Box 68, Cedar Rapids, IA 52406, and TOLEDO'S BEST TRANSPORT, INC., 1205 Champlain, Toledo, OH 43604. Representatives: Robert E. Konchar, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, IA 52406 and A. Charles Tell, Suite 1800, Columbus Center, 100 East Broad Street, Columbus, OH 43215. Authority sought for CRST, Inc., 3930 16th Avenue S.W., P.O. Box 68, Cedar Rapids, IA, 52406 to purchase the operating rights of Toledo's Best Transport, Inc., 1205 Champlain, Toledo, OH, 43604, and for acquisition of control of such rights by Harold A. Smith, Jr. and Miriam G. Smith, both of Cedar Rapids, IA, 52403, through the purchase. The operating rights sought to be purchased: Irregular routes: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Toledo, OH, on the one hand, and, on the other, points in OH. Restriction: Restricted against the transportation of traffic from and to points in MI located within the Toledo, OH Commercial Zone. Vendee is authorized to operate pursuant to Certificate MC 114273 and subs, as a common carrier, in the states of CO, CT, DE, IL, IN, IA, KS, KY, MD, ME, MA, MI, MN, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SD, VA, VT, WV and WI. No duplicating authority will result from the application. Application has been filed for temporary authority under Section 210a(b).

Note.—MC 114273 (Sub-Nos. 493F and 494F) are directly related matters.

MC-F-13906F. Authority sought for purchase by DELTA LINES, INC., 333 Hegenberger Road, Oakland, CA., 94621, of a portion of the operating rights of VEGAS TRUCKING AND MOVING, INC., 2853 Cedar Street, Las Vegas, NV, 89104, and for acquisition by DELTA CALIFORNIA INDUSTRIES and THOMAS R. DWYER, both of 333 Hegenberger Road, Oakland, CA., 94621, and PETER G. and FRANCIS H. DWYER, both of 42 Grover, Colusa, CA, of control of such rights sought to be acquired through the purchase. Vendees' attorneys: Andrew J. Skaff, 333 Hegenberger Road, Oakland, CA., 94621, and Russell R. Sage, Major, Sage and King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA., 22312; Vendor's representative: Donald Fernaays, 4040 E. McDowell Road, Suite 320, Phoenix, AZ., 85008. Operating rights sought to be purchased: General commodities, with exceptions as a common carrier over regular routes between Las Vegas, NV and Bakersfield, CA, as more fully described in Certificate No. MC 113981, and Sub-Nos. 7 and 13. Specific commodities over irregular routes between Nye County, NV and CA as more fully described in the Certificate No. MC 113981, Sub-No. 13. Vendee is authorized pursuant to Certificate No. MC 56640 as a common carrier in the States of WA, OR, CA, NV and AZ. Application has not been filed for temporary authority under Section 210a(b).

MC-F-13908F. Authority sought for purchase by POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, Box 990, Livington, MT, of a portion of the operating rights of EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, OH. Applicants' representative: Richard H. Brandon, P.O. Box 97, 220 West Bridge Street, Dublin, OH, 43017. Operating rights sought to be purchased: Under MC 119547 (Sub-No. 12) Irregular routes: Plumbers' goods, water heaters, radiators, boilers, and articles, used in the installation and assembly thereof, from the plant site of Integrity Supply, Inc., and National Plumbing and Pottery Co., at Zanesville, OH, to points in the United States (except AK, AR, CA, HI, ID, MT, NV, NM, OR, UT, WA, and WY) with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities in bulk. MC 119547 (Sub-No. 13) Irregular routes: Clay in bags, from Gleason, TN, Mayfield and Hickor, KY, to Zanesville, Cambridge, Roseville, OH, with no transportation for compensation on return except as otherwise authorized. Pottery Plaster, in bags, from Southard, OK, to Roseville and New Lexington, OH, with no transportations for compensation on return except as otherwise authorized. Frit and stains, in bags, from Baltimore, MD, to Zanesville, Cambridge, and Roseville, OH, with no transportation for compensation on return except as otherwise authorized. MC 119547 (Sub-No. 15) irregular routes: Clay products, from New Lexington, OH, to points in IA, KY, MO, TN, and WI, with no transportation for compensation on return except as otherwise authorized. MC 119547 (Sub-No. 39) Irregular routes: Clay and clay products (except commodities in bulk), from Oran, MO, to points in the United States (except FL, ID, ME, MT, MO, NH, NV, OR, UT, VT, WA, WY, AK, and HI), with no transportation for compensation on return except as otherwise authorized. MC 119547 (Sub-No. 46) Irregular routes: Paper trays corrugated posts, and clay products (except in bulk), From the plant sites of Lowe's, Inc., at or near Bloomfield, MO, to points in the United States (except AK, HI and MO). From the plant sites of Lowe's, Inc., at or near Paris, TN, to points in the United States (except AK, HI and TN). From

the plant sites of Lowe's, Inc., at or near Olmstead, IL, to points in the United States (except AK, HI, and IL). Clay and clay products (except in bulk), from the plant site of Lowe's, Inc., at or near Oran, MO, to points in FL, ID, ME, MT, NH, NV, OR, UT, VT, WA, and WY. Vendee is authorized to operate as a common carrier throughout all 48 states and the District of Columbia. Application has been filed for temporary authority under section 210a(b). (Hearing Place: Columbus, OH, or Washington, D.C.).

MC-F-13914F. Authority sought for purchase by T.I.M.E.-DC, Inc., 2598 74th Street (P.O. Box 2550), Lubbock, Texas 79408, of the operating rights of TEXAS INTERSTATE MOTOR EXPRESS, INC., P.O. Box 626, Galena Park, Texas 77547, and for acquisition of control of such right by National City Lines, Inc., P.O. Drawer 17-G Terminal Annex, Denver, Colorado 80217 through the purchase. *Applicant's attorneys:* Kenneth G. Thomas, P.O. Box 2550, Lubbock, Texas 79408, and Wentworth Griffin, 1221 Baltimore Avenue, Kansas City, Missouri 64105. *Operating rights south to be transferred:* (1) *Petroleum wax,* in containers from Kilgore, TX to Houston, TX with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted hereinabove is restricted to the transportation of traffic having a subsequent movement by water; (2) *General commodities,* except those of unusual value, Classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Houston, TX, to Big Spring, Sweetwater, Odessa and El Paso, TX, and points in that part of Texas on and East of a line beginning at the Red River and extending along U.S. Highway 277 through Wichita Falls to Abilene, TX, thence along U.S. Highway 83 to Ballinger, TX, thence along U.S. Highway 67 to San Angelo, TX, thence along U.S. Highway 37 to San Antonio, TX and thence along U.S. Highway 181 via Floresville, TX to Corpus Christi, TX; and (3) *Cotton, cotton linters, wool and mohair,* from the destination points described next above to Houston, TX, over irregular routes. T.I.M.E.-DC, Inc. is authorized to operate as a common carrier in AL, AZ, AR, CA, CO, CT, DE, DC, GA, ID, IL, IN, IA, KS, KY, MD, MA, MN, MO, NE, NV, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, VA, WA, WV, WI, and WY. (Application has been filed for temporary authority under Section 210a(b).)

MC-F-13915F. Authority sought for purchase by DUFF TRUCK LINE, INC., Broadway and Vine Streets, Lima, OH 45802, of a portion of the operating rights of THE ROCK ISLAND MOTOR TRANSIT COMPANY, 2744 S.E. Market Street, Des Moines, IA 50305, and for acquisition by L. Eugene Duff, Broadway and Vine Streets, Lima, OH 45802, of control of such rights through the transaction. Transferee's attorneys: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 E. State Street, Columbus, OH 43215. Transferor's attorneys, Donald F. Neiman, Neiman, Neiman, Stone & Spellman, P. C., 1119 High Street, Des Moines, IA 50309. Operating rights sought to be transferred:

(1) *General commodities,* except those of unusual value, commodities in bulk, and those requiring special equipment, over regular routes, Between St. Louis, Mo., and Kansas City, Mo.: From St. Louis over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to Rosebud, Mo., thence over Missouri Highway 28 to Belle, Mo., thence over Missouri Highway 89 to junction U.S. Highway 50, thence over U.S. Highway 50 to Jefferson City, Mo., thence over U.S. Highway 54 to Eldon, Mo., thence over Missouri Highway 52 to junction Missouri Highway 52, thence over Missouri Highway 52 to Windsor, Mo., thence over Missouri Highway 2 to junction Missouri Highway 131, thence over Missouri Highway 131 to Holden, Mo., thence over Missouri Highway 58 to junction U.S. Highway By-Pass 71, thence over U.S. Highway By-Pass 71 to Lee's Summit, Mo., thence over U.S. Highway 50 to Kansas City, and return over the same route. Service is authorized to and from the intermediate points of Union, Jefferiesburg, Beaufort, Leslie, Gerald, Rosebud, Owensville, Canaan, Bland, Belle, Etterville, Eldon, Barnett, Versailles, Stover, Cole Camp, Windsor, Leeton, Chilhowee, Denton, Medford, and Pleasant Hill, Mo., and the off-route points of Clayton, Olivette, Lackland, Maryland Heights, Vigus, Hine, Chesterfield, Bon Homme, Monarch, Centaur, St. Albans, Oetters, Labadie, Villa Ridge, Summerfield, Gascondy, Freeburg, Argyle, Meta, Hoecker, Henley, Eugene, Crest, Ionia, Brandon, Bowen, New Castle, Post Oak, Hadsell, Wingate, Greenwood, South Lee, Vale, and Raytown, Mo. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), hereinafter called the Railway. No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points; (1) St. Louis, Mo., (2) Eldon, Mo. and (3) Kansas City, Mo. All contractual arrangements between said carrier and the railway shall be reported to us and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future, may find it necessary to impose in order to restict, said carrier's operation to service which is auxiliary to, or supplemental of, rail service.

(2) *Baggage, express, newspapers, milk and cream in containers,* and *empty milk and cream containers* which are at the time in the custody of the Railway, over regular routes, Between St. Louis, Mo., and Kansas City, Mo., serving the intermediate points of Union, Jeffriesburg, Gerald, Rosebud, Owensville, Bland, Belle, Eldon, Versailles, Stover, Cole Camp, Windsor, Leeton, Chilhowee, and Pleasant Hill, Mo., and the off-route points of Clayton, Olivette, Lackland, Hine, Chesterfield, Bon Homme, Monarch, Freeburg, Argyle, Meta, Hoecker, Henley, Eugene, Crest, Ionia, Wingate, South Lee, Vale, and Raytown, Mo.: From St. Louis over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to Rosebud, Mo., thence over Missouri Highway 28 to Belle, Mo., thence over Missouri Highway 89 to junction U.S. Highway 50, thence over U.S. Highway 50 to Jefferson City, Mo., thence over U.S. Highway 54 to Eldon, Mo., thence over Missouri Highway 52 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 52, thence over Missouri Highway 52 to Windsor, Mo., thence over Missouri Highway 2 to junction Missouri Highway 131, thence over Missouri Highway 131 to Holden, Mo., thence over Missouri Highway 58 to junction U.S. Highway Bypass 71, thence over U.S. Highway Bypass 71 to Lee's Summit, Mo., thence over U.S. Highway 50 to Kansas City, and return over the same route. RESTRICTION: The service authorized herein is subject to the following conditions: The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of the service of the Chicago, Rock Island & Pacific Railway Company, hereinafter called the Railway. Carrier shall not serve any point on a station on the rail lines of the Railway. All shipments transported shall move on railroad or Railway Express Agency billing. All contractual arrangements between carrier and the Railway shall be reported to the Commission and shall be subject to revision if and as the Commission shall find it necessary in order that they

shall be fair and equitable to the parties. Such further conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service.

Applicant requests that the Commission cancel the following restrictions contained in the authority sought to be transferred in (1) above: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), hereinafter called the Railway; No shipments shall be transported by said carrier between any of the following points, or through or to or from more than one of said points; (1) St. Louis, Mo., (2) Eldon, Mo., and (3) Kansas City, Mo. All contractual arrangements between said carrier and the Railway shall be reported to us and shall be subject to revision, if and as we find it to be necessary in order that such arrangements shall be fair and equitable to the parties; and Such further specific conditions as the Commission in the future, may find it necessary to impose in order to restrict, said carrier's operations to service which is auxiliary to, or supplemental of rail service.

Applicant requests that the Commission cancel the following restrictions contained in the authority sought to be transferred in (2) above: The service by motor vehicle to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, the service of The Chicago, Rock Island and Pacific Railway Company, hereinafter called the Railway; Carrier shall not serve any point not a station on the rail-lines of the Railway; All shipments transported shall move on railroad and Railway Express Agency billing; All contractual arrangements between carrier and the Railway shall be reported to the Commission and shall be subject to revision if and as the Commission shall find it necessary in order that they shall be fair and equitable to the parties; and Such further conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service.

Transferee is authorized to operate as a regular route common carrier in the states of IL, IN, KY, MI, MO, and OH. Application has been filed for temporary authority under Section 210a(b).

MC-F-13917F. Authority sought for control by WILLIAM HOWARD MECOM, P.O. Box 692, Ennis, TA 75119 of NATIONWIDE TRUCK LINES, INC., a Texas corporation, P.O. Box 609, Old Highway 75 So., Ennis, TX 75119. Applicant's attorney: William J. Lippman, Suite 330, 50 South Steele St., Denver, CO 80209. Operating rights sought to be controlled: MC 144170 (pending) will authorize service as a common carrier by motor vehicle, over irregular routes, transporting canned goods: (1) From points in CA to points in AL, AR, CT, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA and WV; (2) from points in OR to points in AL, AR, CT, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA and WV; (3)(a) From the facilities of Krier Preserving Co. at Random Lake, Belgium, and Sturgeon Bay, WI; (b) from the facilities used by American Farms Cooperative at Belgium, Cambria, Eden, Green Bay, Manitowoc, Markesan, Oakfield and Pulaski, WI; (c) from the facilities used by Service Pride Brands, Inc, at Cambria, Markesan, Bloomer, Green Bay, Belgium, and Random Lake, WI to points in AL, AR, CT, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA and WV. RESTRICTION: Restricted to traffic originating at the above-named origins and destined to the above-named destinations. William Howard Mecom has no authority from this Commission. However, he is general manager of United Agricultural Transportation Association of America Marketing Co-op of Ennis, TX, an agricultural marketing cooperative which also operates as a common carrier by motor vehicle pursuant to authority issued in MC 133250 (Sub-No. 2) authorizing *transportation of general commodities subject to the usual exceptions over irregular routes from points in TX, IA, IL, IN, MI, OH, PA, NY, NJ, VA, KY, TN and GA to points in CA, OR, WA, UT, AZ and NV and from points in CA to points in WA, UT, AZ and NV and from points in CA to points in WA, restricted to traffic moving on government bills of lading.* The purpose of this application is to secure the Commission's approval of applicant's retention of a 50% equity interest in Nationwide Truck Lines, Inc. WILLIAM HOWARD MECOM holds no authority from this Commission. However, he is a individual who is general manager of United Agricultural Transportation Association of America Marketing Co-op (United), a marketing cooperative which holds a certificate of public convenience and necessity from the Commission in Docket No. MC 133250 (Sub-No. 2) authorizing transportation of general commodities subject to the usual exceptions over irregular routes from points in TX, IA, IL, IN, MI, OH, PA, NY, NJ, VA, KY, TN and GA to points in CA, OR, WA, UT, AZ and NV and from points in CA to points in WA, restricted to traffic moving on government bills of lading. Application has not been filed for temporary authority under section 210a(b).

MC-F-13918F. Authority sought for purchase by 89336 CANADA LTD., 90 Des Souis-Bois, Villeneuve, Quebec, Canada of the operating rights of LOGISTEC CORPORATION, 360 St. Jacques, Montreal, Quebec, Canada H2Y 1N3 and for acquisition by Reno Emond, 6 Du Rocher, Riviere-du-loup, Quebec, Canada of control of such rights through the purchase. Applicants' attorney: Frank J. Weiner, 15 Court Square, Boston, MA., 02108. Operating rights sought to be purchased: Cement, in bulk, from ports of entry on the US-Canada Boundary line located in ME to points in ME. Vendee holds no authority from the Commission. However it is controlled by Cabano Transport, Ltd., a carrier holding Certificate No. MC 136388 which is authorized to operate as a common carrier within the States of ME, VT, NY, CT, MA, NH, and RI. Application has been filed for temporary authority under Section 210a(b) of the Act.

MC-F-13919F. Applicant: SHANAHAN'S EXPRESS, INC., 2201 Garry Road, P.O. Box C110, Cinnaminson, NJ 08077, and SHANAHAN MOTOR LINES, INC., 1001 Fairview Street, Camden, NJ 08104. Representative: James W. Patterson, Esquire, HARPER, GEORGE, BUCHANAN & DRIVER, 1200 Western Savings Bank Building, Philadelphia, PA 19107. Authority sought for purchase by Shanahan's Express, Inc., 2201 Garry Road, P.O. Box C110, Cinnaminson, NJ 08077, of a portion of the operating rights of Shanahan Motor Lines, Inc., 1001 Fairview Street, Camden, NJ 08104. Operating rights sought to be transferred are as a *common carrier*, over a regular route as follows: *General commodities*, except those of unusual value, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Wilmington, DE and Philadelphia, PA, serving off-route points in DE within 10 miles of Wilmington, from Wilmington over By-Pass U.S. Hwy 13 (formerly U.S. Hwy 13) to junction PA Hwy 191, then over PA Hwy 191 to Philadelphia, and return over the same route. Vendee is authorized to operate as a common carrier in DE, NJ, and PA. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

MC-F-13921F. Authority sought for purchase by GREY GOOSE BUS LINES, LTD., 301 Burnell Street, Winnipeg, Manitoba, Canada of the operating rights of SOUTHERN MOTORS & BUS LINES LIMITED, 3051 St. Mary's Road, Winnipeg, Manitoba, Canada. Applicants' attorney: Jeremy Kahn, Kahn & Kahn, Suite 733 Investment Building, Washington, DC 20005. Grey Goose seeks to purchase the certificate issued to Southern Motors in Docket MC 134140 authorizing the transportation of passengers and their baggage in roundtrip siteseeing and pleasure tours beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States including Alaska but excluding Hawaii. Grey Goose is authorized to operate pursuant to Certificate MC 108219 as a motor common carrier of passengers in regular route service within the state of Minnesota, and in roundtrip charter service beginning and ending at described ports of entry on the International Boundary line and extending to points in the United States. Grey Goose is an affiliate of Laidlaw Transport Ltd. a motor common carrier of property which holds certificates in Docket MC 113784. Approval of this application will result in some duplication of charter authority from certain designated ports of entry on the International Boundary line. An application for temporary authority has not been filed.

MC-F-13922F. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, WI 54701, of the operating rights of NORWOOD CARTAGE COMPANY, INC., P.O. Box 462, Franklin Park, IL, and for acquisition by LEWIS INDUSTRIES, INC., 510 Northwestern Bank Bldg., Sioux Falls, SD 57102, of control of such rights through the purchase. Applicants' attorney: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: *Sand, gravel, building material and commodities general,* within a Fifty (50) mile radius of a point one (1) mile south of Palatine, IL, and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. CHIPPEWA MOTOR FREIGHT, INC., is authorized to operate as a common carrier in MN, WI, IL, IN, IA and OH. Application has been filed for temporary authority under section 210a(b).

MC-F-13923F. Authority sought for purchase by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem St., Eau Claire, WI 54701 of a portion of the operating rights of Smith's Transfer Corporation, P.O. Box 1000 (U. S. Hwy 11), Staunton, VA 24401, and for acquisition of control of such rights by Lewis Industries, Inc., 510 Northwestern Bank Bldg., Sioux Falls, SD 57102, through the purchase. Applicants' Attorneys: Carl L. Steiner, 39, S. La Salle St., Chicago, IL 60603, and Francis W. McInerny, 1000 Sixteenth Street NW, Washington, D. C. 20036. Operating rights sought to be transferred are as a *common carrier,* over irregular routes as follows: GENERAL COMMODITIES, with the usual exceptions, (1) Between points in IA; S. Sioux City and Lincoln, NE; Bloomington, DeKalb, O'Fallon, Peoria and Waukegan, IL; Kansas City, Wichita and Topeka, KS; Albert Lea, Rochester and Chemolite Siding, MN; points in the Minneapolis-St. Paul, MN Commercial Zone as defined by the Commission; Kansas City and St. Joseph, MO; and points in the St. Louis, MO-East St. Louis, IL Commercial Zone as defined by the Commission, on the one hand, and, on the other, Canton, Mitchell, Sioux Falls and Yankton, SD. (2) Between Canton, Mitchell, Sioux Falls and Yankton, SD, on the one hand, and, on the other, Crawfordsville, Evansville, Fort Wayne, Indianapolis, Lafayette and Richmond, IN; Cincinnati, Columbus and Dayton, OH. (3) Between East Alton, IL, on the one hand, and, on the other, Canton, Mitchell, Sioux Falls, and Yankton, SD. Chippewa Motor Freight, Inc, is authorized to operate as a common carrier in IL, IN, IA, WI, OH, and MN. Application has not been filed for temporary authority under Section 210a (b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission on or before March 26, 1979. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 114273 (Sub-493F) filed November 2, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, IA 52406. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: General commodities (except commodities in bulk, classes A and B explosives, value, and commodities requiring the use of special equipment), between Toledo, OH, on the one hand, and, on the other, points in OH. (Hearing site: Washington, DC.)

NOTE.—The purpose of this application is to convert a certificate of registration to a certificate of public convenience and necessity. This matter is directly related to a finance proceeding docketed MC-F-13804F and published in a previous section of this FEDERAL REGISTER issue.

MC 114273 (Sub-494F), filed November 2, 1978. Applicant: CRST, Inc., P.O. Box 68, Cedar Rapids, Iowa 52406. Representative: Robert E. Konchar, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (A) *General Commodities,* from points in OH to points in IA within 100 miles of Cedar Rapids, IA. (Gateway eliminated: Toledo, OH, Chicago, IL and Cedar Rapids, IA); (B) *General Commodities,* between Chicago, IL, on the one hand, and, on the other points in OH. (Gateway eliminated: Toledo, OH); (C) *Such commodities as are dealt in by wholesale, retail, or chain grocery stores,* between points in OH, on the one hand, and, on the other, Fargo, ND; points in that part of MN on and east of MN Hwy 15 and on and south of MN Hwy 95, and Duluth, MN; points in that part of KS on and east of U.S. Hwy 81; and points in that part of MO on and north of U.S. Hwy 50 and on and west of U.S. Hwy 63. (Gateways eliminated: Toledo, OH, Chicago, IL, Marshalltown and Clinton, IA); (D) *Iron and steel articles and non-ferrous metal articles* in mixed loads with iron and steel articles, from points in OH to points in IA within 100 miles of Cedar Rapids, IA and points in CO on and east of the Continental Divide. (Gateways Eliminated: Toledo, OH and Chicago, IL); (E) *Iron and steel articles,* as defined by the Commission in Appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except oil field commod-

ities as defined by the Commission, 47 M.C.C. 459), and *non-ferrous metals* and *plastic articles* moving in mixed loads with iron and steel articles, from points in OH to points in MN. (Gateways Eliminated: Toledo, OH and Chicago, IL);

(F) *Aluminum bus bar, foil, sheet, plate, and ingot,* from the facilities of ALCOA at Riverdale, IA to points in OH. (Gateway eliminated: Toledo, OH); (G) *Foodstuffs,* (except in bulk, in tank vehicles), from points in OH to Galesburg, IL. (Gateway eliminated: Toledo, OH). (Hearing site: Washington, DC)

NOTE.—The purpose of this application is to eliminate certain gateways which result from the joinder of the authority of transferee, CRST, Inc. and the transferor, Toledo's Best Transport Company, Inc. This matter is directly related to the finance case docketed under number MC-F-13804F published in a previous section of this FR issue.

MC 120371 (Sub-15F), filed December 14, 1978. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 2945 North Toledo, Tulsa, OK 74115. Representative: David B. Schneider, 1503 E. 19th Street, P.O. Box 1540, Edmond, OK 73034. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (1) Between Tulsa, OK and Atoka, OK, serving all intermediate points: From Tulsa over U.S. Hwy. 75 to Henryetta, OK, then over U.S. Hwy. 62 to Okemah, OK, then over OK Hwy. 56 to its junction with OK Hwy. 99 then over OK Hwy. 99 to Ada, OK, then over OK Hwy. 3 to Coalgate, OK, then over U.S. Hwy. 75 to Atoka, and return over the same route. RESTRICTION: The authority immediately above is restricted against pickup and delivery service between Sapulpa, Henryetta, Okmulgee, and all intermediate points between said cities. (2) Between Shawnee, OK and Holdenville, OK, serving all intermediate points: From Shawnee over U.S. Hwy. 270 to Holdenville, and return over the same route. (3) Between Tulsa, OK and Allen, OK, serving the intermediate points of Pharoah, Weleetka, Wetumka, Calvin, and Atwood, OK: From Tulsa over U.S. Hwy. 75 to its junction with OK Hwy. 1, then over OK Hwy. 1 to Allen, and return over the same route. (4) Between Tulsa, OK and Oklahoma City, OK, serving all intermediate points: From Tulsa over U.S. Hwy. 75 to its junction with U.S. Hwy. 62, then over U.S. Hwy. 62 to Oklahoma City, and return over the same route. RESTRICTION: The authority immediately above is restricted against: (a) the transportation of shipments originating at Tulsa and destined to Oklahoma City, and freight originating at Oklahoma City and destined to Tulsa; and (b) pickup and delivery service between Sapulpa, Henryetta, Okmulgee, and all intermediate points between said cities. (5) Between Seminole, OK and Ada, OK serving all intermediate points, and the off route point of Konawa, OK: From Seminole over OK Hwy. 99 to Ada, and return over the same route. (6) Between Oklahoma City, OK and Henryetta, OK, serving all intermediate points: From Oklahoma City over U.S. Hwy. 62 to Henryetta, and return over the same route. (7) Between Oklahoma City, OK and Atoka, OK, serving all intermediate points: From Oklahoma City over U.S. Hwy. 270 to its junction with OK Hwy. 99, then over OK Hwy. 99 to Ada, OK, then over OK Hwy. 3 to Coalgate, OK, then over U.S. Hwy. 75 to Atoka, and return over the same route. (8) Between Oklahoma City, OK and Allen, OK, serving all intermediate points, and the off route point of Calvin, OK: From Oklahoma City over U.S. Hwy. 270 to its junction with OK Hwy. 48, then over OK Hwy. 48 to its junction with OK Hwy. 1, then over OK Hwy. 1 to Allen, and return over the same route. (9) Between Oklahoma City, OK and Weleetka, OK, serving all intermediate points: From Oklahoma City over U.S. Hwy. 270 to Seminole, OK, then over OK Hwy. 9 to Wetumka, OK, then over U.S. Hwy. 75 to Weleetka, and return over the same route. (10) Between Oklahoma City, OK and Holdenville, OK, serving all intermediate points: From Oklahoma City over U.S. Hwy. 270 to Holdenville, and return over the same route. (11) Between Tulsa, OK and Oklahoma City, OK, serving all intermediate points: From Tulsa over U.S. Hwy. 75 to its junction with U.S. Hwy. 62, then over U.S. Hwy. 62 to its junction with OK Hwy. 56, then over OK Hwy. 56 to its junction with OK Hwy. 99A, then over OK Hwy. 99A to Shawnee, OK, then over U.S. Hwy. 270 to Oklahoma City, and return over the same route. RESTRICTION: The authority immediately above is restricted against the transportation of shipments originating at Tulsa destined to Oklahoma City, or shipments originating at Oklahoma City destined to Tulsa. Alternate Route: *General commodities,* (12) Between Oklahoma City, OK and Henryetta, OK, as an alternate route, for operating convenience only: From Oklahoma City over Interstate Hwy. 40 to Henryetta, and return over the same route. Regular Route: *General commodities* (except Classes A & B explosives and commodities which required the use of special equipment), (13) Between Oklahoma City, OK and Waukomis, OK, serving the intermediate points of Okarche, Kingfisher, Dover, Hennessey, and Bison, OK: From Oklahoma City over OK Hwy. 3 to its juction with U.S. Hwy. 81, then over U.S. Hwy. 81 to Waukomis, and return over the same route. Regular Route: *General commodities,* (14) Between Oklahoma City, OK and Waukomis, OK, serving all intermediate points, and the off route points of Cashion, Lovell, Douglas, and Fairmont: From Oklahoma City over OK Hwy. 74 to its junction with U.S. Hwy. 64 and OK Hwy. 15, then over U.S. Hwy. 64 and OK Hwy. 15 to Enid, OK, then over U.S. Hwy. 81 to Waukomis, and return over the same route. Regular Route: *General commodities* (except Classes A & B explosives and commodities which require the use of special equipment), (15) Between Tulsa, OK and Covington, OK, serving no intermediate points: From Tulsa over U.S. Hwy. 64 to Perry, OK, then over OK Hwy. 164 to Covington, and return over the same route. *General commodities,* (except classes A & B explosives, commodities in bulk, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), (16) Between Atoka, OK and Stringtown, OK: From Atoka over U.S. Hwy. 69 to Stringtown, and return over the same route. (17) Between Shawnee, OK and Seminole, OK, serving all intermediate points, and the off route points of Tecumseh, Earlsboro, and Asher: From Shawnee over U.S. Hwy. 177 to its junction with OK Hwy. 59, then over OK Hwy. 59 to its junction with OK Hwy. 99, then over OK Hwy. 99 to Seminole, and return over the same route. *General commodities,* (18) Between Tulsa, OK, and the Oklahoma-Kansas state line, serving all intermediate points: From Tulsa over U.S. Hwy. 75 to the Oklahoma-Kansas state line, and return over the same route. *General commodities,* (except Classes A & B explosives, commodities in bulk, and articles of unusual value, household goods as defined by the Commission and commodities requiring special equipment), (19) Between Tulsa, OK and Muskogee, OK, serving all intermediate points and serving the off route points of Stone Bluff, Jonesville, Yahola, and Taft, OK: From Tulsa over U.S. Hwy. 64 and return over the same route. Between Tulsa, OK and Muskogee, OK, serving no intermediate points as an alternate route for operating convenience only: From Tulsa over OK Hwy. 51 to its junction with the Muskogee Turnpike, then over the Muskogee Turnpike to Muskogee and return over the same route. (20) Between Henryetta, OK and Muskogee, OK, serving all intermediate points except Checotah, OK: From Henryetta over Interstate Hwy 40 to its junction with U.S. Hwy. 69, then over U.S. Hwy. 69 to Muskogee, and return over the same route. (Hearing Site: Oklahoma City, OK.) MC-F-13860F was published in the FEDERAL REGISTER issue of January 25, 1979.

NOTE.—This matter is directly related to MC-F-13860F, Central Oklahoma Freight Lines, Inc.—Purchase (Portion)—Burk Motor Freight, Inc. The purpose of this application is to convert applicant's Certificates of Registration to Certificates of Public Convenience and Necessity.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 26, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PASSENGERS

MC 29957 (Deviation No. 20), CONTINENTAL SOUTHERN LINES, INC., 1785 Highway 80 West, P.O. Box 8435, Jackson, MS 39204, filed February 2, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Jackson, MS over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, LA and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Jackson, MS over US Hwy 49 to Mendenhall, MS, then over MS Hwy 13 to Columbia, MS, then over US Hwy 98 to junction MS Hwy 35, then over MS Hwy 35 to the LA-MS State line, then over LA Hwy 21 to junction US Hwy 190, then over US Hwy 190 to junction Lake Pontchartrain Causeway, then over Lake Pontchartrain Causeway and access roads to New Orleans, LA and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before March 26, 1979.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

MOTOR CARRIERS OF PROPERTY

MC 11220 (Deviation No. 38), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed January 29, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Hwy 30 and US Hwy 70, over Interstate Hwy 30 to Texarkana AR-TX, then over US Hwy 59 to Livingston, TX, then over TX Hwy 146 to Liberty, TX, then over US Hwy 90 to Houston, TX, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Hwy 30 and US Hwy 70 over US Hwy 70 to Durant, OK, then over US Hwy 75 to Houston, TX, and return over the same route. NOTE: A portion of this deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the leased authority expires, this deviation, if authorized, will likewise expire.

MC 11220 (Deviation No. 39), GORDONS TRANSPORTS, INC., 185 W. McLemore Ave., Memphis, TN 38101, filed January 29, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction US Hwy 45 and TN Hwy 57 at Eastview, TN, over TN Hwy 57 to junction US Hwy 72 at Collierville, TN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction US Hwy 45 and TN Hwy 57 at Eastview, TN, over US Hwy 45 to Selmer, TN, then over US Hwy 64 to Memphis, TN, then over US Hwy 72 to junction TN Hwy 57 at Collierville, TN, and return over the same route, restricted against the movement of traffic between Memphis, TN, Corinth, MS and Athens, AL.

MC 33641 (Deviation No. 125), IML FREIGHT, INC., P. O. Box 30277, Salt Lake City, UT 84125, filed February 7, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Las Vegas, NV, over US Hwy 93 to Wickenburg, AZ, then over US Hwy 89 to Phoenix, AZ, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Las Vegas, NV, over US Hwy 91 (I-15) to Harrisburg, UT then over UT Hwy 17 to La Verkin, UT, then over UT Hwy 15 to Mt. Carmel Jct., UT, then over US Hwy 89 to Kanab, UT, then over Alt. US Hwy 89 to junction US Hwy 89 near Bitter Springs, AZ, then over US Hwy 89 to Flagstaff, AZ, then over AZ Hwy 79 and Interstate Hwy 17 to Phoenix, AZ and return over the same route.

MC 33641 (Deviation No. 126), IML FREIGHT, INC., P. O. Box 30277, Salt Lake City, UT 84125, filed February 7, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, CA, over Interstate Hwy 10 to junction unnumbered AZ Hwy near Buckeye, AZ, then over unnumbered AZ Hwy to junction US Hwy 80, then over US Hwy 80 to Phoenix, AZ, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Los Angeles, CA over US Hwy 66 to Barstow; CA, then over US Hwy 91 (I-15) to Harrisburg, UT, then over UT Hwy 17 to LaVerkin, UT, then over UT Hwy 15 to Mt. Carmel Jct., UT, then over US Hwy 89 to Kanab, UT, then over Alt. US Hwy 89 to junction US Hwy 89 near Bitter Springs, AZ, then over US Hwy 89 to Flagstaff, AZ, then over AZ Hwy 79 and Interstate Hwy 17 to Phoenix, AZ, and return over the same route.

MC 42487 (Deviation No. 121), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, P.O. Box 3062, Portland, OR 97208, filed February 7, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, GA over US Hwy 278 to junction US Hwy 231 near Brooksville, AL, then on US Hwy 231 to junction AL Hwy 67 near Summit, AL, then over AL Hwy 67 to junction US Hwy 31 near Decatur, AL, then over US Hwy 31 to junction Alt. US Hwy 72 at Decatur, AL, then over Alt. US Hwy 72 to junction US Hwy 72 near Tuscombia, AL, then over US

Hwy 72 to junction Interstate Hwy 240 at Memphis, TN, then over Interstate Hwy 240 to junction Interstate Hwy 55 at Memphis, TN, then over Interstate Hwy 55 to St. Louis, MO and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, GA over US Hwy 41 to Chattanooga, TN, then over US Hwy 11 to Knoxville, TN, then over US Hwy 25-W to Corbin, KY, then over US Hwy 25 to Lexington, KY, then over US Hwy 60 to Louisville, KY, then over US Hwy 150 to Shoals, IN, then over US Hwy 50 to St. Louis, MO and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 58558, filed December 29, 1978. Applicant: BRUCE G. HEADY, d.b.a. COVELO TRANSPORTATION, 2870 Oak Court Road, Ukiah, CA 95482. Representative: Michael Charles Leiden, P.O. Box 8594, Emeryville, CA 94662. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities,* (1) From Ukiah over U.S. Hwy 101 to Willits and Longvale, thence northeast on Mendocino County Roads to Dos Rios, Covelo and Eel River Ranger Station, and points and places within a ten mile radius of those routes and points; and (2) Between all points and places located on or within ten miles laterally of the following routes. (a) State Hwy 162 between Longvale and Willows, inclusive; (b) U.S. Hwy 5 between Redding and Sacramento, inclusive; and (c) State Hwy 20 between Willits and its intersection with State Hwy 1, inclusive. Intrastate, interstate and foreign commerce sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, California State Building, 350 McAllister Street, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-881, filed January 25, 1979. Applicant: RAYMOND F. MELANDER, d.b.a. SHOREY'S EXPRESS, 270 Malto Avenue, Ballston Spa, NY 12020. Representative: Martin Werner, 888 Seventh Avenue, New York, NY 10019. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities,* between all points in Albany, Saratoga and Schenectady Counties, points in Washington County on and west of NY Hwy 40, and Towns of Queensbury, Lake Luzerne, Warrensburg, and Lake George in Warren County, the Towns of Brunswick, East Greenbush, North Greenbush, Schodack and Schaghticoke in Rensselaer County, and the Cities of Troy, Rensselaer and Glens Falls, NY. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, Building #4, Room G-21, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC-7495, filed January 24, 1979. Applicant: BLOUNT MOTOR LINES, INC., 3712 Valley ridge Drive, Nashville, TN 37211. Representative: Grant W. Smith, P.O. Box 2725, 100 J.C. Bradford Building, Nashville, TN 37219. Certificate of Public Convenience and Necessity sought to operate a freight service, over irregular routes, as follows: Transportation of: *General commodities,* between all points and places in Davidson County, TN, and Blount County, TN. Intrastate, interstate and foreign commerce authority sought. HEARING: February 21, 1979, at 9:30 A.M., Commission's Hearing room, C1-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, C1-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-5540 Filed 2-21-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. G-16225, et al.]

NOTICE OF APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES[1]

FEBRUARY 13, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 8, 1979, 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). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure base
G-16225, (D) Dec. 11, 1978	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., South Duson Field, Lafayette Parish, La.	(1)	
CI61-691 (C) Jan. 15, 1979	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipeline Co., Orie C. Johnson Unit, Sec. 5-T21N-R16W, Major County, Okla.	(2)	14.65
CI61-1640 (D) Jan. 22, 1979	Mobil Oil Corp., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 34, Federal Offshore La.	(3)	
CI63-538 (C) Jan. 29, 1979	Atlantic Richfield Co	Cities Service Gas Co., Canfield No. 3 Well in Sec. 23-28N-21W, Northwest Lovedale Field, Harper County, Okla.	(4)	14.65
CI67-654 (D) Jan. 23, 1979	Mobil Oil Corp	Trunkline Gas Co., Lake Misere Field, Cameron Parish, La.	Depleted and leases surrendered.	
CI68-155 (D) Jan. 22, 1979	Mobil Oil Corp	Texas Eastern Transmission Corp., Zone, 1, Offshore Louisiana.	State Lease No. 5335 was released in Nov. 1974. This lease was nonproductive.	
CI68-686 (D) Jan. 23, 1979	Mobil Oil Corp	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	Cessation of production from the CVBSU"B" Unit in Aug. 1976. Gas reserves depleted.	
CI68-1044 (D) Jan. 12, 1979	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Transcontinental Gas Pipeline Corp., Pointe Au Fer Field, Terrebonne Parish, La.	No known physically recoverable reserves.	
CI68-1208 (D) Jan. 12, 1979	Texaco Inc	Transcontinental Gas Pipeline Corp., Pointe Au Fer Field, Terrebonne Parish, La.	No known physically recoverable reserves.	
CI72-556 (C) Jan. 25, 1979	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	Kansas-Nebraska Natural Gas Co., Inc., certain acreage located in the Reydon area, Roger Mills County, Okla., and Hemphill County, Tex.	(5)	14.65
CI78-66 (C) Jan. 22, 1979	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, certain acreage located in the High Island Field, Offshore Texas.	(6)	14.73
CI78-67 (C) Jan. 22, 1979	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., certain acreage located in the High Island Field, Offshore Texas.	(6)	14.73
CI78-68 (C) Jan. 22, 1979	Exxon Corp.	Trunkline Gas Co., certain acreage located in the High Island Field, Offshore Texas.	(7)	14.73
CI78-993 (C) Jan. 29, 1979)	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Lakewood State Com. No. 1 Well, Angell Ranch Field, Sec. 25-T19S-R27E, Eddy County, N. Mex., limited to the Morrow Formation.	(8)	14.73
CI78-1219 (A) Aug. 30, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., West Cameron Block 71 Field, Offshore Louisiana.	(9)	15.025
CI79-211 (A) Jan. 8, 1979	Mobil Oil Corp., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Natural Gas Pipeline Co. of America, certain acreage in the High Island Area, Blocks A-572, A-573, A-596 and A-382, Federal Offshore Texas.	(10)	14.73
CI79-212 (A) Jan. 8, 1979	Mobil Oil Corp	Transcontinental Gas Pipe Line Corp., certain acreage in the High Island Area, Blocks A-572, A-573, A-596 and A-382, Federal Offshore Texas.	(10)	14.73
CI79-213 (CI62-482) (B) Jan. 11, 1979	Victor Hale and Vivian Hale, 308 South 3rd Ave., Prestonsburg, Ky. 41653.	Cities Service Co., Middle Creek, Floyd County, Ky.	Purchaser's high line pressure and failure to take delivery of gas as agreed in contract.	
CI79-214 (B) Jan. 2, 1979	Dorfman Production Co. (Operator), et al., 2315 Mercantile Bank Bldg., Dallas, Tex. 75201.	United Gas Pipe Line Co., Willow Springs Field, Gregg County, Tex.	Depleted and no longer capable of production.	
CI79-215 (B) Jan. 2, 1979	Dorfman Production Co. (Operator), et al.	United Gas Pipe Line Co. and Texas Eastern Gas Transmission Corp., Willow Springs Field, Gregg County, Tex.	Depleted and no longer capable of production.	
CI79-216 (A) Jan 12, 1979	Texaco Inc., P.O. Box 52332 Houston, Tex. 77052.	El Paso Natural Gas Co., Goldsmith Field, Ector County, Tex..	(11)	14.73
CI79-217 (B) Jan. 12, 1979	Llano, Inc., and NMESCO Fuels, Inc., P.O. Drawer 1320, Hobbs, N. Mex. 88240.	Phillips Petroleum Co., Grama Ridge Morrow Field, Lea County, N. Mex.	Well will convert to a gas injection well for storage.	
CI79-218 (A) Jan. 15, 1979	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Texas Gas Transmission Corp., Eugene Island Area, Block 365, Offshore Louisiana.	(12)	14.73
CI79-220 (A) Jan. 12, 1979	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Waddell Field, Crane County, Tex.	(13)	14.65
CI79-222 (CI63-886) (B) Jan. 15, 1979	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	United Gas Pipe Line Co., Cypress Island Field, St. Martin Parish, La.	(14)	
CI79-223 (G-16758) (B) Jan. 19, 1979	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Columbia Gas Transmission Corp. (succ. to United Fuel Gas Co.) Florence Field, Vermilion Parish, La.	Depleted and no gas has been delivered since January of 1973.	
CI79-224 (A) Jan. 19, 1979	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., High Island Area Block A-283, OCS-G-2404, Offshore Texas, Gulf of Mexico.	(15)	14.73
CI79-226 (B) Jan. 22, 1979	Southeastern Public Service Co., 1625 Southwest Tower, Houston, Tex. 77002.	Southern Natural Gas Co., Section 28 Field, St. Martin Parish, La.	Depleted to extent that continuance of service is impossible. Gas compression commenced Sept. 1966.	

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure base
CI79-227 (A) Jan. 15, 1979	Mobil Oil Corp., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	El Paso Natural Gas Co., certain acreage located in the Waddell Ranch Area, Crane County, Tex.	([16])	14.73
CI79-228 (CI68-1418) (B) Jan. 22, 1979	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, West Cameron Block 163 Field, Federal Offshore Louisiana.	Depleted, last well on lease ceased producing in Jul. 1976 and Lease No. OCS-0752 expired on Dec. 19, 1976.	
CI79-229 (CI72-756) (B) Jan. 22, 1979	Warren Petroleum Co., a Division of Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Caliche Gas Processing Plant, Lea County, N. Mex.	([17])	
CI79-230 (CI65-578) (B) Jan. 22, 1979	Warren Petroleum Co., a Division of Gulf Oil Corp.	El Paso Natural Gas Co., Caliche Gas Processing Plant, Lea County, N. Mex.	([17])	
CI79-231 (A) Jan. 25, 1979	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, certain acreage located in the Bonanza Field, Unitah County, Utah.	([9])	15.025
CI79-232 (E) Jan. 26, 1979	Gulf Oil Corp., (succ. in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Consolidated Gas Supply Corp., certain acreage located in the Henrietta DeKalb Field, Gilmer County, W. Va.	([18])	14.65
CI79-233 (E) Jan. 26, 1979	Gulf Oil Corp. (succ. in interest to Kewanee Oil Co.).	Consolidated Gas Supply Corp., certain acreage located in the Glenville Field, Gilmer County, W. Va.	([19])	14.65
CI79-234 (A) Jan. 26, 1979	Gulf Oil Corp.	Transcontinental Gas Pipe Line Corp., High Island Area Block A-283 Field, Offshore Texas, Gulf of Mexico.	([20])	14.65
CI79-235 (B) Jan. 26, 1979	Southeastern Public Service Co., 1625 Southwest Tower, Houston, Tex. 77002.	Southern Natural Gas Co., Section 28 Field, St. Martin Parish, La.	Depleted to extent that continuance of service is impossible. Gas compression commenced in Sept. 1966.	
CI79-236 (CI64-478) (B) Dec. 6, 1978	Francis H. Alston, Box 336, Logansport, La. 71049.	Southern Natural Gas Co., Jack A. Gamble No. 1 Well in Sec. 3—T12N—R16W, Logansport Field, DeSoto Parish, La.	Abandoned.	
CI79-237 (E) Jan. 29, 1979	Gulf Oil Corp. (succ. in interest to Kewanee Oil Co.).	Gas Gathering Corp., certain acreage located in the Bayou Bouillon Field, St Martin Parish, La.	([21])	15.025
CI79-238 (A) Jan. 29, 1979	Southland Royalty Co. (operator), 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., University "H" No. 1 Well located in Section 31, Block 58, University Lands Survey, Reagan County, Tex.	([22])	14.65
CI79-239 (B) Jan. 29, 1979	Bill J. Graham—Joe Bean, 47-1, P.O. Box 5321, Midland, Tex. 79701.	The Permian Corp., Donham Grayburg Field, Crockett County, Tex.	([23])	
CI79-241 (A) Jan. 29, 1979	Gulf Oil Corp.	Transwestern Pipeline Co., Stonewall "EP" State Com. Well No. 4, E/2 Sec. 30-20S-28E, Burton Flat Field, Eddy County, N. Mex., limited to Morrow Formation.	([4])	14.73

[1] This field has been extensively explored and is considered to be essentially depleted of recoverable gas reserves and leases and parts of leases have been surrendered for lack of production.

[2] Applicant is filing under Gas Purchase Contract dated 10-17-60, amended by amendment dated 11-6-78.

[3] Depleted and Lease No. OCS-G-1191 canceled and deleted from commitment to contract dated 4-17-61, effective 3-15-76.

[4] Applicant is filing under a Ratification Agreement dated 6-20-78, amending that certain Gas Puchase Contract dated 10-4-62, as amended 3-20-78.

[5] Applicant is filing under contract dated 12-18-78.

[6] Applicant is filing under Gas Sales and Purchase Agreement dated 1-10-79.

[7] Applicant is filing under Gas Sales and Purchase Agreement dated 10-11-77, as amended by Agreement dated 10-24-78.

[8] Applicant is willing to accept a permanent certificate in conformance with the Natural Gas Policy Act of 1978.

[9] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

[10] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d) and Subpart D, Section 104.

[11] Applicant is filing under Gas Purchase Contract dated 8-8-75.

[12] Applicant is willing to accept the applicable rate established under S 102(d) of the Natural Gas Policy Act of 1978.

[13] Applicant is filing under Letter Agreement dated 7-14-75, amended by Letter Agreement dated 10-1-76.

[14] The sole well ceased to produce on 6-2-78, efforts to restore production were unsuccessful and the oil and gas leases expired by their own terms on 10-22-78.

[15] Applicant is willing to accept certification at an initial rate equal to the applicable rate fixed by the Natural Gas Policy Act of 1978, including any increases in such rate prescribed by the Commission or other body having jurisdiction over such rates, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act or the Natural Gas Policy Act.

[16] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart D, Section 104.

[17] The Caliche Gas Processing Plant was constructed to handle high pressure sweet gas, however, it dropped to a level at which the plant can not operate. No other high pressure sweet gas will be available in this area and Warren's Monument Gas Processing Plant will be capable of handling the low pressure gas available to Warren in this area.

[18] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 6-20-78, as amended.

[19] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 12-2-30, as amended.

[20] Applicant is willing to accept a permanent certificate in conformance with the Commission's Regulations under the Natural Gas Act and the Natural Gas Policy Act of 1978.

[21] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 3-1-67, as amended.

[22] Applicant is willing to accept a certificate pursuant to Section 108 of the Natural Gas Policy Act of 1978.

[23] Well will not produce any gas due to water intrusion. Pumping equipment was installed. Would not make enough gas for fuel for engine. No gas sales for over 3 months. Well will be plugged and abandoned and equipment removed.

Filing code:

A—Initial Service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Total Succession.
F—Partial Succession.

[FR Doc. 79-5480 Filed 2-22-79; 8:45 am]

[6450-01-M]

[Docket Nos. CS77-644, *et al.*]

NOTICE OF APPLICATIONS FOR "SMALL PRODUCER" CERTIFICATES[1]

FEBRUARY 14, 1979.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 12, 1979, 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 1.19). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1]This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS77-644.	[1]2/7/79	H. G. Westerman, 1900 LTV Tower, Dallas, Texas 75201.
CS79-264.	1/19/79	Bradley-Tarpley, a Co-Partnership, Suite 210, 3000 United Founders Blvd., Oklahoma City, Oklahoma 73112.
CS79-265.	1/19/79	John R. Bryant, 911 West Silver Street, Hobbs, New Mexico 88240.
CS79-266.	1/19/79	A. L. Tankersley, Route 1, Box 151, Hico, Texas 76457.
CS79-267.	1/19/79	Sandra J. Brooks, P.O. Box 1387, Eunice, New Mexico 88231.
CS79-268.	1/19/79	R. W. Browne, P.O. Box 4484, Midland, Texas 79701.
CS79-283.	1/29/79	Robert G. Breisch, P.O. Box 25188, Oklahoma City, Oklahoma 73125.
CS79-284.	1/29/79	D. L. Dobie, 419 Mayo Building, Tulsa, Oklahoma 74103.
CS79-285.	1/30/79	Gary Millard, Deck Trust A., 1500 First Natl. Bank Bldg., Fort Worth, Texas 76102.
CS79-286.	1/29/79	Acoma Oil Corporation, 360 Hamm Bldg., St. Paul, Minn. 55102.
CS79-287.	1/30/79	Beverly June, Deck Trust A, 1500 First Natl. Bank Bldg., Fort Worth, Texas 76102.
CS79-288.	1/29/79	A. K. Guthrie, d/b/a A. K. Guthrie Operating Co., 611 Main Street, Big Spring, Texas 79720.
CS79-289.	2/2/79	Energy Development Corporation (Maryland), P.O. Box 588, Brooklandville, Md. 21022.
CS79-290.	2/2/79	EDC One Company, P.O. Box 588, Brooklandville, Md. 21022.
CS79-291.	2/2/79	CNE Company, P.O. Box 588, Brooklandville, Md. 21022.
CS79-292.	2/2/79	REMAC, Inc., P.O. Box 588, Brooklandville, Md. 21022.
CS79-293.	2/2/79	REMAC-F-77 Company, P.O. Box 588, Brooklandville, Md. 21022.
CS79-294.	2/2/79	Harvard Exploration, Ltd.—Series 6, P.O. Box 936, Roswell, New Mexico 88201.
CS79-295.	2/2/79	Harvard Exploration, Ltd.—Series 7, P.O. Box 936, Roswell, New Mexico 88201.
CS79-296.	2/2/79	Harvard Exploration, Ltd.—Series 5, P.O. Box 936, Roswell, New Mexico 88201.
CS79-297.	2/2/79	Harvard Exploration, Ltd.—1973 Development Program, P.O. Box 936, Roswell, New Mexico 88201.
CS79-298.	2/2/79	Harvard Exploration, Ltd.—Series 73B, P.O. Box 936, Roswell, New Mexico 88201.
CS79-299.	2/2/79	Harvard Exploration, Ltd.—1974 Program, P.O. Box 936, Roswell, New Mexico 88201.
CS79-300.	2/2/79	Harvard Exploration, Ltd.—Series 1974-B, P.O. Box 936, Roswell, New Mexico 88201.
CS79-301.	2/2/79	Robert L. Wood, P.O. Box 156, Midland, Texas, 79702.
CS79-302.	2/2/79	Spoonemore Brothers, Box 946, Spearman, Texas 79081.
CS79-303.	2/2/79	Harvard Exploration, Ltd., P.O. Box 936, Roswell, New Mexico 88201.
CS79-304.	2/5/79	John M. Beard, 1450 Fifth Penn Place, Oklahoma City, Oklahoma 73118.
CS79-305.	2/5/79	Don J. Leeman, 1450 Fifth Penn Place, Oklahoma City, Oklahoma 73118.
CS79-306.	2/5/79	John C. Kinard, 3021 Sixth Avenue North, Billings, Montana 59101.
CS79-307.	2/5/79	Niobrara Illumination Gas Associates, 1620 Denver Club Building, Denver, Colorado 80202.
CS79-308.	2/5/79	The Sand Hills Society, 1620 Denver Club Building, Denver, Colorado 80202.
CS79-309.	2/5/79	John M. Shuey, 800 Johnson Building, Shreveport, Louisiana 71101.
CS79-310.	2/5/79	Whiteman Investment Co., P.O. Box 60649, Oklahoma City, Oklahoma 73146.
CS79-311.	2/6/79	Remuda Corporation, 3021 Sixth Avenue North, Billings, Montana 59101.
CS79-312.	2/5/79	C. D. Martin, P.O. Box 3580, Midland, Texas 79702.

[1]Being noticed to reflect change of address.

[FR Doc. 79-5479 Filed 2-22-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

APPLICATION FOR EXCEPTION FILED BY SHELL OIL CO.

Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notice of a public hearing to be held in Washington, D.C. to receive comments with respect to an Application for Exception filed by the Shell Oil Company (Shell) on February 16, 1979, Case No. DEE-2192. In its submission, Shell requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Shell's request that exception relief be granted to Shell which permits the firm to determine allocation levels on the basis of 1978 supply levels.

DATES:

Hearing: February 27, 1979 at 9:30 a.m.

Request to Speak: February 22, 1979.

ADDRESSES:

Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WV, 2000 M Street, N.W., Room 2313, Washington, D.C. 20461, (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Comments and Further Information to: Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, N.W., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by the Shell Oil Company (Shell) on Februrary 15, 1979. In its Application for Exception, Shell states that the firm's future supply of gasoline may be insufficient to meet the needs of its customers. According to the Shell submission, several factors, including the application of the DOE price regulations, have resulted in an increased demand for the firm's products. Shell indicates that it has been able to meet the demands of its customers to date. However, Shell projects that its inventories will reach unacceptably low levels sometime in the future and that the firm will consequently be forced to allocate gasoline. According to the firm, if Shell were required to allocate gasoline according to the 1972 base period, a hardship will result to those customers whose actual sales in 1978 far exceed their base period volumes.

Shell contends that in order to equitably distribute its available supplies of gasoline until demand returns to normal levels, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in Section 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Shell, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the underlying Shell exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 22, 1979. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by February 23, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please bring 100 copies of the Proposed Statement to the hearing.

At the hearing, representatives from Shell will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements, subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., February 16, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

[FR Doc. 5667 Filed 2-22-79; 11:01 am]

[6450-01-M]

Economic Regulatory Administration

[ERA Docket No. 79-05-NG]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Application for Emergency Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application for emergency authorization, intent to issue expedited order, and invitation to submit petitions to intervene and briefs on the merits of the request.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Great Lakes Gas Transmission Company (Great Lakes) for emergency authorization, pursuant to Section 3 of the Natural Gas Act (NGA), to import up to 3 Bcf of natural gas from Canada. Great Lakes has asserted the need for this gas to meet an emergency situation in the service area of one of its customers, Peoples Natural Gas Division (Peoples) of Northern Natural Gas Company (Northern). ERA announces its intent to issue an order on an expedited basis in this proceeding, and requests that petitions to intervene and briefs addressing the merits of Great Lakes' request be submitted no later than February 26, 1979.

DATES: Petitions to intervene and briefs opposed to or in support of Great Lakes' request: to be filed on or before February 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division Department of Energy, Economic Regulatory Administration 2000 M St., N.W., Room 6318, Washington, D.C. 20461 Telephone: (202) 254-9730.

Mr. Robert de Sugny, Office of General Counsel Department of Energy, 12th & Pa. Ave., Room 5115, Federal Building, Washington, D.C. 20461 Telephone: (202) 633-9380.

SUPPLEMENTARY INFORMATION: On February 12, 1979, Great Lakes submitted an application to import, on an emergency basis, up to 3 Bcf of natural gas from Canada. Great Lakes also requested a waiver of the specific requirements for import applications set forth in Part 153 of the regulations under the Natural Gas Act (Title 18 CFR), including Section 153.2 which provides that applications must be filed thirty days prior to the date of importation. In view of the emergency to be addressed, those provisions have been waived, for good cause shown, to the extent described herein.

On February 13, 14, and 15, 1979, Peoples supplemented the application with further information, including a copy of a letter from Peoples to Great Lakes describing the nature of Peoples' emergency situation and requesting Great Lakes to seek prompt authorization from ERA to import natural gas from Canada.

According to Great Lakes, due to colder-than-normal temperatures in Peoples' service area during the 1978-1979 winter heating season, certain industrial customers of Peoples needed emergency gas to offset curtailed volumes of natural gas. Those customers, which advised Peoples of the need early in January 1979, were, among others, firm industrial plants in Minnesota and Michigan which use natural gas in the processing of taconite ore for the steel industry. Total work force for the taconite plants in question, according to Peoples, is approximately 10,500. Peoples accordingly re-

quested Great Lakes to supply emergency volumes of natural gas under the provisions of the Natural Gas Policy Act of 1978 (NGPA). The volumes requested were up to 60,000 Mcf (1,699.04 km^3) per day, which began flowing into Northern's system for redelivery to Peoples on January 26, 1979. Great Lakes advised Peoples that no additional volumes would be available under its existing import license after February 20, 1979. The present request from Great Lakes would permit the importation of an additional 3 Bcf (84,952 km^3) during the period ending March 27, 1979, for delivery to Peoples as needed to meet the emergency situation and for making up volumes to other customers to which Great Lakes has contractual obligations.

According to Peoples, the affected industrial firms have had to bring in quantities of oil by truck, sometimes over considerable distances and under hazardous driving conditions, to offset the natural gas curtailments. A portion of the oil is Canadian. Substantial volumes of domestic No. 2 fuel oil also have been used. In addition to difficulties of transporting the oil, Peoples is concerned that sufficient quantities may not available to prevent plant shutdowns.

The present request seeks prompt regulatory approval to avoid plant closings, unemployment, and danger to life and property due to uncertain transportation of oil by truck.

The gas for which Great Lakes' seeks authorization will be imported at Great Lakes existing point of interconnection with TransCanada on the international boundary near Emerson, Manitoba. It will be transported between Great Lakes and Northern at Carlton. From this point, the gas will be transported by Northern to Peoples. Great Lakes states that the import price will be the existing price of $2.16 per MMBtu previously approved by the Federal Energy Regulatory Commission in Docket No. CP72-140.

OTHER INFORMATION: Due to the nature of this application, ERA asks that petitions for intervention in this proceeding, as well as briefs on the merits of Great Lakes' request, be submitted in an expedited manner. Such documents are to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461, no later than 4:30 p.m. on February 26, 1979.

A formal hearing will not be held unless a motion for such hearing is made by any party or intervener and is granted by ERA, or if ERA on its own motion believes that such a hearing is merited. if such hearing is held additional notice will be given.

A copy of Great Lakes' request is available for public inspection and copying in Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Issued in Washington, D.C., February 22, 1979.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-5719 Filed 2-22-79; 12:42 p.m]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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Federal Election Commission	2
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[6570-06-M]

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-319-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, February 20, 1979.

CHANGE IN THE MEETING: The meeting is postponed until 9:30 a.m. (eastern time), Tuedsay, February 27, 1979.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued February 16, 1979.

[S-355-79 Filed 2-21-79; 4:01 pm]

[6715-01-M]

2

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" NO. FR-S-335.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 22, 1979 at 10 a.m.

CHANGE IN MEETING: Due to difficulty in obtaining a quorum, the above scheduled meeting has been cancelled.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-352-79 Filed 2-21-79; 2:03 pm]

[6730-01-M]

3

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., February 28, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Report of the Secretary on Notation Items disposed of during January, 1979.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during January, 1979.
3. Report of the Secretary on Applications for Admission to Practice approved during January, 1979, pursuant to delegated authority.
4. Assignment of Informal Dockets by the Secretary during January, 1979.
5. Agreement No. 10160-1: Application for extension of the Polarctic Joint Service Agreement for three years.
6. Agreement No. 10347: Cooperative working arrangement between Deutsche Dampfschifffahrts-Gesellschaft "Hansa" and Nedlloyd Lijnen B.V.
7. Cargo Systems International—Request for hearing on intended denial of application for freight forwarder license.
8. Proposed Rulemaking on Proposed Revised User Charges.
9. Advance Notice of Proposed Rulemaking dealing with improvements in prehearing and discovery procedures.
10. Docket No. 78-50: Petitions for Declaratory Order—Consideration of the Record.
11. Response of Far Eastern Shipping Company to inquiry under the Ocean Shipping Act of 1978.

PORTIONS CLOSED TO THE PUBLIC

1. Docket No. 76-34: Tariff FMC 6, Rule 22 of the Continental North Atlantic Westbound Freight Conference and Docket No. 76-36: Tariff Rules Concertedly Published Defining Practices of Conferences and Rate Agreement Members Regarding the Acceptance and Responsibility for Shipper-Owned or Shipper-Leased Trailers or Containers—Consideration of petition for reconsideration.
2. Docket Nos. 75-57 and 76-43: Matson Navigation Company—Proposed Rate Increases in the United States Pacific Coast/Hawaii Domestic Offshore Trade—Petitions for reconsideration of the final decisions.
3. Docket No. 77-18: Seatrain Gitmo, Inc.—Rates on Government Cargo—No. 77-38: Sea-Land Service, Inc.—Rates on Government Cargo—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-351-79 Filed 2-21-79; 12:03 pm]

[6820-12-M]

4

FEBRUARY 21, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 22, 1979.

TIME AND DATE: 10 a.m., February 23, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following agenda items:

Secretary of Labor v. *Kaiser Steel Corporation*, DENV 77-13-P. (Disposition on the merits.)

Secretary of Labor v. *Wolf Creek Collieries Company*, PIKE 78-70-P. (Disposition on the merits.)

Alexander Brothers, Inc. v. *Secretary of Labor*, HOPE78-161-167. (Disposition on the merits.)

It was determined that Commission business required that the meeting scheduling Commission consideration of the three proceedings be postponed one day.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-354-79 Filed 2-21-79; 3:40 pm]

[6210-01-M]

5

FEDERAL RESERVE SYSTEM (Board of Governors).

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 8965-8966, February 12, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, February 16, 1979.

CHANGES IN THE MEETING: Addition of the following closed item to the meeting:

Response to the Office of Management and Budget regarding proposed reorganization of civil rights enforcement.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 16, 1979.

GRIFFIN L. GARWOOD,
Deputy Secretary of the Board.

[S-353-79 Filed 2-21-79; 3:10 pm]

federal register

FRIDAY, FEBRUARY 23, 1979

PART II



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

[4510-27-M]

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and the Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 224-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Government Contract Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Oklahoma	OK79-4016; OK79-4029; OK79-4030
South Carolina	SC79-1038

MODIFICATIONS TO GENERAL WAGE DETERMINATIONS DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Kentucky:	
KY79-1018; KY79-1021; KY79-1022; KY79-1023	Feb. 2, 1979
KY79-1031; KY79-1032; KY79-1033; KY79-1034; KY79-1035;	Feb. 9, 1979
Mississippi—MS78-1017	Mar. 3, 1978
Pennsylvania:	
PA78-3013	Apr. 14, 1978
PA78-3037	Apr. 21, 1978
PA78-3000	Jan. 25, 1979
South Carolina—SC78-1040	Apr. 14, 1978
Tennessee—KY79-1033	Feb. 9, 1979
Wisconsin:	
WI78-2114; WI78-2115; WI77-2116; WI78-2129	Oct. 20, 1978
WI78-2130; WI78-2131; WI78-2134;	Oct. 27, 1978

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATIONS DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Massachusetts—MA79-2001(MA79-2006)	Jan. 19, 1979
Oklahoma—OK77-4037(OK79-4018)	Feb. 18, 1977
Oregon—OR78-5104(OR79-5103)	June 30, 1978
Virginia—VA78-3059(VA79-3002)	Aug. 4, 1978

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C. this 16th day of February 1979.

DOROTHY P. COME,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Oklahoma

COUNTY: Creek, Hughes, McIntosh, Okmulgee, Pawnee, Seminole Okfuskee and Osage

DECISION NO. OK79-4016

DATE: Date of Publication

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanics	$5.85				
Bricklayers	7.81				
Carpenters	5.43				
Cement masons	5.71				
Electricians	6.95				
Laborers:					
Unskilled	3.72				
Mason tenders	4.25				
Painters, brush	7.00				
Plumbers & Pipefitters	7.74				
Roofers	5.53				
Truck drivers	4.00				
POWER EQUIPMENT OPERATORS:					
Backhoe	5.57				
Bulldozers	6.00				
Tractors	4.50				

NEW DECISION

STATE: Oklahoma

COUNTY: Adair, Craig, Cherokee, Delaware, Mayes, McIntosh, Nowata, Ottawa, Rogers, Sequoyah, Wagoner and Washington Counties

DECISION NO. OK79-4029

DATE: Date of Publication

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$5.63				
Bricklayers	5.00				
Carpenters	5.46				
Drywall installers & sheetrockers	5.78				
Cement masons	6.40				
Electricians	5.79				
Ironworkers	5.50				
Insulation installers	4.70				
LABORERS:					
Laborers	3.58				
Painters, brush	5.56				
Painters, tapers & finishers	5.59				
Plumbers & Pipefitters	6.94				
Roofers	6.00				
Sheet metal workers	5.63				
Soft floor layers	6.22				
Tile setters	6.88				
Truck drivers	4.00				
Welders - receive rate prescribed for craft to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Backhoes	6.50				
Bulldozers	6.00				
Trenching machines oeprator	5.50				
Tractors (small)	4.06				
Graders	6.00				

NEW DECISION

STATE: Oklahoma COUNTY: Carter, Coal, Garvin, Grady, Love, Jefferson, Johnston, McClain, Marshall, Murray, Pontotoc and Stephens Counties

DECISION NO. OK79-4030 DATE: Date of Publication

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$4.50				
Bricklayers	6.15				
Carpenters	6.00				
Cement masons	5.25				
Electricians	6.62				
Ironworkers	4.00				
LABORERS:					
Laborers	3.78				
Mason tenders	3.80				
Mortar mixers	3.80				
Painters, brush	5.40				
Plumbers & Pipefitters	6.65				
Roofers	4.375				
Sheet metal workers	6.00				
Soft floor layers	5.00				
Tile setters	5.25				
Truck drivers	3.78				
Welders - receive rate prescribed for craft to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Backhoe	6.175				
Bulldozers	5.42				
Fork lift	5.27				
Well drillers	3.90				
Scrapers	5.42				

NEW DECISION

STATE: South Carolina COUNTIES: See below*

DECISION NUMBER: SC79-1038 DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction Projects (excluding single family homes and garden type apartments up to and including 4 stories)

*Cherokee, Union, & York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	6.05				
BRICKLAYERS	6.50				
CARPENTERS	5.04				
CEMENT MASONS	5.00				
ELECTRICIANS	5.09				
IRONWORKERS	4.52				
LABORERS:					
Asphalt rakers	3.25				
Laborers, unskilled	3.00				
Mason tenders	3.50				
LATHERS	7.53				
PAINTERS, Brush	4.50				
PLASTERERS	6.58				
PLUMBERS & Pipefitters	5.00				
ROOFERS	4.00				
SANDBLASTERS	5.40				
SHEET METAL WORKERS	4.25				
SPRINKLER FITTERS	8.25	.75	1.05		.08
TILE SETTERS	4.80				
TRUCK DRIVERS	3.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	4.25				
Backhoe	4.83				
Bulldozer	4.00				
Concrete pump	5.25				
Front End Loader	4.00				
Luteman	3.40				
Motor Grader	4.73				
Roller	3.70				
Scraper - Pans	4.13				

DECISION #KY79-1018 - Mod. #1
(44 FR 6866 - February 2, 1979)
Fayette County, Kentucky

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1021 - Mod. #1
(44 FR 6870 - February 2, 1979)
Franklin County, Kentucky

CHANGE:

Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1022 - Mod. #1
(44 FR 6871 - February 2, 1979)
Hardin, Jefferson, & Meade Counties, Kentucky

CHANGE:

Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1023 - Mod. #1
(44 FR 6874 - February 2, 1979)
Boyd County, Kentucky

CHANGE:

Power Equipment Operators:					
CLASS A	11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1031 - Mod. #1
(44 FR 8497 - February 9, 1979)
McCracken County, Kentucky

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1032 - Mod. #1
(44 FR 8499 - February 9, 1979)
Warren County, Kentucky

CHANGE:

Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1033 - Mod. #1
(44 FR 8501 - February 9, 1979)
Fort Campbell (located in Christian County, Ky. and Montgomery County, Tn.), Kentucky & Tennessee

CHANGE:

Electricians:					
Wiremen:					
Kentucky portion	$10.20	.55	3% + .25		¼ of 1%
Tennessee portion	10.20	.55	3% + .25		¼ of 1%
Cable splicers:					
Kentucky portion	10.45	.55	3% + .25		¼ of 1%
Tennessee portion	10.45	.55	3% + .25		¼ of 1%
Power Equipment Operators:					
Kentucky Portion					
CLASS A	11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

MODIFICATIONS P. 3

DECISION #KY79-1034 - Mod. #1
(44 FR 8504 - February 9, 1979)
Henderson County, Kentucky

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
CLASS A	$11.00	.50	.60		.05
CLASS B	8.41	.50	.60		.05
CLASS C	7.69	.50	.60		.05

DECISION #KY79-1035 - Mod. #1
(44 FR 8506 - February 9, 1979)
Boone, Campbell, Kenton, & Pendleton Counties, Kentucky

CHANGE:

Sheet Metal Workers:					
Pendleton County	$11.65	1.102	1.05		.14
Remaining Counties	11.9335	1.00	.81		.04

Decision # MS78-1017 - Mod. #1
(43 FR 9078 - March 3, 1978)

Area III Counties:
Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren and Yazoo Mississippi

CHANGE:

Laborers:					
Unskilled	$ 2.90				

MODIFICATIONS P. 4

DECISION #PA78-3013 - Mod. #9
(43 FR 16097 - April 14, 1978)
Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson Crawford & Venango Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers Zone 2	12.89	.55	1.00		.02
Ironworkers Zone 2	11.06	.60	1.00		

DECISION #PA78-3037 - Mod. #2
(43 FR 17239 - April 21, 1978)
Blair County, Pennsylvania

Change:					
Asbestos Workers	12.47	.85	.90		
Bricklayers	9.90	.75	.90		.01
Electricians	12.85	.45	3%+.40	.60	.10
Glaziers	10.44	.82	.92	1.08	.01
Plasterers	11.35				.01

DECISION #PA79-3000 Mod. #1
(44 FR 5625 - January 25, 1979)
Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania

Add:					
Plumbers (Bridge - drain Pipe) Allegheny, Washington, Greene, Armstrong Counties	11.80	.92	1.26		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #SC78-1040 - Mod. #2 (43 FR 16110 - April 14, 1978) Abbeville, Cherokee, Laurens, Newberry, and Union Counties, South Carolina					
OMIT: Cherokee and Union Counties (See Decision #FL79-1038 in this publication)					
DECISION #WI78-2114 - MOD #1 (43 FR 49225 - October 20, 1978) Barron, Dunn, Polk and St. Croix Counties, Wisconsin					
CHANGE:					
ELECTRICIANS: (Hudson, St. Joseph & Troy Twps. in St Croix County	$11.20	5 3/4%	5 7/8%	11 5/8% + .05	3/8%
IRONWORKERS	11.55	.75	.70		.04
PLUMBERS & STEAMFITTERS	10.77	.45	.65	1.20	
POWER EQUIPMENT OPERATORS - See Attached Schedule					

DECISION #WI78-2114 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE: POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2115 - MOD #1
(43 FR 49226 - October 20, 1978)
Brown, Door, Kewaunee and Oconto Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.36	.85	.50	1.00	.05
IRONWORKERS	10.96	1.20	.90	1.19	.15
PAINTERS:					
Brush	9.55	.80		.50	
Structural Steel	9.93	.80		.50	
Spray & Swing Stage	9.93	.80		.50	
SHEET METAL WORKERS	10.82	.70	.44	1.20	.02
POWER EQUIPMENT OPERATORS: - See Attached Schedule					

DECISION #WI78-2115 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2116 - MOD #1
(43 FR 49228 - October 20, 1978)
Calumet, Fond Du Lac, Manitowoc, Outagamie and Sheboygan Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.36	.85	.50	1.00	.05
ELECTRICIANS:					
Calumet & Outagamie Cos.	11.73	.70	3%		½%
Manitowoc Co.	11.73	.60	3%		½%
Fond Du Lac & Sheboygan Cos.	10.65	1.00	3%+.35	10%	1%
PAINTERS:					
Manitowoc and Remainder of Calumet Cos.					
Brush	8.85				
Spray & Structural Steel	9.35				
Sheboygan County					
Brush	7.90	.45	.30	.20	
Structural Steel	7.90	.45	.30	.20	
Spray	8.40	.45	.35	.20	
PLUMBERS & STEAMFITTERS:					
Outagamie Co. and the North Western Corner of Calumet Co.	11.64	1.00	1.00		.04
ROOFERS:					
Calumet & Manitowoc Cos.	10.80	.25	.05		
Outagamie Co.	8.58	.65	.55	.35	
SHEETMETAL WORKERS:					
Outagamie Co.	10.82	.70	.44	1.20	.02
Remainder of Cos.	10.49	.80	.83	1.20	.02
POWER EQUIPMENT OPERATORS					
Building - See Attached Schedule					

DECISION #WI78-2116 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2129 - MOD #1
(43 FR 49232 - October 20, 1978)
Chippewa, Eau Claire and Pepin Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
IRONWORKER	$11.55	.75	.70		.04
PAINTERS:					
Brush	9.40		.15	5%	
Structural Steel	9.65		.15	5%	
Spray & Sandblaster	9.90		.15	5%	
PLUMBERS AND STEAMFITTERS	10.77	.45	.65	1.20	
PLUMBERS (RESIDENTIAL)	9.57	.45	.65	1.20	
POWER EQUIPMENT OPERATORS - See Attached Schedule					

DECISION #WI78-2129 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2130 - MOD #1
(43 FR 50362 - October 27, 1978)
Green & Rock Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.90	.85	.90	1.00	.09
ELEVATOR CONSTRUCTORS:					
Southern Portions of Counties	12.02	.895+	.54+	a+b	.025
Northern Portions of Counties	11.23	.895+	.69+	a+b	.03
ELEVATOR CONSTRUCTORS HELPER					
Southern Portion of Counties	8.41	.895+	.54+	a+b	.025
Northern Portion of Counties	7.86	.895+	.69+	a+b	.03
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
GLAZIERS:					
Northern 2/3 of Counties	10.05	.55	.50	.45	.01
Southern 1/3 of Counties	10.08	.47	.35	1.50	
IRONWORKERS: (ALL)					
Vic. Edgerton, Milton, Poolville & Evansville	11.27	.75	.525		.055
Vic. of Janesville, Shopiers	12.50	.75	.375		.10
LABORERS: (BUILDING)					
General Laborers, & Mason Tenders	8.98	.45	.40		.02
Mortar Mixer, Air Hammer & Air Spade Operator, Jackhammer Operator	9.13	.45	.40		.02
Pneumatic Hammer (80 lbs or over)	9.23	.45	.40		.02
LABORERS: (BITUMINOUS PAVING)					
General Laborer	8.98	.45	.40		.02
Raker & Luteman	9.08	.45	.40		.02
PLUMBERS	12.54	.50	.55		.06
POWER EQUIPMENT OPERATORS: - See Attached Schedule					

DECISION #WI78-2130 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2131 - MOD #1
(43 FR 50364 - October 27, 1978)
Green Lake, Marquette, Waupaca, Waushara & Winnebago Counties, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.36	.85	.50	1.00	.05
ELEVATOR CONSTRUCTOR	11.23	.895+	.69+	a+b	.03
ELEVATOR CONSTRUCTOR HELPER	7.86	.895+	.69+	a+b	.03
ELEVATOR CONSTRUCTOR HELPER (PROB.)	50%JR				
PLUMBER & STEAMFITTERS	11.64	1.00	1.00		.04
ROOFERS	8.58	.65	.55	.35	
SHEET METAL WORKERS	10.82	.70	.44	1.20	.02
POWER EQUIPMENT OPERATORS - See Attached Schedule					

DECISION #WI78-2131 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

DECISION #WI78-2134 - MOD #1
(43 FR 50366 - October 27, 1978)
Juneau County, Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ASBESTOS WORKERS	$11.90	.85	.90	1.00	.02
ELECTRICIANS	10.88	.50	3%	8%	1/8%
ELEVATOR CONSTRUCTORS: (Western ½ of Co.)	11.31	.895+	.56+	a+b	.025
ELEVATOR CONSTRUCTORS HELPER (Western ½ of Co.)	7.92	.895+	.56+	a+b	.025
ELEVATOR CONSTRUCTORS HELPER (PROB.)	50%JR				
ELEVATOR CONSTRUCTORS: (Eastern ½ of Co.)	11.23	.89+	.56+	a+b	.03
ELEVATOR CONSTRUCTORS HELPER (Eastern ½ of Co.)	7.86	.89+	.56+	a+b	.03
ELEVATOR CONSTRUCTORS HELPER (PROB.)	50%JR				
GLAZIERS	10.05	.55	.50	.45	.01
IRONWORKERS: Structrual, Ornamental & Reinforcing	11.27	.75	.525		.055
LABORERS: General Laborers, Mason Tenders Mortar Mixer, Air Tool Operator, Jackhammer Operator	8.33	.45	.35		.02
	8.48	.45	.35		.02
PLUMBER & STEAMFITTERS	11.50	.90	.60		.05
TILE SETTER	9.00	.75	.35		
POWER EQUIPMENT OPERATORS - See Attached Schedule					

DECISION #WI78-2134 - MOD #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Group I	$11.37	.85	.80		.10
Group II	11.12	.85	.80		.10
Group III	10.82	.85	.80		.10
Group IV	10.72	.85	.80		.10
Group V	10.41	.85	.80		.10
Group VI	10.12	.85	.80		.10

GROUP I - Cranes; Shovels; Draglines; Backhoes; Clamshells; Derricks; Caisson Rigs; Dredge Operator and Traveling Crane (Bridge Type); Concrete Paver (Over 27E); Concrete Spreader and Distributor.

GROUP II - Material Hoists; Stack Hoists; Tractor or Truck Mounted Hydraulic Backhoe; Tractor or Truck Mounted Hydraulic Crane (5 tons or under); Manhoist; Tractor, Bulldozer, Endloader (Over 40 H.P.); Forklift (25' and Over); Motor Patrol; Scraper Operator; Sideboom; Straddle Carrier; Mechanic and Welder; Bituminous Plant and Paver; Roller (Over 5 tons); Rotary Drill and Blaster; Trencher (Wheel Type of Chain Type Having Over 8-Inch Bucket); Elevator.

GROUP III - Concrete and Grout Pumps; Backfiller; Concrete Auto Breaker (Large); Concrete Finishing Machines (Road Type); Roller (Rubber Tire); Concrete Batch Hopper; Concrete Conveyor Systems; Concrete Mixers (14S or Over); Screw Type and Gypsum Pumps; Tractor, Bulldozer, Endloader (Under 40 H.P.); Pumps (Well Points); Trencher (Chain Type Having Bucket 8-Inch and Under); Industrial Locomotives; Roller (Under 5 tons) and Firemen (Pile Drivers and Derricks).

GROUP IV - Hoists (Automatic); Forklift (12' to 25'); Tampers-Compactors (Riding Type); Assistant Engineer; "A" Frames and Winch Trucks; Concrete Auto Breaker; Hydrohammers (Small); Brooms and Sweepers; Hoists (Tuggers); Stump Chipper (Large); Boats (Tug, Safety, Work Barges and Launch).

GROUP V - Shouldering Machine Operator; Screed Operator; Farm or Industrial Tractor Mounted Equipment; Post Hole Digger; Stone Crushers and Screening Plants; Fireman (Asphalt Plants); Air Compressor (300 CFM or Over); Augers (Vertical and Horizontal); Air, Electric, Hydraulic Jacks (Slip Form); Prestress Machines; Bobcats; Boiler Operators (Temporary Heat); Forklift (12' and Under).

GROUP VI - Generators Over 150 KW; Pumps Over 3"; Combination Small Equipment Operator; Compressors (Under 300 CFM); Welding Machines; Heaters (Mechanical); Generators (Under 150 KW); Pumps (3" and Under); Winches (Small Electric); Oiler and Greaser; Rotary Drill Helper, Conveyor.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NUMBER: MA79-2006
Supersedes Decision No. MA79-2001 dated January 19, 1979, in 44 FR 4166.
DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction Projects.

COUNTIES: See Below*
DATE: Date of Publication

*BERKSHIRE, FRANKLIN, HAMPDEN, AND HAMPSHIRE COUNTIES

BERKSHIRE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.65	.94	1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, Marble Masons, Plasterers, Stone Masons, Terrazzo Workers & Tile Setters:					
Twps. of Adams, North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown	11.85				
Twps. of Becket, Otis and Sandisfield	10.30	.70	.95		.06
Remainder of County	11.78	.70	.55		
CARPENTERS, SOFT FLOOR LAYERS, & Drywall Carpenters	10.04	.60	1.00		.04
ELECTRICIANS	10.59	.55	3%+.94		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Sturctural, Ornamental and Reinforcing:					
Otis and North and East Otis	9.43	.70	1.50		.05
Remainder of County	9.49	.60	.85		.04
LABORERS (BUILDING):					
Laborers, Carpenter Tenders and Wrecking Laborers	8.50	.60	.80		.10
Jackhammer operator, Pavement breakers, Wagon drills, Asphalt rakers, Carbide core drilling machine, Chain saw operators, Pipelayers, Barco type jumping tampers, Leaser beam operators, Concrete pump operators, Mason Tenders, Mortar mixers, Ride-on motorized buggy and Plasterers Tenders	8.75	.60	.80		.10

DECISION NO. MA79-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Air Track; Block pavers; Rammers curb setters	$ 9.00	.60	.80		.10
Blasterers, Powdermen	9.25	.60	.80		.10
LATHERS:	10.65	.45	.25		.01
Drywall lathers	9.25	.45	.15		
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.42	.70	3%+.50	d	
Equipment Operator	10.69	.70	3%+.50	d	
Driver Groundmen	8.37	.70	3%+.50	d	
MARBLE SETTERS' & TILE SETTERS' HELPERS	8.95				
MILLWRIGHTS	11.30	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & materials thinned with anything other than water &/or mineral spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
Sign Painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	11.20	.85	1.00		
PLUMBERS AND STEAMFITTERS:					
Adams, Clarksburg, Florida, North Adams, Savoy, Williamstown and Northern half of Cheshire, and New Ashford	10.47	.90	.75		.02
Becket, Otis, Sandisfield (Plumbers Only)	10.30	1.01	1.10	e	.10
Betket, Otis, Sandisfield and New Boston (Steamfitters)	11.15	.57	1.45	.08	.03
Remainder of County	10.30	.83	.50		.05
ROOFRES:					
Composition, damp & waterproof	9.215	1.00	2.03		
Slat, tile and precast concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
WELDERS - receive rate prescirbed for craft performing operation to which welding is incidental.					

DECISION NO. MA79-2006

FRANKLIN COUNTY, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.95	1.04	1.30		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS, CEMENT MASONS, Plasterers, Stone Masons, Marble Tile & Terrazzo Workers Caulkers, Cleaners, Pointers	10.30	.70	.95		.06
CARPENTERS, SOFT FLOOR LAYERS, Drywall Carpenters, Irving, Warwick, Orange and N. Orange	11.30	.65	1.00		.07
Remainder of County	10.10	.45	1.00		.02
Monroe and Monroe Bridge	10.04	.60	1.00		.04
ELECTRICIANS:					
Hawley, Monroe, and Rowe	10.49	.55	3%+.94		.02
Remainder of County:					
Electricial contracts over $75,000	11.26	.85	3%+.40		.02
Electricias contracts under $75,000	9.10	.85	3%+.40		.02
Shaft & Tunnel Work	11.75	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.745	.29	3%+a	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS	10.80	1.10	1.95		.09
LABORERS: BUILDING					
Laborers, Carpenters Tenders, Wrecking Laborer	8.50	.60	.80		.10
Asphalt rakers, Carbide core drillers, Chain saw operator, pipelayers, Jackhammer, & paving breaker operators, Barco-type jumping tampers, laser beam operator, Concrete pump operator, Ride-on motorized buggy operator and plasterers tenders, air track operators, block pavers, rammers and curb setters	8.75	.60	.80		.10
Powdermen & Blasterers	9.00	.60	.80		.10

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FRANKLIN COUNTY, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Open air caisson, underpinning work and test boring crew					
Bottom man	$ 9.25	.60	.80		.10
Top man	8.50	.60	.80		.10
Driller	9.37	.60	.80		.10
Helper	8.62	.60	.80		.10
LATHERS	10.85		.25		.01
Drywall Lathers	9.25	.45	.25		.01
LINE CONSTRUCTION					
Linemen	11.42	.70	3%+.50	b	
Equipment Operator	10.69	.70	3%+.50	b	
Driver Groundman	8.37	.70	3%+.50	b	
MILLWRIGHTS	11.30	.90	1.00		
PAINTERS:					
Brush and Tapers	9.27	.88	.65		.05
Spray, epoxy & Interior dry fog	12.36	1.173	.8667		.0667
Swing State over 40'	9.77	.88	.65		.05
PILEDRIVERMEN	11.20	.85	1.00		.05
PLUMBERS AND STEAMFITTERS:					
Monroe, Towe and Western part of Charlemont	10.47	.90	.75	c	.02
Orange	10.42	.80	.65	.42	.05
Remainder of County	11.45	.85	.85		.02
ROOFERS:					
Composition, Damp waterproof	9.215	1.00	2.03		
Slate, Tile precast concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	12.08	.65	.95		.08

DECISION NO. MA79-2006

HAMPDEN COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.65	.94	1.25		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYERS:					
Cement masons, Marble masons, Plasterers, Stone masons, Terrazzo workers, and Tile Setters	10.30	.70	.95		.06
CARPENTERS & SOFT FLOOR LAYERS:					
Holyoke (including drywall)	10.35	.45	1.00		.02
Remainder of County	10.20	.60	1.00		.02
ELECTRICIANS:					
Chester, Holyoke & that portion of Chicopee Township north of the following line: Mckinstry Avenue from the Connecticut River to Gratten Street, South on Gratten to Lafayette Street, east on Lafayette to York Street, North on York to Mckinstry, east on Mckinstry to Grady Road & projects to the Westover Air Force fence & that area north of Westover field:					
Contracts 75,000 & over	11.26	.85	3%+.40		.02
Contracts under $75,000	9.10	.85	3%+.40		.02
Shaft & tunnel work	11.76	.85	3%+.40		.02
Remainder of County	10.88	.75	3%+.30		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.29	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS:					
Ornamental, Reinforcing and Structural	10.80	1.10	1.95		.09
LABORERS (BUILDING)					
Laborers, Wrecking, Laborers and Carpenter Tenders	8.50	.60	.80		.10

DECISION NO. MA79-2006

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (BUILDING) (CONT'D)					
Asphalt rakers, Carbide Core Driller Ops., Saw Ops., Pipelayers, Jackhammer & Paving Breakers Op., Barco-type jumping tampers, Laser Beams op., concrete pump ops., & Wagon drill operators, Mason tenders, Mortar Mixers and ride-on motorized buggy operators and plasterers tenders	$ 8.75	.60	.80		.10
Air track operator, Block pavers, Rammers and Curb setters	9.00	.60	.80		.10
Blasterers and Powdermen	9.25	.60	.80		.10
Open air caisson, Cylinderical Work and boring crew:					
Bottom Man	9.25	.60	.80		.10
Top Man	8.50	.60	.80		.10
Testing Boring:					
Driller	9.37	.60	.80		.10
Helper	8.62	.60	.80		.10
LATHERS:	10.65	.45	.25		.01
Drywall Lathers	9.25	.45	.25		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.42	.70	3%+.50	d	
Groundmen, Driver	8.37	.70	3%+.50	d	
Equipment Operator	10.69	.70	3%+.50	d	
MARBLE, MOSAIC & TERRAZZO					
Workers' Helpers	8.95				
MILLWRIGHTS	11.30	.90	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-epoxys & interior dry fogs & Materials thinned with anything other than water &/or mineral Spirits	12.2267	1.1733	.7333		.0667
Spray-materials thinned with water &/or mineral spirits, excluding epoxys & interior dry fogs	12.7567	1.1733	.7333		.0667
Swing Stage under 40' Steel	9.357	.88	.55		.05
Swing Stage over 40' Steel	9.67	.88	.55		.05
PILEDRIVERMEN	11.20	.85	1.00		
PLUMBERS	10.30	1.01	1.10	e	.10
ROOFERS: Composition, damp and waterproofing	9.215	1.00	2.03		
Slate, Tile, Prescast Concrete	9.87	1.00	2.03		
SHEET METAL WORKERS	10.10	1.09	1.46		.06
SPRINKLER FITTERS	12.08	.65	.95		.08
STEAMFITTERS	11.15	.57	1.45	.08	.03

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HAMPSHIRE COUNTY, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.95	1.04	1.30		.01
BOILERMAKERS	11.80	1.05	10%		.02
BRICKLAYER, PLASTERERS, CEMENT Masons, Stone Masons, Marble-Tile-Terrazzo Workers, Caulker, Cleaner, Pointers	10.30	.70	.95		.06
CARPENTERS:					
Amherst Belchertown, Granby, South Hadley, and Pleham (including Drywall Hanging	10.35	.45	1.00		.02
Remainder of County	10.20	.60	1.00		.02
ELECTRICIANS:					
Bechertown, Ware	10.88	.75	3%+.30		.03
Middlefield, Cummington & Plaindield	10.59	.55	3%+.94		.02
Remainder of County					
Electrical Contracts under $75,000.00	9.40	.85	3%+.40		.02
Electrical Contracts over $75,000.00	11.76	.85	3%+.40		.02
ELEVATOR CONSTRUCTORS	10.45	.745	.39	a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.745	.39	a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
GLAZIERS	9.45	.47	.45		
IRONWORKERS	10.80	1.10	1.95		.09
LABORER: (BUILDING)					
Wrecking Laborers, Carpenters and Cement Finisher Tenders	8.50	.60	.80		.10
Asphalt Raker, Carbide Core Driller Opr., Chainsaw Opr., Pipelayer, Jackhammer & Paving Breaker Op., Barco-type Jumping Tampers, Laser Beam Op., Concrete Pump Op., Wagon Drill Op., Mason Tender, Mortar Mixer and Motorized Buggy Op., Plaster Tenders	8.75	.60	.80		.10
Air Track Op., Block Pavers, Rammer & Curb Setters	9.00	.60	.80		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWDERMEN AND BLASTERS	$ 9.25	.60	.80		.10
OPEN AIR CAISSON, UNDER PINNING Work and Boring Crew					
Bottom Man	9.25	.60	.80		.10
Top Man	8.50	.60	.80		.10
Test Boring:					
Driller	9.37	.60	.80		.10
Helper	8.62	.60	.80		.10
LATHERER:	10.65	.45	.25		.01
Drywall Worker (Latherers)	9.25	.45	.25		.01
LINE CONSTRUCTION:					
Linemen	11.42	.70	3%+.50	d	
Equipment Operator	10.69	.70	3%+.50	d	
Driver Groundman	8.37	.70	3%+.50	d	
MILLWRIGHTS	11.30	.80	1.00		.10
PAINTERS:					
Brush and Tapers	9.17	.88	.55		.05
Spray-Epoxy and interior dry fogs	12.2267	1.1733	.7333		.0667
Swing Stage under 40', steel	9.357	.88	.55		.05
Sign Painters	8.80	.84	.35	.32	.04
PILEDRIVERMEN	11.20	.85	1.00		
PLUMBER & STEAMFITTERS					
Blechertown, Granby, Hintington, Middlefield South Hadley, Ware					
Plumber	10.30	1.01	1.10	e	.10
Steamfitter	11.15	.56	1.45	f	.03
Remainder of County					
Plumber & Steamfitters	10.95	.85	.85		.02
ROOFERS:					
Composition, Damp, Waterproof	9.215	1.00	2.03		
Slate, Tile, Precast Concrete	9.87	1.00	2.03		
SHEET METAL WORKER	10.10	1.09	1.46		.05
SPRINKLER FITTER	12.08	.65	.95		.08

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F, and the day after Thanksgiving

c. Holidays: A through F, Washington's Birthday, Good Friday & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F, provided the employee has been employed for at least 5 days prior to the holiday and is available for work the day before and after the holiday, plus on floating holiday, Washington's Birthday and Patriots Day.

e. Holidays: Independence Day & Labor Day provided the employee has been employed 7 days prior to the holiday for the same employer.

f. July 4th and Labor Day - $.08 per hour employer contribution to make two paid holidays.

DECISION NO. MA79-2006

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS I	$10.18	.95	1.00	a	.07
CLASS II	9.98	.95	1.00	a	.07
CLASS III	9.78	.95	1.00	a	.07
CLASS IV	9.41	.95	1.00	a	.07
CLASS V	8.58	.95	1.00	a	.07
CLASS VI	8.09	.95	1.00	a	.07
CLASS VII	7.29	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I: Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Piledriving Rigs, Concrete Road Pavers, three drum hoisting and Trenching Machines, Belt-type Loaders, Front End Loader-5½ yds. or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.) Combination Back Hoe-loader-3/4 yd. hoe or over

CLASS II: Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grades, Front End Loaders - 4 yds. to 5½ yds., two drum hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers - 21 yds. and over (struck load), Sonic Hammer Console

CLASS III: Combination Backhoe - Loader - up to 3/4 hoe, Bulldozers, Push Cats, Scraper - up to 21 yds. (struck load) - Self-propelled or tractor drawn, Fireman, Front End Loaders - up to 4 yds., Asphalt Paver, Asphalt Roller - 10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant, Well Point, Electric pumps used in Well point system, Pumps - 12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators (manually or remote controls) Grout pumps, Boom Truck, Hydraulic Cranes - under 10 ton

CLASS IV: Asphalt Roller - under 10 ton

CALLSSIFICATIONS (CONT'D)

CLASS V: Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet

CLASS VI: Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding

CLASS VII: Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day

DECISION NO. MA79-2006

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$10.18	.95	1.00	a	.07
CLASS II	9.98	.95	1.00	a	.07
CLASS III	9.79	.95	1.00	a	.07
CLASS IV	9.41	.95	1.00	a	.07
CLASS V	8.58	.95	1.00	a	.07
CLASS VI	8.09	.95	1.00	a	.07
CLASS VII	7.29	.95	1.00	a	.07
CLASS VIII	10.68	.95	1.00	a	.07

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processin Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Paver, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well point Operators, Electric Pumps used in well Point system, Tiremen, Pumps-16 inches or over total discharge, Compressors (1 or 2) cu. ft. and over Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot toller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat

FOOTNOTES:

a. Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veteran's Day; Thanksgiving Day and Christmas Day

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
CLASS I	$ 8.50	.60	.80		.10
CLASS II	8.75	.60	.80		.10
CLASS III	9.00	.60	.80		.10
CLASS IV	9.25	.60	.80		.10

CLASSIFICATIONS

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
CLASS I	$ 8.515	.75	.80	a+b	
CLASS II	8.665	.75	.80	a+b	
CLASS III	8.715	.75	.80	a+b	
CLASS IV	8.815	.75	.80	a+b	
CLASS V	8.915	.75	.80	a+b	
CLASS VI	9.165	.75	.80	a+b	
CLASS VII	9.415	.75	.80	a+b	

CLASS I - Station wagons, Panel trucks and pickup truck

CLASS II - Two axle equipment; Helpers on low bed when assigned at the discretion of the employer, warehousemen, Forklift operators

CLASS III - Three axle equipment and Tiremen

CLASS IV - Four and five axle equipment

CLASS V - Specialized earth moving equipment under 35 tons other than convential type trucks, Low bed, Vachual, Mechanics, Paving restoration equipment, Mechanics

CLASS VI - Specialized earth moving equipment over 35 tons

CLASS VII - Trailers for earth moving equipment (double hookup)

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day and Patriots' Day provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Tulsa
DECISION NO. OK79-4018 DATE: Date of Publication
Supersedes Decision No. OK77-4037 dated February 18, 1977 in 42 FR 10262
DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$5.87				
CARPENTERS	4.00				
CEMENT MASONS	4.50				
DRYWALL INSTALLERS	4.63				
ELECTRICIANS	4.79				
HEATING AND AIR CONDITIONING	4.50				
IRONWORKERS, REINFORCING	3.35				
LABORERS	2.90				
PAINTERS, BRUSH	4.50				
PLUMBERS & PIPEFITTERS	5.00				
ROOFERS	4.95				
SHEET METAL WORKERS	4.00				
SOFT FLOOR LAYERS	5.01				
TILE SETTERS	5.25				
TILE SETTERS FINISHERS	3.35				

SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Statewide
DECISION NUMBER: OR79-5103 DATE: Date of Publication
Supersedes Decision No. OR78-5104 dated June 30, 1978, in 43 FR 28773
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 14.27	.60	$ 1.30		.14
BOILERMAKERS	12.76	1.075	1.00	1.00	.03
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, Yamhill, Baker, Union, Umatilla, Wallowa, North half of Malheur Cos.	12.94	.85	.85		.15
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof), and S½ of Malheur Counties	12.75	.75	.75		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	11.28	.60	.95	.50	.04
Piledrivermen; Bridge, Dock and Wharf Builders	11.38	.60	.95	.50	.04
Floor Layers and Finishers; Stationary Power Saw Operators	11.43	.60	.95	.50	.04
Boom Men	11.48	.60	.95	.50	.04
Millwrights and Machine Erectors	11.53	.60	.95	.50	.04
CEMENT MASONS:					
Cement Masons	11.00	.85	.76	.60	.10
Composition Workers; Power Machinery Operator	11.15	.85	.76	.60	.10
ELECTRICIANS:					
Malheur County					
Electricians	10.75	.70	3%+.50		1%
Cable Splicers	11.825	.70	3%+.50		1%

DECISION NO. OR79-5103

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Baker, Gilliam, Grant, Morrow, Umatilla, Wheeler Counties					
Electricians	14.37	.73	3%+1.00		.02
Lead Cable Splicers	15.09	.73	3%+1.00		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	14.55	.90	3%+2.00		.04
Cable Splicers	16.01	.90	3%+2.00		.04
Benton, Crook, Deschutes, Jefferson, Lane (eastern portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	15.55	.90	3%+1.00		.06
Lead Cable Splicers	16.79	.90	3%+1.00		.06
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	15.25	.90	3%+1.30		.05
Lead Cable Splicers	16.00	.90	3%+1.30		.05
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	15.03	.90	3%+1.00		.08
Cable Splicers	16.53	.90	3%+1.00		.08
ELEVATOR CONSTRUCTORS	13.405	.895	.69	a	.035
GLAZIERS	11.81	.61	.65		.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	12.60	.73	1.45		.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Yamhill Counties	11.05	.60	1.00		.01
Lane County	10.85	.60	.75		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	$ 12.94	.85	.85		.15
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	11.06	.55	.50		
MASON TENDERS:					
(including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	10.08	.95	1.05		.10
PAINTERS:					
Malheur County					
Painters and Tampers	9.34	.56	.35		.02
Umatilla (Township of Pendleton only)					
Brush; Glazier; Sign Painter	5.50				
Spray; Sandblasting; Swing Stage; Taping and paperhanging	5.57				
Remaining Counties					
Brush	10.82	.55	.70		.10
Spray	11.22	.55	.70		.10
Bridges, High work over 50' (brush)	11.57	.55	.70		.10
Bridges, High work over 50' (spray)	11.97	.55	.70		.10
Drywall Tapers	11.42	.65	.60	.50	.06
PLASTERERS:					
Benton, Coos, Crook, Curry, Douglas, Deschutes, Harney, Jefferson, Northern 1/3 of Klamath, Lane, Southern 1/2 Lincoln, Linn, Wasco, and Wheeler Counties	11.92	.60	1.00		.01
Remaining Counties	11.05	.65	1.00		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Baker; Harney (except NW portion); Malheur Counties	$ 12.32	.79	$ 1.10		.10
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	13.27	.75	1.55	2.00	.11
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	13.52	1.00	1.65	1.25	.12
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N½ of Yamhill Counties, N½ of Tillamook Counties	14.32	1.50	1.60		.13
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	14.08	.81	1.40		.10
Lane (except City of Florence); Douglas (except coast portion) Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	14.78	.91	1.60		.10
Remainder of Klamath and Lake Counties	14.06	.90	1.55		.10
Jackson and Josephine Counties	12.46	.85	1.70	1.20	.05
ROOFERS:					
Benton, Lincoln, Linn, Marion, Polk and Yamhill Counties	11.38	.74	.15		
Baker, Clackamas, Clatsop, Columbia, Grant, Gilliam, Hood River, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wasco, Washington and Wheeler Counties					
Roofers	11.05	.70	1.00		
Handling of irritating material (coal, tar or epoxy)	11.30	.70	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Handling of irritating material (coal, tar or epoxy) in confined area	$ 11.55	.70	$ 1.00		
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	11.10	.75	.10		
Spray and/or application of irritating materials in a confined area	12.10	.65	.10		
Malheur County	9.95	.60	.30		
Wallowa County	10.39	.60	.75		.02
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Multnomah Polk, Sherman, Wheeler and Yamhill Counties	12.13	3%+.91	1.05	1.00	.04
Baker and Malheur Counties	11.98	.68	.72		.18
Morrow, Umatilla, Union, and Wallowa Counties	13.88	3%+.68	1.14		.14
Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson and Josephine Counties	13.715	.71	.61		.045
SOFT FLOOR LAYERS:					
All Counties except Malheur Co.	10.435	.50	1.05	c	.08
Malheur County	7.79	.49	.10		.10
SPRINKLER FITTERS	12.10	.75	1.05		.08
TILE SETTERS:					
Baker, Clatsop, Clackamas, Columbia, Gilliam, Hood River, Umatilla, Union, Wallowa Counties and N½ of Malheur County, Wasco (North of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	11.83	.80	.75		.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS: (Cont'd) Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Counties	$ 11.20	.70	.70		.10

WELDER; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidential.

FOOTNOTES:

a. Employer credits 8% basic hourly rate of employee with 5 years' service; 6% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also seven (7) paid holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to credit of employees with more than one year of service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION
All Counties except Malheur

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$13.29	$14.54	$15.29	$16.04	$ 17.29
Group 2: Lineman, Pole Sprayer Heavy Line Equipment man, certified Lineman Welder	12.00	13.25	14.00	14.75	16.00
Group 3: Tree Trimmer	10.84	12.09	12.84	13.59	14.84
Group 4: Line Equipment Man	10.34	11.59	12.34	13.09	14.34
Group 5: Head groundman (chipper), Head Groundman, Powderman. Jackhammer Man	9.04	10.29	11.04	11.79	13.04
Group 6: Groundman, Tree Trimmer Helper	8.50	9.75	10.50	11.25	12.50
FRINGE BENEFITS:					
Health and Welfare	.45				
Pensions:					
Groups 1 thru 3	3%+.60				
Groups 4 thru 6	3%+.40				
Vacation	.10				
Apprenticeship Training	1/2%				

BASE ZONE - 0 to 3 miles from geographical center of Cities listed below.

Zone 1 - 3 to 20 miles radius
Zone 2 - 20 to 35 miles radius
Zone 3 - 35 to 50 miles radius
Zone 4 - Over 50 miles radius

Base Zone rate is paid when working out of employer's permanent shop.

Spokane	Ellensburg	Astoria	Medford	Corvallis
Tacoma	Ephrata	Baker	Portland	Coeur D' Alene
Walla Walla	Everett	Burns	Pendleton	Kellog
Wenatchee	Kennewick	Bend	Salem	Lewiston
Yakima	Longview	Eugene	Roseburg	Orofino
Wilbur	Olympia	Klamath Falls	The Dalles	Sand Point
Bellingham	Seattle	Lakeview	Utamilla	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Malheur County					
All work over 34.5 KV and all work on steel towers and/or multiple stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV; street and highway lighting and motor traffic controls:					
Groundman	$ 7.48	.45	3%		3/4%
Equipment Operator	9.05	.45	3%		3/4%
Linemen	9.94	.45	3%		3/4%
Cable Splicers	10.93	.45	3%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	7.22	.45	3%		3/4%
Equipment Operator	8.47	.45	3%		3/4%
Linemen	9.41	.45	3%		3/4%
DREDGING:					
Levermen:					
Dipper	11.80	1.00	1.00	.50	.05
Hydraulic	11.14	1.00	1.00	.50	.05
Assistant Engineer (including watch engineer, Welder, mechanic and machinist); Mate	10.78	1.00	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	10.54	1.00	1.00	.50	.05
Assistant Mate (deckhand); Oiler	10.28	1.00	1.00	.50	.05
TIMBER SALES ROADS:					
Operating Engineer	8.65	1.00	1.00		
Operating Engineer Assistant (oiler)	7.64	1.00	1.00		
Teamster	8.214	.68	.70		
Laborer	7.106	.90	1.00		
Power Saw, Driller, Powdermen	6.856	.90	1.00		

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LABORERS

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
Group 1	$8.40	$8.80	$9.15	$9.40	$9.65	$9.90
Group 2	8.93	9.33	9.68	9.93	10.18	10.43
Group 3	9.28	9.68	10.03	10.28	10.53	10.78
Group 4	9.58	9.98	10.33	10.58	10.83	11.08
Group 5	9.83	10.23	10.58	10.83	11.08	11.33

FRINGE BENEFITS:

Health and Welfare	$.95	Vacation	$ .70
Pension	1.00	Apprenticeship Training	.10

*SEE ZONE DESCRIPTIONS - Following Truck Driver Classifications

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LABORERS

Group 1: General Laborer; Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Clean up Laborers; Culvert, hand laborer; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, reference Post, Guide Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Plant Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Weight man - Crusher (aggregate when used)

Group 2: Choke Setter; Concrete Laborers; Pittsburgh Chipper Operator or similar types; Powderman helper; Tunnel Bull Gang (above ground)

Group 3: Applicator (including Pot Tender for same) applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicers; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air, gas, or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 4: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring down, or sloping to move, set up, align laser beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 5: Lasser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

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POWER EQUIPMENT OPERATORS

Group No.	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
1	$10.40	$10.80	$11.15	$11.40	$11.65	$11.90
2	10.54	10.94	11.29	11.54	11.79	12.04
3	10.64	11.04	11.39	11.64	11.89	12.14
4	10.80	11.20	11.55	11.80	12.05	12.30
5	10.82	11.22	11.57	11.82	12.07	12.32
6	10.90	11.30	11.65	11.90	12.15	12.40
7	10.96	11.36	11.71	11.96	12.21	12.46
8	11.06	11.46	11.81	12.06	12.31	12.56
9	11.12	11.52	11.87	12.12	12.37	12.62
10	11.18	11.58	11.93	12.18	12.43	12.68
11	11.20	11.60	11.95	12.20	12.45	12.70
12	11.26	11.66	12.01	12.26	12.51	12.76
13	11.34	11.74	12.09	12.34	12.59	12.84
14	11.50	11.90	12.25	12.50	12.75	13.00
15	11.66	12.06	12.41	12.66	12.91	13.16
16	11.84	12.24	12.59	12.84	13.09	13.34
17	11.98	12.38	12.73	12.98	13.23	13.48
18	12.16	12.56	12.91	13.16	13.41	13.66
19	12.30	12.70	13.05	13.30	13.55	13.80

FRINGE BENEFITS:

Health and Welfare	$1.00	Vacation	$.50
Pension	1.21	Apprenticeship Tr	.05

*SEE ZONE DESCRIPTION - following Truck Drivers classifications.

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guradrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room); Rear Chainman

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrial Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, Maximum digging capacity 3 ft. depth

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled; Head Chainman

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator; Instrument Man

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, with dispatched and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead; Party Chief

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater equipment, remote or otherwise

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TRUCK DRIVERS

Group No.	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1	$10.29	$10.69	$11.04	$11.29	$ 11.54	$11.79
2	10.34	10.74	11.09	11.34	11.59	11.84
3	10.39	10.79	11.14	11.39	11.64	11.89
4	10.44	10.84	11.19	11.44	11.69	11.94
5	10.49	10.89	11.24	11.49	11.74	11.99
6	10.59	10.99	11.34	11.59	11.84	12.09
7	10.69	11.09	11.44	11.69	11.94	12.19
8	10.79	11.19	11.54	11.79	12.04	12.29
9	10.89	11.29	11.64	11.89	12.14	12.39
10	11.06	11.46	11.81	12.06	12.31	12.56
11	11.16	11.56	11.91	12.16	12.41	12.66
12	11.26	11.66	12.01	12.26	12.51	12.76
13	11.36	11.76	12.11	12.36	12.61	12.86
14	11.46	11.86	12.21	12.46	12.71	12.96

FRINGE BENEFITS:

Health and Welfare	$ .68
Pension	.70
Vacation	.88
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Driver Classifications.

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

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TRUCK DRIVERS

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked Cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	Vancouver
Bend	La Grande	Pendleton	
Brookings	Lakeview	Port Orford	
Burns	Longview	Reesdport	
Coos Bay	Madras	Roseburg	
Goldendale	Medford	The Dalles	
Grants Pass	McMinnville		

Zone 1 - All jobs or projects located within 10 miles of the respective City Hall

Zone 2 - More than 10 miles but less than 25 miles from the respective City Hall

Zone 3 - More than 25 miles but less than 35 miles from the respective City Hall

Zone 4 - More than 35 miles but less than 45 miles from the respective City Hall

Zone 5 - More than 45 miles but less than 75 miles from the respective City Hall

Zone 6 - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone 1 - All jobs or projects located within 5 miles of the respective City Hall

Zone 2 - More than 5 miles but less than 25 miles from the respective City Hall

Zone 3 - More than 25 miles but less than 35 miles from the respective City Hall

Zone 4 - More than 35 miles but less than 45 miles from the respective City Hall

Zone 5 - More than 45 miles but less than 75 miles from the respective

DECISION NO. OR79-5103

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE (Cont'd)

Portland Only

Zone 1 - All jobs or projects located within 25 miles of the City Hall of Portland

Zone 3 - More than 25 miles but less than 35 miles from City Hall

Zone 4 - More than 35 miles but less than 45 miles from City Hall

Zone 5 - More than 45 miles but less than 75 miles from City Hall

Zone 6 - More than 75 miles from City Hall

Eugene and Salem Only

Zone 1 - All jobs or projects located within 20 miles of the respective City Hall

Zone 2 - More than 20 miles but less than 25 miles from the respective City Hall

Zone 3 - More than 25 miles but less than 35 miles from the respective City Hall

Zone 4 - More than 35 miles but less than 45 miles from the respective City Hall

Zone 5 - More than 45 miles but less than 75 miles from the respective City Hall

Zone 6 - More than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: Virginia
DECISION NO.: 79-VA-3002

COUNTIES: Bedford, Botetourt, Carroll, Craig, Floyd, Franklin, Giles, Henry, Montgomery Patrick, Pulaski, and Roanoke. The Cities of Bedford, Galax, Martinsville, Radford, Roanoke and Salem.

DATE: Date of Publication

Supersedse Decision No. 78-VA-3059 dated August 4, 1978 in 43 FR 34707

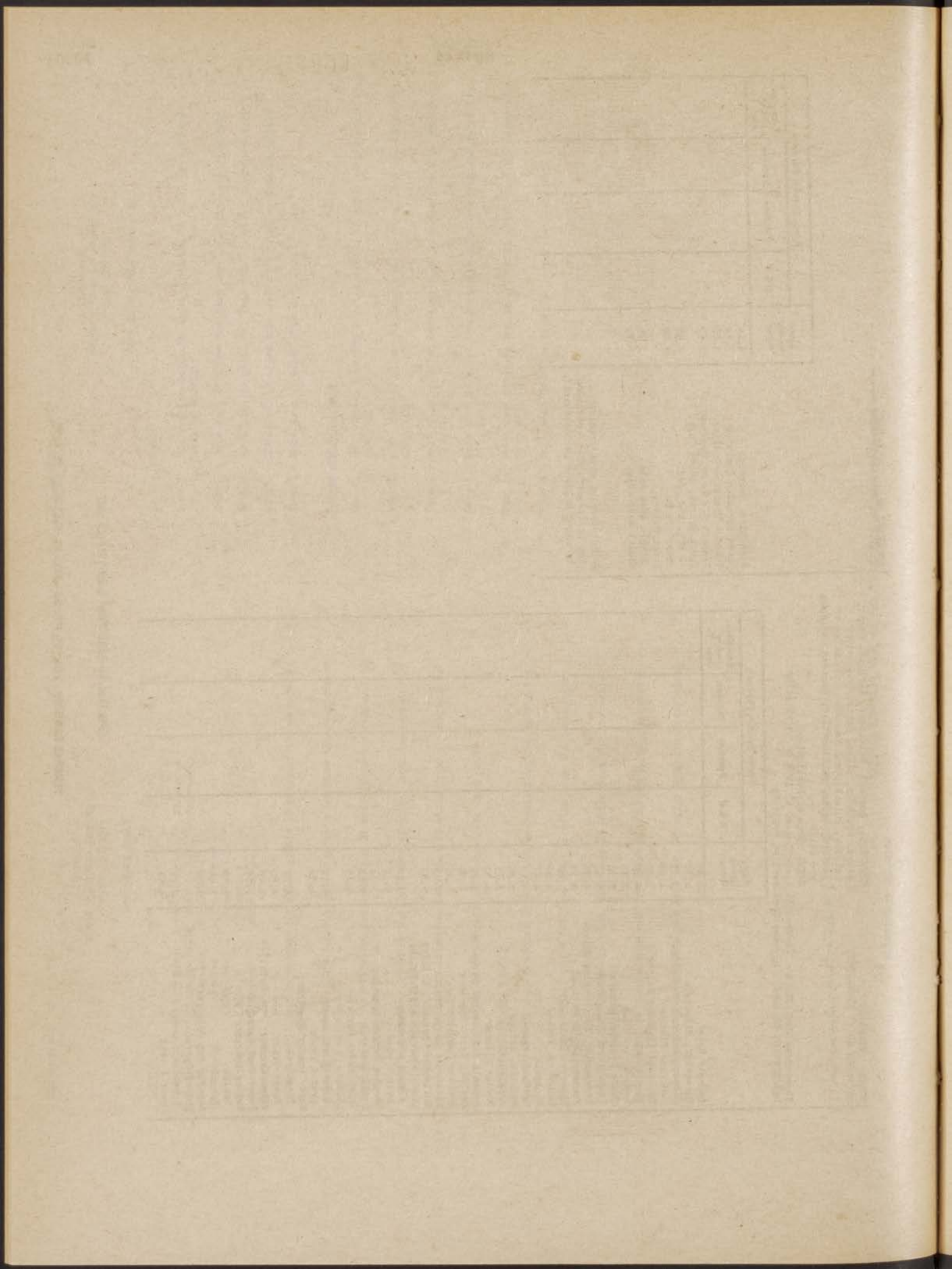
DESCRIPTION OF WORK: Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$4.01				
Carpenter, Structure	4.71				
Carpenter Structure Helper	3.51				
Concrete Finisher	4.08				
Concrete Finisher Helper	3.25				
Electrician	4.95				
Form Setter Road	3.18				
Fence Erector/Guardrail	3.41				
Ironworker, Reinforcing	5.07				
Ironworker, Reinforcing Helper	4.00				
Ironworker, Structural	6.30				
Laborer, Unskilled	3.00				
Landscape Worker	3.00				
Mechanic	4.47				
Mechanic Helper	3.79				
Painter, Bridge	3.88				
Pipelayer	3.75				
Powder Blaster	4.50				
Asphalt Distributor Operator	3.89				
Asphalt Paver Operator	4.50				
Backhoe Operator	4.30				
Bulldozer Operator	4.40				
Bulldozer Operator, Utility	3.50				
Crane, Derrick and Dragline:					
1 yard and under	5.19				
over 1 yard	5.19				
Crusher Feeder Operator	3.75				
Drill Operator	3.91				
Form Grader Operator	3.15				
Loader:					
2 yards and under	4.14				
over 2 yards	4.14				
Motor Grader Operator:					
Fine Grade	4.80				
Rough Grade	4.80				
Oiler/Greaser	3.40				
Power Tool Operator	5.35				
Roller Operator:					
Finish	3.79				
Rough	3.46				
Scraper Pan Operator	4.00				
Shovel Operator:					
1 yard and under	4.73				
over 1 yard	4.85				

DECISION NO. 79-VA-3002

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stabilizer Operator	4.14				
Stone Spreader Operator	3.84				
Tractor Operator-Utility	3.50				
Transit Mix Truck Operator	3.25				
Truck Driver, Heavy Duty:					
7 C.Y. and under	3.00				
Over 7 C.Y.	3.00				
Truck Driver:					
Single Rear Axle	3.31				
Multi Rear Axle	3.50				
Welder-receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc. 79-5536 Filed 2-22-79; 8:45 am]



Federal Register

FRIDAY, FEBRUARY 23, 1979

PART III



SECURITIES AND EXCHANGE COMMISSION

■

PROMOTION OF THE RELIABILITY OF FINANCIAL INFORMATION AND PREVENTION OF THE CONCEALMENT OF QUESTIONABLE OR ILLEGAL CORPORATE PAYMENTS AND PRACTICES

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15570]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Promotion of the Reliability of Financial Information and Prevention of the Concealment of Questionable or Illegal Corporate Payments and Practices

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting rules intended to assure that an issuer's books and records accurately and fairly reflect its transactions and dispositions of assets; to protect the integrity of the independent audit of issuer financial statements that is required under the Securities Exchange Act of 1934 ("Securities Exchange Act") and existing Commission rules; to promote the reliability and completeness of financial information that issuers are required to file with the Commission, or disseminate to investors, pursuant to the Securities Exchange Act; to promote compliance with new Sections 13(b)(2) (A) and (B) of the Securities Exchange Act; and to prevent the concealment of questionable or illegal corporate payments and practices. The rules expressly prohibit the falsification of corporate books, records, or accounts and prohibit the officers and directors of an issuer from making false, misleading or incomplete statements to any accountant in connection with any audit or examination of the issuer's financial statements or the preparation of required reports. Although the Commission's authority to promulgate rules of this nature does not rest solely on Section 13 of the Securities Exchange Act, these rules have been codified in a new Regulation 13B-2, entitled "Maintenance of Records and Preparation of Required Reports."

The Commission believes that these rules, while intended to deal with a much broader range of practices than the problem of questionable or illegal corporate payments and practices, will serve to discourage repetition of the serious abuses which the Commission has uncovered in this area. The Commission's experience indicates that improper corporate payments and practices are rarely reflected in corporate books, records and accounts in an accurate manner and that the desire to conceal information concerning such activities frequently entails the falsification of books, records and accounts and the making of false, misleading or incomplete statements to accountants.

EFFECTIVE DATE: March 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Barbara Leventhal, Division of Corporation Finance (202-755-1750); Frederick B. Wade, Office of the General Counsel (202-755-1229); Ernest Ten Eyck, Office of the Chief Accountant (202-755-7471); Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The SEC today announced the adoption of two rules under the Securities Exchange Act, 15 U.S.C. 78a *et seq.*, as amended by the Foreign Corrupt Practices Act ("FCPA"), Pub. L. No. 95-213 (Dec. 19, 1977). The rules are codified in a new Regulation 13B-2, entitled "Maintenance of Records and Preparation of Required Reports." New Rule 13b2-1 (17 CFR 240.13b2-1) provides that "no person shall, directly or indirectly, falsify or cause to be falsified, any book, record or account subject to Section 13(b)(2)(A) of the Securities Exchange Act." [1] In addition, new Rule 13b2-2 (17 CFR 240.13b2-2) prohibits officers and directors of an issuer from making materially false, misleading or incomplete statements to an accountant in connection with any audit or examination of the financial statements of the issuer or the filing of required reports.[2]

The rules were initially published for comment in Securities Exchange Act Release No. 13185 (Jan. 19, 1977), together with a proposed amendment to Item 6 of Schedule 14A (17 CFR 240.14a-101).[3] The rules are designed to promote the reliability and completeness of the financial information that issuers are required to file with the Commission, or disseminate to investors, pursuant to the Securities Exchange Act; to protect the integrity of the independent audit of issuers' financial statements required under that Act and existing Commission rules; to promote compliance with new Sections 13(b)(2) (A) and (B) of the Securities Exchange Act; and to prevent the concealment of questionable or illegal payments and practices. In this regard, although the rules are intended, in part, to eliminate certain serious abuses the Commission has uncovered in connection with questionable and illegal payments and practices, the rules are addressed to a much broader range of practices than the problem of questionable or illegal corporate payments and practices.

I. Background

Beginning in 1973, as a result of the work of the Office of the Watergate Special Prosecutor, the Commission became aware of a pattern of conduct involving the use of corporate funds for illegal domestic political contributions. Because these activities often involved matters of significance to public investors, the nondisclosure of which entailed violations of the federal securities laws, the Commission published a statement, on March 8, 1974, expressing the views of its Division of Corporation Finance concerning disclosure of these matters in documents filed with the Commission. Securities Act Release No. 5466 (Mar. 8, 1974).

Subsequent Commission investigations and enforcement actions revealed that instances of undisclosed questionable or illegal corporate payments—both domestic and foreign—were widespread, that they represented a serious breach in the system of corporate disclosure administered by the Commission and that such payments threatened public confidence in the integrity of the system of capital formation, which rests on a foundation of full and fair disclosure of corporate business and financial transactions. On May 12, 1976, the Commission submitted a detailed "Report on Questionable and Illegal Corporate Payments and Practices" ("May 12 Report") to the Senate Committee on Banking, Housing and Urban Affairs. That report describes and analyzes the

[1] Section 13(b)(2)(A) of the Securities Exchange Act was added to the Act by the FCPA. It requires issuers subject to the Act to "make and keep books, records and accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer." Section 3(a)(37) of the Securities Exchange Act defines the term "records" to mean "accounts, correspondence, memorandums, tapes, discs, papers, books and other documents or transcribed information of any type, whether expressed in ordinary or machine language."

[2] As proposed, Rules 13b2-1 and 13b2-2 were designated 13b-3 and 13b-4, respectively. *See* Securities Exchange Act Release No. 13185 (Jan. 19, 1977), 42 FR 4854 (Jan. 26, 1977). The rules promulgated today have been renumbered to reflect the intervening enactment of the FCPA, which incorporated the substance of proposed rules 13b-1 and 13b-2 in new Section 13(b)(2) of the Securities Exchange Act, and the Commission's determination that enactment of the FCPA makes it unnecessary to adopt proposed Rules 13b-1 and 13b-2.

[3] As proposed, a new subsection (d) would be added to Item 6 of Schedule 14A, requiring disclosure of management involvement in specified types of questionable or illegal payments and practices and of corporate policies relating to such matters. The Commission expects to consider this proposal in the near future.

Commission's activities concerning such payments and practices and outlines the legislative and other responses that the Commission, based on its experience, recommended to remedy these problems. One of the key conclusions drawn in the May 12 Report was that:

> The almost universal characteristic of the cases reviewed to date by the Commission has been the apparent frustration of our system of corporate accountability which has been designed to assure that there is proper accounting of the use of corporate funds and that documents filed with the Commission and circulated to shareholders do not omit or misrepresent material facts. Millions of dollars of funds have been inaccurately recorded in corporate books and records to facilitate the making of questionable payments. Such falsification of records has been known to corporate employees and often to top management, but often has been concealed from outside auditors and counsel and outside directors.[4]

On the basis of the conclusions in the May 12 Report, the Commission, in addition to active pursuit of its enforcement and disclosure programs, proposed a multi-faceted approach to prevent further abuses. First, the Commission recommended that Congress enact legislation aimed expressly at enhancing the accuracy of corporate books and records and the reliability of the audit process, which together constitute foundations of the system of corporate disclosure. Specifically, the Commission proposed legislation to:

(1) require issuers subject to the periodic reporting requirements of the Securities Exchange Act (i.e., "reporting companies") to make and keep accurate books and records;

(2) require such issuers to devise and maintain a system of internal accounting controls meeting the objectives articulated by the American Institute of Certified Public Accountants in Statement on Auditing Standards No. 1, Section 320.28 (1973);

(3) prohibit the falsification of corporate accounting records; and

(4) prohibit the making of false, misleading or incomplete statements to an accountant in connection with any examination or audit.

In addition, because of the magnitude of the problem, and the need to supplement the Commission's own enforcement capabilities, a voluntary disclosure program was developed. Companies participating in this program were encouraged to conduct careful investigations of their operations under the auspices of persons not involved in the questionable activities and to discuss the question of appropriate disclosure of these matters with the Commission's staff before filing any document with the Commission.[5]

The Commission also proposed means of strengthening the effectiveness and vitality of corporate boards of directors by suggesting that issuers maintain audit committees composed of non-management directors unrelated to the company and its management and by encouraging the separation of the functions of independent corporate counsel and director. In the May 12 Report, the Commission proposed that, at least initially, these principles could best be implemented by an amendment to the listing requirements of the New York Stock Exchange and the rules of the other self-regulatory organizations, rather than by direct Commission action.[6]

II. Enactment of the Foreign Corrupt Practices Act of 1977

The Commission's legislative proposals were considered by the 94th Congress, but Congress adjourned before taking final action on the legislation. Following adjournment of the 94th Congress, the Commission, on January 19, 1977, published proposed rules for public comment in language substantially identical to the legislative proposals it had submitted to the Congress in the May 12 Report.[7]

The Commission's legislative proposals were given additional consideration by the 95th Congress. Two of the four proposals, the legislative analogs to proposed rules 13b-1 and 13b-2, were eventually incorporated in the FCPA in language virtually identical to that proposed by the Commission. The FCPA was signed by the President on December 19, 1977, and became effective on that date.[8]

The primary impetus for enactment of the FCPA arose from disclosures of widespread corporate bribery. As the House Report concerning the legislation declared:

> More than 400 corporations have admitted making questionable or illegal payments. The companies, most of them voluntarily, have reported paying out well in excess of $300 million in corporate funds to foreign government officials, politicans, and political parties. These corporations have included some of the largest and most widely held public companies in the United States; over 117 of them rank in the top Fortune 500 industries. The abuses disclosed run the gamut from bribery of high foreign officials in order to secure some type of favorable action by a foreign government to so-called facilitating payments that allegedly were made to ensure that government functionaries discharged certain ministerial or clerical duties.[9]

The legislative history makes clear that Congress viewed such questionable or illegal payments as: (a) unethical and reprehensible; (b) inconsistent with the principles of a free market economy; (c) unnecessary to the successful conduct of business; and (d) a source of serious difficulties with respect to conduct of the nation's foreign policy.[10] In this regard, the FCPA creates a new Section 30A of the Securities Exchange Act, which makes it unlawful for any reporting company, or any officer, director, employee, or agent of such company, or any shareholder acting on behalf of such company, to make use of the mails or any means or instrumentality of interstate commerce, corruptly, in furtherance of an offer, payment, or gift, of any money or thing of value, to certain classes of persons.[11] The new provision applies to payments made for the purpose of influencing any act or decision of a foreign official, foreign political party or candidate for foreign political office (including a decision not to act), or inducing such a person or party to use his or its influence to affect any government act or decision in order to assist an issuer in obtaining, retaining or directing business to any person.[12]

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[4] May 12 Report at p. a.

[5] The voluntary program was announced in several public statements, including the testimony of Commissioner Philip A. Loomis on July 17, 1975, before the Subcommittee on International Economic Policy of the House Committee on International Relations and the testimony of former Commission Chairman Roderick M. Hills before the Subcommittee on Priorities and Economy in Government on January 14, 1976. *See* May 12 Report, supra, at pp. 7-8. Since the program was announced, more than 450 companies have disclosed information relating to questionable or illegal activities in filings with the Commission.

[6] *See* letter from former Chairman Roderick M. Hills to William Batten, Chairman, New York Stock Exchange (NYSE), dated May 11, 1976 (May 12 Report, Exhibit D). The NYSE subsequently adopted a requirement that listed companies have an audit committee which meets certain specified criteria by June 30, 1978. Similar rules have been considered by other national exchanges and the NASD.

[7] *See* Securities Exchange Act Release No. 13185, *supra*, (Jan. 19, 1977).

[8] As noted, *supra*, p. 3, the FCPA is contained in Title I of Pub. L. No. 95-213.

[9] H. Rept. No. 95-640, 95th Cong., 1st Sess. 4 (1977).

[10] *Id.* at 4-5; S. Rep. No. 114, 95th Cong., 1st Sess. 3-4 (1977).

[11] These classes include an official of a foreign government; a foreign political party or an official thereof; a candidate for foreign political office; or any other person where the reporting company knows, or has reason to know, that all or a portion of such money or thing of value will be offered, given or promised, directly or indirectly, to one of the foregoing persons.

A "foreign official" is defined by Section 30A to mean "any officer or employee of a foreign government or any department, agency or instrumentality thereof, or any person acting in an official capacity for or on behalf of such government or department, agency, or instrumentality." The term does not include employees "whose duties are essentially ministerial or clerical."

[12] Violations of new Section 30A may result in the imposition of a fine of "not more than $1,000,000" upon any issuer convicted of a violation and, with respect to individuals, in the imposition of a fine of not more than $10,000, or imprisonment for not more than 5 years, or both.

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New Section 13(b)(2) of the Securities Exchange Act incorporates two of the four legislative proposals that the Commission made in the May 12 Report. In this regard, the new provision requires every issuer that has a class of securities registered pursuant to Section 12 of the Securities Exchange Act, and every issuer that is required to file reports pursuant to Section 15(d) of the Securities Exchange Act (*i.e.*, "reporting companies"):

(1) to make and keep books, and records and accounts which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer; and

(2) to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that:

(i) transactions are executed in accordance with management's general or specific authorization;

(ii) transactions are recorded as necessary: (a) to permit preparation of financial statements in conformity with generally accepted accounting principles or other applicable criteria; and (b) to maintain accountability for assets;

(iii) access to assets is permitted only in accordance with management's general or specific authorization; and

(iv) the recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

The Senate Report concerning the legislation indicates that the "accounting standards * * * [provisions] are intended to operate in tandem with the criminalization provisions of the bill to deter corporate bribery." [13] In this regard, the Report states that the accounting provisions are intended "to strengthen the accuracy of the corporate books and records and the reliability of the audit process which constitute the foundations of our system of corporate disclosure." [14] It also declares that "the affirmative duties" contained in the accounting provisions "will go a long way to prevent the use of corporate assets for corrupt purposes * * * [and that] public confidence in securities markets will be enhanced by assurance that corporate recordkeeping is honest." [15]

As noted above, the May 12 Report also proposed that Congress prohibit the falsification of corporate books, records and accounts and the making of false, misleading or incomplete statements to an accountant in connection with any examination or audit. The Senate bill contained such provisions, but limited the applicability of the provisions to violative conduct that was performed "knowingly." [16] The House bill "contained no comparable provisions because the SEC had already published for comment [the instant] rules designed to accomplish similar objectives under its existing authority." [17]

In the Conference Committee, the Senate receded to the House.[18] Although the conferees agreed that the two proposals "were supportive of the basic accounting section" enacted into law as part of the FCPA,[19] they determined to delete the provisions from the proposed legislation because use of the word "knowingly" in the Senate bill had become "involved in an issue never intended to be raised or resolved by the Senate bill—namely whether or not the inclusion or deletion of the word 'knowingly' would or would not affirm, expand, or overrule the decision of the Supreme Court in *Ernst & Ernst* v. *Hochfelder* (425 U.S. 185)." [20] In deleting the provisions, the conferees stated that they had decided not to "debate * * * the important issues raised by the *Hochfelder* decision" and that "no inference should be drawn [on the basis of the deletions] with respect to any rulemaking authority the SEC may or may not have under the securities laws." [21]

IV. Basis for Adoption of Regulation 13B-2

Section 23(a) of the Securities Exchange Act provides, in pertinent part, that the Commission shall "have power to make such rules and regulations as may be necessary or appropriate to implement the provisions of * * *" the Act. In this regard, the enactment of new Section 13(b)(2) provides a basis for promulgation of the new rules in addition to the various provisions cited in the release requesting comments concerning the rule proposals.[22]

It bears emphasis that the accounting provisions of the FCPA are *not* exclusively concerned with the preparation of financial statements. An equally important objective of the new law, as well as pre-existing provisions of the federal securities laws cited in Securities Exchange Act Release No. 13185, *supra*, is the goal of corporate accountability.

In this context, new section 13(b)(2)(A) embodies certain requirements of integrity in corporate recordkeeping. Thus, it requires issuers "to make and keep books, records, accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the issuer." This provision is designed, not only to provide a more reliable basis for the preparation of financial statements, but also, among other things, for the purpose of confirming the Commission's authority "effectively to prevent off-the-books slush funds"[23] and to assure that "there is proper accounting of the *use* of corporate funds * * *."[24]

In addition, new Section 13(b)(2)(B) requires issuers to "devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that * * *" certain statutory objectives are met. These objectives include not only the recording of transactions "as necessary * * * to permit preparation of financial statements in accordance with generally accepted accounting principles * * *" or other applicable criteria, but also the recording of such transactions "as necessary * * * to maintain accountability for assets." In addition, these objectives expressly include the goals of providing reasonable assurances that access to corporate assets is permitted, and that corporate assets transactions are executed, "in accordance with management's general or specific authorization."

Accordingly, new Section 13(b)(2) establishes requirements concerning the internal activities of reporting compa-

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The FCPA also subjects any domestic business concern, other than one subject to the reporting requirements of the Securities Exchange Act, and any officer, director or agent of such a domestic business concern, or any natural person in control of such a domestic concern, to the same prohibitions and penalties that are applicable to reporting companies. That portion of the FCPA is administered and enforced, however, by the Department of Justice rather than the Commission.

[13] S. Rept. No. 114, *supra*, at 7.

[14] *Id.*

[15] *Id.* The Report of the Conference Committee concerning the FCPA makes clear that the requirement that corporate books and records be "accurate" is intended "to prevent off-the-books slush funds and payments of bribes" without regard to whether such funds or payments are material in amount. H. Rept. No. 95-831, 95th Cong., 1st Sess. 10 (1977).

[16] S. Rept. No. 114, *supra*, at 9. In this regard, the Senate Report declared that the latter proposal "is designed to encourage careful communications between auditors and persons from whom the auditors seek information in the audit process. The Committee is of the view that a proscription on knowing false statements to auditors will enhance the integrity of the audit process" (*Id.*).

[17] *See* H. Rept. No. 95-831, *supra*, at 10.

[18] *Id.*

[19] *Id.*

[20] *Id.* at 10-11. In *Hochfelder*, the Supreme Court held that a plaintiff in an implied private action for damages under Section 10(b) of the Securities Exchange Act, 15 U.S.C. 78j(b), and Rule 10b-5 promulgated thereunder, 17 CFR 240.10b-5, must allege and prove that the defendant acted with *scienter*, i.e., "a mental state embracing intent to deceive, manipulate or defraud" (*see* 425 U.S. at 193-194, n. 12). The Court specifically left open "the question whether *scienter* is a necessary element in an action for injuctive relief under Section 10(b) and Rule 10b-5" (*Id.*).

[21] H. Rept. No. 95-831, *supra*, at 11.

[22] *See* Securities Exchange Act Release No. 34-13185, *supra*.

[23] *See* H.R. Rep. No. 95-831, *supra*, at 10.

[24] (Emphasis added). *See* May 12 Report at a.

nies that are supportive of the disclosure system mandated by the Securities Exchange Act, but should not be analyzed solely from that point of view. The new requirements may provide an independent basis for enforcement action by the Commission, whether or not violation of the provisions may lead, in a particular case, to the dissemination of materially false or misleading information to investors.[25]

As is set forth in more detail below, the rules promulgated today are intended to discourage the kind of abuses that led to enactment of the FCPA, and to promote compliance with new Section 13(b)(2) of the Securities Exchange Act. Accordingly, the Commission has determined that the rules are "necessary or appropriate," within the meaning of the Commission's general rulemaking authority, to implement new Section 13(b)(2).

Although the rules adopted today will be codified with rules promulgated under Section 13 of the Securities Exchange Act, the Commission is not relying exclusively on Section 13 as a foundation for the rules. As the Commission noted, in publishing the instant rule proposals for public comment:.

> the close relationship between the [disclosure] objectives which Congress, in 1934, sought to accomplish by enactment of the Securities Exchange Act and the substance of its legislative proposals places those proposals within the reach of the Commission's general rulemaking authority under Section 23(a) of the Securities Exchange Act.[26]

In this context, the rules adopted today are also based, in part, upon a number of disclosure-related provisions, including: (a) Sections 13(a), 13(b)(1) and 15(d) of the Act, which set forth certain periodic reporting requirements; (b) Section 10(b), which prohibits fraud; (c) Section 14(a), which governs proxy solicitations; (d) Section 20(b), which prohibits unlawful conduct performed by any person "through or by means of any other person"; and (e) Section 20(c), which prohibits any director or officer of, or any owner of securities issued by, any issuer required to file any document, report or information under * * * "the Securities Exchange Act without just cause to hinder, delay or obstruct the making or filing of any such document, report or information * * *." these provisions are sometimes referred to collectively in the remainder of this release as "the disclosure provisions" in order to distinguish them from new Section 13(b)(2) of the Securities Exchange Act.[27]

The Commission has determined, on the basis of the findings set forth in the May 12 Report and its experience in various enforcement actions involving questionable or illegal payments,[28] the legislative history of the FCPA[29] and careful consideration of the comments received concerning the rule proposals, that false corporate books and records and the making of false, misleading and incomplete statements to auditors often lead to a variety of activities that the Commission is authorized to curtail through exercise of its rulemaking authority to implement the "disclosure provisions." These activities include, but are not limited to:

(1) the utilization of deceptive devices, such as materially false statements or material omissions, in connection with the purchase or sale of securities in interstate commerce;

(2) the filing of inaccurate and incomplete periodic reports with the Commission and the dissemination of such reports to investors;

(3) the solicitation of proxies in contravention of the proxy rules, including Rule 14a-9, 17 CFR 240.14a-9; and

(4) the hindrance, delay, and obstruction of the making and filing of required documents, reports and information.

Accordingly, the Commission has determined that the rules adopted today are "necessary or appropriate," within the meaning of Section 23(a) of the Securities Exchange Act, to implement the foregoing "disclosure provisions" and that such rules are "necessary or appropriate" in the public interest, for the protection of investors and to insure fair dealing in securities.

A. Adoption of Rule 13b2-1 (Proposed Rule 13b-3)

Proposed Rule 13b-3 would have prohibited any person from falsifying corporate books and records maintained pursuant to proposed Rule 13b-1. As adopted, Rule 13b2-1 has been modified to reflect the enactment of new Section 13(b)(2)(A) of the Securities Exchange Act, the Commission's concomitant decision not to adopt proposed rule 13b-1 and certain technical or clarifying changes in the language of the rule. Thus, the new rule provides that "no person shall, directly or indirectly, falsify or cause to be falsified, any book, record or account subject to Section 13(b)(2)(A) of the Securities Exchange Act."

The Commission has determined that Rule 13b2-1, while not directed solely to the problem of questionable or illegal corporate payments and practices, should serve to discourage a repetition of the serious abuses the Commission has uncovered. The Commission's experience, as set forth in the May 12 Report and subsequent enforcement actions,[30] demonstrates that questionable or illegal payments are rarely reflected correctly in corporate books and records and that the need to suppress information concerning such payments has frequently entailed the falsification of corporate books, records or accounts.

New Section 13(b)(2)(A) of the Securities Exchange Act requires that corporate books and records "accurately and fairly reflect the transactions and dispositions of the assets of the issuer." This provision is intended, among other things, to preclude the maintenance of off-the-books slush funds and to insure that corporate transactions and dispositions are properly recorded. It bears emphasis, in this context, that the new requirement is qualified by the phrase "in reasonable detail" rather than by the concept of "materiality."

In the Commission's judgment, new Rule 13b2-1 should promote compliance with the statutory requirement that issuers have accurate books and records by discouraging person from falsifying any corporate book, record, or account subject to new Section 13(b)(2)(A) and by making individuals directly liable for such conduct. Accordingly, the Rule is "necessary or appropriate," within the meaning of the Commission's general rulemaking authority, to implement new Section 13(b)(2) of the Securities Act.

In addition, the maintenance of accurate books and records by reporting companies is one of the foundations of the system of corporate disclosure embodied in the Securities Exchange Act. In this regard, the disclosure requirements of the Securities Exchange Act are based on the premise that "No investor * * * can safely buy or sell securities * * * without having an intelligent basis for forming his judgment as to the value of the securities he buys or sells."[31]

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[25] For example, although new Section 13(b)(2) imposes requirements upon issuers that are designed, in part, to promote the reliability and completeness of financial information and to protect the integrity of the independent audit of an issuer's financial statements, these new statutory requirements are qualified by the terms "in reasonable detail" and "reasonable assurances," as distinguished from the concept of materiality.

[26] *See* Securities Exchange Act Release No. 34-13185, *supra*.

[27] In this context, of course, Sections 20(b) and 20(c) are "disclosure provisions" only insofar as they may be applicable in tandem with one or more of the other provisions noted above.

[28] *See e.g.*, the May 12 Report, Exhibit B; *Securities and Exchange Commission* v. *Aminex Resources Corp., et al.* (D.D.C., Civil Action No. 78-0410) *Securities and Exchange Commission* v. *Page Airways, Inc.* (D.D.C., Civil Action No. 78-0656) *Securities and Exchange Commission* v. *Katy Industries* (N.D. Ill., No. C 78-3476).

[29] *See* S. Rept. No. 114, *supra;* H.R. Rep. No. 95-640, *supra;* and H. Rept. No. 95-831, *supra*.

[30] *See, e.g.*, n. 28, *supra*.

[31] H. Rept. No. 1383 73rd Cong., 2nd Sess. 11 (1934); *see* S. Rept. No. 1455, 73rd Cong., 2nd Sess. 68 (1934).

As the Commission has previously indicated, "The maintenance of accurate books and records by publicly-held companies is a necessary concomitant of the existing requirement for full, fair and accurate periodic reports." [32] In addition, as the May 12 Report reflects, the Commission's experience is that the falsification of corporate books and records has often been associated with the making of questionable and illegal payments.[33] In certain cases, concealed corporate payments and off-the-books slush funds were the result of actions by particular individuals, who acted with or without the knowledge of corporate management, to cause such transactions to be improperly recorded.[34] Given the importance of adequate information to "the maintenance of fair and honest [securities] markets," [35] the sensitivity of securities prices to the availability of material information, and the close nexus between the maintenance of accurate books and records and the ability of reporting companies to disclose such information, the Commission has determined that the new rule is "necessary or appropriate" to implement "the disclosure provisions," and that, in this context, the rule is also "necessary or appropriate" in the public interest, for the protection of investors and to insure fair dealing in securities.

The Commission received comments from approximately 70 persons with respect to proposed Rule 13b-3, most of which expressed opposition to aspects of the rule. Many comments advocated changes that would: (a) limit application of the rule to "material" falsifications of corporate books, records and accounts; (b) require a showing of *"scienter"* before a person could be held liable for violations of the rule; and (c) limit application of the rule to persons having certain affiliations with an issuer, rather than "any person."

The advocates of a "materiality" standard expressed concern that false entries of insignificant or nominal amounts would give rise to a violation of the rule. In addition, some comments asserted that, in view of the large number of books, records and accounts kept by some corporations, particularly large corporations, application of the rule to any falisification of such books, records and accounts would make compliance impossible.

The Commission has considered these concerns and determined that it would not be desirable to modify the rule as suggested. New Rule 13b2-1 is, as noted above, applicable to "any book, record or account subject to section 13(b)(2)(A) of the Securities Exchange Act." That provision was qualified by the Conference Committee, prior to enactment of the FCPA, to make clear that issuers are required to "make and keep books, records and accounts, which, *in reasonable detail*, accurately and fairly reflect the transactions and dispositions of the assets of the issuer * * *." [36] The Report of the Conference Committee indicates the change was made because the provision, "if unqualified, might connote a degree of exactitude and precision which is unrealistic." [37] It adds, "The amendment makes clear that the issuer's records should reflect transactions in conformity with accepted methods of recording economic events and effectively prevent off-the-books slush funds and payments of bribes." [38]

The Commission believes the presence of the words "in reasonable detail" in Section 13(b)(2)(A) should alleviate much of the concern expressed in comments concerning proposed rule 13b-3. In addition, it bears emphasis that compliance with new Section 13(b)(2)(B) of the Securities Exchange Act, concerning systems of internal accounting control, and increased use of audit committees composed of persons unaffiliated with the corporation or its management should facilitate compliance with new Rule 13b2-1. A further consideration is the the Commission's concern that a limitation concerning "material" falsity would unduly narrow the scope of the rule and result in an unwarranted diminution of investor protection. Under these circumstances, the Commission has determined that it would be inappropriate to limit application of the Rule in the manner suggested.

Many comments expressed the view that a showing of *"scienter"* ought to be required in order to establish violations of the Rule. These comments were premised on the views that some false entries in corporate books, records and accounts result from inadvertent errors or oversights, and that a number of such entires are inevitable, particularly in view of the volume of transactions that must be recorded on a daily basis by large public companies. Some comments added that it would be unfair to impose liability upon persons who acted in good faith and made inadvertent or unintentional mistakes.

After careful consideration of the comments, the Commission has determined that a *"scienter"* requirement should not be included in the Rule. The inclusion of such a requirement would be inconsistent with the language of new section 13(b)(2)(A), which contains no words indicating that the Congress intended to impose a *"scienter"* requirement. It would be anomalous, under these circumstances, to include a *"scienter"* requirement in the new Rule.

Moreover, the Commission believes that the concern expressed with respect to inadvertent and inconsequential errors is unwarranted. The statute does not require perfection but only that books, records and accounts *"in reasonable detail,* accurately and fairly reflect the transactions and dispositions of the assets of the issuer" (emphasis added). In addition, the legislative history reflects that "standards or reasonableness" are to be used in applying this provision.[39]

Although Section 13 of the Securities Exchange Act authorizes the Commission to impose certain requirements upon issuers, Rule 13b2-1 provides that "no person" shall violate the terms of the Rule. The Rule, as proposed, contained substantially similar language applicable to "any person." In this regard, a number of commentators suggested that the rule should be applicable only to certain persons affiliated with an issuer rather than to "any person."

The Commission has considered these comments, but has determined to promulgate the rule in a form substantially the same as that proposed. The effect of falsifications of books, records or accounts, in making reports required under Section 13 misleading or incomplete, is not necessarily contingent on the identity of the wrongdoer or on whether he acts with the knowledge or acquiescence of management. Moreover, while normally only officers and employees of the issuer are in a position to falsify corporate records, it is not feasible to identify in the Rule all categories of persons who might violate it. Consequently, the Commission believes that the rule should apply to any person who, in fact, does cause corporate books and records to be falsified.

Accordingly, because the falsification of accounting records, especially if falsified in order to conceal questionable corporate practices, may lead, among other things, to the concealment of material information that should be disclosed in periodic reports or to purchasers and sellers of the issurer's securities and to the omission of such information from proxy solicitations, and may also hinder the preparation of required reports, the Commission believes that the extension of Rule 13b2-1 to any person who violates the prohibition is "necessary or appropriate" to implement the "disclosure provisions" set forth as a basis for promulgation of the rule.[40]

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[32] *See* Securities Exchange Act Release No. 14478 (Feb. 16, 1978).

[33] May 12 Report at a.

[34] *Id.*

[35] *See* Section 2 of the Securities Exchange Act, 15 U.S.C. 78b.

[36] H. Rept. No. 93-831, *supra* at 10 (emphasis added).

[37] *Id.*

[38] *Id.*

[39] S. Rept. 95-114, *supra*, at 8.

[40] In this regard, Section 10(b) of the Act authorizes the Commission to prohibit man-

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B. Adoption of Rule 13b2-2 (Proposed Rule 13b-4)

Rule 13b2-2 prohibits any officer [41] or director of an issuer, directly or indirectly, from making any materially false or misleading statement, or omitting to state any material fact necessary to make statements made not misleading, to an accountant in connection with an audit of the financial statements of the issuer or the filing of required reports. The Rule is similar to proposed rule 13b-4, although certain technical or clarifying changes have been made and the Rule has been narrowed by the deletion of "security holders" from the class of persons subject to the Rule.[42]

Based on its review of cases involving questionable or illegal corporate payments, the Commission's May 12 Report concluded:

> The almost universal characteristic of the cases * * * has been the apparent frustration of our system of corporate accountability which has been designed to assure that there is proper accounting for the use of corporate funds and that documents filed with the Commission and circulated to shareholders do not omit or misrepresent material facts.[43]

In this context the new Rule is primarily intended to help restore the efficacy of the system of corporate accountability and to encourage boards of directors to exercise their authority to deal with the problem.[44]

The Commission intends that the new rule encompass the audit of financial statements by independent accountants, the preparation of any required reports, whether by independent or internal accountants, the preparation of special reports to be filed with the Commission, as, for example, those filed pursuant to judicial orders incident to Commission enforcement proceedings, and any other work performed by an accountant that culminates in the filing of a document with the Commission.

As noted above, new Rule 13b2-2 is being promulgated, in part, pursuant to Section 13(b)(2) of the Securities Exchange Act. In this regard, the Commission has determined that the adoption of the Rule will promote compliance with the requirement of new Section 13(b)(2)(B) that issuers devise and maintain a system of internal accounting controls sufficient to achieve certain statutory objectives by assisting auditors in evaluating an issuer's system of internal accounting controls in connection with an examination or audit of the issuer's financial statements or the preparation or filing of any document or report with the Commission. Although the auditor's evaluation of the system of internal accounting control is traditionally conducted principally for the purpose of assisting the auditor in determining the scope and nature of his examination, such evaluations also frequently result in weaknesses in internal accounting controls being brought to the attention of the issuer by the auditor. The authoritative auditing literature (Statement on Auditing Standards No. 20) requires that defined "material weaknesses" which came to the attention of the auditor be communicated to the issuer.

Similarly, new Section 13(b)(2)(A) requires reporting companies to "make and keep books, records, and accounts which in reasonable detail, accurately and fairly reflect the transactions and disposition of the assets of the issuer." The Commission believes that the adoption of new Rule 13b2-2 will act as a deterrent to the falsification of corporate books, records and accounts and to the making of false, misleading or incomplete statements to an accountant or auditor that might conceal the falsification of such books and records. Accordingly, the Commission has determined that adoption of Rule 13b2-2 is "necessary or appropriate," within the meaning of Section 23(a), to implement the provisions of new Section 13(b)(2).

The prohibition against making false, misleading or incomplete statements to accountants, in connection with an audit, or the filing of required reports, is also being promulgated as "necessary or appropriate" to implement the various "disclosure provisions," discussed above in connection with Rule 13b2-1, and as "necessary or appropriate" in the public interest, for the protection of investors and to insure fair dealing in securities. In this regard, the accountant's examination or audit of the financial statements of the issuer is a crucial element in safeguarding the reliability of the information that is disclosed to the public pursuant to the disclosure requirements of the Securities Exchange Act. The integrity of the financial disclosure system is diminished when issuers impede accountants or auditors in the discharge of their responsibilities by providing them with false, misleading or incomplete information.

In this context, the Commission believes that new Rule 13b2-2 will encourage careful and accurate communications between auditors and issuers from whom they request information during the audit process, deter the making of false, misleading or incomplete statements to accountants, and thereby enhance the integrity of financial disclosure system.

The Commission received comments from approximately 80 persons with respect to proposed Rule 13b-4, most of which questioned certain aspects of the proposal. The majority of these comments expressed concern that the proposed rule would: (a) require no showing of *scienter* in order to establish a violation based upon the making of false, misleading or incomplete statements to an accountant in the course of an examination or audit; (b) impose liability for oral, as well as written, statements made to an accountant; and (c) make minority shareholders of an issuer liable for violations of the rule. In addition, many of the comments asserted that imposition of liability for misstatements or omissions, in the absence of a *scienter* requirement, would be counterproductive and impede communications between auditors and those from whom they seek information in the course of an audit. In fact, a number of comments suggested that some persons would refuse to communicate with an auditor rather than expose themselves to potential liability.

The Commission disagrees with the assertion that a *scienter* requirement should be added to the Rule for the reasons set forth above at pp. 24-25 with respect to Rule 13b2-1.[45] In addition, the Commission believes its experience concerning questionable and illegal payments is more persuasive as to the need for such a rule than the opinions expressed by some commentators to the effect that the rule will impede communications between auditors and those from whom they seek information. Under these circumstances, the Commission has decided that the advantages of the new Rule outweigh the potential disadvantages suggested by certain commentators.

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ipulative or deceptive devices—regardless of by whom employed—in connection with the purchase or sale of securities. Section 14(a) of the Act, as implemented by Rule 14a-9, 17 CFR 240.14a-9, prohibits "any person" from soliciting proxies by means of proxy materials that contain false or misleading statements. In addition, Section 20(c) of the Act prohibits "any director or officer of, or any owner of any securities issued by, any issuer required to file any document, report or other information" from hindering, delaying or obstructing the making or filing of such document, report or information.

[41] Securities Exchange Act Rule 3b-3, 17 CFR 240.3b-3, defines the term "officer" to mean "a president, vice-president, treasurer, comptroller, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers."

[42] It bears emphasis, however, that controlling persons of an issuer may be liable for violations of the new Rule by virtue of Section 20(a) of the Securities Exchange Act. In addition, insofar, as any director or officer of, or any owner of securities issued by, any issuer, engages in conduct prohibited by the new Rule in order to hinder, delay or obstruct the making or filing of any required report, document or information, such persons may be liable by virtue of Section 20(c) of the Act.

[43] May 12 Report at a.

[44] *See* May 12 Report at b.

[45] *See* pp. 24-25, *supra*.

Some of the comments suggested that the proposed rule should be applicable only to written statements that are submitted to an auditor in the course of an examination or audit and that oral statements should not be covered by the rule. In this regard, it was suggested that auditors will usually obtain written representations concerning matters of material significance and that such a limitation would permit persons to review written communications and thereby minimize the possibility that false, misleading or incomplete statements would be made in the absence of *scienter* or an intent to deceive.

The Commission believes that a distinction between written and oral statements is inappropriate, primarily because oral statements may be no less harmful to investors than a misleading written statement. Moreover, section 12(2) of the Securities Act,[46] and the antifraud provisions of the Securities Exchange Act, have long been applied in Commission enforcement actions and private actions to oral misstatements without unusual or unintended consequences. While the Commission is sensitive to concerns expressed by some commentators that oral statements which are inaccurately recorded in accountants' work papers may become the basis for liability under the Rule, on balance, the Commission believes a distinction between written and oral statements would unduly narrow the scope of the Rule. Moreover, this concern can be alleviated to some degree by the exercise of care in the preparation of accountants' work papers and by accountants' requesting written confirmations of material representations.

New Rule 13b2-2, as adopted, is applicable only to any director or officer of an issuer. In this regard, most of the comments concerning the proposed rule questioned the applicability of the rule to any owner of securities issued by a reporting company. Several suggested that the rule should be applicable only to controlling shareholders, or the beneficial owners of a certain percentage of a class of securities, while others expressed the view that the rule, as drafted, would discriminate between employees of an issuer who own the issuer's securities and those employees who do not. In addition, some comments opined that shareholders might be deterred from providing confirmations to accountants if they were made subject to the rule. After careful consideration of these comments, the Commission decided to delete shareholders from the coverage of the new Rule.

It must be stressed, however, that the exclusion from the express language of the new Rule of shareholders, low-level corporate employees of an issuer, and persons unaffiliated with the issuer does not indicate that those individuals may mislead the issuer's accountants with impunity. As noted above, controlling persons of an issuer may be held liable for such conduct by virtue of Section 20 of the Securities Exchange Act.[47] In addition, the existing antifraud provisions of the federal securities laws, and the concept of aiding and abetting, can be invoked, in appropriate circumstances, against those who deceive the auditors of a publicly held corporation. In this area, as in other areas where duties and liabilities are created under the federal securities laws, case-by-case balancing is essential with respect to the needs of the investing public and the interests of those who have engaged in conduct injurious to investors.

V. Other Matters

The Commission specifically requested comments concerning "the likely impact, if any, which * * * [the proposed rules] would have on competition."[48] Approximately ten comments addressed this issue, but the comments were primarily directed toward proposed rules 13b-1 and 13b-2, which would have imposed requirements upon reporting companies. The Commission has determined that the instant rules will not impose a "burden on competition" within the meaning of Section 23(a)(2) of the Securities Exchange Act.

The Commission has also considered whether it might be appropriate to republish these rules for further public comment. In this regard, the Commission decided that it is not necessary to obtain additional comments before promulgating the new rules and that the delay inherent in republication would not be in the public interest. The Commission intends, however, to monitor the impact of the new rules and invites comments from interested persons concerning that subject.

VI. Text of Rules

Accordingly, 17 CFR 240 is amended by adding §§ 240.13b2-1 and 240.13b2-2 as set forth below:

Regulation 13b-2: Maintenance of Records and Preparation of Required Reports

§ 240.13b2-1 Falsification of accounting records.

No person shall directly or indirectly, falsify or cause to by falsified, any book, record or account subject to Section 13(b)(2)(A) of the Securities Exchange Act.

§ 240.13b2-2 Issuer's representations in connection with the preparation of required reports and documents.

No director or officer of an issuer shall, directly or indirectly,

(a) Make or cause to be made a materially false or misleading statement, or

(b) Omit to state, or cause another person to omit to state, any material fact necessary in order to make statements made, in the light of the circumstances under which such statements were made, not misleading to an accountant in connection with (1) any audit or examination of the financial statements of the issuer required to be made pursuant to this subpart or (2) the preparation or filing of any document or report required to be filed with the Commission pursuant to this subpart or otherwise.

By the Commission (Chairman Williams and Commissioners Loomis, Evans, and Pollack concurring; Commissioner Karmel dissenting).

George A. Fitzsimmons,
Secretary.

February 15, 1979.

Separate Statement of Views by Commissioner Karmel

The Foreign Corrupt Practices Act of 1977 was enacted after the comment period had closed with respect to the proposals for these rules. Therefore, I believe it would have been desirable as a matter of policy to republish the proposals and seek additional comments concerning the relationship between the proposed rules and the accounting provisions of the new statute.

With respect to the substance of the new rules, I would have preferred a more restrained implementation of the Commission's statutory authority. In my view, the Commission should have limited the applicability of Rule 13b2-1, as a matter of policy, to cases of intentional falsification of accounting records, or deliberate circumvention of internal accounting control systems. Although, in my view, "falsify" implies an element of deceit, it does not go far enough in articulating a standard of wrongful intent for culpable conduct. In addition, I do not believe it is necessary or appropriate to regulate communications between accountants and their clients by way of the prohibitions contained in Rule 13b2-2.

For the foregoing reasons, I disagree with the Commission's determination to promulgate new Regulation 13B-2 as drafted at this time.

[FR Doc. 79-5568 Filed 2-22-79; 8:45 am]

[46] 15 U.S.C. 77l(2).

[47] *See* n. 42, *supra.*

[48] *See* Securities Exchange Act Release No. 34-13185, *supra.*

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 34-1557; File No. S7-671]

QUESTIONABLE OR ILLEGAL CORPORATE PAYMENTS AND PRACTICES

Promotion of Reliability of Financial Information and Prevention of the Concealment of Questionable or Illegal Corporate Payments and Practices

AGENCY: Securities and Exchange Commission.

ACTION: Withdrawal of proposed rules.

SUMMARY: The Commission today announced the withdrawal of proposed rules 13b-1 and 13b-2 as a result of the enactment of the Foreign Corrupt Practices Act of 1977.

DATE: February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Barbara Leventhal, Division of Corporation Finance (202-755-1750); Frederick B. Wade, Office of the General Counsel (202-755-1229); Ernest Ten Eyck, Office of the Chief Accountant (202-755-7471); Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On January 19, 1977, the Securities and Exchange Commission published certain rules for public comment in Securities Exchange Act Release No. 34-13185. The Commission is today announcing, in Securities Exchange Act Release No. 34-15570, that proposed rules 13b-3 and 13b-4 have been modified, re-numbered as Rules 13b2-1 and 13b2-2 respectively, and adopted with an effective date of March 17, 1979. In addition, the Commission hereby announces the withdrawal of proposed rules 13b-1 and 13b-2 because the substance of those rules has been incorporated in the accounting provisions of the Foreign Corrupt Practices Act of 1977 (Pub. L. No. 95-213 (Dec. 19, 1977)).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 15, 1979.

[FR Doc. 79-5569 Filed 2-22-79; 8:45 am]

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